



## How to Place a Measure on the Ballot

# A Guide for Governing Boards for the County, Cities, School Districts, and Special Districts



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This guide was developed in an effort to provide answers to questions frequently asked by governing bodies regarding how to place a measure on the ballot. It is for general information only and does not have the force and effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply. Persons using this guide must bear full responsibility to make their own determinations as to all legal standards and duties.

## What County Elections needs from your governing body:

### 1. The Resolution to Call the Election and Consolidate

Districts and Cities: Submit a "Resolution Requesting Consolidation of Election and Ordering of Such Election" along with the "Notice to County Clerk of Measure Submitted to the Voters."

County: Submit a "Resolution Requesting Consolidation of Election and Ordering of Such Election."

Schools: Submit the "Resolution Ordering Election, Specifications of the Election Order, and Requesting Consolidation" along with the "Notice to County Clerk of Measure Submitted to the Voters."

Refer to the Administrative Calendar "Attachment A" for Deadlines.

### 2. The Measure Text

We need clear instructions on what portion of the resolution or ordinance is considered the Full Text of the Ballot Measure to be printed in the County Voter Information Guide. There is no limit on the number of words that can be printed.

If you do not want any measure text printed in the County Voter Information Guide, please provide this direction in writing within the resolution. In this case, instead of measure text, after the analysis of the measure, voters will be directed to contact the Elections Department for a copy of the text of the measure. Jurisdictions will be billed for costs.

For county transportation tax measures, the county elections official, upon the request of a local transportation authority, may post the county transportation expenditure plan on the authority's website. The posting must be accessible, and there must be the following language printed in the County Voter Information Guide: "The adopted county transportation expenditure plan may be viewed electronically at [insert applicable Internet Web site address]. If you desire a printed copy of the adopted county transportation expenditure plan, please call the county elections office at [insert applicable telephone number] and one will be mailed to you at no cost." Public Utilities Code §180203

### 3. The 75-Word Ballot Question

A ballot questions must be no more than 75 words (Elections Code §13247 & 9051). See page 4 on "How to Count Words."

Jurisdictions may want to consider beginning their ballot question with a few key summary words to summarize the measure. The words will count toward the 75-word limit. See examples on Page 6.

All local measures proposed by a local governing board or submitted to voters as an initiative or referendum, including measures authorizing the issuance of bonds or the incurrence of debt, shall have printed on them the words "Shall the measure (stating the nature thereof) be adopted?"

If the proposed measure imposes a tax or raises the rate of a tax, the ballot shall include in the statement of the measure to be voted on the amount of money to be raised annually and the rate and duration of the tax to be levied. §13119

Measures are followed by the words "YES" and "NO."

School bond measures are followed by the words: "Bonds--Yes," "Bonds-- No." (Ed. Code §15122)

School reorganization measures are followed by the words: "Reorganization of School Districts -- Yes" and "Reorganization of School Districts -- No." Similar words may be used. (Ed. Code §35762)

#### **4. Tax rate statement for bond measures**

For any bond issue proposed by a county, city, district or other political subdivision, a tax rate statement must be filed by the 88th day before the election. The tax rate statement must (i) include the best estimate of the average annual tax rate that would be required to be levied to fund the bond issue over the entire duration of the bond debt service, and (ii) identify the final fiscal year in which the tax is anticipated to be collected. (Elections Code §9401)

### **Assigning Letters to Measures**

Measures will be assigned letters by the elections official in alphabetical order, starting with the next letter following the previous election. The order measures appear on the ballot is as follows:

- County Board of Education
- College
- Unified Schools
- High Schools
- Elementary Schools
- County
- Cities
- Districts

In order to allow for the most efficient use of space, the county elections official may vary the order of the measures. (Elections Code §13109)

Measures will be assigned through Z, or as close to the end of the alphabet as possible to accommodate all measures filed for the current election. For example, if the previous election ended with measure V, and five measures are on the next ballot, the measures will be assigned A, B, C, D, E rather than W, X, Y, Z, A.

The elections official may commence designating local measures with any letter of the alphabet following letter "A" and continuing alphabetically, in order to avoid voter confusion that might result from different local measures carrying the same letter designation in successive elections. (Elections Code §13116)

For districts that overlap into other counties, the counties will mutually agree to use a letter designation for the measure that will not conflict or confuse the voter.

### **Arguments for or against ballot measures**

The County Elections Official will prepare and publish a legal notice of the measure including deadlines to file arguments for or against the measure. The County Elections Official will also do news release announcing the measures on the ballot and deadlines for filing arguments. Information will also be posted on the Elections website at [www.votescount.com](http://www.votescount.com)

If more than one argument is submitted, the elections official will select one argument based on the following preference: 1) the governing body or members thereof, 2) an individual voter, bona fide

association of citizens who are sponsors or proponents of the measure, 3) bona fide association of citizens, and 4) individual voters eligible to vote on the measure. (Elections Code §9166, 9287, and 9503)

All arguments and rebuttals must be filed with the Signature Statement provided by the county elections official. Obtain the manual "A Guide to Writing Arguments" from the Elections Department if you are planning on submitting an argument. Arguments are limited to 300 words.

## **Rebuttals to arguments for or against**

If arguments in favor and against are submitted, filers will have the opportunity to submit rebuttals. Rebuttals are limited to 250 words.

## **Impartial Analysis**

The county counsel shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the board of supervisors. The analysis shall be printed preceding the arguments for and against the measure. The analysis may not exceed 500 words in length.

(2) Additionally, the county counsel may prepare a summary of the impartial analysis in a format that answers the questions "What does a yes vote mean?" and "What does a no vote mean?" for each measure, with the summary for each question limited to 75 words or less. If the county counsel or district attorney prepares a summary pursuant to this paragraph, it may be included in the county voter information guide.

(3) If the entire text of the measure is not printed on the ballot, nor in the county voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point boldface type, a legend substantially as follows:

"The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the elections official's office at (insert telephone number) and a copy will be mailed at no cost to you."

(4) The elections official may, at his or her discretion, add the following message to the statement in paragraph (3): "You may also access the full text of the measure on the county Web site at the following Web site address (insert Web site address)." (Elections Code §9160, 9313, 9500)

The city attorney will prepare the impartial analysis for city measures. (Elections Code §9280)

## **Fiscal Impact Statement**

Not later than 88 days before an election that includes a county ballot measure, the board of supervisors may direct the county auditor to review the measure and determine if the substance of the county ballot measure, if adopted, would affect the revenues or expenditures of the county. He or she shall prepare a fiscal impact statement which estimates the amount of any increase or decrease in revenues or costs to the county if the proposed measure is adopted. The fiscal impact statement may not exceed 500 words in length. (Elections Code §9160)

## **General tax measures appear on the November ballot unless emergency**

No local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. The election shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body. CA Constitution Art. XIII C, Sect. 2(b)

## **Matching funds for school bonds**

(a) Whenever an election is called on the question of whether bonds of a school district shall be issued and sold for the purposes specified in Section 15100 and the project to be funded by the bonds will require state matching funds for any phase of the project, the County Voter Information Guide shall contain a statement, as provided in subdivision (b), advising the voters that the project is subject to the approval of state matching funds and, therefore, passage of the bond measure is not a guarantee that the project will be completed.

(b) The words to appear in the County Voter Information Guide in satisfaction of the requirements of subdivision (a) are as follows:

“Approval of Measure \_\_\_\_ does not guarantee that the proposed project or projects in the \_\_\_\_ School District that are the subject of bonds under Measure \_\_\_\_ will be funded beyond the local revenues generated by Measure \_\_\_\_\_. The school district’s proposal for the project or projects may assume the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.”

(c) This section does not apply to any election to incur bonded indebtedness pursuant to the Mello-Roos Community Facilities Act of 1982 contained in Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 of the Government Code. (Education code §15122.5)

## How to Count Words

(Pursuant to Elections Code Section 9 – shall not apply to counting words for ballot designations.)

*Each word is counted as one word except...*

**Punctuation:** Punctuation is not counted.

**Required Titles:** Words used in the title of arguments, rebuttals, and analyses, such as "Argument in Favor of Measure A" are not counted. All words used in the 75-word ballot question are counted except for the letter designating the measure.

**Proper Nouns & Geographical names:** All proper nouns, including geographical names, shall be counted as one word. For example, "Pajaro Valley Unified School District" shall be counted as one word.

**Abbreviations:** Each abbreviation for a word, phrase, or expression shall be counted as one word.

**Hyphenations:** Hyphenated words that appear in any generally available dictionary shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

**Dates:** Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting of only a combination of digits shall be counted as one word. January 1, 2000 shall be counted as two words, whereas 1/1/00 shall be counted as one word.

**Numbers:** Any number consisting of a digit or digits shall be considered as one word. Any number that is spelled, shall be considered as a separate word. "100" shall be counted as one word, whereas "one hundred" shall be counted as two words.

**Phone & Internet:** Web site addresses and telephone numbers shall be counted as one word.

**Percent Signs (%), Number Signs (#), etc.:** It is department policy to count numbers consisting of a digit or digits used with a dollar sign (\$), cent sign (¢), percentage sign (%), or number sign (#) as one word.

## How to Raise or Spend Money

- First** Download the Fair Political Practices Commissions' Manual 3 for ballot measure committees at <http://www.fppc.ca.gov/manuals/manual3.pdf>
- Second** File a Form 410 - Statement of Organization within 10 days of receiving \$2,000 in contributions. Include a \$50 payment made payable to the Secretary of State. Thereafter, the \$50 fee is due annually no later than January 15. In addition to the \$50 fee, a penalty of \$150 may be assessed if payment is late.
- For early submissions, mark the "not yet qualified" box. The \$50 fee is requested at this time but is not legally required until the group qualifies as a committee.
- The committee's FPPC ID number will be posted at [www.sos.ca.gov](http://www.sos.ca.gov). Read instructions carefully as a Form 410 will be rejected if all applicable sections are not completed. All committees must now disclose the financial institution and bank account number used by the committee.
- The form is available online at <http://www.fppc.ca.gov/forms/2012/410.pdf>
- Third** Be prepared to file a Form 460 (long form) for ballot measure committees that plan on raising or spending more than \$2,000. A Form 450 (short form) may be filed for committees that do not plan on raising or spending more than \$2,000.
- Pre-Election Statements and Semi-Annual statements must be filed at certain times prior to the election and then semi-annually until the committee terminates. These reports detail your committee's contributions and expenditures. Know the deadlines and the type of forms you must file.
- For technical advice on completing the forms, contact the  
**Fair Political Practices Commission**  
 428 J Street, Suite 620  
 Sacramento, CA 95814  
 General Contact: 916-322-5660  
 Advice Line: 1-866-ASK-FPPC (1-866-275-3772)  
 Fax: 916-322-0886  
 Website: [www.fppc.ca.gov](http://www.fppc.ca.gov)
- FOURTH** File Forms 460 and 410 to terminate the committee upon completion of your efforts.

## Examples of ballot measure as it will appear on the ballot

Measures Submitted to Voters	
State	
<b>68</b>	<p><b>AUTHORIZES BONDS FUNDING PARKS, NATURAL RESOURCES PROTECTION, CLIMATE ADAPTATION, WATER QUALITY AND SUPPLY, AND FLOOD PROTECTION.</b> Authorizes \$4 billion in general obligation bonds for: parks, natural resources protection, climate adaptation, water quality and supply, and flood protection. Fiscal Impact: Increased state bond repayment costs averaging \$200 million annually over 40 years. Local government savings for natural resources-related projects, likely averaging several tens of millions of dollars annually over the next few decades.</p> <p style="text-align: right;"> <b>YES</b> ← <input type="checkbox"/> <input type="checkbox"/>  <b>NO</b> ← <input type="checkbox"/> <input type="checkbox"/> </p>

Example with the first few words summarizing the measure in all caps and in bold.

City	
City of Santa Cruz	
<b>S</b>	<p>To protect Santa Cruz's quality of life by maintaining: police community and neighborhood services and crime prevention; homeless and treatment services; funding for local non-profits providing children/senior/working family services; City programs for children/at-risk youth; support for parks/beaches/open spaces; fire prevention programs and other essential city services, shall the City of Santa Cruz enact a permanent ¼ percent sales tax to provide about \$3 million annually for use in our local community?</p> <p style="text-align: right;"> <b>YES</b> ← <input type="checkbox"/> <input type="checkbox"/>  <b>NO</b> ← <input type="checkbox"/> <input type="checkbox"/> </p>

Example of a ballot question without a few key words summarizing the measure.

Other attributes such as bullets, italics, underlining, and bolding beyond the title, are not permitted in the ballot question.