

EXHIBIT "A"



GUIDE TO WRITING ARGUMENTS, REBUTTALS AND ANALYSES FOR LOCAL MEASURES

Prepared for:
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This guide is for general information only and does not have the force and effect of law, regulation or rule. It is made available with the understanding that the City of Mountain View is not rendering legal advice and this document is not to be a substitute for legal counsel for the individual using it. 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 current legal standards and procedures.

OVERVIEW

Santa Clara County Registrar of Voters shall conduct the election for the City of Mountain View ballot measure _____ (letter to be assigned by the Santa Clara County Registrar of Voters on August 8th) to be voted on at the November 4, 2014 Gubernatorial General Election:

Measure to be voted on:

Ballot Question:

Should the City of Mountain View amend Section 503 of the City Charter to set the base salary of City Council at \$1,000 per month, with an automatic annual adjustment, to become effective on January 1, 2015?

Yes _____ No _____

The City Council of the City of Mountain View hereby submits to the registered electors of the City for their adoption or rejection in consolidated Gubernatorial General Election to be conducted by Santa Clara County Registrar of Voters on Tuesday, November 4, 2014, the following proposal to amend the City of Mountain View's Charter.

Measure to be voted on:

"Section 503. Compensation.

Each member of the city council shall receive as salary, each month, that sum which has been established by the electorate as of November 4, 2014, as the baseline salary amount of one thousand dollars (\$1,000) per month with automatic annual adjustments based on the lesser of the San Francisco Bay Area Consumer Price Index for urban wage earners or the average cost-of-living adjustment granted to the miscellaneous city employee bargaining groups and not to exceed five percent (5%) per year. The mayor shall receive as salary, each month, that amount as calculated for a councilmember above, plus an additional twenty-five percent (25%) of said sum. Any amounts paid to a councilmember for retirement, health and welfare, and federal Social Security benefits shall not be included for purposes of determining salary pursuant to this section provided the same benefits are available and paid by the city for its employees. Notwithstanding the foregoing, the city council shall have no power to increase its salary by ordinance, resolution or motion. If a member of the city council, or mayor, does not attend all regular meetings of the city council called on order of the city council and held during the month, that person's salary for such month shall be reduced by the sum of twenty-five dollars (\$25) for each regular meeting not attended unless that person is absent with the consent of the mayor or for official city business."

FIXING TIME FOR SUBMISSION OF ARGUMENTS

The Deadline for the above Measure has been established as follows:

Argument:	July 25, 2014
End of 10-Day Public Inspection:	August 4, 2014
Rebuttal:	August 1, 2014
Impartial Analysis (City Attorney):	August 1, 2014
End of 10-Day Public Inspection:	August 11, 2014

Arguments for and against:

- ❖ **Filers:** The governing board (i.e., City Council) or any member(s) of the legislative body authorized by the legislative body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of these voters and associations may **file** a written argument for or against the measures placed on the ballot by the governing body or city initiatives placed on the ballot. (California Elections Code §9282), hereinafter the California Elections Code will be referred to as “EC.”
The **filer** does not have to be a **signer** of the argument.
- ❖ Ballot arguments for **city measures** must be accompanied by the name or names of the person or persons filing it, or if filed on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted for or against a measure. (EC §9283)
- ❖ If more than one argument for or more than one argument against any city measure is submitted to the city elections official within the time prescribed, he or she shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument, the city elections official shall give preference and priority, in the order named, to the arguments of the following:
 1. The City Council, or any member or members authorized by the Council;
 2. The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure;
 3. Bona fide association of citizens;
 4. Individual voters who are eligible to vote on the measure. (EC §9287)

The Code does not contain any provision for selecting an argument based on which argument was filed first, or earliest in relation to any arguments filed later, but before the deadline. All arguments filed before the deadline are considered equal in priority, but only one argument for and one argument against may be printed (EC §9287). In the event that two or more parties filing an argument for or against a measure fall under the same classification, then the City Clerk shall select one argument to print, utilizing the same process used in EC §15651 for determining the winning candidate in the event of a tie vote, by drawing of lots as outlined below.

Procedures for Drawing of Lots

❖ The names of the authors of the arguments shall be written on pieces of paper, folded, and placed in a container. The container will be agitated to mix the papers, and then one paper shall be drawn at-a-time. As each piece of paper is removed, it will be opened and the name recorded in the order it was removed. The order in which the names are removed from the container shall be the order of priority for printing the argument, i.e., the first name chosen shall be the author whose argument shall be printed.

Arguments for a measure and arguments against a measure will each have their own drawing process.

The results will then be posted by the City Clerk.

- ❖ An Author's name will appear in the sample ballot pamphlet **exactly** as submitted on the signature line. Therefore, the "Type Name as Signed" line must match the signature line. Only the author's name will be printed on the name line. Titles, such as Mr., Mrs., Dr., M.B.A., etc., may be included on the title line. Again, the author's name and title will be printed **exactly** as submitted, therefore, you may want to spell out abbreviated words and add proper punctuation. Author names and titles must be **TYPED** on the forms.

The residential address line is not required to be completed unless the author is signing based on being a voter who is eligible to vote on the measure. Residential addresses will not be printed in the sample ballot pamphlet.

Arguments are limited to 300 words. You may refer to the section in this pamphlet titled "Guidelines for Counting Words" for assistance on counting words. Text is printed in the sample ballot pamphlet in single-spaced, full-justified, standard paragraph form. Only standard bullets (●) will be printed and non-standard bullets will be changed to standard bullets. You may **bold**, *italicize* and underline text.

After 5:00 p.m. on the argument filing deadline, arguments chosen will be emailed to opposing authors via the emails listed under the contact information.

Arguments filed with the City Clerk are confidential until after the deadline for filing of those arguments. The next business day after the deadline, arguments may be viewed by the public or photocopies purchased.

All signatures on arguments must be original signatures. Faxed, emailed or photocopied signatures will not be accepted.

Notwithstanding any other provisions of the EC, whenever any arguments in favor or against a City measure submitted to the voters are authorized, these arguments may be withdrawn by their proponent at any time prior to and including the final date fixed for filing arguments. Arguments may be changed up until the filing deadline for the argument.

Rebuttal Arguments:

- ❖ In contrast to the arguments, those permitted to sign rebuttal arguments need not meet any criteria except that those who sign the rebuttal argument must either have signed the original argument or be authorized in writing from the authors of the argument to sign the rebuttal argument. The written authorization allowing a person to sign a rebuttal argument must be filed at the time of filing the rebuttal argument. You may use the form titled “Rebuttal Signer Authorization” in this pamphlet to authorize a different author to sign a rebuttal argument.

Rebuttal arguments will be printed in the Voter Information Portion of the sample ballot. The deadline for submission of rebuttal arguments is set by the City Clerk.

All rebuttal arguments for City measures shall be accompanied by the following form statement, to be signed by each author of the rebuttal argument:

“The undersigned author(s) of the rebuttal to the argument (**in favor or against**) of the ballot measure _____ (**letter to be assigned by the Santa Clara County Registrar of Voters on August 8th**) at the Gubernatorial General Election for the City of Mountain View to be held on November 4, 2014 hereby state that such argument is true and correct to the best of (**his/her/their**) knowledge of belief.”

Signed _____ Date _____

No more than five author signatures shall be accepted on a rebuttal argument. Authors can sign on separate pages as long as the above required wording is on each page that an author signs. If you have authors sign on separate pages, number the names in the order they are to appear.

An Author’s name will appear in the sample ballot pamphlet **exactly** as submitted on the signature line. Therefore, the “Type Name as Signed” line must match the signature line. Only the author’s name will be printed on the name line. Titles, such as Mr., Mrs., Dr., M.B.A., etc., may be included on the title line. Again, the author’s name and title will be printed **exactly** as submitted, therefore, you may want to spell out abbreviated words and add proper punctuation. Author names and titles must be **TYPED** on the forms.

All signatures on rebuttal arguments, authorizations or any other related documents must be original signatures. Faxed, emailed or photocopies signatures will not be accepted.

Rebuttal arguments are limited to 250 words. You may refer to the section in this pamphlet titled “Guidelines for Counting Words” for assistance on counting words. Text is printed in the sample ballot pamphlet in single-spaced, full-justified, standard paragraph form. Only standard bullets (●) will be printed and non-standard bullets will be changed to standard bullets. You may **bold**, *italicize* and underline text.

Rebuttal arguments filed with the City Clerk are confidential under after the deadline for filing of those arguments. The next business day after the deadline, arguments may be viewed by the public or photocopies purchased.

Formatting of Measure Documents

- ❖ The Office of the Registrar of Voters uses standard typefaces, font sizes, headers and bullets in all measure related documents. In addition, measure related documents use the following formatting standards: 1) indent increments will be set at 0.25"; 2) spacing will be standardized to language-appropriate number of spaces following periods, colons, commas, and semicolons; 3) tabs will be used for numbered and/or bulleted indented text; and 4) signers will be formatted as conformed signatures with titles below the name. All measure related documents submitted to the Santa Clara County Office of the Registrar of Voters will be formatted to the prescribed standards.

Rules for Counting Words

- ❖ The following guidelines are for computing the word count for arguments. The author's titles and signatures are not counted in the word count, only the text. Punctuation does not count as a word. The Registrar of Voters will make the final determination of the word count.

	<u>WORD(S)</u>
Dictionary Words	
<i>The words "I," "a," "the," "and," etc. are counted as individual words</i>	One
Abbreviations/Acronyms	
<i>Examples: SJSU, PTA, U.S.M.C., M.V.P.D.</i>	One
Geographical Names	
<i>Only State of California, City, County and District Names</i>	One
<i>Examples: City of Mountain View, Los Altos/Whisman School District, County of Santa Clara</i>	
Numbers/Numerical Combinations/Email Addresses	
<i>Digits (1, 10, or 100, etc.)</i>	One
<i>Spelled out (one, ten, or one hundred)</i>	One/each word
<i>50%, ½%, etc.</i>	One
<i>Internet/Email addresses (www.mountainview.gov)</i>	One
Numbers or Letters used to Identify a Portion of Text	
<i>Examples: (1) or (a)</i>	One
Dates	
<i>All digits (11/04/14)</i>	One
<i>Words and Digits (November 4, 2014)</i>	Two
Characters Used in Place of a Word or Number	
<i>Examples: & or #</i>	One
Hyphenated Words - <i>Hyphenated words that appear in any dictionary printed in the United States in the last ten years shall be considered as one word.</i>	
<i>Mother-in-law</i>	One
<i>One-half</i>	Two

Impartial Analysis:

- ❖ The City Attorney shall prepare an impartial analysis of a city measure. (§9280)
- ❖ The impartial analysis must not exceed 500 words. (§9280)

Legal Examination and Writ of Mandates:

- ❖ The City Clerk shall make the arguments and rebuttal arguments available for public examination for a period of ten calendar days immediately following the filing deadline for submission of those documents.

Elections Code §13314(a) states:

(1) An elector may seek a writ of mandate alleging that an error or omission has occurred, or is about to occur, in the placing of a name on, or in the printing of, a ballot, sample ballot, voter pamphlet, or other official matter, or that any neglect of duty has occurred, or is about to occur.

(2) A peremptory writ of mandate shall issue only upon proof of both of the following:

(A) That the error, omission, or neglect is in violation of this code or the Constitution;

(B) That issuance of the writ will not substantially interfere with the conduct of the election.

(3) The action or appeal shall have priority over all other civil matters.



ARGUMENT
Declaration by Author(s) or Proponent(s)
(Elections Code §9600)

“The undersigned author(s) of the:

- argument in favor of
- argument against
- rebuttal to the argument in favor of
- rebuttal to the argument against

Ballot measure _____ (**letter to be assigned by the Santa Clara County Registrar of Voters on August 8th**) at the Consolidated Gubernatorial General Election for the City of Mountain View to be held on November 4, 2014, hereby state that such argument is true and correct to the best of _____ knowledge and belief.

_____ (his/her/their)

ARGUMENT/REBUTTAL FILED BY (check any of the following that apply):

- City Council**
Contact Person's **TYPED** Name: _____
Contact Person's Signature: _____
Title: _____
Phone: _____ Fax: _____
E-Mail: _____
- Bona Fide Association of Citizens or Filers**
Name of Association: _____
Principal Officer's **TYPED** Name: _____
Principal Officer's Signature: _____
Title: _____
Phone: _____ Fax: _____
E-Mail: _____
- Individual voter who is eligible to vote on the measure**
TYPED Name: _____
Signature of Voter: _____
Address Where You Live: _____
Phone: _____ Fax: _____
E-Mail: _____

SIGNATURE STATEMENT - PAGE 2

CHECK ONE OF THE FOLLOWING & NOTE THAT THE LETTER OF MEASURE WILL BE ASSIGNED BY THE SANTA CLARA COUNTY REGISTRAR OF VOTERS ON AUGUST 8TH:

- Argument in Favor of Measure _____
- Argument Against Measure _____
- Rebuttal to Argument in Favor of Measure _____
- Rebuttal to Argument Against Measure _____

The signatures of the following persons below will be printed **as submitted** following the argument or rebuttal.

SIGNATURE	<u>TYPE NAME</u> as it will appear in the Voter's Information Pamphlet	<u>TYPE TITLE & NAME OF ASSOCIATION (IF APPLICABLE)</u> as it will appear in the Voter's Information Pamphlet	ARE YOU SIGNING ON BEHALF OF AN ASSOCIATION? Yes or No. If no, and you are signing as an individual voter, please provide address of where you live.	DATE
1.				
2.				
3.				
4.				
5.				

AUTHORIZATION FOR ANOTHER PERSON OR PERSONS TO SIGN REBUTTAL ARGUMENT

The author of an argument may sign the rebuttal argument or may authorize in writing any other person(s) to author/sign the rebuttal argument. Below is a sample of written authorization that is required when the author of the argument does not sign the rebuttal argument, but instead has/have another person(s) sign in their place. All required signatures must be original signatures.

As the signer on the Argument

- in favor
- against

Measure ____ (letter to be assigned by the Santa Clara County Registrar of Voters on August 8th) at the Gubernatorial General Election for the City of Mountain View to be held of November 4, 2014, authorize the following person(s) to sign the rebuttal argument in my place:

(One or more people who signed the argument may be replaced with different people to sign the rebuttal)

1. _____ to sign instead of _____.
(TYPE name of rebuttal signer) (TYPE name of argument signer)
2. _____ to sign instead of _____.
(TYPE name of rebuttal signer) (TYPE name of argument signer)
3. _____ to sign instead of _____.
(TYPE name of rebuttal signer) TYPE (name of argument signer)
4. _____ to sign instead of _____.
(TYPE name of rebuttal signer) (TYPE name of argument signer)
5. _____ to sign instead of _____.
(TYPE name of rebuttal signer) (TYPE (name of argument signer)

Signature of Filer: _____ Date: _____

Attach this form to the 2-page "Signature Statement" submitted with the rebuttal argument.