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## ELECTIONS CODE - ELEC

**DIVISION 9. MEASURES SUBMITTED TO THE VOTERS [9000 - 9610]** (*Division 9 enacted by Stats. 1994, Ch. 920, Sec. 2.*)

**CHAPTER 2. County Elections [9100 - 9190]** (*Chapter 2 enacted by Stats. 1994, Ch. 920, Sec. 2.*)

**ARTICLE 3. Arguments Concerning County Measures [9160 - 9168]** (*Article 3 enacted by Stats. 1994, Ch. 920, Sec. 2.*)

**9160.** (a) If a county measure qualifies for a place on the ballot, the county elections official shall transmit a copy of the measure to the county auditor and to the county counsel or to the district attorney in a county that does not have a county counsel.

(b) (1) The county counsel or district attorney 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 or district attorney 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)."

(c) 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 is "official matter" within the meaning of Section 13303, and shall be printed preceding the arguments for and against the measure. The fiscal impact statement may not exceed 500 words in length.

*(Amended by Stats. 2016, Ch. 422, Sec. 42. (AB 2911) Effective January 1, 2017.)*

**9161.** If there is no other method provided by law, arguments for and against any county measure may be submitted to the qualified voters of the county pursuant to this article. If a method is otherwise provided by law for submitting such arguments as to a particular kind of county measure, that method shall control.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

**9162.** (a) The board of supervisors or any member or members of the board, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of these voters and associations may file a written argument for or against any county measure. An argument shall not exceed 300 words in length. The

county elections official shall cause an argument for and an argument against the measure, and the analysis of the measure, to be printed, and shall enclose a copy of both arguments preceded by the analysis with each county voter information guide. The printed arguments and the analysis are "official matter" within the meaning of Section 13303.

(b) The following statement shall be printed on the front cover, or if none, on the heading of the first page, of the printed arguments:

"Arguments in support of or in opposition to the proposed laws are the opinions of the authors."

(c) Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor Of Measure \_\_\_\_" or "Argument Against Measure \_\_\_\_," accordingly, the blank spaces being filled in only with the letter or number, if any, which designates the measure. At the discretion of the county elections official, the word "Proposition" may be substituted for the word "Measure" in the titles. Words used in the title shall not be counted when determining the length of an argument.

*(Amended by Stats. 2016, Ch. 422, Sec. 43. (AB 2911) Effective January 1, 2017.)*

**9163.** Based on the time reasonably necessary to prepare and print the arguments, analysis, and county voter information guides and to permit the 10-calendar-day public examination as provided in Article 5 (commencing with Section 9190) for the particular election, the county elections official shall fix and determine a reasonable date before the election after which no arguments for or against any county measure may be submitted for printing and distribution to the voters as provided in this article. Notice of the date fixed shall be published by the county elections official pursuant to Section 6061 of the Government Code. Arguments may be changed until and including the date fixed by the county elections official.

*(Amended by Stats. 2016, Ch. 422, Sec. 44. (AB 2911) Effective January 1, 2017.)*

**9164.** A ballot argument shall not be accepted under this article unless accompanied by the printed name and signature or printed names and signatures of the person or persons submitting it, or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers.

No more than five signatures shall appear with any argument submitted under this article. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

*(Amended by Stats. 2000, Ch. 1081, Sec. 10. Effective January 1, 2001.)*

**9166.** (a) If more than one argument for or more than one argument against any county measure is submitted to the county elections official within the time prescribed, the county elections official 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 county elections official shall give preference and priority in the order named to the arguments of the following:

- (1) The board of supervisors or a member or members of the board.
- (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 associations of citizens.
- (4) Individual voters who are eligible to vote on the measure.

(b) In order to enable the county elections official to determine whether it qualifies as a bona fide association of citizens, an organization or association submitting an argument for or against a county measure shall submit with its argument a copy of one of the following:

- (1) Its articles of incorporation, articles of association, partnership documents, bylaws, or similar documents.
- (2) Letterhead containing the name of the organization and its principal officers.
- (3) If the organization or association is a primarily formed committee established to support or oppose the measure, its statement of organization filed pursuant to Section 84101 of the Government Code.

(c) In selecting an argument from among bona fide associations of citizens, the county elections official shall not consider the type of documentation submitted pursuant to subdivision (b) or the form of the association.

*(Amended by Stats. 2017, Ch. 75, Sec. 2. (SB 665) Effective January 1, 2018.)*

**9167.** (a) When an argument in favor and an argument against a measure have been selected for publication in the voter information pamphlet the official responsible for conducting the election shall send copies of the argument in favor of the measure to the authors of the argument against the measure and copies of the arguments against the measure to the authors of the argument in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words, or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. The rebuttal arguments shall be submitted to the elections official conducting the election no later than a date designated by the elections official.

(b) Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut and shall be titled "Rebuttal to Argument in Favor of Measure (or Proposition) \_\_\_\_\_," or "Rebuttal to Argument Against Measure (or Proposition) \_\_\_\_\_," the blank spaces being filled in only with the letter or number, if any, designating the measure. Words used in the title may not be counted when determining the length of any rebuttal argument.

*(Repealed and added by Stats. 2002, Ch. 228, Sec. 3. Effective January 1, 2003.)*

**9168.** (a) Notwithstanding any provision of law to the contrary, this article shall apply to any district bond election called by, and the returns of which are canvassed by, the board of supervisors, or to any district bond election conducted by a district. This article shall also apply to any special election, if the board of supervisors so provides in its proclamation or notice thereof.

(b) At any election subject to this section:

(1) "County measure" shall be deemed to refer to any measure as defined in Section 329. Section 312 shall not apply.

(2) Section 9160, and the reference to the analysis of the measure in Section 9162, shall not apply unless the board of supervisors directs the officer to prepare the analysis.

(c) This article shall not apply to any school district bond election.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*