



**CITY OF HALF MOON BAY**

**2018 GUIDE -  
FILING MEASURE ARGUMENTS**

**NOVEMBER 6, 2018**



On November 6, 2018, Half Moon Bay voters will consider five separate ballot measures placed on the ballot by the City Council as follows:

Shall the measure, an ordinance to allow and regulate commercial, greenhouse nursery cultivation of immature cannabis plants on existing greenhouse sites in the City's A-1 (Agricultural/Exclusive Floriculture) Zoning District for cannabis nurseries that receive a license from the City Council and comply with specified standards, be adopted?	YES
	NO

Advisory Vote Only	
Should the City draft and adopt an ordinance to allow and regulate commercial, greenhouse cultivation of mature cannabis plants on existing greenhouse sites in the City's A-1 (Agricultural/Exclusive Floriculture) Zoning District?	YES
	NO

Advisory Vote Only	
Should the City draft and adopt an ordinance to allow and regulate retail sales of cannabis and cannabis products at up to two locations within the City?	YES
	NO

Advisory Vote Only	
Should the City draft and adopt an ordinance to allow and regulate commercial manufacturing of cannabis products on sites in the City's IND (Industrial) Zoning District and/or on existing greenhouse sites in the City's A-1 (Agricultural/Exclusive Floriculture) Zoning District?	YES
	NO

Shall an ordinance be adopted to tax any cannabis business operating within the City at annual rates not to exceed \$2.00 to \$10.00 per square foot for cultivation (inflation adjustable), and 6% of gross receipts for retail, 2.5% for testing, 3% for distribution, and 4% for manufacturing, levied until repealed, estimated to raise at least approximately \$64,000 annually from deliveries and potentially more if other businesses are allowed, to fund general City services and expenses?	YES
	NO

## **PURPOSE OF THIS GUIDE**

Local measures are published in the Voter Information Guide with an Impartial Analysis prepared by the City Attorney. Arguments in Favor, Arguments Against, Rebuttal Arguments, and the Full Text of any proposed measure may also be published.

This booklet is intended to be a guide to political entities, interested organizations, and individuals on how to participate in this process.

It provides answers to questions frequently asked regarding submittal of measure arguments filed with this office. This document contains general information only and does not have the force or effect of law, regulations, or rule. In case of conflict, the law, regulation, or rule will apply. Persons using this guide accept responsibility for complying with all legal standards and duties. You may wish to consult an attorney.

## **WHAT IS PUBLISHED IN THE VOTER INFORMATION GUIDE**

The following components comprise the information provided to the voters in the Voter Information Guide:

### **Ballot Question**

The ballot question (up to 75 words) appears both on the ballot and in the Voter Information Guide prior to any argument or text. The ballot question provides an abbreviated statement of the measure.

### **Impartial Analysis**

The City Attorney prepares an impartial analysis for each measure showing the effect of the measure on existing law and the operation of the measure. The Impartial Analysis may be up to 500 words.

### **Arguments in Favor or Against a Measure**

For all City measures, arguments are filed with the City Clerk. The City of Half Moon Bay establishes the deadlines for arguments. Each argument may be up to 300 words. (EC 9160)

Deadlines for the November 6, 2018 election are as follows:

August 13, 2018 at 5:00 p.m. for Arguments in Favor and Arguments Against

August 23, 2018 at 5:00 p.m. for Rebuttal Arguments

### **Rebuttal Argument**

A Rebuttal Argument is a statement which refutes an Argument in Favor or an Argument Against. Each rebuttal may be up to 250 words.

### **Full Text of the Measure**

The full text of the measure being voted on may be published, at the discretion of the governing body, to provide voters information in addition to the 75-word measure which appears on the Official Ballot. The full text is usually a proposed resolution or ordinance that offers additional information regarding the measure. The full text, when included, appears last in the Voter Information Guide. There is no word limit for the full text.

In lieu of publication, the full text of the measure may be made available for review at the City Clerk's Office, on the City's website at [www.hmbcity.com](http://www.hmbcity.com), and mailed upon request.

For the two non-advisory measures appearing on the November 6, 2018 ballot, the Half Moon Bay City Council has chosen to include the full text in the Voter Information Guide. The full text of the measures will also be posted on the City's website at [www.hmbcity.com](http://www.hmbcity.com).

### **ORDER OF APPEARANCE**

Arguments, Rebuttal Arguments, and Impartial Analyses are printed in the Voter Information Guide and mailed to all registered voters in Half Moon Bay who are eligible to vote for the particular measure. (EC 13109)

The information appears in the following order:

1. Measure Wording
2. Impartial Analysis
3. Fiscal Analysis or Tax Rate Statement (if applicable)
4. Argument in Favor
5. Argument Against

6. Rebuttal to Argument in Favor
7. Rebuttal to Argument Against
8. Full Text

## **LETTER ASSIGNMENTS**

Each measure is assigned a letter for identification purposes.

### **Timeline for Assigning Measure Letters**

The San Mateo County Registrar of Voters assigns measure letters on Thursday, August 16, 2018 (E-82) following the deadline to submit a measure of Friday, August 10, 2018 (E-88).

### **Withdrawal of a Measure**

A legislative body may amend or withdraw its measure by filing a resolution stating the specifics concerning the amendment or withdrawal not later than 83 days before an election (August 15, 2018). If a measure is withdrawn after the letters have been assigned, the letter which was assigned to that measure will not be used by other measures in that election.

*(EC 9605)*

## **WHO CAN SUBMIT AN ARGUMENT**

The legislative body (City Council), a bona fide association of citizens, any individual voter who is eligible to vote on the measure, or any combination of these voters and associations may file a written Argument in Favor or Argument Against any measure placed on the ballot by the governing body or by initiative.

*(EC 9120, 9162, 9282, 9287, 9501)*

### **Evidence of a Bona Fide Association of Citizens**

As required by the Elections Code, in order to enable the City Clerk to determine whether it qualifies as a bona fide association of citizens, an organization or association submitting an argument for or against a City 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.

*(EC 9287)*

### **If More Than One Argument in Favor or Argument Against is Filed**

Only one Argument in Favor and one Argument Against any measure will be printed in the Voter Information Guide. If more than one is filed, a single argument will be selected by the City Clerk (Elections Official).

In selecting a single argument, the City Clerk gives preference and priority, in the order shown below, to arguments submitted by:

1. The City Council or members of the City Council authorized by the City Council to submit an argument
2. The bona fide sponsors or proponents of the measure (not applicable to measures initiated by the City Council)
3. Bona fide associations of citizens
4. Individual voters who are eligible to vote on the measure

If two or more parties representing the same type of body / association submit competing arguments in favor or against the same measure, the City Clerk will ask the authors to witness a random drawing to determine which argument will be published. . Parties are encouraged to collaborate when multiple arguments are or may be submitted.

*(EC 9166, 9503)*

### **Rebuttal Arguments**

Arguments in Favor and Against the measure are sent immediately after the submission deadline to those authoring the argument for the opposite position for the purpose of preparing a rebuttal statement.

Rebuttal Arguments must be prepared and signed by the same authors, or a majority of the same authors, of the original arguments unless the original signers, or a majority of the original signers, of the arguments authorize, in writing, others to prepare and sign the Rebuttal Arguments. An "Authorization for Rebuttal Argument" must be filed.

Rebuttal Arguments have a 250-word limit.

*(EC 9069, 9167, 9285, 9317, 9504)*

## **ARGUMENT SUBMISSION GUIDELINES**

### **Submit Arguments to:**

City of Half Moon Bay  
Jessica Blair, City Clerk  
501 Main Street  
Half Moon Bay, CA 94019

### **Submissions:**

Hardcopies of the Argument with wet signatures must be filed in person or by mail by the deadline (August 13, 2018 at 5:00 p.m. for arguments, August 23, 2018 at 5:00 p.m. for rebuttals) to the City Clerk's Office. In addition to filing a hardcopy, an electronic copy in word format of the argument must be emailed to [jblair@hmbcity.com](mailto:jblair@hmbcity.com).

The argument will be formatted for the Voter Information Guide to appear as closely as possible to the hardcopy submitted.

### **Confidentiality:**

Arguments, Rebuttals, and Analyses shall remain confidential until 5:00 p.m. on the day they are due.

### **Public Examination Periods:**

August 14, 2018 through August 23, 2018 is the ten (10) calendar day examination period required by Elections Code Section 9295 with respect to proposed ordinances, arguments for and against the ballot measures, and the impartial analyses. Voters may examine or obtain a copy of the ballot measure, the impartial analysis, the argument for the measure, and the argument against the measure, for each measure, in the City Clerk's Office at 501 Main Street, Half Moon Bay, CA 94019, between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, during such period.

August 24, 2018 through September 2, 2018 is the ten (10) calendar day examination period required by Elections Code Section 9295 with respect to any rebuttal arguments. Voters may examine the ballot measure, the impartial analysis, the argument for the measure, and the argument against the measure, for each measure, in the City Clerk's Office at 501 Main Street, Half Moon Bay, CA 94019, between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, during such period.

As provided by Elections Code section 9295, during the 10-calendar-day public examination period, any voter of the City or the City Clerk could seek a writ of mandate or an injunction from the San Mateo County Superior Court requiring any of the materials, including arguments, to be amended or deleted. A writ of mandate or an injunction would be issued upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of the Elections Code.

*(EC 9295)*

#### **Withdrawal / Changes:**

Arguments, Rebuttals, and Analyses may be changed or withdrawn by their authors up until the submission deadline.

*(EC 9163, 9316, 9317, 9601)*

#### **ARGUMENT AND REBUTTAL FORMAT**

1. Submissions will be labeled with the type of argument being submitted in the heading title (ex. Argument in Favor of Measure A). This is not part of the word count.
2. Documents will be printed as submitted. Spelling, punctuation, and grammatical errors will not be corrected by the Elections Official.
3. An argument or rebuttal argument must be submitted for only one measure. Each measure will have its own set of arguments and rebuttal arguments.
4. No more than five signatures will appear with any argument. If more than five are submitted, only the first five will be printed.
5. Arguments and rebuttal arguments, including the names and any titles of the signers, must be typed.
6. The heading for all arguments is standardized. For instance, "Argument in Favor of Measure A." No changes to these headings can be made.
7. No profanity may appear in any argument.



8. All arguments must be accompanied by the printed name and signature of each author, 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 who is the author of the argument.

*(EC 9164, 9283)*

## **WORD COUNT GUIDELINES**

Pursuant to the Secretary of State's guidelines and Section 9 of the Elections Code, words will be counted as follows:

- Each word shall be counted as one word except as specified in Section 9.
  - All proper nouns, including geographical names, shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.
  - Each abbreviation for a word, phrase, or expression shall be counted as one word.
  - Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
  - Dates shall be counted as one word.
  - Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. Examples: "one" shall be counted as one word; "one hundred" shall be counted as two words; and "100" shall be counted as one word.
  - Telephone numbers shall be counted as one word.
  - Internet website addresses shall be counted as one word.
  - Punctuation is not counted.
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- If the text exceeds the word limit, the argument will be rejected. The author(s) may submit a revised argument within the argument deadlines set by the City Council.



## BALLOT MEASURE PRIMARY ARGUMENT SUBMISSION FORM

A ballot argument shall not be accepted unless accompanied by this completed form. In addition to the information provided here, the argument shall contain the printed name(s) and signature(s) of the person(s) who submitted it or, if submitted on behalf of a bona fide association or citizens/organization, the name of the association or organization and the printed name and signature of at least one of its principal officers who is the author of the argument.

Word count limit for Primary Arguments = 300 words

Primary Argument in **FAVOR** of: \_\_\_\_\_

Primary Argument **AGAINST**: \_\_\_\_\_

1.	Name:	Title (optional):
Phone:		Email:
Address:		
Signature:		Date:
2.	Name:	Title (optional):
Phone:		Email:
Address:		
Signature:		Date:
3.	Name:	Title (optional):
Phone:		Email:
Address:		

Signature:		Date:
4.	Name:	Title (optional):
Phone:		Email:
Address:		
Signature:		Date:
5.	Name:	Title (optional):
Phone:		Email:
Address:		
Signature:		Date:

**With their signature, signers state that they have read the argument and believe it to not be false or misleading.**

**PLEASE ATTACH A HARD COPY OF THE ARGUMENT TO THIS FORM. AN ELECTRONIC COPY OF THE ARGUMENT IN WORD FORMAT IS ALSO REQUIRED. THIS MUST BE SENT TO THE CITY CLERK PRIOR TO THE DEADLINE, OR YOU MAY SUBMIT A FLASH DRIVE WITH THE WORD DOCUMENT.**



## CITY OF HALF MOON BAY REBUTTAL ARGUMENT SUBMISSION FORM

If both an argument in favor of and against a measure have been selected for publication in the voter information pamphlet, a rebuttal to the argument in favor of or the argument against the measure may be submitted as outlined in this form.

The author(s) or a majority of the authors of the argument in favor of the measure may prepare and submit a rebuttal argument to the argument against the measure or may authorize in writing other person(s) to prepare, submit, or sign the rebuttal argument. Likewise, the author(s) or a majority of the authors of the argument against the measure may prepare and submit a rebuttal argument to the argument in favor of the measure or may authorize in writing other person(s) to prepare, submit, or sign the rebuttal argument.

A rebuttal argument shall not be accepted unless accompanied by this completed form. In addition to the information provided here, the argument shall contain the printed name(s) and signatures(s) of the person(s) submitting it, or, if submitted on behalf of a bona fide association of citizens/organization, the name of the association/organization and the printed name and signature of at least one of its principal officers who is the author of the argument.

Word count limit for Rebuttal Arguments - 250 words

Deadline for Receipt of Rebuttal Argument – August 23, 2018 at 5:00 pm

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE \_\_\_\_\_

REBUTTAL TO ARGUMENT AGAINST MEASURE \_\_\_\_\_

### SIGNED BY EXACT SAME INDIVIDUAL(S) AS ARGUMENT ALREADY SELECTED FOR THE VOTER INFORMATION PAMPHLET

If you are submitting a rebuttal argument and the individual(s) signing the rebuttal argument are the same as the individual(s) signing the original Ballot Measure Primary Argument Submission Form, check the following box and complete the back side of this form.

Rebuttal Argument is Signed by Same Individual(s) as Argument Already Selected for the Voter Information Packet

### SIGNED BY INDIVIDUAL(S) DIFFERENT FROM THE PRIMARY ARGUMENT

If the rebuttal argument is signed by anyone different than the signer(s) of the Ballot Measure Primary Argument Submission Form already submitted – including whether there is only one different individual or whether there are up to five new individuals – the signers must complete the section below, complete the back side of this form, and attach to this form written authorization by the authors, or a majority of the authors, of the Primary Argument that indicates: (i) your name(s); and (ii) the Primary Argument author's name(s), contact information, and signed statement authorizing the individuals to prepare, submit, and sign the Rebuttal Argument.

Contact Person:

Phone:

Mailing Address:

Fax #:

Email:

Date:

Signature:
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**Please complete reverse side of this form**

1.	Name:	Title (optional):
Phone:		Email:
Address:		
Signature:		Date:
2.	Name:	Title (optional):
Phone:		Email:
Address:		
Signature:		Date:
3.	Name:	Title (optional):
Phone:		Email:
Address:		
Signature:		Date:
4.	Name:	Title (optional):
Phone:		Email:
Address:		
Signature:		Date:
5.	Name:	Title (optional):
Phone:		Email:
Address:		
Signature:		Date:

With their signature, signers state that they have read the argument and believe it not to be false or misleading.

PLEASE ATTACH A HARD COPY OF THE REBUTTAL ARGUMENT TO THIS FORM AND PROVIDE AN ELECTRONIC (WORD) COPY VIA EMAIL TO [JBLAIR@HMBCCITY.COM](mailto:JBLAIR@HMBCCITY.COM).