

HOW TO DO A COUNTY INITIATIVE

A Guide to Placing a County Initiative on the Ballot



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This guide was developed in an effort to provide answers to questions frequently asked the Placer County Elections Office concerning county initiatives. 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. For information on city initiatives, please contact your City Clerk.

A LOOK AT THE PROCESS

Notice of Intention File Notice of Intention with the Registrar of Voters with the printed name(s), signature(s), and business or residence addresses of at least one but not more than five proponents. The Notice includes the written text of the initiative and a request that a ballot title and summary be prepared. Elections Code (EC) §9103

The Notice of Intention may contain a statement not exceeding 500 words, stating the reasons for the petition.

The Notice shall be in substantially the following form:

“Notice of Intention to Circulate Petition

“Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of _____ for the purpose of _____. A statement of the reasons of the proposed action as contemplated in the petition is as follows: (optional statement)” EC §9104

At the same time, the proponent executes and submits a statement that reads as follows:

“I, _____, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.” EC §9608

Title & Summary The Registrar of Voters immediately transmits a copy of any proposed measure to county counsel. County counsel prepares a ballot title and summary not exceeding 500 words. EC §9105 (a)

The Registrar of Voters furnishes a copy of the ballot title and summary to the proponents. EC §9105 (b)

Appeal Any elector of the county may seek a writ of mandate requiring the ballot title or summary to be amended. EC §9106

Publication Publish the Notice of Intention and the ballot title and summary in a newspaper of general circulation. EC §9105 (b)

File Proof	File proof of publication with the Registrar of Voters. EC §9105 (b)
Circulation	<p>Proponents may begin to circulate the petitions for voter signatures after publication of the title and summary. Each section of the petition shall include a copy of the Notice of Intention, ballot title, and summary. EC §9108</p> <p>Proponents have 180 days from the receipt of the Title and Summary to circulate the petitions. EC §9110</p> <p>All sections of the petition must be filed at the same time. EC §9113</p>
Reports Ordered	During the circulation of the petition, the Board of Supervisors may refer the proposed initiative to any county agency for a report. The report shall be presented to the Board no later than 30 days after the Registrar of Voters certifies the sufficiency of the petition. EC §9111
Verification of Signatures	Within 30 days from the date of filing of the petition, excluding weekends and holidays, the Elections Office shall verify signatures. If the petition is found insufficient, no action shall be taken. If the petition is found to be sufficient, the Registrar of Voters shall certify the results to the Board of Supervisors at the next regular meeting. EC §9115
Qualification of Petition	<p>If proponents collect :</p> <p>10% of the entire vote cast in the county for all candidates for Governor in the last election – then the Board of Supervisors shall either:</p> <ol style="list-style-type: none"> 1. Adopt the ordinance without alteration at the meeting at which certification is presented or within 10 days after it is presented; or 2. Place the measure on the ballot at the next statewide election (primary election or general election held in November of even-numbered years) occurring not less than 88 days after the date of the order; or 3. Order a report pursuant to section 9111 of the Elections Code and once the report is presented, the Board shall either adopt the ordinance within 10 days or order an election. EC §9118 <p>20% of the entire vote cast in the county for all candidates for Governor in the last election and the petition contains a request that the ordinance be submitted immediately to a vote of the people at a special election, and then the Board shall either:</p>

1. Adopt the ordinance without alteration;
2. Call a special election within 88 and 103 days (if a regular or special election will be held within 180 days, the measure may be consolidated with that election) EC §1405(a); or
3. Order a report pursuant to section 9111 of the Elections Code and once the report is presented, the Board shall either adopt the ordinance within 10 days or order an election. EC §9116

Enactment of Ordinance

Ordinances are passed with a majority vote of the voters (50% plus 1) and shall be considered adopted upon the date the vote is declared by the Board of Supervisors. The ordinance shall go into effect 10 days after that date. EC §9122



SAMPLE TIMELINE

The following provides an example of the amount of time and deadlines associated with proposing a county initiative. Please note that these time frames are approximate. The timeline is subject to change depending on the actual dates when events happen as most deadlines are based upon the completion of the previous step in the process above. Once a Notice of Intent is filed, the elections staff will assist in developing a calendar specific to your initiative.

0	Proponent files Notice of Intent and a copy of the proposed initiative with a request for a ballot title.
0	Registrar of Voters immediately delivers Notice of Intent to County Counsel.
15 days	County Counsel delivers Title and Summary to the County who then delivers a copy of the Title and Summary to the proponent.
After receipt of Ballot Title and Summary	Proponent publishes the Notice of Intention with the Ballot Title and Summary. Proponent files proof of publication with the Registrar of Voters. This is done before the petition is circulated.
180 days from receipt of Ballot Title and Summary	Proponent circulates the petition after the proof of publication has been filed. The petition is filed with the Registrar of Voters. During this time, the Board of Supervisors may order a report on the effect of the proposed initiative in accordance with Elections Code Section 9111. This report must be presented to the Board of Supervisors no later than 30 days after the Registrar of Voters certifies to the Board of Supervisors the sufficiency of the initiative petition.
30 days	The Elections Office examines the signatures on the petition. The Registrar notifies the proponent as to the sufficiency or insufficiency of the petition.
At the next regular Board meeting	If the petition is found sufficient, the Registrar certifies the results of the examination of the petition signatures at the Board of Supervisors' meeting. The Board of Supervisors may: <ol style="list-style-type: none"> 1. Adopt the ordinance without alteration, 2. Call an election, or 3. Order a report on the effect of the proposed initiative.
88 days or more after the Board meeting	The election date is determined by the percentage of voters who signed the petition and the provisions of Elections Code Section 1405. If a proponent has a specific election date in mind, he/she should contact the Elections Office to determine when the election order would need to be filed. The proponent can then calculate when the Notice of Intention needs to be filed.

CREATING A PETITION

The California Elections Code governs the content and format of initiative petitions. Please see below for a selection of code sections relating to the required information. The Placer County Elections Office does not approve initiative petitions or give advice on creating them. At the proponent's request, samples of past petitions may be provided. However, the provision of sample petitions does not imply that the Elections Office verifies the compliance of the samples and that there have not been changes in the Elections Code since the sample petitions were created. Questions regarding the compliance of the initiative petition should be directed to the proponent's legal counsel.

§100 Only registered voter entitled to sign petition; printed name and place of residence; form of petition.

Notwithstanding any other provision of law, whenever any initiative, referendum, recall, nominating petition or paper, or any other petition or paper, is required to be signed by voters of any county, city, school district, or special district subject to petitioning, only a person who is an eligible registered voter at the time of signing the petition or paper is entitled to sign it. Each signer shall at the time of signing the petition or paper personally affix his or her signature, printed name, and place of residence, giving street and number, and if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained. A space at least one inch wide shall be left blank after each name for the use of the elections official in verifying the petition or paper. The part of a petition for the voters' signatures, printed names, and residence addresses and for the blank spaces for verification purposes shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. The petition format shall be substantially in the following form:

Official Use Only		
(Print name)	(Residence address only)	
1. _____	_____	
(Signature)	(City)	
_____	_____	
(Print name)	(Residence address only)	
2. _____	_____	
(Signature)	(City)	
_____	_____	

§101 Petition notice to the public.

Notwithstanding any other provision of law, any state or local initiative petition required to be signed by voters shall contain in 12-point type, prior to that portion of the petition for voters' signatures, printed names, and residence addresses, the following language:

“NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.”

§102 Voter may circulate petition. Age of circulator.

A person shall not circulate a state or local initiative, referendum, or recall petition or nominating paper unless the person is 18 years or older.

§103 Signature withdrawn from petition.

Any voter who has signed an initiative, referendum or recall petition pursuant to the Constitution or laws of this state shall have his or her signature withdrawn from the petition upon filing a written request therefore with the appropriate county elections official or city elections official prior to the day the petition is filed.

§104 Declaration of circulator attached to petition; form.

(a) Wherever any petition or paper is submitted to the elections official, each section of the petition or paper shall have attached to it a declaration signed by the circulator of the petition or paper, setting forth, in the circulator’s own hand, the following:

- (1) The printed name of the circulator.
- (2) The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- (3) The dates between which all the signatures to the petition or paper were obtained.

(b) Each declaration submitted pursuant to this section shall also set forth the following:

- (1) That the circulator circulated that section and witnessed the appended signatures being written.
- (2) That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.

(c) The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name at length, including given name, middle name or initial, or initial and middle name. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

§ 9020 Form of petition; signature and address.

The petition sections shall be designated so that each signer shall personally affix all of the following:

- (a) His or her signature.
- (b) His or her printed name.
- (c) His or her residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- (d) The name of his or her incorporated city or unincorporated community.

Only a person who is a qualified registered voter at the time of signing the petition is entitled to sign it.

The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.

§ 9108 Circulation of petition.

The proponents may commence to circulate the petitions among the voters of the county for signatures by any registered voter of the county after publication of the title and summary prepared by the county counsel. Each section of the petition shall bare a copy of the notice of intention, and the title and summary prepared by the county counsel.

§ 9109 Form of petition.

Each petition section shall have attached to it an affidavit to be completed by the circulator. The affidavit shall be substantially in the same form as set forth in Section 104.

Please see the following pages for a sample initiative petition created by the Secretary of State. Please note that this sample was created for statewide initiatives and changes may be necessary for county initiative petitions.

HOW TO RAISE OR SPEND MONEY:

FIRST Obtain a copy of Information Manual 3 – Information for Committees Primarily Formed to Support or Oppose a Ballot Measure - from the Registrar of Voters.

SECOND File a Form 410 – Statement of Organization - with the Registrar of Voters

Any person, who receives contributions totaling \$2,000 or more within a calendar year, qualifies as a recipient committee and - within 10 days of qualifying - must file a Form 410 with the Secretary of State (original) and the county.

A Form 410 may be filed prior to qualifying. Upon receipt of the Form 410, the Secretary of State will issue an identification number, which must be included on all campaign disclosure forms.

THIRD Be prepared to file the Form 460 (long form) or the Form 450 (short form) Pre-Election Statements and Semi-Annual statements.

These reports detailing your committee's contributions and expenditures are filed at specified times prior to and following the election. There are also various special reports that must be filed to amend forms or to provide supplemental information. Know the deadlines and the type of forms you must file.

Elections staff will provide you with a calendar. For technical advice on completing the forms, call the Fair Political Practices Commission at 1-866-275-3772 (1-866-ASK-FPPC), Fax: 916-322-0886, or visit their website at www.fppc.ca.gov.

FOURTH File Forms 410 and 460 to terminate the committee upon completion of your initiative efforts.



WHAT HAPPENS NEXT

Insufficient Petitions

If the initiative petition is found to be insufficient, no further action is taken. If the proponents would like to make further attempts to place the initiative on the ballot, they may start the process over again.

Sufficient Petitions that go to Election

Calendar

The Elections Office will prepare a calendar for the election. The calendar will include dates for submitting ballot arguments, rebuttals, and campaign disclosure statements.

Election Order

The Board of Supervisors will adopt a resolution calling the election and consolidating it with other elections being conducted in the same jurisdiction on the same day. EC §1405, §10400, §10401

Assigning a Letter

Measure letters will be assigned by the Elections Office pursuant to Elections Code Section 13116. Measures letters will be assigned in alphabetical order when the election order has been received. Placer County begins each year with the letter A and continues through the alphabet until the end of the year, excluding the letters I and O.

Form of Ballot Question

When the initiative is placed on the ballot, the questions shall be worded, "Shall the ordinance (stating the nature thereof) be adopted?" Below the ballot question, the words "Yes" and "No" shall be printed with voting squares. A yes vote is in favor of the adoption of the ordinance and a no vote shall be counted against its adoption. EC §13119

Multiple Measures

Any number of proposed ordinances may be voted upon at the same election. EC §9121

If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control. EC §9123

Passage of the Measure

If a majority of voters (50% plus 1) voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the county. The ordinance shall be considered as adopted upon the date the vote is declared by the Board of Supervisors, and shall go into effect 10 days after that date. EC §9122