

PLACER COUNTY ELECTIONS
OFFICE OF JIM MCCAULEY

DISTRICT INITIATIVES

A GUIDE TO PLACING A DISTRICT
INITIATIVE ON THE BALLOT



2956 RICHARDSON DR.
AUBURN CA 95603
TELEPHONE: 530-886-5650
TOLL-FREE IN CA: 800-824-8683
www.placerelections.com
election@placer.ca.gov

DISTRICT INITIATIVES

A GUIDE TO PLACING A DISTRICT INITIATIVE ON THE BALLOT

LEGAL DISCLAIMER

This guide was developed in an effort to provide answers to questions frequently asked to the Placer County Office of Elections concerning district 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.

DISTRICTS EXCEPTED

The initiative process does not apply to:

- irrigation districts,
 - a district formed under a law that does not provide a procedure for elections,
 - a district formed under a law which does not provide for action by ordinance,
 - a district governed by an election procedure that permits voters, in electing the district's directors or trustees, to cast more than one vote per voter, or
 - a district in which the directors are empowered to cast more than one vote per director when acting on any matter. (E.C. 9300¹)
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A LOOK AT THE PROCESS

NOTICE OF INTENTION

Before circulating an initiative petition in any district, its proponent(s) shall publish a notice of intention. The notice shall be accompanied by a statement stating the reasons for the proposed petition that does not exceed 500 words. The notice shall be signed by at least one but not more than five proponents.

The Notice shall be in substantially the following form:

Notice of Intention to Circulate Petition

Notice is hereby given of the intention to circulate the petition within the ____ district for the purpose of _____. A statement of the reasons for the proposed action contemplated in the petition is as follows: (E.C. 9302)

¹ E.C. refers to the California Elections Code.

PUBLISHING THE NOTICE OF INTENTION

The notice of intention and statement shall be published in a newspaper of general circulation within the district, as described in Government Code Section 6000, as least once.

If there is no newspaper of general circulation, the notice and statement shall be published at least once in a newspaper of general circulation within the county in which the district is located and the notice and statement shall be posted in three public places within the district. (E.C. 9303)

FILE PROOF OF PUBLICATION

Within 10 days after the date of publication of the notice of intention and statement, the proponents shall file a copy of the notice and statement as published accompanied by proof of publication. If the notice was posted, the proponents shall file a copy of the notice of intention and statement as posted together with an affidavit made by a voter of the district certifying the fact of posting. The affidavit, together with a copy of the notice of intention and statement, shall be filed with the district elections official². (E.C. 9304)

At the same time as filing the proof of publication, the proponent executes and submits a signed 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. (E.C. 9608)

CIRCULATION

Proponents may begin to circulate the petitions among the voters of the district for signatures by any registered voter of the county after publication of the notice of intention and statement. (E.C. 9305)

TIME LIMITS FOR SIGNATURES

Proponents have 180 days from the date of publication or posting of the notice of intention and statement to circulate the petitions. (E.C. 9306)

EXAMINATION OF SIGNATURES

Within 30 days from the petition filing date, excluding weekends and holidays, the Office of Elections shall examine the petition and verify the signatures on the petition. A certificate

² The district elections official will often be the county elections official. Prior to filing, the proponents may wish to call the district secretary or county elections official to determine the proper location to file the notice of intention and proof of publication.

showing the results of this examination shall be attached to the petition. The district elections official shall notify the proponents of the petition as to its sufficiency or insufficiency.

If the petition is found insufficient, no further action shall be taken. However, the failure to secure sufficient signatures shall not preclude the filing of a new petition on the same subject at a later date.

If the petition is found to be sufficient, the district elections official shall certify the results of the examination to the district board at the next regular meeting of the board. (E.C. 9308, 9309)

QUALIFICATION OF THE PETITION

FOR SPECIAL ELECTIONS

If the initiative petition is signed by voters not less in number than ten percent (10%) of voters in the district, where the total number of registered voters is less than 500,000, or not less in number than 5 percent (5%) of the voters in the district, where the total number of registered voters is 500,000 or more, and the petition contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the district board shall do either of the following:

1. Adopt the ordinance without alteration at the regular meeting or within 10 days after it is presented.
2. Immediately call a special election within 88 and no more than 103 days after the date of the order of election (if a regular or special election will be held within 180 days, the measure may be consolidated with that election). (E.C. 1405(a)(4), EC 9310)

FOR REGULARY SCHEDULED ELECTIONS

If the initiative petition does not request a special election, the district board shall do one of the following:

1. Adopt the ordinance without alteration at the regular meeting at which the certification of the petition is presented or within 10 days after it is presented.
2. Place the measure on the ballot at the district's next regular election occurring not less than 88 days after the date of the order. (E.C. 1405(b), 9311)

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 district board. The ordinance shall go into effect 10 days after that date. (E.C. 9320)

If the provision of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall take effect. (E.C. 9321)

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 petition. The Placer County Office of Elections does not approve initiative petitions or give advice on creating them. At the proponent's request, samples of past petitions may be provided. However, providing sample petitions does not imply that the Office of Elections verifies the compliance of the samples and/or 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.

**E.C. 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)	

E.C. 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.”

E.C. 102 VOTER MAY CIRCULATE PETITION.

A person who is a voter or who is qualified to register to vote in this state may circulate an initiative or referendum petition in accordance with this code. A person who is a voter may circulate a recall petition in accordance with this code.

E.C. 103 SIGNATURE WITHDRAWN FROM PETITION.

A 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 therefor with the appropriate county elections official or city elections official prior to the day the petition is filed. A written request made under this section shall not constitute a petition or paper for purposes of Section 104.

E.C. 104 DECLARATION OF CIRCULATOR ATTACHED TO PETITION.

(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.

E.C. 9020 FORM OF PETITION; SIGNATURE AND ADDRESS.

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

- (1) His or her signature.
- (2) His or her printed name.
- (3) 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.
- (4) 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.

**E.C. 9101 PROPOSED ORDINANCES SUBMITTED TO
THE BOARD OF SUPERVISORS.**

Any proposed ordinance may be submitted to the board of supervisors by filing an initiative petition with the county elections official, signed by not less than the number of voters specified in this article.

Each petition section shall comply with Sections 100 and 9020 and contain a full and correct copy of the notice of intention and accompanying statement including the full text of the proposed ordinance.

E.C. 9301 SUBMISSION OF PROPOSED ORDINANCE BY PETITION.

Any proposed ordinance may be submitted to the governing board of the district by an initiative petition filed with the district elections official. Signatures to these petitions shall be obtained in the same manner as set forth in Section 9020. Affidavits shall be attached to each petition section in the form and in the manner set forth in Section 9022.

E.C. 9305 CIRCULATION OF PETITION; CIRCULATION DATE.

After the publication or posting, or both, of the notice of intention and statement, the petition may be circulated among the voters of the district for signatures by any person who is a voter or who is qualified to register to vote in the district. Each section of the petition shall bear a copy of the notice of intention and statement.

**E.C. 9307 AFFIDAVIT OF CIRCULATOR ATTACHED
TO EACH SECTION.**

Each section of the petition shall have attached thereto the affidavit of the person soliciting the signatures. This affidavit shall be substantially in the same form as set forth in Section 9022, except that the affidavit shall declare that the circulator is a voter or is qualified to register to vote in the district.

Please see below for Elections Code Section 9022:

E.C. 9022 DECLARATION OF CIRCULATOR.

(a) Each section shall have attached thereto the declaration of the person soliciting the signatures setting forth the information required by Section 104 and stating that the circulator is a voter or is qualified to vote in the state.

(b) 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 and middle name or initial. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

Another declaration thereto may not be required.

Petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing are qualified voters. Unless and until otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters.

E.C. 9322 ENACTING CLAUSE.

The enacting clause of an ordinance submitted to the voters of a district shall be substantially in the following form:

“The people of the _____ District do ordain as follows:”

SAMPLE PETITION

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 district initiative petitions.

[A one-inch blank space must be left at the top of each page of the petition.]

The Attorney General of California has prepared the following title and summary of the chief purposes and points of the proposed measure:

[Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear, in Roman boldface type not smaller than 12-point. (§ 9001)]

NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. (12-point type)

REGISTERED VOTERS ONLY

This column for official use only.

1.	Print Your Name: _____ Residence Address ONLY: _____ Sign As Registered To Vote: _____ City: _____ Zip: _____	
2.	Print Your Name: _____ Residence Address ONLY: _____ Sign As Registered To Vote: _____ City: _____ Zip: _____	
3.	Print Your Name: _____ Residence Address ONLY: _____ Sign As Registered To Vote: _____ City: _____ Zip: _____	
4.	Print Your Name: _____ Residence Address ONLY: _____ Sign As Registered To Vote: _____ City: _____ Zip: _____	
5.	Print Your Name: _____ Residence Address ONLY: _____ Sign As Registered To Vote: _____ City: _____ Zip: _____	
6.	Print Your Name: _____ Residence Address ONLY: _____ Sign As Registered To Vote: _____ City: _____ Zip: _____	

DECLARATION OF CIRCULATOR

(to be completed after above signatures have been obtained)

I, _____, am registered to vote in the County (or City and County)
(print name)
of _____, or am qualified to register to vote in California. My residence address is

(address, city, state, zip). I circulated this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of _____ and _____
(month, day, year) (month, day, year). I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Executed on _____, _____, at _____
(month and day) (year) (place of signing)

(complete signature indicating full name of circulator)

[Dates of circulation, printed name, and residence address must be in circulator's own hand.]

[NOTE: It is recommended that a space approximately 1/2 inch wide be left along the left margin opposite the signatures, as shown, for the clerks' use in verifying signatures.]

[A one-inch blank space must be left at the top of each page of the petition.]

Initiative Measure to be Submitted Directly to the Voters

[This heading must be printed in 12-point or larger Roman boldface type. (§§ 9001, 9008)]

**The Attorney General of California has prepared the following title and summary
of the chief purposes and points of the proposed measure:**

[INSERT ATTORNEY GENERAL TITLE AND SUMMARY]

[Roman boldface type not smaller than 12-point. (§§ 9001, 9008)]

To the Honorable Secretary of State of California

We, the undersigned, registered, qualified voters of California, residents of _____ County
(or City and County), hereby propose amendments to [(the Constitution of California) (the _____ Code,
relating to _____)] and petition the Secretary of State to submit the same to the voters of
California for their adoption or rejection at the next succeeding general election or at any special statewide election held
prior to that general election or otherwise provided by law. The proposed [(constitutional) (statutory)] amendments read as
follows:

*[NOTE: Within each set of brackets in the text above, the proponent must select
the information within one set of parentheses for printing on the petition.]*

[Insert full title and text of measure]

Note: This sample was created by the Secretary of State for statewide initiatives and changes may be necessary for district initiative petitions.

SAMPLE TIMELINE

The following provides an example of the amount of time and deadlines associated with proposing a district 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 Office of Elections staff will assist in developing a calendar specific to your initiative.

0	Proponent publishes the notice of intention and statement in a newspaper of general circulation. This is done before the petition is circulated.
10 days from publication	Proponent files copy of notice of intention and statement as published accompanied by proof of publication.
180 days from publication	Proponent circulates the petition after the Notice of Intention has been published. The petition is filed with the district elections official.
30 days	The Office of Elections examines the signatures on the petition. The district elections official 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 district elections official certifies the results of the examination of the petition signatures at the district board's meeting. The district board may: <ol style="list-style-type: none"> 1. Adopt the ordinance without alteration, or 2. Call an election.
88 days or more after the Board meeting	The election date is determined by the presence of a request for a special election and the provisions of E.C. 1405. If a proponent has a specific election date in mind, he/she should contact the Office of Elections to determine when the election order would need to be filed. The proponent can then calculate when the notice of intention needs to be published.

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

ELECTION ORDER

The district board will adopt a resolution calling the election and requesting consolidation with other elections being conducted in the same jurisdiction on the same day. (E.C. 1405, 10400, 10401)

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. A “Yes” vote is in favor of the adoption of the ordinance and a “No” vote shall be counted against its adoption. (E.C. 13119)

ASSIGNING A MEASURE LETTER

Measure letters will be assigned by the Office of Elections pursuant to E.C. 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.

CALENDAR

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

MULTIPLE MEASURES

Any number of proposed ordinances may be voted upon at the same election. (E.C. 9319)

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. (E.C. 9321)

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 district. The ordinance shall be considered as adopted upon the date the vote is declared by the district board, and shall go into effect 10 days after that date. (E.C. 9320)

HOW TO RAISE OR SPEND MONEY

Proponents of initiative petitions may raise or spend money on signature gathering, including making copies of the petitions, fees for legal counsel, and the salaries of paid signature gatherers. Once the initiative has qualified to appear on the ballot, the proponents may continue to accept contributions and spend additional funds campaigning for the passage of the measure. These contribution and expenditures are subject to the campaign disclosure laws set forth in the Political Reform Act as administered by the Fair Political Practices Commission.

FIRST

Obtain a copy of Information Manual 3 – Information for Committees Primarily Formed to Support or Oppose a Ballot Measure - from the Office of Elections or the Fair Political Practices Commission website, www.fppc.ca.gov.

SECOND

File a Form 410 – Statement of Organization with the Registrar of Voters and the Secretary of State.

Any person who receives contributions totaling \$1,000 or more within a calendar year qualifies as a recipient committee and must file a Form 410 with the Secretary of State and the county within 10 days of qualifying.

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. An annual fee of \$50 must be paid to the Secretary of State when the initial Form 410 is filed and no later than January 15 for each year the committee is active.

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 detail your committee's financial activity and 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.

Office of Elections staff will provide you with a calendar. For technical advice on completing the forms, contact the Fair Political Practices Commission at 1-866-275-3772 (1-866-ASK-FPPC) or by fax at 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.