

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. Please consult with a legal advisor for more detailed information. For information on city initiatives, please contact your City Clerk.

WHAT IS AN INITIATIVE?

An initiative is a citizen-driven effort to propose laws and affect change in government. California voters may propose initiatives at the state or local level. Voters can even use the initiative process to propose changes to the California Constitution.

There are several steps that proponents of an initiative must follow for the initiative to become law. The details may vary depending on what kind of initiative that citizens wish to propose.

Just as state lawmakers are able to create laws by proposing bills at the Capitol, voters are able to create local ordinances by proposing initiatives. This handbook provides interested readers with an overview of the process of proposing a county initiative.

The Registrar of Voters (ROV) is the elections official in the case of the circulation and filing of a countywide initiative petition. You may contact our office during business hours Monday through Friday, excluding county holidays. You may call us at 530-886-5650, email us at candidates@placer.ca.gov, or visit our website www.placercountyelections.gov for more information.

Proponents who wish to learn more about filing a statewide initiative should refer to the California Secretary of State's information page about initiatives: <https://www.sos.ca.gov/elections/ballot-measures/how-qualify-initiative>.

The City Clerk is the elections official in the case of a city initiative. Contact the City Clerk of the appropriate city to learn more.

Initiative, Referendum, and Recall

California is one of a handful of states that allows voters to propose initiatives, referendums, and recall of elected officials. These terms are defined in the California Constitution. The steps needed to conduct an initiative, referendum, or recall are provided for in the Elections Code.

Initiative: the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them (Cal. Const. Art. II, § 8)

Referendum: the power of the electors to approve or reject statutes or parts of statutes except urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for usual current expenses of the State (Cal. Const. Art. II, § 9)

Recall: the power of the electors to remove an elective officer (Cal. Const. Art. II, § 13)

A LOOK AT THE PROCESS

Notice of Intention

File notice of intention (NOI) 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. EC § 9104

Sample of Notice of Intention

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 Placer for the purpose of *(insert purpose of measure)*. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

(Optional) 500-word statement outlining the reasons for the proposed petition printed here

The printed names, signatures, and business or residence addresses of the proponents are as follows:

Name	Residence or Business Address	Signature

Insert the written text of the initiative and a request that County Counsel prepare a ballot title and summary.

Proponent Statement of Acknowledgment

A proponent of an initiative measure shall execute and submit a signed statement, along with the NOI and request for a title and summary for the proposed measure. Election Code § 9608

Sample Proponent Statement of Acknowledgment

PROPONENT STATEMENT OF ACKNOWLEDGEMENT

I, _____ acknowledge that it is a misdemeanor under State Law (Section 18650 of the California 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.

(Proponent Signature)

Dated this _____ day of _____, 20__

Title & Summary

The Registrar of Voters immediately transmits a copy of any proposed measure to county counsel. Within 15 days 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 & File Proof

The proponents shall, prior to the circulation of the petition, publish the notice of intention, and the ballot title and summary of the proposed measure in a newspaper of general circulation published in that county, and file proof of publication with the county elections official. EC § 9105 (b)

Circulation

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

Proponents have 180 days from the receipt of the title and summary to circulate the petitions. EC § 9110

All sections of the petition must be filed at the same time. EC § 9113

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

If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the elections official shall, within 90 days from the date of the filing of the petition, excluding Saturdays, Sundays, and holidays, examine and verify all signatures filed.

Qualification of Petition

If proponents collect:

10% of the entire vote cast in the county for all candidates for Governor in the last election – the Board of Supervisors shall either:

- (a) Adopt the ordinance without alteration at the meeting at which certification is presented or within 10 days after it is presented; or
- (b) Place the measure on the ballot at the next statewide election occurring not less than 88 days after the date of the order; or
- (c) 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

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:

- (a) Adopt the ordinance without alteration;
- (b) Consolidate with the next statewide election not occurring less than 88 days after the date of the order of election.
- (c) Call a special election within 88 and 103 days. EC § 1405(a); or
- (d) 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

Withdraw

The proponent of an initiative may withdraw the initiative at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official. EC § 9118.5

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, a copy of the proposed initiative with a request for a ballot title, and the proponent statement of acknowledgment.
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 § 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.
30-90 days	The Elections Office examines the signatures on the petition. The Registrar notifies the proponent as to the sufficiency or insufficiency of the petition. (see section on "Verification of Signatures" for more information)
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: <ul style="list-style-type: none"> (a) Adopt the ordinance without alteration, (b) Call an election, or (c) 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 § 1405.

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. Any provision of sample petitions given by the Elections Office does not imply that 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.

§ 101 Petition notice to the public

(a) Notwithstanding any other law, a state or local initiative petition required to be signed by voters shall contain in 11-point type, prior to that portion of the petition for voter's signatures, printed names and residence addresses, the following language, in order:

- (1) NOTICE TO THE PUBLIC". This text shall be in boldface type.
- (2) If the petition includes the disclosure statement described by subdivision (b) of Section 107, the text "SIGN ONLY IF IT IS THE SAME MONTH AS SHOWN IN THE OFFICIAL TOP FUNDERS OR YOU SAW AN "OFFICIAL TOP FUNDERS" SHEET FOR THIS MONTH." This text shall be in a boldface type.
- (3) "THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK." This text shall be in a non-boldface type.

(b) A state initiative petition shall contain, in the same location and type size described in subdivision (a), the following language in a non-boldface type: "THE PROPONENTS OF THIS PROPOSED INITIATIVE MEASURE HAVE THE RIGHT TO WITHDRAW THIS PETITION AT ANY TIME BEFORE THE MEASURE QUALIFIES FOR THE BALLOT."

§ 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 their signature withdrawn from the petition upon filing a written request that includes the name or title of the Petition and their name, residence address and signature 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.
- (3) That the circulator is 18 years of age or older.
- (4) If the petition does not include the disclosure statement described by subdivision (b) of Section 107, that the circulator showed each signer a valid and unfalsified "Official Top Funders" sheet, as required by Section 107.

(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 circulator's name. The circulator shall state the date and the place of execution on the declaration immediately preceding the circulator's signature.

§ 9020 Form of petition; signature and address.

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

- (1) The signer's signature.
- (2) The signer's printed name.
- (3) The signer's residence address, giving the street number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- (4) The name of the signer's incorporated city or unincorporated community.
- (5) If the petition does not include the disclosure statement described by subdivision (b) of Section 107, the following text on a separate horizontal line below the signer's printed name and above the signer's signature: "DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid." The text "DO NOT SIGN UNLESS" shall be in capitals and in boldface. The other text shall be capitalized as shown and shall not be in boldface.

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

(c) 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.

As a reminder, this is only a sample and may be out of date as laws change. It is the responsibility of the creator of the initiative and its proponents to verify code compliance. We always suggest consulting with a legal advisor.

Sample Initiative Petition

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS (Including Official Top Funders section. This section may be omitted if a copy of the "Official Top Funders" sheet is provided pursuant to Election Code Section 107(b)(1).

The County Counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

Insert Ballot Title and Summary
(See Preparing the Petition, page 6, for more information)

INSERT TEXT OF MEASURE
(Type should be not smaller than 8 point; it must be clearly separated from the ballot title and summary above)

Notice of Intention to Circulate Petition (See page 2 for more information)

<p>OFFICIAL TOP FUNDERS. Valid only for [Month, Year] Petition circulation paid for by [name of the committee as it appears on the most recent Statement of Organization filed pursuant to Government Code section 84501] <u>Committee major funding from:</u> [Largest contributor] [Second largest contributor] [Third largest contributor] [OPTIONAL] Endorsed by: [First endorser] [Second endorser] [Third endorser] Latest info: [link to Secretary of State Top Funders website or committee website]</p>

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

		Official Use Only
1.	(Print Name)	(Residence Address ONLY)
	(Signature)	(City)
2.	(Print Name)	(Residence Address ONLY)
	(Signature)	(City)

DECLARATION OF PERSON CIRCULATING SECTION OF INITIATIVE PETITION (MUST BE IN CIRCULATOR'S OWN HANDWRITING)

(See page 7 for more information)

- I, _____ solemnly swear (or affirm) all of the following: (Print Name)
1. That I am 18 years of age or older.
 2. That my residence address is _____ (If no such street number exists, adequate designation of residence so that the location may be readily ascertained)
 3. That the signatures on this section of the petition form were obtained between the dates of _____ (Starting date) _____ and _____ (Ending date) _____; that I circulated the petition and I witnessed the signatures of this section of the petition form being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.
 4. That I showed each signer a valid and unfalsified "Official Top Funders" sheet, as required by Elections Code Section 107.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on _____ (Date) _____ at _____ (City) _____, California.
 _____ (Circulator's Signature) _____ (Date) _____ (You must leave a 1" margin at the top. It is recommended that you leave a 1/2" margin on the left, right and bottom.)

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, or an electronic copy from www.fppc.ca.gov.

SECOND

File a Form 410 – Statement of Organization

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 one copy for 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 § 13116. Measure 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