

How to Place a County Initiative on the Ballot



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Provided by
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This guide was developed in an effort to provide answers to questions frequently asked the Shasta County Elections Department 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 of that jurisdiction.

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Initiative is the power of the electors to propose a new ordinance by which they will be governed. An initiative is placed on the ballot after its proponents have successfully met a series of deadlines.

COUNTY INITIATIVES

Notice of Intention

Before circulating any initiative petition in a county, its proponents shall file with the Elections Department a notice of intention to do so. The notice shall include the names and business or residence addresses of at least one but not more than five proponents of the petition, and shall be accompanied by the written text, not exceeding 500 words in length, stating the reasons for the proposed petition, and a request that a ballot title and summary be prepared. 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: (EC 9103, 9104) (Optional Statement)

Ballot Title and Summary

The Elections Department shall immediately transmit a copy of any proposed measure to the county counsel. Within 15 days after the proposed measure is filed, the county counsel shall provide and return to the Elections Department a ballot title and summary for the proposed measure. The ballot title may differ from any other title of the proposed measure and shall express in 500 words or less the purpose of the proposed measure. In providing the ballot title, the county counsel shall give a true and impartial statement of the purpose of the proposed measure in such language that the ballot title shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure. (EC 9105(a))

Publication of the Notice of Intention

The Elections Department shall furnish a copy of the ballot title and summary to the proponents of the proposed measure. 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 an adjudicated newspaper of general circulation published in that county, and file proof of publication with the Elections Department. (EC 9105(b))

Petition Preparation

Initiative proponents are responsible for the preparation and printing of the petition. The ballot title and summary prepared by the county counsel shall appear upon each section of the petition, above the text of the proposed measure and across the top of each page of the petition on which signatures are to appear, in roman boldface type not smaller than 12 point. The ballot title and summary shall be clearly separated from the text of the measure. The text of the measure shall be printed in type not smaller than 8 point.

The heading of the proposed measure shall be in substantially the following form:

Initiative Measure to be Submitted Directly to the Voters

The county counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the county counsel. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.) (EC 9105(c))

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.” (EC 101)

Form of the Petition

Notwithstanding any other provision of law, whenever any initiative or referendum 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 is entitled to sign it. Each signer shall at the time of signing the petition personally affix his or her signature, printed name, residence address, giving street and number, and if no street or number exists, then a designation of the residence address 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 Department in verifying the petition. 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 form of the sample petition attached at the end of this guide. (EC 100)

The number of signatures attached to each section, or page of the petition, shall be at the pleasure of the person soliciting the signatures. (EC 9020)

Each section of the petition shall bear a copy of the notice of intention, and the title and summary prepared by the county counsel. (EC 9108)

Who May Circulate the 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. (EC 102)

Declaration of Circulator

Whenever any petition is submitted to the Elections Department, each section of the petition shall have attached to it a declaration signed by the circulator of the petition, setting forth, in the circulator's own hand the printed name of the circulator, 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, and the dates between which all the signatures to the petition were obtained.

Each declaration submitted pursuant to this section shall also set forth that the circulator circulated that section and witnessed the appended signatures being written and 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.

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. (EC 104, 9109)

When to Circulate the Petition

The proponents may commence to circulate the petition 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 will bear a copy of the notice of intention, and the title and summary prepared by the county counsel. (EC9108)

During the circulation of the petition or before taking any action to either submit the initiative to the voters or enact the ordinance, the Board of Supervisors may refer the initiative to any county agency or agencies for review and a report on its effect and fiscal impact. The report shall be presented to the Board of Supervisors no later than 30 days after certification of the petition's sufficiency by the Elections Department to the Board of Supervisors. (EC 9111)

Who May Sign the Petition

Each section of the petition will bear the name of the county. Only persons who are eligible registered voters of the county at the time of signing the petition are entitled to sign it. The circulator may sign the section he or she is circulating. The signature of the circulator shall be given the same effect as that of any qualified signer. (EC 100, 106)

A voter who is unable to personally affix on a petition the information required may request another person to print the voter's name and place of residence on the appropriate spaces of the petition, but the voter shall personally affix his or her mark or signature on the appropriate space of the petition, which shall be witnessed by one person by subscribing his or her name thereon. (EC 100.5)

When to File the Petition

Signatures will be secured and the petition shall be presented to the Elections Department for filing within 180 days from the date of receipt of the title and summary, or after termination of any action for a writ of mandate, pursuant to §9106 and, if applicable, after receipt of an amended title or summary, or both, whichever occurs later. (EC 9110)

Filing the Petition

The petition shall be filed by the proponents, or by any person or persons authorized in writing by the proponents. All sections of the petition shall be filed at one time. Any sections of the petition not so filed shall be void for all purposes. Once filed, no petition section shall be amended except by order of a court of competent jurisdiction. When the petition is filed, the Election Department shall determine the total number of signatures affixed to the petition. If, from this examination, the Election Department determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, the Elections Department shall examine the petition in accordance with §9114 or §9115. If, from this examination, the Election Department determines that the number of signatures, prima facie, does not equal or exceed the minimum number of signatures required, no further action shall be taken. (EC 9113)

Examination of Signatures

Unless a random sampling technique is used as provided in §9115, within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, the Elections Department shall examine the petition, and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. A certificate showing the results of this examination shall be attached to the petition.

The Elections Department will notify the proponents of the petition as to the sufficiency or insufficiency of the petition. If the petition is found insufficient, no further action will be taken. However, the failure to secure sufficient signatures will not preclude the filing of a new petition on the same subject, at a later date.

If the petition is found sufficient, the Elections Department will certify the results of the examination to the Board of Supervisors at the next regular meeting of the board. (EC9114)

Pursuant to §9114, if the petition contains more than 500 signatures, the Elections Department may use a random sampling technique for verification of signatures. The random sampling shall include an examination of at least 500, or 3 percent of the signatures, whichever is greater. (EC 9115)

Disposition of Sufficient Petition

If the initiative petition is signed by voters not less in number than 20 percent of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election preceding the publication of the notice of intention to circulate an initiative petition, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the Board of Supervisors shall do one of the following:

- a) Adopt the ordinance without alteration either at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
- b) Immediately call a special election pursuant to subdivision (a) of §1405, at which the ordinance, without alteration, shall be submitted to a vote of the voters of the county.
- c) Order a report pursuant to §9111 at the regular meeting at which the certification of the petition is presented. When the report is presented to the Board of Supervisors, it shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b). EC 9116

If the initiative petition is signed by voters not less in number than 10 percent of the entire vote cast in the county for all candidates for Governor at the last gubernatorial election preceding the publication of the notice of intention to circulate an initiative petition, the Board of Supervisors shall do one of the following:

- a) 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.
- b) Submit the ordinance, without alteration, to the voters pursuant to subdivision (b) of §1405, unless the ordinance petitioned for is required to be, or for some reason is, submitted to the voters at a special election pursuant to subdivision (a) of §1405.
- c) Order a report pursuant to §9111 at the regular meeting at which the certification of the petition is presented. When the report is presented to the Board of Supervisors, it shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b). EC 9118

● **Requirements for Ordinance to Become Effective**

If a majority of the voters 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)

● **Conflicting Ordinances**

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)

● **Repeal of Ordinance**

No ordinance proposed by initiative petition and adopted either by the Board of Supervisors without submission to the voters or adopted by the voters shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance. In all other respects, an ordinance proposed by initiative petition and adopted shall have the same force and effect as any ordinance adopted by the Board of Supervisors. (EC 9125)

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IF THE INITIATIVE GOES TO ELECTION

● CALENDAR

The Elections Department will develop a calendar for the election, including dates when arguments, rebuttals, and campaign statements need to be filed.

● ARGUMENTS & OTHER TEXT

Obtain a copy of the "Guide to Writing Arguments, Rebuttals, and Analyses for County Measures," prepared by the Elections Department. This guide provides deadlines and outlines procedures for filing arguments, rebuttals, and analyses for county measures.

Article 3 (commencing with §9160) shall govern the procedures for submitting arguments for county initiatives. §9120

● ENACTING CLAUSE

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

"The people of the County of Shasta ordain as follows." §9124

● ASSIGNING A LETTER

Letters designating measures will be assigned by the Elections Department pursuant to Elections Code §13116. Measures will be assigned in alphabetical order beginning with the letter following the last letter assigned in the previous election and continuing through Z, or as close to the end of the alphabet as possible to accommodate all measures filed for the current election. For example, if the previous election ended with measure V, and five measures are on the next ballot, the measures will be assigned A, B, C, D, E rather than W, X, Y, Z, A.

For districts that overlap into other counties, the counties will mutually agree, when possible, to use a letter designation for the measure that will not conflict or confuse the voter.

Measures will appear on the ballot in the following order: Schools, County, Cities, Districts. §13109

● **BOARD ACTION**

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. §10400, 10401

The resolution will include the 75-word ballot question that is printed on the ballot.

● **BALLOT QUESTION**

The statement of all measures submitted to the voters shall be abbreviated on the ballot. The statement shall contain not more than 75 words of each measure to be voted on, followed by the words "Yes" and "No" §13247

● **FORM OF BALLOT QUESTION**

The ballots used when voting upon a proposed county, city or district ordinance as an initiative measure, shall have printed on them the words "Shall the ordinance (stating the nature thereof) be adopted?" Opposite the statement of the ordinance to be voted on, and to its right, the words "Yes" and "No" shall be printed on separate lines, with voting squares. A yes vote is in favor of the adoption of the ordinance; a no vote shall be counted against its adoption. §13119

● **ANALYSES**

The county counsel shall prepare a 500-word or less impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure.

The county auditor may prepare a fiscal analysis of the affect on county revenues or expenditures. §9160

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SAMPLE CALENDAR

The following provides an example of the amount of time and deadlines associated with proposing a county initiative. E = Election Day, followed by the number of days prior to or following the election day when the various steps should be taken. Law mandates some deadlines; others are suggested time frames in order to provide the maximum amount of time to circulate petitions. All codes refer to the Elections Code unless otherwise stated.

E- 342	County Clerk receives Notice of Intent (includes name/s of proponent/s, written text of the initiative and a request that a ballot title and summary be prepared). (§9103, 9104)
E- 342	County Clerk delivers Notice of Intent to County Counsel. (§9105a)
E- 327	Within 15 days, County Counsel delivers Title and Summary to County Clerk who then delivers the Title and Summary to Proponents (§9105a) Proponents shall, prior to circulation of the petition, publish the Notice of Intent with Title and Summary and file proof of publication with the clerk. (§9105b)
E-148	Proponents submit petition with signatures within 180 days after proponents receive Title and Summary from County Clerk. (§9110)
E-105	County Clerk certifies results to Board of Supervisors within 30 days of receipt of petition, excluding Saturdays, Sundays & holidays. (§9114, 9115)
E-98	Last day Board can consolidate a measure with a regular election. While §10403 says E-88, we need more time in order to meet our printing schedule.
E-96	Clerk to publish once the deadline for submitting arguments. (§9163 & Gov. Code §6061)
E-88	Last day to submit direct arguments. (§9163) This is the last day for Board of Supervisors to direct County Auditor to write an analysis of a county measure. (§9160)
E-78	Last day to submit rebuttal arguments. (§9167) Last day for County Counsel (and County Auditor, if previously directed) to submit impartial analysis. (§9160)
E-77 to E-68	10-day public inspection of arguments/analyses. (§9190)
E-67	Finalize materials for printer.
E-40 to E-21	Mailing of sample ballots. (§13303, 13304)
E-36	Receive materials from printer (suggested date)
E-29	Absentee period begins. (§3001, 3003).
E-15	Close of Voter Registration (§2102, 2107)
E-7	Last day to request an absentee ballot by mail. (§3001)
E	ELECTION DAY (§1000)
E+1 to E+28	Official Canvass

CAMPAIGN DISCLOSURE REQUIREMENTS

● Political Reform Act

Proponents of initiative or referendum petitions may have campaign disclosure requirements under the Political Reform Act. (Government Code §81000 et seq.)

● If You Plan to Raise or Spend Money

► **First:** Obtain a copy of Campaign Disclosure Manual 3 – Information for committees primarily formed to support or oppose a Ballot Measure. (May 2006)

Link: <http://www.fppc.ca.gov/manuals/manual3.pdf>

You may also request a copy from the Fair Political Practices Commission by calling 1-866-275-3772 or from your local filing officer, Shasta County Clerk, at (530) 225-5730 or 1-888-560-8683.

► **Second:** File a Form 410 – Statement of Organization – with the Secretary of State Political Reform Division and your local filing officer. Campaign Disclosure Forms are available online at www.fppc.ca.gov or by calling your local filing officer at (530) 255-5730 or the Fair Political Practices Commission at 1-866-275-3772. Any person who receives contributions totaling \$1,000 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 and your local filing officer.

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. Link: <http://www.fppc.ca.gov/forms/1-05forms/410.pdf>

► **Third:** Once qualified, be prepared to file Form 460 (long form) or Form 450 (short form), quarterly, and Pre-Election and Semi-Annual Statements. Refer to the FPPC's website for filing deadlines and specific details regarding campaign disclosure filing requirements for local ballot measure committees.

Elections Department staff can also provide you with a filing schedule. For technical advice on completing the forms, call the Fair Political Practices Commission toll free number 1-866-275-3772 or visit their website at www.fppc.ca.gov

► **Fourth:** File a Form 410 termination with the Secretary of State Political Reform Division to terminate the committee upon completion of your initiative efforts. You must also file a Form 410 termination **and** a Form 460 or Form 450 termination with your local filing officer to terminate the committee upon completion of your initiative efforts.

Form 450: <http://www.fppc.ca.gov/forms/1-05forms/450.pdf>

Form 460: <http://www.fppc.ca.gov/forms/1-05forms/460.pdf>

MASS MAILING REQUIREMENTS

(GOVERNMENT CODE SECTIONS 82041.5, 82048.3, 84305, AND 89001)

Anyone planning any type of mass mailing needs to contact the post office for the most current and specific postal regulations. Additional information on mass mailing may be found in your campaign disclosure manual.

82041.5 MASS MAILING. Mass Mailing: Over two hundred substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry.

82048.3 SLATE MAILER; DEFINITION. Slate Mailer: A mass mailing that supports or opposes a total of four or more candidates or ballot measures.

If you have any questions regarding slate mailer organizations (Gov. Code Secs. 82048.4 & 84305.5), please contact the Shasta County Elections Department or the Fair Political Practices Commission at their toll free number 1-866-ASK-FPPC or visit their website at <http://www.fppc.ca.gov>.

84305. REQUIREMENTS FOR MASS MAILING.

(a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be warily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

89001. NEWSLETTERS OR MASS MAILING. No newsletter or other mass mailing shall be sent at public expense.

Facts About Mass Mailing

Mass mailings are more than 200 substantially similar pieces of mail sent by an officeholder, candidate or committee in a calendar month. The sender of a mass mailing is the candidate or committee who pays for the largest portion of the mailing.

EXAMPLE

The ABC Homeowner's Association paid \$500 for a mailer supporting I.M. Winner, a school board candidate. The mailing was sent at the behest of Mr. Winner, and he paid \$200 for the postage to send the mailer. Since the ABC Homeowner's Association was not an existing committee, nor did it qualify as a committee when it sent the mailer, Mr. Winner must be identified as the sender of the mass mailing.

IDENTIFICATION REQUIREMENTS

The sender must be identified on the outside of the mailing in the following manner:

Name

Address

City

At least six point type

Contrasting color or print style

Name of controlling candidate, if applicable

P.O. Box may be used if street address is listed on the committee's Form 410 filed with the Secretary of State

NOTE: If two or more officeholders, candidates or committees pay an equal share of the cost of a mailing, it must identify at least one on the outside of the mailing and all must be identified on the inside.

EXCEPTIONS

The following information is not required to be included in the sender ID:

- Committee's identification number
- Name of treasurer or printer
- The words "paid for by"

Identification is not required under the Political Reform Act on these campaign items:

- Newspaper, television, or radio ads
- Campaign materials that are not sent through the mail such as handbills, bumper stickers, and door hangers

The FPPC does not regulate the content of mailings (i.e. false or misleading statements).

MASS MAILINGS AT PUBLIC EXPENSE

Certain newsletters and other mass mailings may not be sent at public expense by or on behalf of an elected officeholder.

Contact the FPPC for a fact sheet entitled "Mass Mailings at Public Expense" for more information.

The information discussed above is required under state law. Candidates and committees active in local elections should contact the local elections offices for information concerning local rules.

COUNTY REFERENDA

Please see the County Initiatives section of this booklet for further information on petition format and other procedural processes.

● **Submission by Board of Supervisors**

The Board of Supervisors may submit to the voters, without a petition, an ordinance for the repeal, amendment, or enactment of any ordinance. The ordinance shall be voted upon at any succeeding regular or special election and, if it receives a majority of the votes cast, the ordinance shall be repealed, amended, or enacted accordingly. (EC 9140)

● **Petition Protesting Adoption of an Ordinance**

If a petition protesting the adoption of an ordinance is presented to the Board of Supervisors prior to the effective date of the ordinance, the ordinance shall be suspended and the Supervisors shall reconsider the ordinance. The petition shall be signed by voters of the county equal in number to at least 10 percent of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election. (EC 9144)

● **Form of Petition**

The heading of a proposed referendum measure shall be in substantially the following form:

Referendum Against an Ordinance Passed by the Board of Supervisors

Each section of the referendum petition shall contain the title and text of the ordinance or the portion of the ordinance that is the subject of the referendum. (EC 9147)

The provisions of the Elections Code relating to the form of petitions, the duties of the Elections Department, and the manner of holding elections, when an ordinance is proposed by initiative petition, govern the procedure on ordinances against which a protest is filed. (EC 9146)

● **Protest of Ordinance Submitted to Voters**

If the Board of Supervisors does not entirely repeal the ordinance against which a petition is filed, the Board shall submit the ordinance to the voters either at the next regularly scheduled county election occurring not less than 88 days after the date of the order, or at a special election called for that purpose not less than 88 days after the date of the order. The ordinance shall not become effective unless and until a majority of the voters voting on the ordinance vote in favor of it. (EC 9145)