

**PROCEDURES
FOR COUNTY, MUNICIPAL AND DISTRICT
INITIATIVES AND REFERENDA**



PREPARED BY

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REGISTRAR OF VOTERS**

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READ THIS FIRST

Any person or group desiring to start and circulate an initiative petition is strongly advised to contact private legal counsel to guide and advise them through the many steps involved in the petition process. The Solano County Registrar of Voters cannot give legal advice or interpret law. The following information is intended as only an introduction to the initiative process. While we believe it faithfully restates the Elections Code, it is not intended for use in lieu of legal counsel and should not be relied on in place of the actual law. Note that County measures do not necessarily have any legal effect on cities but city residents are able to vote on countywide measures. While the process for city initiatives is similar, readers are advised to talk directly with the city clerk for information regarding city initiatives.

Initiative proponents and/or their legal counsel should be familiar with the County or City Codes to fit their ordinance in the proper place and conform to County or City law and conventions.

Elections staff are more than happy to work with initiative proponents on the initiative process, timelines, and petition format. We cannot help proponents with the content of proposed ordinance or the theory and practice of initiative petition drives. (Note: The state Constitution prohibits initiatives from embracing more than one subject (Art. II, § 8(d)) and the court has held the same is true for local initiatives (*Pala Band of Mission Indians v. Board of Supervisors* (1997) 54 Cal.App4th 565). Contact your legal counsel to determine whether your measure involves more than one subject.)

There are costs involved in an initiative petition, from the filing fee to legal notice costs to getting the petitions printed. It is in everyone's best interests to be prepared and have everything correct before moving on to the next step.

All references are to the California Elections Code (e.g., § 9101) unless otherwise noted. The following link will take you to the state's online edition of the Elections Code. The initiative process begins with Section 9000; county initiatives begin with Section 9100, city initiatives begin with Section 9200, district initiatives begin with Section 9300.

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=elec&codebody=&hits=20>

The Elections Code is a stickler on format and type size. The body type for this document is Times Roman 12 point. **This is Times Roman 12 point bold.** This is Times Roman 8 point. This is Arial 8 point (a sans serif typeface). This is Arial 12 point.

COUNTY INITIATIVE

Initiative: a procedure enabling a specified number of voters by petition to propose a law and secure its submission to the electorate or to the governing board for approval.

1. **File Notice of Intention**

Before circulating any initiative petition in a county, the proponents shall file with the Registrar of Voters a Notice of Intention. The notice shall include the names and business or residence addresses of at least one but not more than five proponents and shall be accompanied by the written text of the initiative 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 Solano for the purpose of _____.
A statement of the reasons of the proposed action as contemplated in the petition is as follows: *(optional statement)*”

The Notice of Intention may include a printed statement, not to exceed 500 words in length, stating the reasons for the proposed petition. §§ 9103(a), 9104

2. **Deposit of Fee**

Any person filing a notice of intention with the Registrar of Voters Office shall pay a fee of two hundred dollars (\$200.00) to be refunded to the filer if, within one year of the date of filing the notice of intention, the Registrar of Voters certifies the sufficiency of the petition. § 9103(b))

3. **County Counsel Prepares Title and Summary**

Upon filing, the Registrar of Voters shall transmit a copy of the proposed measure to County Counsel. Within 15 days County Counsel prepares the ballot title and summary not to exceed 500 words (unless otherwise stated, “days” refers to working or business days). The Registrar of Voters furnishes a copy of the ballot title and summary to the proponents. § 9105(a)(b)

4. **Publish Notice of Intent and Ballot Title and Summary** *(Before proponents can circulate petition)*

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 in Solano County. § 9105(b)

5. **File Publication Affidavit**

Prior to circulation, the proponents shall file the proof of publication with the Registrar of Voters. § 9105(b)

6. **Title and Summary Writ of Mandate**

Any elector of the county may seek a writ of mandate requiring the ballot title or summary to be amended. The court shall expedite hearing on the writ. § 9106

7. **Petition Preparation**

The 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.) § 9105(c)

8. **Form of 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 and the name of the incorporated city or unincorporated community.

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

format shall be substantially in the following form and shall contain the notice to the public in 12 pt type, prior to that portion of the petition for voter’s signatures: §§ 100, 101, 9020

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

REGISTERED VOTERS ONLY

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		

Each section of the petition shall bear a copy of the notice of intention, and the title and summary prepared by the county counsel. §§ 9105, 9109

9. Declaration of Circulator

Whenever any petition is submitted to the elections official, each section of the petition shall have attached to it a declaration signed by the circulator of the petition, in the circulator’s own handwriting. A sample declaration is shown below:

DECLARATION OF CIRCULATOR

(To be completed in circulator's own handwriting after above signatures have been obtained.)

I, _____, am registered to vote or am qualified to register to vote in the
(Print Name)
 County of _____. 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 the 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 _____, California.
(Date) (Place of Signing)

(Signature of Circulator)

Dates of circulation, printed name and residence address must be in circulator's own handwriting. §§ 104, 9109

10. Who May Circulate the Petition

A person who is a voter or who is qualified to register to vote in the county may circulate an initiative or referendum petition anywhere within the county. § 9021

11. 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 county counsel. § 9108

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 county elections official to the Board of Supervisors. § 9111

The Registrar of Voters shall ascertain the number of signatures required to sign the petition by obtaining the number of votes cast within the county for all candidates for Governor at the last gubernatorial election preceding the publication of the notice of intention. § 9107

12. Who May Sign the Petition

Each section of the petition shall 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. § 100

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. § 100.5

13. **When to File the Petition**

Signatures shall be secured and the petition shall be presented to the Registrar of Voters Office 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 and, if applicable, after receipt of an amended title or summary or both, whichever occurs later. § 9110

14. **Filing of 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.

When the petition is filed, the Registrar of Voters shall determine the total number of signatures affixed to the petition. If from this examination, the county elections official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, the county elections official shall examine the petition in accordance with § 9114 or § 9115.

(If the signatures, prima facie, do not equal or exceed the minimum number of signatures required, no further action shall be taken § 9113)

15. **Examination of Signatures**

a) Unless a random sampling technique is used, as provided in § 9309, within 30 days from the date of filing of the petition (excluding Saturdays, Sundays and holidays) the elections official shall examine the petition, and from the records of registration ascertain whether the petition is signed by the requisite number of voters. § 9308

b) If the petition is signed by more than 500 signatures the elections official may use the random sampling technique for verification of signatures. A random sampling shall include an examination of at least 500 or 3 percent of the signatures, whichever is greater. § 9309

c) The elections official shall notify the proponents as to the sufficiency or insufficiency of the petition.

d) If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the filing of a new petition on the same subject at a later date. §§ 9308(d), 9309(e)

e) If the petition is found sufficient, the elections official shall certify the results of the examination to the board of supervisors at the next regular meeting of the board. §§ 9115, 9115(b)

16. **Sufficient Signatures; Adopt Ordinance or Order Election**

1. 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). § 9116

2. 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). § 9118

17. **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. § 9122

18. **Conflicting Ordinances**

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

19. **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. § 9125

MUNICIPAL INITIATIVES

Any proposed ordinance may be submitted to the legislative body of the city by a petition filed with the city clerk, in the manner hereinafter prescribed, after being signed by not less than the number of voters specified in this article. The petition may be in separate sections, providing that the petition complies with §§ 9200-9226. The first page of each section shall contain the title of the petition and the text of the measure. The petition sections shall be designated in the manner set forth in § 9020. § 9201

1. **File Notice of Intention**

Before circulating an initiative petition in any city, the proponents of the matter shall file with the city elections official a notice of intention to do so, which shall be accompanied by the written text of the initiative and may be accompanied by a written statement not in excess of 500 words, setting forth the reasons for the proposed petition. The notice shall be signed by at least one, but not more than three, proponents and shall be in substantially the following form:

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition with the City of _____ for the purpose of _____. A statement of the reasons of the proposed action as contemplated in the petition is as follows: *(The Notice of Intention may include a printed statement, not to exceed 500 words in length, stating the reasons for the proposed petition.)* §9202

2. **Deposit of Fees**

Any person filing a notice of intent with the city clerk shall pay a fee, to be established by the city council, not to exceed two hundred dollars (\$200.00) to be refunded to the filer if, within one year of the date of filing the notice of intention, the city elections official certifies the sufficiency of the petition. § 9202(b)

3. **City Attorney Prepares Ballot Title and Summary**

Upon filing, the city clerk shall transmit a copy of the proposed measure to the city attorney. Within 15 days after the proposed measure is filed, the city attorney prepares and returns to the city clerk the ballot title and summary of the proposed measure not to exceed 500 words. The city clerk shall furnish a copy of the ballot title and summary to the person filing the proposed measure. §9203

4. **Publish Notice of Intention and Ballot Title and Summary** (*Before proponents can circulate petition*)

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, in the county. §§ 9205, 9207

5. **File Publication Affidavit**

Within 10 days after the date of publication, of the notice of intention and title and summary, the proponents shall file with the city clerk a copy of the notice and title and summary as published, with an affidavit made by a representative of the newspaper in which the notice was published. § 9206

6. **Title and Summary Writ of Mandate**

Any elector of the city may seek a writ of mandate requiring the ballot title or summary prepared by the city attorney to be amended. The court shall expedite hearing on the writ. § 9204

7. **Petition Preparation**

The person proposing the measure shall, prior to its circulation, place 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 prepared by the city attorney. 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 city attorney 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 city attorney. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.) § 9203(b)

8. **Form of Petition**

Notwithstanding any other provision of law, whenever any initiative or referendum is required to be signed by the voters of any city subject to petitioning, only a person who is an eligible registered voter in the city 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 and the name of the incorporated city.

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. 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 number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures. The petition format shall be substantially in the following form and shall contain the notice to the public in 12 point type, prior to that portion of the petition for voter’s signatures: §§ 100, 101, 9020

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

REGISTERED VOTERS ONLY				This Column for Official Use Only
1.	Print Your Name	Residence Address Only		
	Sign as Registered to Vote	City, State	Zip	
2.	Print Your Name	Residence Address Only		
	Sign as Registered to Vote	City, State	Zip	
3.	Print Your Name	Residence Address Only		
	Sign as Registered to Vote	City, State	Zip	
4.	Print Your Name	Residence Address Only		
	Sign as Registered to Vote	City, State	Zip	
5.	Print Your Name	Residence Address Only		
	Sign as Registered to Vote	City, State	Zip	
6.	Print Your Name	Residence Address Only		
	Sign as Registered to Vote	City, State		

Each section of the petition shall bear a copy of the notice of intention, and the title and summary prepared by the city attorney. § 9207

9. **Declaration of Circulator**

Each section shall have attached to it a declaration signed by the circulator of the petition, in the circulator’s own handwriting. The declaration shall be substantially in the same form as set forth in § 9204. A sample declaration is shown below:

DECLARATION OF CIRCULATOR

(To be completed after above signatures have been obtained in circulator's own handwriting)

I, _____, am registered to vote or am qualified to register to vote in the City of _____
(Print Name)
 in _____ County. 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 the 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 _____, California.
(Date) (Place of Signing)

(Signature of Circulator)

Dates of circulation, printed name and residence address must be in the circulator's own handwriting. §§104, 9209

10. Who May Circulate the Petition

A person who is a voter or who is qualified to register as a voter of the city may circulate petitions. § 9209

11. When to Circulate the Petition

The proponents may commence to circulate the petitions among the voters of the city for signatures by any registered voter of the city after publication of the title and summary prepared by the city attorney. Each section shall bear a copy of the notice of intention and the title and summary prepared by the city attorney. §§ 9207, 9208

During the circulation of the petition, or before taking action as described in §9214(a) and (b) or §9215, the city council may refer the proposed initiative measure to any city agency or agencies for a report on its fiscal impact and any other effects or impacts as referred to in §9212. The report shall be presented to the city council no later than 30 days after the elections official certifies to the city council the sufficiency of the petition. §9212

12. Who May Sign the Petition

Only eligible registered voters of the city at the time of signing the petition are entitled to sign it. § 100

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. § 100.5

13. **When to File the Petition**

The petition, together with all sections of the petition, shall be filed 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 §9204, and if applicable, after receipt of an amended title or summary or both, whichever occurs later. § 9208

14. **Filing of 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. Once filed, no petition section shall be amended except by order of a court of competent jurisdiction.

When the petition is presented for filing, the elections official shall do all of the following:

- a) Ascertain the number of registered voters of the city last reported by the Registrar of Voters to the Secretary of State effective at the time the notice of intention was published.
- b) Determine the total number of signatures affixed to the petition. If, from this examination, the elections official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, he or she shall accept the petition for filing. The petition shall be deemed as filed on that date. Any petition not accepted for filing shall be returned to the proponents. § 9210

15. **Examination of Signatures**

After the petition has been filed, the elections official has 30 days, excluding Saturdays, Sundays and holidays, to examine the petition in the same manner as are county petitions (see Chapter I-County Initiatives #15), except that references to the board of supervisors shall be treated as references to the governing board of the city. § 9211

17. **Sufficient Signatures; Adopt Ordinance or Order Election**

1. If the initiative petition is signed by not less than 15 percent of the voters of the city according to the last report of registration by the county elections official to the Secretary of State, effective at the time the notice of intention was published, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the city council shall do one of the following:

- a) Adopt the ordinance at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.

- b) Immediately order a special election, to be held not less than 88 not more than 103 days after the date of the order of election, at which the ordinance, without alteration, shall be submitted to the voters of the city. § 1405(a)
- c) Order a report (fiscal impact and any other effects or impacts as referred to in §9212 that the initiative will have on the city) at the next regular meeting at which the certification is presented. When the report is presented to the city council, the city council shall either adopt the ordinance within 10 days or order an election pursuant to (b) above. §§1405(a), 9212, 9214

2. If the initiative petition is signed by not less than 10 percent of the voters of the city, according to the last report of registration by the Registrar of Voters, effective at the time the notice of intention was published, the city council shall do one of the following:

- a) Adopt the ordinance 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 to the voters at the city’s next regular election occurring not less than 88 days after the date of the order of election, unless the ordinance petitioned for is required to be, or for some reason is, submitted to the voters at a special election.
- c) Order a report (fiscal impact and any other effects or impacts as referred to in §9212 that the initiative will have on the city) at the next regular meeting at which the certification is presented. When the report is presented to the city council, the city council shall either adopt the ordinance within 10 days or order an election pursuant to (b) above. §§1405(a)(b), 9215

17. **Mayor May Veto**

In cities having a mayor, or like officer, with the veto power, when the passage of an ordinance petition for by the voters is vetoed, the failure of the city council to pass the ordinance over the veto shall be deemed a refusal of the city council to pass the ordinance within the meaning of this article. § 9216

18. **Valid Ordinance if Majority**

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 city. The ordinance shall be considered as adopted upon the date that the vote is declared by the city council and shall go into effect 10 days after that date. No ordinance that is either proposed by initiative petition and adopted by the vote of the city council of the city 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. § 9217

19. **More Than One Ordinance at Same Election**

Any number of proposed ordinances may be voted upon at the same election, but the same subject matter shall not be voted upon twice within any 12 month period at a special election under the provisions of this article. § 9218

DISTRICT INITIATIVES

1. **Overview**

In addition to any other method provided by law, ordinances may be enacted by any district pursuant to this article, except that this article shall not apply to irrigation districts, to a district formed under a law that does not provide a procedure for elections, to a district formed under a law which does not provide for action by ordinance, to 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 to a district in which the directors are empowered to cast more than one vote per director when acting on any matter. § 9300

2. **Definitions**

“District,” for the purposes of initiative and referendum (commencing with § 9300), includes any regional agency that has the power to tax, to regulate land use, or to condemn and purchase land. § 317

“District elections official,” for the purposes of initiative and referendum, (commencing with § 9300), includes the county elections official, or other officer or board charged with performing the duties required of the clerk of the district by that chapter. § 308

3. **Publish of Notice of Intention**

Before circulating an initiative petition in any district, the proponents of that measure shall publish a notice of intention. The notice shall be accompanied by a printed statement stating the reasons for the proposed petition. The printed statement shall not exceed 500 words. The notice shall be signed by at least one, but not more than five proponents, and shall be in substantially the following form: § 9302

Notice of Intention to Circulate Petition

Notice is hereby given the intention of the persons whose names appear hereon of their intention to circulate the petition within the _____ district for the purpose of _____. A statement of the reasons for the proposed action as contemplated in the petition is as follows: *(Here set forth a not more than 500 word statement)*

The notice of intention and statement shall be published at least once in a newspaper of general circulation within the district. § 9303

4. **File Publication Affidavit**

Within 10 days after the date of publication of the notice of intention and statement, the proponents shall file with the district elections official a copy of the notice and statement, with

an affidavit made by a representative of the newspaper in which the notice was published. § 9304

5. **Form of Petition**

For petition format, refer to Chapter I – County Initiatives, #8.

Each section of the petition shall bear a copy of the notice of intention, and the statement of the reasons for the proposed action. §§ 100, 9020, 9305

6. **Affidavit of Circulator**

Each section of the petition shall have attached to it a declaration signed by the circulator of the petition, in the circulator's own handwriting. See Chapter I – County Initiatives, #9 for a sample declaration.

The declaration shall be substantially in the same form as shown, except that the affidavit shall declare that the circulator is a voter or is qualified to register to vote in the district. §§ 104, 9022, 9307

7. **When to Circulate the Petition**

The proponents may commence to circulate the petition among the voters of the district after the publication of the notice of intention and statement. § 9305

8. **Who May Sign the Petition**

The petition may be signed by any person who is a registered voter in the district. The petition may be circulated by anyone who is registered to vote or is eligible to register to vote in the district. § 9305

9. **When to File Petition**

All sections of the petition shall be filed at one time within 180 days from the date of publication of the notice of intention and statement. § 9306

10. **Examination of Signatures**

a) Unless a random sampling technique is used, as provided in § 9309, within 30 days from the date of filing of the petition (excluding Saturdays, Sundays and holidays) the district elections official shall examine the petition, and from the records of registration ascertain whether the petition is signed by the requisite number of voters. § 9308

b) If the petition is signed by more than 500 signatures the district elections official may use the random sampling technique for verification of signatures. A random sampling shall

include an examination of at least 500 or 3 percent of the signatures, whichever is greater. § 9309

- c) The district elections official shall notify the proponents as to the sufficiency or insufficiency of the petition.
- d) If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the filing of a new petition on the same subject at a later date. §§ 9308(d), 9309(e)
- e) If the petition is found sufficient, the district elections official shall certify the results of the examination to the governing board of the district at the next regular meeting of the board. §§ 9308(e), 9309(f)

11. **Ordinance Submitted at Next Statewide Election**

If the initiative petition is signed by not less than 10 percent of the voters in the district, where the total number of registered voters is less than 500,000, or not less than 5 percent 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: § 9310

- 1. Adopt the ordinance, without alteration, either at the regular meeting at which certification of the petition is presented, or within 10 days after it is presented. § 9310(a)(1)
- 2. Immediately order that the ordinance be submitted to the voters without alteration, at an election held not less than 88 nor more than 103 days after the date of the order of the election. § 1405(a)

The number of registered voters referred to above shall be calculated as of the last report of registration by the Registrar of Voters to the Secretary of State made prior to publication of the notice of intention. § 9310(b)

12. **Ordinance Submitted at Next Regular or Statewide Election**

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

- 1. 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. § 9311(a)
- 2. Submit the ordinance to the voters, without alteration, at the jurisdiction’s next regular election occurring not less than 88 days after the order of election. §§ 1405(b), 9311

REFERENDA

A referendum is the submission of an ordinance, proposed or already in effect, to direct a vote of the people. By using referendum powers, the legislated board of a jurisdiction may ask registered voters to decide on the enactment, repeal, or amendment of any ordinance. Additionally, voters may independently circulate a petition protesting the adoption of an ordinance and request that the issue be put up for a popular vote.

COUNTY REFERENDA

1. **Board of Supervisors May Submit Ordinance**

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. § 9140

2. **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. § 9144

3. **Form of Petition**

The provisions of the Elections Code relating to the form of petition, the duties of the county elections official, 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. § 9146

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 which is the subject of the referendum. § 9147

4. **Protest of Ordinance Submitted to the Voters**

If the Board of Supervisors does not entirely repeal the ordinance 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. § 9145

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

MUNICIPAL REFERENDA

1. **Date Ordinance Becomes Effective**

No Ordinance shall become effective until 30 days from and after the date of its final passage, except:

- a) An ordinance calling or otherwise relating to an election.
- b) An ordinance for the immediate preservation of the public peace, health, or safety that contains a declaration of, and the facts constituting, its urgency and is passed by a four-fifths vote of the city council.
- c) Ordinances relating to street improvement proceedings.
- d) Other ordinance governed by particular provisions of state law prescribing the manner of the passage and adoption. § 9235

2. **Time Ordinance Becomes Effective When Subject to Referendum**

Notwithstanding Section 9235, ordinances authorizing the issuance of revenue bonds by a city as part of a joint powers entity pursuant to Section 6547 of the Government Code shall not take effect for 60 days.

The ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 10 percent of the entire vote cast within the boundaries of the city for all candidates for Governor at the last gubernatorial election. § 9236

3. **Petition to Reconsider Ordinance**

If a petition protesting the adoption of an ordinance, and circulated by a person who is a registered voter or who is qualified to be a registered voter of the city, is submitted to the city clerk in his or her office during normal office hours, as posted, within 30 days of the adoption of the ordinance, and is signed by not less than 10 percent of the voters of the city according to the Registrar of Voters' last official report of registration to the Secretary of State, the effective date of the ordinance shall be suspended and the legislative body shall reconsider the ordinance. § 9237

4. **Form of Petition**

The provisions of the Elections Code relating to the form of petitions, the duties of the county elections official, and the manner of holding elections shall govern the petition procedure and submission of the ordinance to the voters. § 9237.5

Across the top of each page of the referendum petition there shall be printed the following:

Referendum Against an Ordinance Passed by the City Council

Each section of the referendum petition shall contain (1) the identifying number or title, and (2) the text of the ordinance or the portion of the ordinance that is the subject of the referendum.

The petition sections shall be designated in the same form as specified in Elections Code § 9020. § 9238

5. **Affidavit of Circulator**

Each petition shall have attached to it a declaration of the person soliciting the signatures. The circulator shall be a voter or is qualified to register as a voter of the city. § 9238(c)

See Chapter II Municipal Initiatives, #9 for a sample declaration of circulator.

6. **Filing of Petition**

The petition, together with all sections of the petition, shall be filed with the city clerk within 30 days from the date of the adoption of the ordinance to which it relates. Petitions that are not filed within the time prescribed shall be void for all purposes. § 9242

7. **Examination of Signatures:**

After the petition has been filed, the elections official has 30 days (excluding Saturdays, Sundays and holidays), to examine the petition and certify the results in the same manner as are county petitions (*See County Initiatives, #15*), except that, for the purposes of this section, references to the board of supervisors shall be treated as references to the city council. §§ 9114, 9115, 9240

8. **Ordinance Submitted to the Voters**

If the legislative body does not entirely repeal the ordinance against which the petition is filed, the city council shall submit the ordinance to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the city council, or at a special election called for the purpose, not less than 88 days after the order of the city council.

The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it.

If the council repeals the ordinance, or the ordinance is disapproved by the voters, the ordinance shall not again be enacted for a period of one year. § 9241

NOTE: Please see Chapter II Municipal Initiatives section of this booklet for further information on petition format and other procedural processes.

DISTRICT REFERENDA

1. **Submission by Governing Board**

The governing board of any district that is a local public entity as defined by Government Code § 900.4 and to which section 9300 applies may refer legislative questions to the voters of the district in the same manner as the Board of Supervisors may refer county questions pursuant to § 9140. § 9342 (*See the County Referenda section of this booklet*)

2. **Petition Protesting Adoption**

The voters of any district that is a local public entity as defined by Government Code § 9300, and to which § 9300 applies, shall have the right to petition for referendum on legislative acts of the district in the same manner and subject to the same rules as are set forth in §§ 9141 through 9146 (County Referenda), except that all computations referred to in those sections and officers of the county mentioned in those sections shall be construed to refer to comparable computations and officers of the district. § 9340

3. **Form of Petition**

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

4. **Protest of Ordinance Submitted to Voters**

If the governing body does not entirely repeal the legislative act against which a petition is filed, the governing body shall submit the act to the voters either at the next regularly scheduled county election, occurring not less than 88 days after the date of order or at a special election called for that purpose, not less than 88 days after the date of the order. The act shall not become effective unless and until a majority of the voters voting on the act vote in favor of it. §§ 9145, 9340

NOTE; Please see the *District Initiatives* section of this booklet for further information on petition format and other procedural processes.

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.

Manuals and forms can be ordered by calling the Fair Political Practices Commission toll free 1-866-275-3772 or by calling your local filing official at 707-784-6675. All forms and manuals may also be obtained by visiting the Fair Political Practices Commission’s website at www.fppc.ca.gov

If You Plan to Raise or Spend Money

First Obtain a copy of “Campaign Disclosure Manual 3 for Committees Primarily Formed to Support or Oppose a Ballot Measure”

Second File a Form 410 – Statement of Organization. A person or group must file a statement of organization (Form 410) within 10 calendar days receiving contributions of \$1,000 or more in a calendar year.

A Form 410 may be filed earlier to obtain an identification number which must be included on all campaign disclosure statements.

Third Once qualified, be prepared to file Form 460 (long form) or Form 450 (short form) Pre-election statements and Semi-Annual statements for your committee according to the filing schedule of the Fair Political Practices Commission.

Elections Department staff will provide you with a schedule of specified filing deadlines prior to and following the election. For technical advice on completing the forms, call the Fair Political Practices Commission toll free at 1-866-275-3772 or visit their website at www.fppc.ca.gov.

Fourth File a Form 410 termination to terminate the committee upon completion of your initiative efforts. File the original and a copy with the Secretary of State and a copy with your local filing official

MASS MAILING REQUIREMENTS

- a. Except as provided in subdivision (b), no committee shall send a mass mailing unless the name, street address, and city of the 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 easily 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 committee, the name, street address, and city of the 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). §16, Government Code §84305

NOTE: *Before planning any type of mass mailing contact the post office for the most current and specific postal regulations*

SUMMARY OF SIGNATURE REQUIREMENTS

County Initiative

Special Election: Not less than 20 percent of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election and providing the petition contains a request for a special election. §9116

Next Regular Election: Not less than 10 percent of the entire vote cast in the county for all candidates for Governor at the last gubernatorial election. §9118

Municipal Initiative

Special Election: Not less than 15 percent of the voters of the city according to the last report of registration and providing the petition contains a request for a special election. § 9214

Next Regular Municipal Election: Not less than 10 percent of the voters of the city, according to the last report of registration. § 9215

District Initiative

Special Election: Not less than 10 percent of the voters in the district according to the last report of registration and providing the petition contains a request for a special election. § 9310

Next Regular Election: Not less than 10 percent of the voters in the district according to the last report of registration. § 9311

County Referenda

Not less than 10 percent of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election. § 9144

Municipal Referenda

Not less than 10% of the voters of the city according to the last report of registration to the Secretary of State. § 9237

Note: A Bond referenda requires at least 10 percent of the entire vote cast within the city for all candidates for Governor at the last gubernatorial election. §9236

District Referenda

Not less than 10 percent of the entire vote cast within the district for all candidates for Governor at the last gubernatorial election. § 9341

HYPOTHETICAL CALENDER OF EVENTS County Initiative

* These dates are approximate. Actual dates will depend on the timing of the proponents completing filings and publication, completion of the Title and Summary prepared by the County Counsel, and the number of days proponents take to circulate the petition.

<u>DAYS BEFORE ELECTION</u>	<u>ACTIVITY</u>
*347	<p>Proponents file with the Registrar of Voters the following:</p> <ul style="list-style-type: none"> a) Notice of Intention b) Statement of Reasons, not exceeding 500 words. (This statement is permissive, not mandatory, except for districts.) c) Text of proposed initiative. d) Request for a Ballot Title and Summary. e) Their names and addresses. (§ <input type="checkbox"/>9104)
*347-332	County Counsel to prepare Ballot Title and Summary. (§ 9105)
*332-325	Proponents publish Notice of Intention, and the Title and Summary as prepared by the County Counsel, and file Proof of Publication with the Solano County Registrar of Voters. (§ 9105b)
*324	<p>Proponents may commence to circulate the petitions after publication of the Notice of Intention and the Title and Summary. (§ 9108)</p> <p>During the circulation of the petition, or before adopting the ordinance or calling an election, the Board of Supervisors may refer the proposed initiative measure to any County agency or agencies for a report on any or all of the following:</p> <ul style="list-style-type: none"> a) Its fiscal impact. b) Its effect on the internal consistency of the County’s general and specific plans including the housing element, the consistency between planning and zoning, the limitations on County actions under Section 65008 of the Government Code, and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915 of Division 1 of Title 7 of the Government Code). c) Any other matters the Board of Supervisors request to be in the report. The report shall be presented to the Board within the time prescribed

by the Board, but no later than 30 days after the county elections official certifies the sufficiency of the petition. (§ 9111)

- 144 Last day to file petitions in time to qualify for the next regular election. (§ 9110)
- 102 Last day for Registrar of Voters to verify signatures. (§ 9114, 9115)
- 99 Last day to receive report if ordered by the Board of Supervisors pursuant to Section 9111.
- 88 Last day Board of Supervisors to either adopt the ordinance or call election. (§§ 9116, 9117, 9118)
- 84 Last day to file arguments. (§ 91163)
- 74 Last day to file rebuttal arguments. (§ 91167)
- 74 Last day for County Counsel to prepare an Impartial Analysis. (§ 91160)
- 74 Last day for County Auditor to prepare Fiscal Impact Statement. (§ 91160)
- 0 Election Day.