

PLACER COUNTY ELECTIONS OFFICE

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DISTRICT INITIATIVES

A GUIDE TO PLACING A DISTRICT
INITIATIVE ON THE BALLOT



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DISTRICT INITIATIVES

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LEGAL DISCLAIMER

This guide was developed in an effort to provide answers to questions frequently asked to the Placer County Elections Office concerning district initiatives. It is for general information only and does not have the force and effect of law, regulation, or rule. In case of conflict, the law, regulation, or rule will apply. Persons using this guide must bear full responsibility to make their own determinations as to all legal standards and duties. For information on city initiatives, please contact your City Clerk.

DISTRICTS EXCEPTED

The initiative process does not apply to:

- irrigation districts,
- a district formed under a law that does not provide a procedure for elections,
- a district formed under a law which does not provide for action by ordinance,
- a district governed by an election procedure that permits voters, in electing the district's directors or trustees, to cast more than one vote per voter, or
- a district in which the directors are empowered to cast more than one vote per director when acting on any matter. (E.C. 9300)

A LOOK AT THE PROCESS

Notice of Intention

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

The Notice shall be in substantially the following form:

Notice of Intention to Circulate Petition

Notice is hereby given of the intention 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: (E.C. 9302)

Publishing the Notice of Intention

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

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

File Proof of Publication

Within 10 days after the date of publication or posting, or both, of the notice of intention and statement of the reasons for the proposed petition, the proponents shall file with the district elections official a copy of the notice and statement as published or posted, or both, together with the written text of the initiative and an affidavit made by a representative of the newspaper in which the notice was published or, if the notice was posted, by a voter of the district certifying to the fact of publication or posting. (E.C. 9304)

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

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

(Signature of Proponent) _____

Dated this ____ day of _____, 20___. (E.C. 9608)

Circulation

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

Time Limits for Signatures

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

Examination of Signatures

Within 30 days from the date of filing of the petition, excluding weekends and holidays, the Elections Office shall examine and verify the signatures on the petition. The Elections Office shall attach to the petition a certificate showing the result of this examination and shall notify the proponents of either the sufficiency or insufficiency of the petition.

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

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

Qualification of the Petition

For Special District Elections

If the initiative petition is signed by voters not less in number than ten percent (10%) of voters in the district, if the total number of registered voters is less than 500,000, or not less in number than 5 percent (5%) of the voters in the district, if the total number of registered voters is 500,000 or more, the district shall do either of the following:

- 1) Adopt the ordinance, without alteration, at the regular meeting or within 10 days after it is presented.
- 2) Submit the ordinance, without alteration, to the voters pursuant to Section 1405.

For Regularly Scheduled Elections

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

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

Enactment of Ordinance

Ordinances are passed with a majority vote of the voters (50% plus 1) and shall be considered adopted upon the date the vote is declared by the district board. The ordinance shall go into effect 10 days after that date. (E.C. 9320)

SAMPLE TIMELINE

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

0	Proponent publishes the notice of intention and statement in a newspaper of general circulation. This is done before the petition is circulated.
10 days from publication	Proponent files copy of notice of intention and statement as published accompanied by proof of publication with the district elections official.
180 days from publication	Proponent circulates the petition after the notice has been published. (The petition is filed with the district elections official.)
30 days	The Elections Office examines the signatures on the petition. The district elections official notifies the proponent as to the sufficiency or insufficiency of the petition.
At the next regular board meeting	<p>If the petition is found sufficient, the district elections official certifies the results of the examination of the petition signatures at the district's board meeting.</p> <p>The district board may:</p> <ol style="list-style-type: none"> 1. Adopt the ordinance without alteration at the regular meeting or within 10 days after it is presented, or 2. Call an election pursuant to Section 1405 of the Elections Code.
88 days or more after the Board meeting	The election date is determined by the presence of a request for a special election and the provisions of E.C. 1405. A district may call a special election for the purpose of submitting an initiative measure to the voters before the date on which the initiative measure would appear on the ballot pursuant to subdivision (a). If the governing body calls a special election pursuant to this subdivision, the election shall be held not less than 88 days nor more than 103 days after the order of the election.

WHAT HAPPENS NEXT

Insufficient Petitions

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

Sufficient Petitions That Go to Election

Election Order

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

Form a Ballot Question

When the initiative is placed on the ballot, the questions shall be worded, “Shall the ordinance (stating the nature thereof) be adopted?” Below the ballot question, the words “Yes” and “No” shall be printed. A “Yes” vote is in favor of the adoption of the ordinance and a “No” vote shall be counted against its adoption. (E.C. 13119)

Assigning a Measure Letter

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

Calendar

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

Multiple Measures

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

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

Passage of a Measure

If a majority of voters (50% plus 1) voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the district. The ordinance shall be considered as adopted upon the date the vote is declared by the district board, and shall go into effect 10 days after that date. (E.C. 9320)

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.

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

§ 101 Petition notice to the public

Notwithstanding any other 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.

§9022 Declaration of Circulator.

(a) Each section shall have attached thereto the declaration of the person soliciting the signatures setting forth the information required by Section 104.

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

state the date and the place of execution on the declaration immediately preceding his or her signature.

Another declaration thereto may not be required.

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

§9301 Submission of proposed ordinance by petition.

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

§ 9305 Circulation of Petition

After filing a copy of the notice of intention, statement of the reasons for the proposed petition, written text of the initiative, and affidavit of publication or posting with the district elections official pursuant to Section 9304, the petition may be circulated among the voters of the district for signatures by any person who meets the requirements of Section 102. Each section of the petition shall bear a copy of the notice of intention and statement.

§ 9307 Affidavit of Circulator Attached To Each Section replace

Each section of the petition shall have attached thereto the affidavit of the person soliciting the signatures. This affidavit shall be substantially in the same form as set forth in Section 9022.

HOW TO RAISE OR SPEND MONEY:

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

FIRST

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