

Date Printed: 06/16/2009

JTS Box Number: IFES_75
Tab Number: 23
Document Title: Procedures for County, Municipal, and
District Initiatives and Referenda
Document Date: Jul-96
Document Country: United States --
California
Document Language: English
IFES ID: CE02051



* B D 9 5 0 0 F 8 - A F C 5 - 4 3 C 7 - 8 5 0 6 - A 4 5 6 D 3 7 D 2 2 5 1 *

Procedures
for
County, Municipal, and District
Initiatives and Referenda

County of Sacramento
Voter Registration and Elections
July 1996

TABLE OF CONTENTS

PREFACE	iii
INITIATIVES	1
COUNTY INITIATIVES	1
A. ORDINANCES	1
1. NOTICE OF INTENTION	1
2. DEPOSIT OF FEES	1
3. BALLOT TITLE AND SUMMARY	2
4. PUBLICATION OF THE NOTICE OF INTENTION ..	2
5. PETITION PREPARATION	2
6. FORM OF THE PETITION	3
7. WHO MAY CIRCULATE THE PETITION	4
8. DECLARATION OF CIRCULATOR	4
9. WHEN TO CIRCULATE THE PETITION	4
10. WHO MAY SIGN THE PETITION	5
11. WHEN TO FILE THE PETITION	5
12. FILING THE PETITION	5
13. EXAMINATION OF SIGNATURES	5
14. DISPOSITION OF SUFFICIENT PETITION	6
B. AMENDMENT AND REPEAL OF THE COUNTY CHARTER	7
1. METHODS	7
2. SUBMISSION TO VOTERS AND ALTERNATE PROPOSALS	7
3. RATIFICATION	8
MUNICIPAL INITIATIVES	9
1. NOTICE OF INTENTION	9
2. DEPOSIT OF FEES	9
3. BALLOT TITLE AND SUMMARY	9
4. PETITION PREPARATION	10
5. FORM OF THE PETITION	10
6. PUBLICATION OR POSTING OF NOTICE	11
7. WHEN PETITION MAY BE CIRCULATED	12
8. SECURING SIGNATURES	12
9. DECLARATION OF CIRCULATOR	12
10. FILING OF PETITION	13
11. EXAMINATION OF SIGNATURES	13
12. DISPOSITION OF PETITION	14

DISTRICT INITIATIVES	15
1. IN GENERAL	15
2. DEFINITIONS	15
3. SUBMISSION OF PROPOSED ORDINANCE BY PETITION	15
4. FORM OF PETITION	16
5. DECLARATION OF CIRCULATOR	16
6. PUBLICATION OF NOTICE OF INTENTION	17
7. FILING OF NOTICE AND STATEMENT	18
8. CIRCULATION OF PETITION	18
9. FILING OF PETITION	18
10. EXAMINATION OF SIGNATURES	18
11. DISPOSITION OF PETITION	19
 REFERENDA	 21
COUNTY REFERENDA	21
1. SUBMISSION BY BOARD OF SUPERVISORS	21
2. PETITION PROTESTING ADOPTION	21
3. PROTEST OF ORDINANCE SUBMITTED TO VOTERS ...	21
4. FORM OF PETITION	22
MUNICIPAL REFERENDA	23
1. PETITION TO RECONSIDER ORDINANCE	23
2. FORM OF PETITION	23
3. DECLARATION OF CIRCULATOR	24
4. PETITION FILING AND EXAMINATION OF SIGNATURES	25
5. ORDINANCE SUBMITTED TO VOTERS	26
DISTRICT REFERENDA	27
1. SUBMISSION BY GOVERNING BOARD	27
2. PETITION PROTESTING ADOPTION	27
3. PROTEST OF ORDINANCE SUBMITTED TO VOTERS ...	27
4. FORM OF PETITION	27
 APPENDIX	 28
County Initiative Process	29
Municipal Initiative	30
District Initiative Process	31
County Referenda Process	32
Municipal Referenda Process	33
District Referenda Process	34

PREFACE

This booklet is a summary of the procedures for preparing and qualifying county, city, and special district initiatives and referenda. *This booklet contains 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. Anyone contemplating a new ordinance, or rescision of an old one, through petition or contemplating petitioning for a referendum on legislative acts should consult an attorney and confer with the staff at Sacramento County Voter Registration and Elections.

NOTE: All references in this text refer to the California Elections Code unless otherwise indicated.

INITIATIVES

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 (sponsors) have successfully met a series of deadlines.

COUNTY INITIATIVES

A. ORDINANCES

1. NOTICE OF INTENTION

Prior to the preparation or circulation of any initiative petition, the proponents shall file with the Registrar of Voters a notice of intention to do so. The notice shall include the printed name, signature, and business or residence addresses of at least one but not more than five proponents of the petition. It shall also be accompanied by the written text of the initiative and a request that a ballot title and summary be prepared. The notice of intention may also include a printed statement, not exceeding 500 words in length, stating the reasons for the proposed petition. The notice shall be in substantially the following form: (§§311, 9103, 9104)

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 Sacramento for the purpose of _____

A statement of the reasons of the proposed action as contemplated in the petition is as follows: (*optional statement*).

2. DEPOSIT OF FEES

Any persons indicating their intent to circulate an initiative petition in Sacramento County are required to pay a \$200.00 deposit, established by the Board of Supervisors, at the time the notice of intention is submitted to the Registrar of Voters.

This fee is 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)

3. **BALLOT TITLE AND SUMMARY**

After receipt of a notice of intention to circulate an initiative petition and the \$200.00 deposit, the Registrar of Voters will immediately transmit a copy of the proposed measure to County Counsel. Within 15 days after the proposed measure is filed, County Counsel shall provide and return to the Registrar of Voters 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, 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. (§9105)

4. **PUBLICATION OF THE NOTICE OF INTENTION**

After receipt from County Counsel, the Registrar of Voters shall immediately furnish a copy of the ballot title and summary to the proponents of the proposed measure. Prior to the circulation of the petition, the proponents shall publish the notice of intention and the ballot title and summary in a newspaper of general circulation published in Sacramento County. Proof of publication must be filed with the Registrar of Voters. (§9105)

5. **PETITION PREPARATION (§§101, 9105)**

Initiative proponents are responsible for the preparation and printing of petitions. The ballot title and summary prepared by County Counsel shall appear upon each section of the petition above the text of the proposed measure and across the top of each page on which signatures are to appear. It shall be in 12-point or larger roman boldface type. The ballot title and summary shall be clearly separated from the text of the measure.

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 County Counsel. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear).*

Following the ballot title and summary, place the complete text of the proposed measure and the statement of the reasons of the proposed action as contemplated in the petition (if the statement was submitted).

Immediately preceding the portion of the petition where voters are to sign, a notice in 12-point type must appear containing this statement:

“NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.” (§101)

6. FORM OF THE PETITION (§§100, 9108)

State law specifies the format for petitions. The Registrar of Voters will not accept petitions which do not conform to the law. The petition may be circulated by several people, each carrying separate, identical parts of the petition called “sections.” Each petition section shall be designed so that each signer can, as required by law, personally affix his or her:

- a. signature;
- b. printed name; and
- c. residence address, giving street and number. If no street or number exists, then adequate designation of the residence must be given so that the location may be readily determined.

A space at least one inch wide shall be left blank across the top of each page and after each name for the use of the Registrar of Voters in verifying the petition or paper. The part of the petition for the voters’ signatures shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. The petition format shall be substantially in the following form: (§100)

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

Each section of the petition shall bear a full and correct copy of the printed notice of intention to circulate and the title and summary prepared by County Counsel. (§9108)

7. WHO MAY CIRCULATE THE PETITION

Only a person who is qualified registered voter at the time of signing the petition is entitled to circulate the petition. (§102)

8. DECLARATION OF CIRCULATOR (§§104, 9109)

a. 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; and
- 3) the dates between which all the signatures on that section were obtained.

b. Each declaration submitted shall also set forth the following:

- 1) that the circulator circulated that section and saw the appended signatures being written; and
- 2) that according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.

c. The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury, with the signature of his or her name at length, including given name, middle name or initial. The circulator shall state the date and the place of execution on the declaration immediately following his or her signature.

9. WHEN TO CIRCULATE THE PETITION

The proponents may circulate the petition for signatures of registered voters of Sacramento County after publication of the title and summary prepared by County Counsel. (§9108) Each section of the petition shall bear a copy of the notice of intention, and the title and summary prepared by County Council.

10. WHO MAY SIGN THE PETITION

Only a person who is a qualified registered voter in Sacramento County at the time of signing may sign a petition being circulated in Sacramento County. The person circulating the petition may also sign it. The signature of the circulator shall be given the same effect as that of any other qualified signer. (§§100, 106, 9020)

11. WHEN TO FILE THE PETITION

The petition shall be presented to the Registrar of Voters 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 and summary, whichever occurs later. (§9110)

12. FILING THE PETITION

The petition shall be filed by the proponents or by any person authorized in writing by the proponents. All sections of the petition must be filed at one time at Voter Registration and Elections. At the time of filing, the Registrar of Voters will determine the total number of signatures on the petition. Any section of the petition not filed at that time will be void for all purposes. If the petition contains the required number of signatures, the Registrar of Voters shall examine the petition. If the Registrar of Voters determines the petition does not contain the required number of signatures, no further action shall be taken. (§9113)

13. EXAMINATION OF SIGNATURES

The Registrar of Voters has 30 days from the date of filing the petition, excluding Saturdays, Sundays, and holidays, to determine whether the required number of voters has signed the petition and to certify the results. If the petition is found to be insufficient, the Registrar of Voters will notify the proponents and no further action will be taken. If the petition is found to be sufficient, the Registrar of Voters will notify proponents and certify the results to the Board of Supervisors at their next regular meeting. (§9114)

However, pursuant to §9115, if the petition contains more than 500 signatures, the Registrar of Voters may randomly sample 3 percent or 500 signatures for verification, whichever is greater.

14. DISPOSITION OF SUFFICIENT PETITION

- a. If the initiative petition is signed by voters not less in number than 20 percent of the entire vote cast within Sacramento County for all candidates for Governor at the last gubernatorial election preceding the publication of the notice of intention to circulate the 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 either: (§9116)
- 1) Pass the ordinance without alteration either at the regular meeting at which it is presented or within 10 days after it is presented.
 - 2) Immediately call a special election at which the ordinance, without alteration, shall be submitted to a vote of the voters of the county.
 - 3) Order a report on the proposed ordinance pursuant to §9111 at the regular meeting at which the ordinance is presented. When the report is presented to the Board of Supervisors, the Board shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b).
- b. If the initiative petition is signed by voters not less in number than 10 percent of the entire vote cast in Sacramento County for all candidates for Governor at the last gubernatorial election preceding the publication of the notice of intention, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the voters at a special election, and is not passed without change by the Board of Supervisors, the ordinance, without alteration, shall be submitted by the board to the voters at the next statewide election occurring not less than 88 days after the date of the order, or after the Board of Supervisors is presented with a report prepared pursuant to §9111. (§9118)
- c. When it is legally possible for the Board of Supervisors to call a special election within six months prior to a regular election, the Board may submit the proposed ordinance at that regular election instead of at a special election. Otherwise, the Board shall call a special election to be held not less than 88 nor more than 103 days after presentation of the proposed ordinance. Only one special election to vote on initiatives may be called in a six-month period. (§9117)

B. AMENDMENT AND REPEAL OF THE COUNTY CHARTER

1. METHODS

- a. The Sacramento County charter may be amended by proposals submitted by the Board of Supervisors or by a petition. A petition, if submitted, must be signed by 10 percent of the qualified electors of the county, based upon the total number of votes cast in the county for all candidates for Governor at the last general election at which a Governor was elected. The petition shall be filed in the office of the Registrar of Voters for Sacramento County. The proposed amendments must be set forth in full in such petition. **(Government Code, §23720(a))**
- b. The Sacramento County charter may be repealed by proposals submitted by the Board of Supervisors or by a petition. A petition, if submitted, must be signed by 10 percent of the qualified electors of the county based upon the total number of votes cast in the county for all candidates for Governor at the last general election at which a Governor was elected. Such petition shall be filed in the office of the Registrar of Voters for Sacramento County. **(Government Code, §23720(b))**
- c. Petitions to propose, amend, or repeal a county charter shall be subject to the provisions of Article 1 (commencing with §9100) of Chapter 2 of Division 9 of the Elections Code. **(Government Code §§23702, 23720(c), Elections Code §9102)**

NOTE: *Please see County Initiatives - Ordinances Section of this booklet for guidelines governing petitions for amending or repealing the Sacramento County Charter.*

2. SUBMISSION TO VOTERS AND ALTERNATE PROPOSALS

Upon presentation of the petition certified to be sufficient, or upon its own submission of a proposal to amend or repeal the county charter, the Board of Supervisors shall submit the proposed amendment or amendments, or the question of repeal of the charter, to the eligible registered voters of Sacramento County at a special election. The election is to be held on the next established election date not less than 88 days after the presentation of the petition. In submitting the question of a charter amendment or repeal, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others.

A copy of any proposed amendment shall be made available to any voter upon request. The impartial analysis prepared by the County Counsel pursuant to §9160 of the Elections Code shall include a statement notifying voters that they may call the Registrar of Voter's office and request that a copy of the proposed amendment or amendments to the charter be mailed to them at no cost.

(Government Code §23722)

3. RATIFICATION

If a majority of electors voting at a general or special election vote in favor of the proposed amendment or amendments, or the charter repeal, the amendment or amendments or charter repeal shall be deemed to be ratified but shall not take effect until accepted and filed by the Secretary of State. **(Government Code §23723)**

MUNICIPAL INITIATIVES

1. NOTICE OF INTENTION

Prior to the preparation or circulation of any initiative petitioning the city, the proponents shall file with the city clerk a notice of intention to do so. The notice shall be accompanied by the written text of the initiative and may be accompanied by a statement, not exceeding 500 words in length, stating 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: (§§311, 9202)

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 City of _____
for the purpose of _____.

A statement of the reasons of the proposed action as contemplated in the petition is as follows:

2. DEPOSIT OF FEES

Any persons filing a notice of intent with the city clerk are required to pay a fee established by the city council not to exceed \$200.00. This fee is refunded to the filer if, within one year of the date of filing the notice of intention, the city clerk certifies the sufficiency of the petition. (§9202)

3. BALLOT TITLE AND SUMMARY

Any person who is interested in proposing a measure shall file a copy of the measure with the city clerk with a request that a ballot title and summary be prepared. This request shall be accompanied by the address of the person proposing the measure. The clerk shall immediately transmit a copy of the measure to the city attorney. Within 15 days after the proposed measure is filed, the city attorney shall provide and return to the city clerk a ballot title for and summary of 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 city attorney 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. The clerk shall furnish a copy of the ballot title and summary to the person filing the proposed measure. (§9203)

4. **PETITION PREPARATION (§§101, 9203)**

The person proposing the measure shall, prior to circulating the petition, 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 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.)

Immediately preceding the portion of the petition where voters are to sign, a notice in 12-point type must appear containing this statement:

“NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.” (§101)

5. **FORM OF THE PETITION (§100)**

State law specifies the format for petitions. The Registrar of Voters will not accept petitions which do not conform to the law. The petition may be circulated by several people, each carrying separate, identical parts of the petition called “sections.” Each petition section shall be designed so that each signer can, as required by law, personally affix his or her:

- a. signature;
- b. printed name; and
- c. residence address, giving street and number. If no street or number exists, then adequate designation of the residence must be given so that the location may be readily determined.

A space at least one inch wide shall be left blank across the top of each page and after each name for the use of the Registrar of Voters in verifying the petition or paper. The part of the petition for the voters’ signatures shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. The petition format shall be substantially in the following form: **(§100)**

Official
Use Only

1.	(Print Name) _____ (Signature) _____	(Residence Address Only) _____ (City) _____	
2.	(Print Name) _____ (Signature) _____	(Residence Address Only) _____ (City) _____	

6. PUBLICATION OR POSTING OF NOTICE

- a. A notice of intention and the title and summary of the proposed measure shall be published or posted or both as follows: (§9205)
- 1) If there is a newspaper of general circulation, as described in §6000 of the Government Code, the notice, title, and summary shall be published therein at least once.
 - 2) If the petition is to be circulated in a city in which there is no newspaper of general circulation, the notice, title, and summary shall be published at least once in a newspaper of general circulation in the county in which the city is located and circuited within the city. Further, the notice, title, and summary shall be posted in three (3) public places within the city. These public places shall be those utilized for the purpose of posting ordinances as required in §36933 of the Government Code.
 - 3) If the petition is to be circulated in a city in which there is no newspaper of general circulation, and there is no newspaper of general circulation as such within the county circulated within the city, then the notice, title, and summary shall be posted in three (3) public places within the city. These public places shall be those utilized for the purpose of posting ordinances as required in §36933 of the Government Code.
- b. Within 10 days after the date of publication or posting, or both, of the notice of intention and title and summary, the proponents shall file a copy of the notice, title, and summary as published or posted together with 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 city certifying to the fact of posting. (§9206)

If the notice and title and summary are both published and posted pursuant to §9205(b), the proponents shall file affidavits as required by this section made by a representative of the newspaper in which the notice was published certifying to the fact that the notice was published and by a voter of the city certifying to the fact that the notice was posted. (§9206)

These affidavits together with a copy of the notice of intention, title, and summary, shall be filed with the City Clerk.

7. **WHEN PETITION MAY BE CIRCULATED**

The proponents may commence to circulate the petitions among the voters of the city for signatures by any registered voter of the city after the publication or posting, or both, of the title and summary prepared by the city attorney. 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)

8. **SECURING SIGNATURES**

Signatures upon petitions and sections of petitions shall be secured, and the petition, together with all sections of the petition, shall be filed within 180 dys 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. Petitions and sections thereof shall be filed in the office of the city clerk during normal office hours. If the petitions are not filed within the time permitted by this section, the petitions shall be void for all purposes. (§9208)

9. **DECLARATION OF CIRCULATOR (§§104, 9209)**

a. 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; and
- 3) the dates between which all the signatures on that section were obtained.

- b. Each declaration submitted shall also set forth the following:
 - 1) that the circulator circulated that section and saw the appended signatures being written; and
 - 2) that according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
- c. The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury, with the signature of his or her name at length, including given name, middle name or initial. The circulator shall state the date and the place of execution on the declaration immediately following his or her signature.

10. **FILING OF PETITION (§9210)**

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 city clerk shall do the following:

- a. ascertain the number of registered voters of the city last reported by the Registrar of Voters to the Secretary of State 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 city clerk determines that the number of signatures equals or is in excess of the minimum number required, the city clerk 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.

11. **EXAMINATION OF SIGNATURES (§9211)**

The city clerk has 30 days from the date of filing the petition, excluding Saturdays, Sundays, and holidays, to determine whether the required number of voters has signed the petition and to certify the results. If the petition is found to be insufficient, the city clerk will notify the proponents and no further actions will be taken. If the petition is found to be sufficient, the city clerk will notify proponents and certify the results to the city council at their next regular meeting.

However, if the petition contains more than 500 signatures, the city clerk may randomly sample 3 percent or 500 signatures for verification, whichever is greater.

12. DISPOSITION OF PETITION

- a. 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 Registrar of Voters to the Secretary of State at the time the notice of intention was published or posted, or in a city with 1,000 or fewer registered voters the signatures of 25 percent of the voters or 100 voters of the city, whichever is the lesser number, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the legislative body shall either: (§9214)
 - 1) introduce the ordinance without alteration at the regular meeting at which it is presented and adopt the ordinance within 10 days after it is presented;
 - 2) immediately order a special election, to be held not less than 88 days nor more than 103 days after the date of the order, at which the ordinance, without alteration, shall be submitted to a vote of the voters of the city; or
 - 3) order a report pursuant to §9212 at the regular meeting at which the ordinance is presented. When the report is presented to the city council, the council shall either adopt the ordinance within 10 days or order a special election.

- b. 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 to the Secretary of State at the time the notice of intention was published or posted, or in a city with 1,000 or fewer registered voters by the signatures of 25 percent of the voters or 100 voters of the city, whichever is the lesser number, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the voters at a special election, and is not passed without change by the city council, then the ordinance, without alteration, shall be submitted by the city council to the voters at the next regular municipal election occurring not less than 88 days after the order of the legislative body, or after the legislative body is presented with a report pursuant to §9212. (§9215)

DISTRICT INITIATIVES

1. IN GENERAL

In addition to any other method provided by law, ordinances may be enacted by any district pursuant to Division 9, Chapter 4, Article 1, of the Elections Code. However, the provisions of that article do not apply to irrigation districts, to a district formed under a law which 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 which 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)

Initiatives powers for county water districts, county drainage districts, and community services districts are to be exercised in accordance with the procedure established by law for the exercise of those powers in relation to counties (**Water Code §§30830, 56042; Government Code §61450**). Consult the "County Initiatives" section in this booklet when considering an initiative proposal for these types of districts.

2. DEFINITIONS

District: For the purposes of district initiatives, "district" includes any regional agency which has the power to tax, regulate land use, or to condemn and purchase land. (§317)

Clerk: For the purposes of district initiatives, "clerk of the district" includes the county clerk or other officer or board charged with performing the duties required of the clerk of the district by the Elections Code governing district election. (§308)

3. 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 clerk of the district. (§9301)

4. FORM OF PETITION (§§100, 9020, 9022, 9301)

The petition shall be designed so that each signer shall personally affix his or her:

- a. signatures;
- b. printed name;
- c. residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained; and
- d. name of incorporated city or unincorporated community.

A space at least one inch wide shall be left blank across the top of each page and after each name for the use of the clerk of the district in verifying the petition or paper. The part of the petition for the voters' signatures shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. The petition format shall be substantially in the following form:

			Official Use Only
1.	(Print Name) <hr/> (Signature) <hr/>	(Residence Address Only) <hr/> (City) <hr/>	
2.	(Print Name) <hr/> Signature) <hr/>	(Residence Address Only) <hr/> (City) <hr/>	

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.” (§101)

5. DECLARATION OF CIRCULATOR (§§104, 9022, 9301, 9305)

- a. 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; and
 - 3) the dates between which all the signatures on that section were obtained.
- b. Each declaration submitted shall also set forth the following:
- 1) that the circulator is a registered voter of the district;
 - 2) that the circulator circulated that section and saw the appended signatures being written; and
 - 3) that according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
- c. The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury, with the signature of his or her name at length, including given name, middle name or initial. The circulator shall state the date and the place of execution on the declaration immediately following his or her signature.

6. PUBLICATION 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 substantially in the following form: (§9302)

“Notice of Intention to Circulate Initiative Petition

Notice is hereby given of the intention of the persons whose names appear heron of their intention to circulate the petition within the _
 _____ district for the purpose of _____. A
 statement of the reasons for the proposed actions as contemplated is
 as follows:”

The notice of intention and statement shall be published or posted, or both, as follows:
 (§9303)

- a. If there is a newspaper of general circulation within the district, the notice and statement shall be published therein at least once.

- b. If the petition is to be circulated in a district in which 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. Additionally, the notice and statement must be posted in three public places within the district.

7. FILING OF NOTICE AND STATEMENT

Within 10 days after the date of publication or posting, or both, of the notice of intention and statement, the proponents shall file a copy of the notice and statement as published or posted, or both, together with an affidavit made by a representative of the newspaper in which the notice was published. If the notice was posted, an affidavit made by a voter of the district certifying to the fact of posting must be included. The affidavit and copies of the notice and statement shall be filed with the clerk of the district. (§9304)

8. CIRCULATION OF PETITION

After the publication or posting, or both, of the notice of intention and statement, the petition may be circulated among the voters of the district for signatures by any registered voter of the district. Each section of the petition shall bear a copy of the notice of intention and statement. (§9305)

9. FILING OF PETITION

Signatures upon petitions and sections thereof shall be secured, and the petition, together with all sections, shall be filed within 180 days from the date of publication or posting, or both, of the notice of intention and statement. If the petition and its sections are not filed within the time required, they will be void for all purposes. (§9306)

10. EXAMINATION OF SIGNATURES

- a. Unless a random sampling technique is used, within 30 days from the date of filing of the petition, excluding Saturdays, Sundays and holidays, the clerk of the district shall examine the petition, and form the records 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. (§9308)
- b. Within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if more than 500 signatures have been signed on the petition, the clerk of the district may use a random sampling technique for verification of signatures.

The random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the clerk of the district shall be given an equal opportunity to be included in the sample. The random sample shall include an examination of at least 500 or 3 percent of the signatures, whichever is greater. A certificate showing the results of this examination shall be attached to the petition. (§9309)

- c. If the petition is found insufficient, no action shall be taken on the petition. However, failure to secure sufficient signatures shall not preclude the filing of an entirely new petition to the same effect. (§§9309e, 5153.5)
- d. If the petition is found to be sufficient, the clerk of the district shall certify the results of the examination to the governing board of the district at the next regular meeting of the board. (§§9308, 9309)

11. DISPOSITION OF PETITION

- a. If the initiative petition is signed by voters not less in number than 10 percent of the voters in the district where the total number of registered voters is less than 500,000, or not less in number than 5 percent of the voters in the district where the total number of registered voters is 500,000 or more, and 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) pass the ordinance without alteration either at the regular meeting at which it is presented or within 10 days after it is presented.
 - 2) immediately order that the ordinance be submitted to the voters, without alteration, at the next statewide election or at the next regular election date, whichever comes first, provided that the election occurs not less than 88 days after the order of the district board.

Nothing shall prohibit the board from calling a special election which shall be held not less than 88 days nor more than 103 days after the date of the presentation of the proposed ordinance to the board. When it is legally possible to hold a special election within six months prior to a regular election, the board may submit the proposed ordinance at the regular election instead of at a special election. Not more than one special election may be held pursuant to this article during any period of six months. (§9310)

The number of registered voters for the purposes of district initiative elections shall be calculated as of the time of the last report of registration by the Registrar of Voters to the Secretary of State made prior to publication or posting of the notice of intention to circulate the initiative petition. (§9310)

- b. If the initiative petition does not request a special election and is not passed without change by the legislative body, then the ordinance, without alteration, shall be submitted by the board to the voters at the next regular local election for the district or statewide election, whichever comes first, provided that the election occurs not less than 88 days after the order of the district board. (**§9311**)

REFERENDA

A referendum is the submission of an ordinance, proposed or actual, to a direct popular vote. By using referendum powers, the legislative board of a jurisdiction (e.g., Board of Supervisors, city council) 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 requesting that the issue be put up for a popular vote.

COUNTY REFERENDA

1. 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. If it receives a majority of votes cast, the ordinance shall be repealed, amended, or enacted accordingly. (§9140)

2. PETITION PROTESTING ADOPTION

If a petition protesting against 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. 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, 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)

4. FORM OF PETITION

- a. The same provisions of the Elections Code which govern initiative petitions and the duties of the Registrar of Voters with respect to initiative petitions also govern referendum petitions and the duties of the Registrar of Voters with respect to the referendum petitions. (§9146)
- b. The heading of a proposed referendum measure shall be in substantially the following form: (§9147)

“Referendum Against an Ordinance Passed by the Board of Supervisors”

- c. 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)

MUNICIPAL REFERENDA

1. PETITION TO RECONSIDER ORDINANCE

If a petition protesting against the adoption of an ordinance and circulated by any qualified registered voter of the city is submitted to the clerk of the city council in his or her office during normal office hours within 30 days of the ordinance's adoption, the effective date of the ordinance shall be suspended and the city council shall reconsider the ordinance. The petition must be 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, or, in a city with 1,000 or less voters, is signed by not less than 25 percent of the voters or 100 voters of the city, whichever is the lesser. (§9237)

2. FORM OF PETITION

- a. Across the top of each page of the referendum petition the following shall be printed: (§9238)

"Referendum Against an Ordinance Passed by the City Council"

- b. Each section of the referendum petition shall contain: (§9238)
- 1) the identifying number or title; and
 - 2) the text of the ordinance or the portion of the ordinance which is the subject of the referendum.
- c. The petition shall be designed so that each signer shall personally affix his or her: (§§100, 9020, 9238)
- 1) signature;
 - 2) printed name;
 - 3) residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained; and
 - 4) name of incorporated city or unincorporated community.

A space at least one inch wide shall be left blank across the top of each page and after each name for the use of the clerk of the district in verifying the petition or paper. The part of the petition for the voters' signatures shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. The petition format shall be substantially in the following form: (§100)

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

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.” (§101)

3. DECLARATION OF CIRCULATOR (§§104, 9022, 9238)

- a. 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; and
 - 3) the dates between which all the signatures on that section were obtained.

- b. Each declaration submitted shall also set forth the following:
 - 1) that the circulator is a registered voter of the city;
 - 2) that the circulator circulated that section and saw the appended signatures being written; and
 - 3) that according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
- c. The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury, with the signature of his or her name at length, including given name, middle name or initial. The circulator shall state the date and the place of execution on the declaration immediately following his or her signature.

4. PETITION FILING AND EXAMINATION OF SIGNATURES

- a. Petitions shall be accepted for filing by the clerk and the determination of the number of signatures shall be made by the clerk. (§9239)

Signatures upon petitions, and sections thereof, shall be secured. The petition, together with all sections, shall be filed with the clerk within 30 days from the date of the adoption of the ordinance to which it relates. If such petitions are not filed within the time permitted, they will be void for all purposes. (§9242)
- b. 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. (§9210)
- c. When the petition is presented for filing, the city clerk shall do the following: (§9210)
 - 1) ascertain the number of registered voters of the city last reported by the Registrar of Voters to the Secretary of State.
 - 2) determine the total number of signatures affixed to the petition. If, from this examination, the city clerk determines that the number of signatures equals or is in excess of the minimum number required, the city clerk 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.

- d. The city clerk has 30 days from the date of filing the petition, excluding Saturdays, Sundays, and holidays, to determine whether the required number of voters has signed the petition and to certify the results. Pursuant to §9115, if the petition contains more than 500 signatures, the clerk may randomly sample 3 percent or 500 signatures for verification, whichever is greater. If the petition is found to be insufficient, the clerk will notify the proponents and no further action will be taken. If the petition is found to be sufficient, the clerk will notify proponents and certify the results to the city council at its next regular meeting. (§§9114, 9115, 9240)

5. ORDINANCE SUBMITTED TO 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 at either the next regular municipal election, or special election called for that purpose, not less than 88 days after the order of the city council. (§9241)

The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. If the city council repeals the ordinance or submits the ordinance to the voters and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the city council for a period of one year after the date of its repeal by the city council or disapproval by the voters. (§9241)

DISTRICT REFERENDA

1. SUBMISSION BY GOVERNING BOARD

The governing board may submit to the voters, without a petition, a legislative question. The question shall be voted upon at any succeeding regular or special election. (§9342)

2. PETITION PROTESTING ADOPTION

Voters of any district have the right to petition for a referendum on legislative acts. If a petition protesting against a legislative act presented to the governing board prior to the effective date of the act, the act shall be suspended and the board shall reconsider it. The petition shall be signed by voters of the district equal in number to at least 10 percent of the entire vote cast within the district for all candidates for Governor at the last gubernatorial election. (§§9144, 9340)

3. PROTEST OF ORDINANCE SUBMITTED TO VOTERS

If the governing board does not entirely repeal the legislative act against which a petition is filed, the board shall submit the act to the voters either at the next regularly scheduled district election, 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)

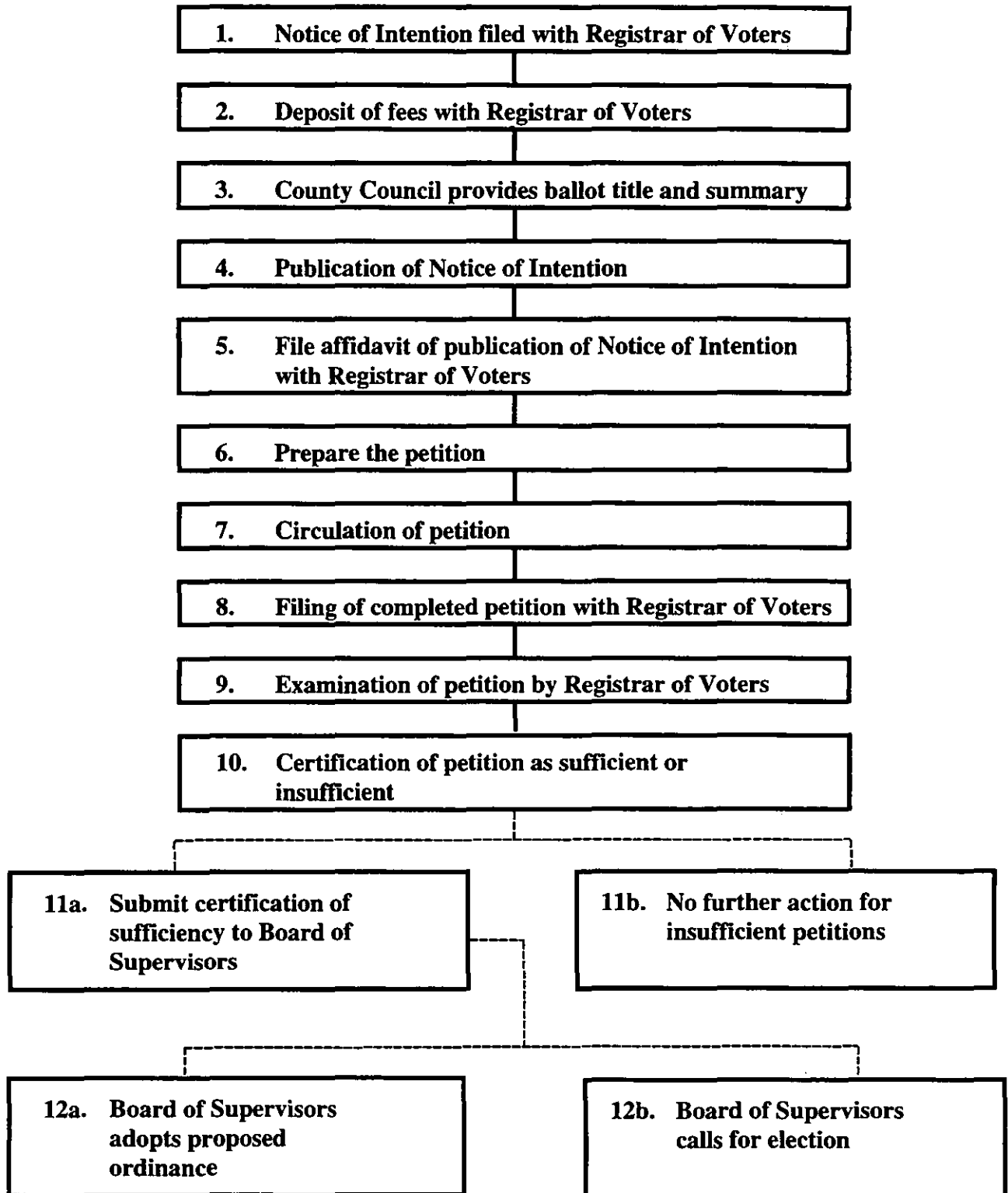
4. FORM OF PETITION

The same provisions of the Elections Code which govern initiative petitions and the duties of the clerk with respect to initiative petitions also govern referendum petitions and the duties of the clerk with respect to referendum petitions. (§§9146, 9340)

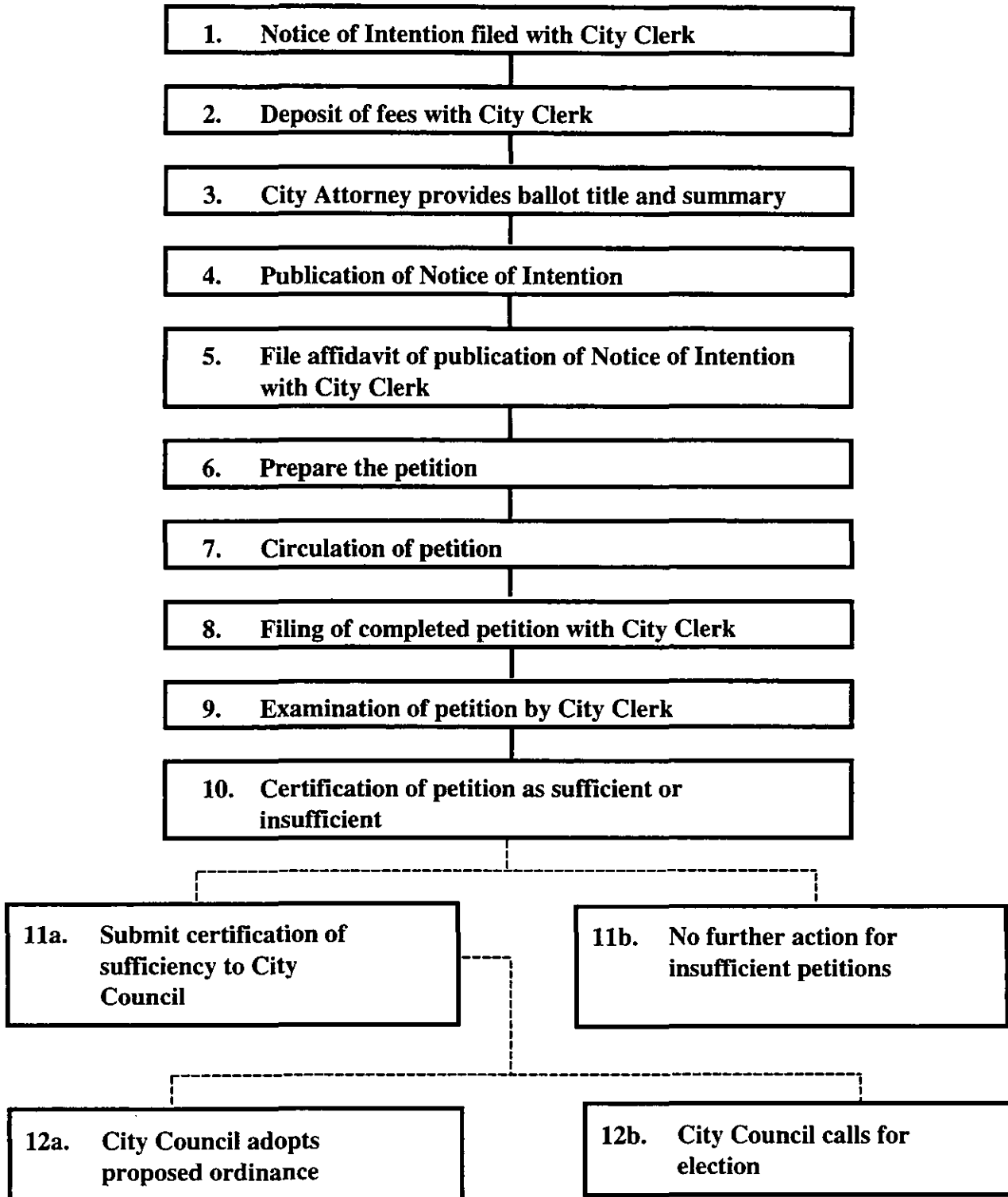
APPENDIX

OUTLINES OF INITIATIVE AND REFERENDA PROCESSES

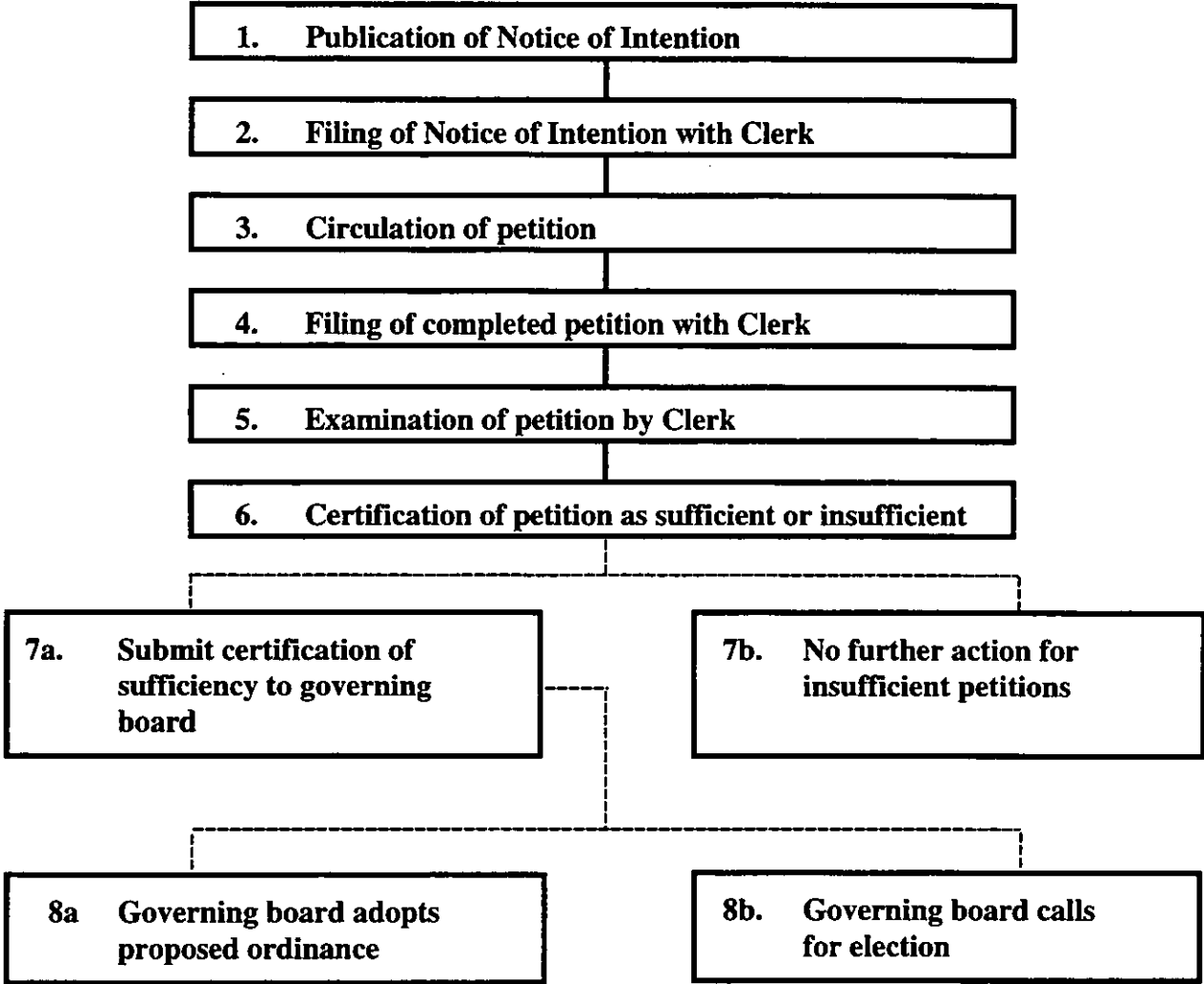
County Initiative Process



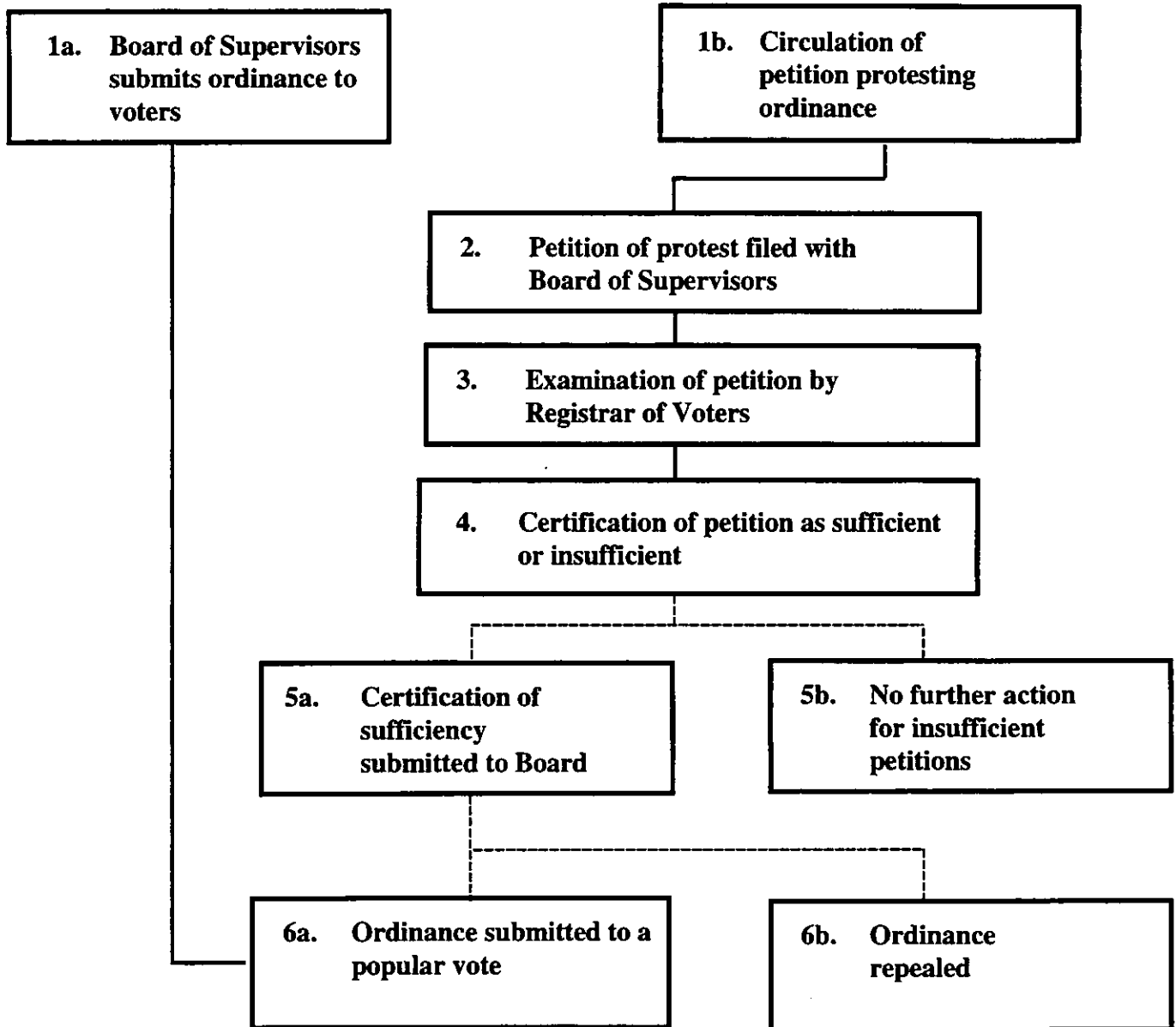
Municipal Initiative Process



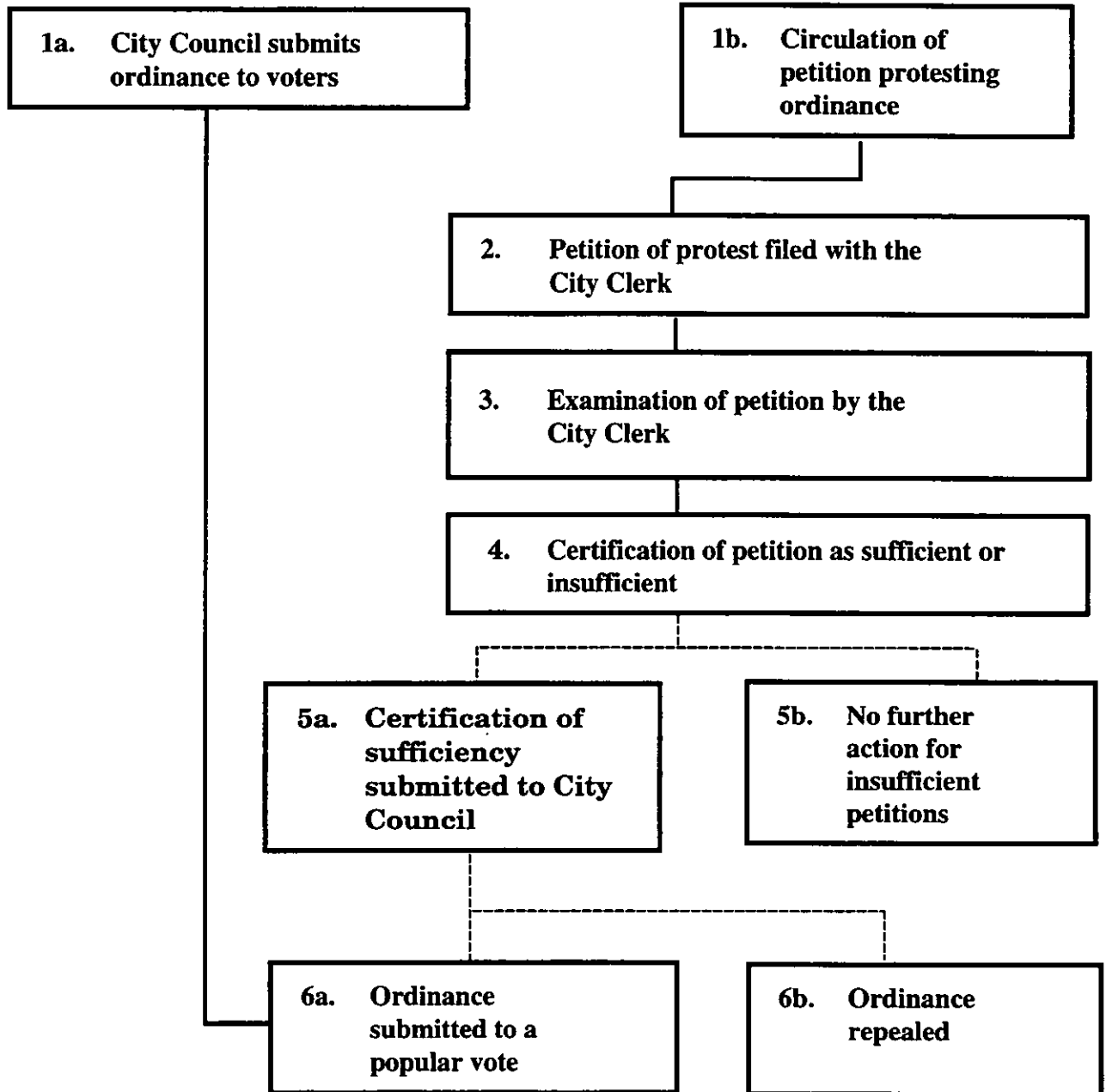
District Initiative Process



County Referenda Process



Municipal Referenda Process



District Referenda Process

