

HOW TO DO A COUNTY INITIATIVE

A Guide to Placing a County Initiative on the Ballot



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

A SAMPLE CALENDAR

The following provides an example of the amount of time and deadlines associated with proposing a county initiative.

E = Election Day, followed by the number of days prior to or following the election day when the various steps should be taken. Please note that these time frames are approximate. The calendar is subject to change depending on the actual dates when events happen and in the event the ballot title and summary are challenged and need to be changed. Once a Notice of Intent is filed, the Elections Department staff will assist in developing a calendar specific to your initiative. State statute mandates some deadlines; others are suggested time frames in order to provide the maximum amount of time to circulate petitions. All codes refer to the Elections Code unless otherwise stated.

- E-383 County Clerk receives Notice of Intent (includes printed name/s, signatures, and business or residence address of proponent/s, written text of the initiative and a request that a ballot title and summary be prepared). (§9103, 9104)
- E- 383 County Clerk delivers Notice of Intent to County Counsel. (§9105a)
- E-368 Within 15 days, County Counsel delivers Title and Summary to County Clerk who then delivers a copy of the Title and Summary to Proponents (§9105a)
- E-367 Proponents shall, prior to circulation of the petition, publish the Notice of Intent with Title and Summary and file proof of publication with the clerk. (§9105b)
- E-363 Proponents submit petition with signatures within 180 days after proponents receive Title and Summary from County Clerk or after termination of any action for a writ of mandate pursuant to §9106 and, if applicable, after receipt of an amended title or summary or both, which occurs later. (§9110)
- E-183 County Clerk has 30 working days (Saturdays, Sundays & holidays excluded) to certify results to Board of Supervisors. (§9114, 9115)
- E-142 County Clerk submits to the Board of Supervisors an item for the Board agenda. Items have to be noticed 14 days before the board meeting. (county policy)
- E-128 Board of Supervisors have three options to exercise at its meeting where the County Clerk presents its findings that an initiative petition is sufficient.
 1. Adopt the ordinance, without alteration
 2. Call an election (date to be determined by the percentage of voters who signed petition)
 3. Order a report pursuant to §9111¹.

¹ §9111. (a) During the circulation of the petition or before taking either action described in subdivisions (a) and (b) of Section 9116, or Section 9118, 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:

- (1) Its fiscal impact.
 - (2) Its effect on the internal consistency of the county's general and specific plans, including the housing element, the consistency between planning and zoning, and 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.
 - (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the county to meet its regional housing needs.
 - (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
 - (5) Its impact on the community's ability to attract and retain business and employment.
 - (6) Its impact on the uses of vacant parcels of land.
 - (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
 - (8) Any other matters the board of supervisors request to be in the report.
- (b) The report shall be presented to the board of supervisors within the time prescribed by the board of supervisors, but no later than 30 days after the county elections official certifies to the board of supervisors the sufficiency of the petition.

A SAMPLE CALENDAR (continued)

- E-98 Board to call the election or adopt the ordinance without alteration. (§9118)
- E-88 Last day Board can consolidate a measure with a regular election. Letters will be assigned to measures by the County Clerk after 5 p.m. (§10403)
- E-88 Clerk to publish once the deadline for submitting arguments. (§9163 & Gov. Code §6061)
- E-78 Last day to submit direct arguments. (§9163)
- Last day for Board of Supervisors to direct County Auditor to write an analysis of a county measure. (§9160)
- E-68 Last day to submit rebuttal arguments. (§9167)
- Last day for County Counsel (and County Auditor, if previously directed) to submit impartial analysis. (§9160)
- E-67 to E-57 10-day public inspection of arguments/analyses. (§9190)
- E-56 Finalize materials for printer.
- E-40 to E-21 Mailing of sample ballots. (§13303, 13304)
- E-36 Receive materials from printer (suggested date)
- E-29 Last day to register to vote in order to have election materials mailed to voters. Absentee period begins. (§2102, 2107, 3001, 3003).
- E-15 Last day to register to vote.
- E-7 Last day to request an absentee ballot by mail. (§3001)
- E ELECTION DAY
- E+1 to E+28 Official Canvass

A LOOK AT THE PROCESS

Notice of Intention	<p>File Notice of Intention with County Clerk with the printed name/s, signature/s, and business or residence addresses of at least one but not more than five proponents. Includes written text of initiative and a request that a ballot title and summary be prepared.</p> <p>Proponents must pay a fee not to exceed \$200 to be refunded if, within one year of the date of filing the Notice of Intention, the clerk certifies the sufficiency of the petition. (§9103)</p> <p>The Notice of Intention may contain a statement not exceeding 500 words, stating the reasons for the petition. (§9104)</p>
Title & Summary	<p>The county clerk immediately transmits a copy of any proposed measure to county counsel. County counsel prepares a ballot title and summary not exceeding 500 words. §9105 (a)</p> <p>The county clerk furnishes a copy of the ballot title and summary to the proponents. §9105 (b)</p>
Appeal	<p>Any elector of the county may seek a writ of mandate requiring the ballot title or summary to be amended. §9106</p>
Publication	<p>Publish for one day the Notice of Intention and the ballot title and summary in a newspaper of general circulation. §9105 (b)</p>
File Proof	<p>File proof of publication with the county clerk. §9105 (b)</p>
Circulation	<p>Proponents may begin to circulate the petitions for voter signatures after publication of the title and summary. Each section of the petition shall include a copy of the Notice of Intention, ballot title and summary. §9108</p> <p>Proponents have 180 days from the receipt of the Title and Summary to circulate the petitions (§9110)</p>
Reports Ordered	<p>During the circulation of the petition, the Board of Supervisors may refer the proposed initiative to any county agency for a report. The report shall be presented to the Board no later than 30 days after the county clerk certifies the sufficiency of the petition. §9111</p>

A LOOK AT THE PROCESS (continued)

Signature Requirement

If proponents collect:

- 10% of the entire vote cast in the county for all candidates for Governor in the last election – then the Board of Supervisors shall either:
 - 1) adopt the ordinance without alteration at the meeting at which certification is presented or within 10 days after it is presented; or
 - 2) place the measure on the ballot at the next statewide election (primary election or general election held in November of even-numbered years) occurring not less than 88 days after the date of the order; or
 - 3) order a report pursuant to §9111 and once the report is presented, the Board shall either adopt the ordinance within 10 days or order an election. §9118
- 20% of the entire vote cast in the county for all candidates for Governor in the last election and the **petition contains a request** that the ordinance be submitted immediately to a vote of the people at a special election, then the Board shall either:
 - 1) adopt the ordinance without alteration;
 - 2) call a special election within 88 and 103 days (if a regular or special election will be held within 180 days, the measure may be consolidated with that election) §1405(a); §9116; or
 - 3) order a report pursuant to §9111 and once the report is presented, the Board shall either adopt the ordinance within 10 days or order an election. §9116
- 5% of the entire vote cast in the county for all candidates for Governor in the last election for Proposition 218 measures affecting taxes, assessments or fees. (Art. II, §8(b) & 11)

Verification of Signatures

Within 30 days from the date of filing of the petition, excluding weekends and holidays, shall verify signatures. If the petition is found insufficient, no action shall be taken. If the petition is found to be sufficient, the county clerk shall certify the results to the Board of Supervisors at the next regular meeting. §9115

Enactment of Ordinance

Ordinances are passed with a majority vote of the voters and shall be considered adopted upon the date the vote is declared by the Board of Supervisors. The ordinance shall go into effect 10 days after that date. §9122

Petitions Not Public Record

Pursuant to Government Code §6253.5, petitions and all memoranda prepared by the county elections officials in the examination of the petitions indicating which registered voters have signed particular petitions shall not be deemed to be public records and shall not be open to inspection except by the public officer or public employees who have the duty of receiving, examining or preserving the petitions or who are responsible for the preparation of that memoranda and, if the petition is found to be insufficient, by the proponents of the petition and the representatives of the proponents as may be designated by the proponents in writing in order to determine which signatures were disqualified and the reasons therefore.

However, the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a school district or a community college district attorney, and a city attorney shall be permitted to examine the material upon approval of the appropriate superior court.

If the proponents of a petition are permitted to examine the petition and memoranda, the examination shall commence not later than 21 days after certification of insufficiency.

(a) As used in this section, "petition" shall mean any petition to which a registered voter has affixed his or her signature.

(b) As used in this section "proponents of the petition" means the following:

(1) For statewide initiative and referendum measures, the person or persons who submit a draft of a petition proposing the measure to the Attorney General with a request that he or she prepare a title and summary of the chief purpose and points of the proposed measure.

(2) For other initiative and referenda on measures, the person or persons who publish a notice of intention to circulate petitions, or, where publication is not required, who file petitions with the elections official.

(3) For recall measures, the person or persons defined in Section 343 of the Elections Code.

(4) For petitions circulated pursuant to Section 5091 of the Education Code, the person or persons having charge of the petition who submit the petition to the county superintendent of schools.

(5) For petitions circulated pursuant to Article 1(commencing with Section 35700) of Chapter 4 of Part 21 of the Education Code, the person or persons designated as chief petitioners under Section 35701 of the Education Code.

(6) For petitions circulated pursuant to Part 46 (commencing with Section 74000) of the Education Code, the person or persons designated as chief petitioners under Sections 74102, 74133, and 74152 of the Education Code.

Petition Retention

Elections officials required by law to receive or file in their offices any initiative or referendum petition shall preserve the petition until eight months after the certification of the results of the election for which the petition qualified or, if the measure, for any reason, is not submitted to the voters, eight months after the final examination of the petition by the elections official.

Thereafter, the petition shall be destroyed as soon as practicable unless the petition must be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot, or in a pending or ongoing investigation into a violation of the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code). §17200

HOW TO RAISE OR SPEND MONEY:

FIRST

Obtain a copy of Information Manual 3 - Campaign Provisions of the Political Reform Act - from the County Clerk.

SECOND

File a 410 – Statement of Organization - with the County Clerk

Any person who receives contributions totaling \$1,000 or more within a calendar year, qualifies as a recipient committee and - within 10 days of qualifying - must file a Form 410 with the Secretary of State and the county.

A Form 410 may be filed prior to qualifying. Upon receipt of the 410, the Secretary of State will issue an identification number, which must be included on all campaign disclosure forms.

THIRD

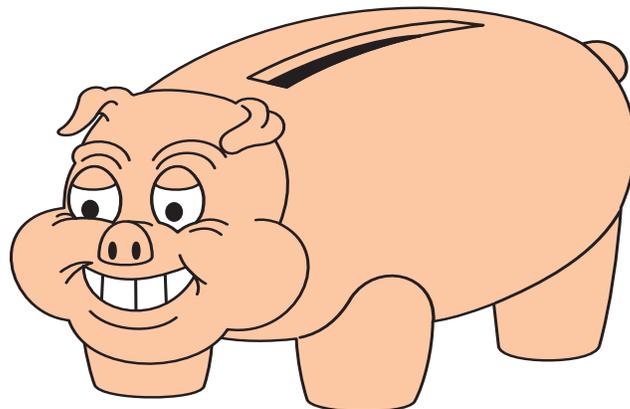
Be prepared to file 460 (long form) or 450 (short form) Pre-Election Statements and Semi-Annual statements.

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 Department 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.



IF THE INITIATIVE GOES TO ELECTION

CALENDAR

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

ARGUMENTS, ETC.

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

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

CONFLICTING MEASURES

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. §9123

ENACTING CLAUSE

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

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

ASSIGNING A LETTER

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

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

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

BOARD ACTION

The Board of Supervisors will adopt a resolution calling the election and consolidating it with other elections being conducted in the same jurisdiction on the same day. §10400, 10401

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

BALLOT QUESTION

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

FORM OF BALLOT QUESTION

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

ANALYSES

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

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

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

A 500-word optional statement outlining the reasons for the proposed petition may be printed here.

(The notice shall contain the printed name, signature, and business or residence address of at least one, but not more than five, proponents.) The printed names, signatures, and business or residence addresses of the proponents are as follows:

	Name	Residence or Business Address	Signature
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

Include here the written text of the initiative and a request that a ballot title and summary be prepared.

Proponents must pay a fee not to exceed \$200 at the time of filing the Notice of Intent to be refunded if, within one year of the date of filing the Notice of Intention, the clerk certifies the sufficiency of the petition. (§9103)

The ballot title and summary 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. §9105(c)

****SAMPLE****
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:
CHOCOLATE FOR STRESS INITIATIVE MEASURE. This proposed ordinance would establish a County policy favoring the availability of chocolate to relieve stress and would require communication of this policy to various federal and state governmental officers and representatives, and direct other related actions.

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 Santa Cruz for the purpose of placing an initiative on the March 26, 1996 ballot. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

A 500 word statement outlining the reasons for the proposed petition may be printed here. The statement is optional.

- s/ Voter 1, 3030 Sugar St., Santa Cruz, CA 95060
- s/ Voter 2, 4010 Sugar Dr., Scotts Valley, CA 95066
- s/ Voter 3, 501 Coco Rd., Capitola, CA 95050
- s/ Voter 4, 32 Sugar Ave., Watsonville, CA 95076
- s/ Voter 5, 189 Coco Blvd., Aptos, CA 95003

Each section of the petition shall bear a copy of the Notice of Intention. §9108. The notice shall contain the printed name, signature, and business or residence address of at least one, but not more than five, proponents. §9104

NOTICE TO THE PUBLIC

Print in 12-point type, prior to the portion for voters' signatures. §101

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

1	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
2	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
3	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
4	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
5	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
6	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
7	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
8	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
9	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
10	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip

1" §100

DECLARATION OF PERSON CIRCULATING SECTION OF INITIATIVE PETITION

I, _____ declare:
(Print Name)

Each petition section shall have attached to it an affidavit to be completed by the circulator. §104, 9109

1. My residence address is _____, in Santa Cruz County, California, and I am a registered voter in Santa Cruz County;
2. I personally circulated the attached petition for signing;
3. I witnessed each of the appended signatures being written on the petition and to my best information and belief, each signature is the genuine signature or the person whose name it purports to be; and
4. The appended signatures were obtained between the dates of _____ and _____, inclusive.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ at _____
(date) (Place of signing)

(Complete Signature of Petition Circulator)

It is recommended that you leave a 1" margin at the top, and a 1/2" margin on the left, right and bottom. The full text of the proposed measure must also appear on the petition. You may want to print the text on the back side. Note that the Ballot Title and Summary must appear above the text of the proposed measure. §9105(c)