



GUIDE TO INITIATIVES AND REFERENDA

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TABLE OF CONTENTS

Chapter I	General Information	Pg. 3
Chapter II	Initiatives	Pg. 5
Chapter III	Referenda	Pg. 14
Chapter IV	Petition Preparation	Pg. 22
Chapter V	Petition Circulation and Filing; Signature Verification	Pg. 24
Chapter VI	Petition Disposition	Pg. 18
Chapter VII	Campaign Disclosure Statement Requirements	Pg. 20
Appendix A	City Clerks Contact List	Pg. 21
Appendix B	Example of Notice of Intention	Pg. 22
Appendix C	Example of Proponents Statement of Acknowledgement	Pg. 23
Appendix D	Example of County Petition (With Official Top Funders)	Pg. 24
Appendix E	Example of County Petition (Excluding Official Top Funders)	Pg. 26
Appendix F	Example of District Petition (With Official Top Funders)	Pg. 28
Appendix G	Example of District Petition (Excluding Official Top Funders)	Pg. 32

PREFACE

This guide has been prepared to assist voters in the Initiative and Referendum process. It contains a summary of procedures for preparing and qualifying County or Special District Initiatives and Referenda.

This guide contains general information and makes reference to the appropriate California Elections Code. It 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 either process should seek legal counsel, who is familiar with local government, for wording or any legal questions.

If the Initiative or Referendum concerns a city, it is recommended you contact the City Clerk's office for the city in which you wish to introduce the Initiative or Referendum. Please see Appendix A for a list of City Clerk contact information obtained at the time this Guide was prepared.

CHAPTER I

GENERAL INFORMATION

Initiatives

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

Referenda

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

Petitions Not Public Record

Pursuant to California Government Code § 7924.110, petitions and all memoranda prepared by the County Elections Official 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 has 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 representative of the proponent as may be designated by the proponent 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 city attorney, a school district attorney, or a community college district attorney shall be permitted to examine the materials upon approval of the appropriate superior court.

If the proponent of a petition is permitted to examine the petition and memoranda, the examination shall commence not later than 21 days after certification of insufficiency, and the County Elections Official shall retain the documents as prescribed in § 17200 of the California Elections Code.

As used in this section, "petition" shall mean any petition to which a registered voter has affixed his or her signature. (California Government Code § 7924.100)

Pursuant to California Government Code § 7924.105, as used in this section, "proponents of the petition" means the following:

- (a) For a statewide initiative or referendum measure, the person who submits a draft of a petition proposing the measure to the Attorney General with a request that the Attorney General prepare a title and summary of the chief purpose and points of the proposed measure.
- (b) For other initiative and referendum measures, the person who publishes a notice of intention to circulate a petition, or, where publication is not required, who files the petition with the Elections Official.
- (c) For a recall measure, the person defined in § 343 of the California Elections Code.
- (d) For a petition circulated pursuant to § 5091 of the Education Code, the person having charge of the petition who submits the petition to the county superintendent of schools.
- (e) For a petition circulated pursuant to Article 1 (commencing with § 35700) of Chapter 4 of Part 21 of the Education Code, the person designated as chief petitioner under § 35701 of the Education Code.
- (f) For a petition circulated pursuant to Part 46 (commencing with § 74000) of Division of Title 3 of the Education Code, the person designated as chief petitioners under § 74102, § 74133, and § 74152 of the Education Code.

CHAPTER II

INITIATIVES

Overview of County Initiatives

Any proposed ordinance may be submitted to the Board of Supervisors by filing an initiative petition with the County Elections Official, signed by not less than one but not more than five proponents of the petition. (California Elections Code § 9101)

Notice of Intention

Before circulating any initiative petition in a county, its proponents shall file with the County Elections Official a notice of intention to do so. The notice shall include the names and business or residence addresses of at least one but not more than five proponents of the petition and shall be accompanied by the written text of the initiative and a request that a ballot title and summary be prepared. (California Elections Code § 9103)

In addition to the names and business or residence address of the proponents, the notice of intention shall also contain the signatures of the proponents. 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:

Notice of Intention to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of _____ for the purpose of _____. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

(California Elections Code § 9104)

Deposit of Fee

Any person filing a notice of intention with the County Elections Official shall pay a fee, established by the Board of Supervisors, in the amount of \$200.00 to be refunded to the filer if, within one year of the date of filing the notice of intention, the County Elections Official certifies the sufficiency of the petition. (California Elections Code § 9103(b))

Ballot Title and Summary

The County Elections Official shall immediately transmit a copy of any notice of intention and proposed measure [including full text of the ordinance] to the county counsel. Within 15 days after the proposed measure is filed, the county counsel shall provide and return to the County Elections Official a ballot title and summary for the proposed measure. The ballot title may differ from any other title of the proposed measure and shall express in 500 words or less the

purpose of the proposed measure. In providing the ballot title, the county counsel shall give a true and impartial statement of the purpose of the proposed measure in such language that the ballot title shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure. (California Elections Code § 9105(a))

Publication of the Notice of Intention

The County Elections Official shall furnish a copy of the ballot title and summary to the proponents of the proposed measure. The proponents shall, prior to the circulation of the petition, publish the notice of intention, and the ballot title and summary of the proposed measure in a newspaper of general circulation published in the county, and file proof of publication with the County Elections Official. (California Elections Code § 9105(b))

Overview of District Initiatives

In addition to any other method provided by law, ordinances may be enacted by any district pursuant to this article, except that this article shall not apply to irrigation districts, to a district formed under a law 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 that permits voters, in electing the district's directors of 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. (California Elections Code § 9300)

Initiative 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. Consult the "County Initiatives" section in this guide when considering an initiative proposal for these types of districts. (California Water Code § 30830, § 56042; California Government Code § 61060).

Definitions

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

"District Elections Official," for the purposes of initiative and referendum under Article 1 commencing with California Elections Code 9300, includes the County Elections Official or other officer or board charged with performing the duties required of the clerk of the district by that chapter. (California Elections Code § 308)

Notice of Intention

Before circulating an initiative petition in any district, the proponents of that measure shall publish a notice of intention. The notice shall be accompanied by a printed statement stating the reasons for the proposed petition. The printed statement shall not exceed 500 words. The notice

shall be signed by at least one, but not more than five, proponents, and shall be in substantially the following form:

Notice of Intention to Circulate Initiative 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: (California Elections Code § 9302)

Publication of Notice of Intention

A notice of intention and statement as referred to in California Elections Code § 9302 shall be published at least once in a newspaper of general circulation within the district. If, in the district, there is no newspaper of general circulation, the notice and statement shall be published at least once in a newspaper of general circulation with the county in which the district is located and the notice and statement shall be posted in three public places within the district. (California Elections Code § 9303)

Filing of Notice of Intention and Statement

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. (California Elections Code § 9304)

CHAPTER III

REFERENDA

County Referenda

Submission by Board of Supervisors

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

Petition Protesting Adoption of Ordinance

If a petition protesting the adoption of an ordinance is presented to the County Elections Officer before the effective date of the ordinance, the ordinance shall be suspended, and the Board of 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. (California Elections Code § 9144)

Protest of Ordinance Submitted to Voters

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

District Referenda

Submission by Governing Board

The governing board of any district that is a local public entity as defined by § 900.4 of the California Government Code may refer legislative questions to the voters of the district in the same manner as the Board of Supervisors may refer county questions pursuant to California Elections Code § 9140. (California Elections Code § 9342)

Petition Protesting Adoption

The voters of any district that is a local public entity as defined by § 900.4 of the California Government Code, and to which California Elections Code § 9300 applies, shall have the right to petition for referendum on legislative acts of the district in the same manner and subject to the same rules as are set forth in California Elections Code § 9141 through 9147, except that all computations referred to in those sections and officers of the county mentioned in those sections shall be construed to refer to comparable computations and officers of the district. (California Elections Code § 9340)

Please see the County Referenda section of this guide for additional information.

Protest of Ordinance Submitted to Voters

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

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

CHAPTER IV

PETITION PREPARATION

Petition Requirements for County Initiative

Initiative proponents are responsible for the preparation and printing of the petition. The ballot title and summary prepared by the county counsel shall appear upon each section of the petition, above the text of the proposed measure and across the top of each page of the petition on which signatures are to appear, in roman type not smaller than 11-point. The ballot title and summary shall be clearly separated from the text of the measure. The text of the measure shall be printed in type not smaller than 8-point.

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

“INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

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

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

Petition Requirements for District Initiatives

For District Initiatives, no Ballot Title and Summary will be included, and each section of the petition shall bear a copy of Notice of Intention and Statement of Reasons.

Petition Requirements for County Referenda

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

Referendum Against an Ordinance Passed by the Board of Supervisors

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

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

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

Petition Requirements for District Referenda

The provisions of the California Elections Code relating to the form of petitions, the duties of the County Elections Official, and the manner of holding elections, when an ordinance is proposed by initiative petition, govern the procedure on ordinances against which a protest is filed. (California Elections Code § 9146, § 9340)

Format Requirements for All Petitions

Official Top Funders Disclosure Requirements

For any initiative or referendum petition for which the circulation is paid for by a committee formed pursuant to California Government Code § 82013, an Official Top Funders disclosure shall be included on the petition or in a separate document presented to a prospective signer of the petition. (California Elections Code § 107(b))

Elections officials are not required to verify the accuracy of the information or to re-approve the petition upon any updates the committee makes. (California Elections Code § 107(g))

Official Top Funders Disclosure as a Separate Document

The Official Top Funders Sheet must be in 14-point black roman type font on a plain, contrasting background, centered horizontally, except as described. The text shall not be condensed or have spacing between characters reduced to be narrower than a normal roman type. (California Elections Code § 107(a)(1))

The top of the sheet shall have the text “OFFICIAL TOP FUNDERS. Valid only for”, followed by a month and year that starts at most seven days after the date the top contributors as defined in California Government Code § 84501(c) were last confirmed. This information shall be boldface and at least 16-point font. Following the top line, separated by a blank horizontal line, shall be the title of the initiative or referendum as it appears on the petition, in all capital letters. (California Elections Code § 107(a)(2), (3))

Next, separated by a blank horizontal line, shall appear a disclosure statement in a printed or drawn box with a black border. At the top of the disclosure statement, the statement shall read, “Petition circulation paid for by” in boldface text followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to California Government Code § 84101 on the following line. (California Elections Code § 107(a)(4)(A)-(D))

If the committee has any top contributors as defined in California Government Code § 84501(c), it shall be followed by a blank horizontal line and then the underlined text “Committee major funding from:”. The top contributors, as defined in California Government Code § 84501(c), if any, shall each be disclosed in boldface text on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions as defined in California Government Code § 84501(b), on the first line. (California Elections Code § 107(a)(4)(D))

The committee, in its discretion, may include the underlined text “Endorsed by:” followed by a list, not underlined, of up to three endorsers. The text pursuant to this subparagraph shall be separated from the text above and below it by a blank horizontal line. (California Elections Code § 107(a)(4)(E))

The following line shall include the text “Latest Official Top Funders:” followed by either the internet web page on the Secretary of State’s internet website that lists the “Official Top Funders” statements that are reported pursuant to California Elections Code § 107(f), or the internet web page on the internet website for any committee formed pursuant to California Government Code § 82013 that pays for the circulation of a initiative or referendum petition. (California Elections Code § 107(a)(4)(F))

The committee’s web page must include a prominent link to the most recent Official Top Funders sheet in a format that allows it to be viewed on an internet website and printed out on a single page of paper. (California Elections Code § 107(c)(1))

The sheet must be submitted to the Secretary of State’s office upon any changes to the top contributors and must be posted on the Secretary of State’s website along with the previous versions the committee submitted. (California Elections Code § 107(f))

Official Top Funders Disclosure on the Petition

If the committee chooses to include the disclosure statement on the petition, the requirements are as follows:

The disclosure statement shall have a solid white background and shall be in a printed or drawn box with a black border and shall appear before that portion of the petition for voters’ signatures, printed names, and residence addresses. The text in the disclosure area shall be in a black Arial equivalent type with a type size of at least 10-point, with all lines centered horizontally in the disclosure area. (California Elections Code § 107(b)(1))

The top of the disclosure shall include the text “OFFICIAL TOP FUNDERS. Valid only for”, followed by a month and year that starts at most seven days after the date the top contributors as defined in California Government Code § 84501(c) were last confirmed. The text of this paragraph shall be boldface. (California Elections Code § 107(b)(2))

Next shall appear, on a separate horizontal line, the text “Petition circulation paid for by”, followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to California Government Code § 84101. If the committee has any top contributors as defined in California Government Code § 84501(c), it shall be followed by, on a separate horizontal line, the underlined text “Committee major funding from:”. (California Elections Code § 107(b)(3))

The top contributors as defined in California Government Code § 84501(c), if any, shall each be disclosed in boldface text on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative

contributions, as defined in California Government Code § 84501(b), on the first line. (California Elections Code § 107(b)(4))

The committee, in its discretion, may include the underlined text “Endorsed by:”, followed by a list, not underlined, of up to three endorsers. The text in this paragraph shall be separated from the text above and below it by a blank horizontal line. (California Elections Code § 107(b)(5))

The following line shall include the text “Latest info:” followed by the URL for either the internet web page on the Secretary of State’s internet website that lists the “Official Top Funders” statements and any updates provided by the committee to the Secretary of State, or the internet website of any committee formed pursuant to California Government Code § 82013 that pays for the circulation of a initiative or referendum petition. The text specified in this paragraph shall be underlined. (California Elections Code § 107(b)(6))

The committee’s web page must include a prominent link to the most recent Official Top Funders sheet in a format that allows it to be viewed on an internet website and printed out on a single page of paper. (California Elections Code § 107(c)(1))

Notice to Signers

The petition shall contain, 11-point type, before that portion of the petition for voters’ 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 § 107, the text “SIGN ONLY IF IT IS THE SAME MONTH SHOWN IN THE OFFICIAL TOP FUNDERS OR YOU SAW AN “OFFICIAL TOP FUNDERS” SHEET FOR THIS MONTH.” This text shall be in 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. (California Election Code § 101(a))

Form of the Petition

Notwithstanding any other provision of law, whenever an initiative or referendum is required to be signed by voters of any county, city, school district, or special district subject to petitioning, only a person who is an eligible registered voter at the time of signing the petition is entitled to sign it. Each signer shall at the time of signing the petition personally affix his or her signature, printed name, residence address, giving street and number, and if no street or number exists, then a designation of the residence address which will enable the location to be readily ascertained and the name of the incorporated city or unincorporated community. (California Elections Code § 100(a)(b))

A voter who is unable to personally affix on a petition the information required may request another person to print the voter’s name and place of residence on the appropriate spaces of the petition, but the voter shall personally affix his or her mark or signature on the appropriate space

of the petition, which shall be witnessed by one person by subscribing his or her name thereon. (California Elections Code § 100.5)

A blank space at least one inch wide to the right of each name must be included for the use of the Elections Official in verifying the petition. The part of a petition for the voter's 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. (California Elections Code § 100(c))

Declaration of Circulator

Each section of the petition must have attached to it a declaration signed by the circulator (person soliciting signatures) of that section of the petition, setting forth in the circulator's own hand all of the following:

- (a) The printed name of the circulator.
- (b) The residence address of the circulator, giving street and number, or if no street or number exists, an adequate designation of the residence so that its location may be readily determined.
- (c) The dates between which all signatures to the petition section were obtained.
- (d) That the circulator circulated that section and witnessed the appended signatures being written.
- (e) 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.
- (f) That the circulator is 18 years of age or older.
- (g) If the petition does not include the disclosure statement described by subdivision (b) of California Elections Code § 107, that the circulator showed each signer a valid and unfalsified "Official Top Funders" sheet, as required by § 107.
- (h) That the circulator certifies to the content of the declaration as to its truth and correctness, under penalty of perjury. The circulator shall state the date and the place of execution on the declaration immediately proceeding the circulator's signature.

The circulator must personally affix his or her printed name and residence address and the specific dates of circulation of each petition section in the circulator's affidavit. Preprinted dates, or generalized dates other than the particular range of dates on which the petition section was circulated, are not authorized. (California Elections Code § 104)

CHAPTER V

PETITION CIRCULATION AND FILING; SIGNATURE VERIFICATION

A person who is 18 years of age or older may circulate an initiative or referendum petition. (California Elections Code § 102)

County Initiative Petition Circulation

The proponents may commence to circulate the petitions among the voters of the county for signatures by any registered voter of the county after publication of the title and summary prepared by the county counsel. (California Elections Code § 9108)

Time Period for Securing Signatures

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

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

Filing the Petition

The petition shall be filed by the proponents, or by any person or persons authorized in writing by the proponents. All sections of the petition shall be filed at one time. Any sections of the petition not so filed shall be void for all purposes. Once filed, no petition section shall be amended except by order of a court of competent jurisdiction.

When the petition is filed, the County Elections Official shall determine the total number of signatures affixed to the petition. If, from this examination, the County Elections Official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, the County Elections Official shall examine the petition in accordance with California Elections Code § 9114 or 9115. If, from this examination, the County Elections Official determines that the number of signatures, prima facie, does not equal or exceed the minimum number of signatures required, no further action shall be taken. (California Elections Code § 9113)

District Initiative Petition Circulation

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 California Elections Code § 9304, the petition may be circulated among the voters of the district for signatures by any person who meets the requirements of California Elections Code § 102. Each section of the petition shall bear a copy of the notice of intention and statement. (California Elections Code § 9305)

Filing of Petition

Signatures upon petitions and sections thereof shall be secured, and the petition, together with all sections thereof, shall be filed within 180 days from the date of publication of the notice of intention and statement. Filing is with the District Elections Official. If the petitions are not filed within the time permitted, the petition and its sections shall be void for all purposes. (California Elections Code § 9306)

Referenda Petition Circulation and Filing

Referenda petition circulation and filing shall be governed in accordance with the laws for initiatives. (California Elections Code § 9146)

Signature Verification Process for All Petitions

Examination of Signatures, Random Sample

- (a) Within 30 days from the filing of the petition, excluding Saturdays, Sundays, and holidays, if, from the examination of signatures, pursuant to California Elections Code § 9114 and § 9308, more than 500 signatures have been signed on the petition, the Elections Official 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 Elections Official shall be given an equal opportunity to be included in the sample. A random sampling shall include an examination of at least 500 or 3 percent of the signatures, whichever is greater. A signature shall not be invalidated because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.
- (b) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the District Elections Official, within 60 days from the date of filing the petition, excluding Saturdays, Sundays, and holidays, shall examine and verify each signature filed.
- (c) In determining from the records of registration, what number of valid signatures are signed on the petition, the District Elections Official may check the signatures against

facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

- (d) The District Elections Official shall attach to the petition, a certificate showing the results of this examination, and shall notify the proponents of either the sufficiency or insufficiency of the petition.
- (e) 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 later of an entirely new petition to the same effect.
- (f) If the petition is found to be sufficient, the District Elections Official shall certify the results of the examination to the governing body of the district at the next regular meeting of the board. (California Elections Code § 9115, § 9309)

Examination of Signatures, Full Check

- (a) Except as provided in California Elections Code § 9115 and § 9309, within 30 days from the date of filing the petition, excluding Saturdays, Sundays, and holidays, the Elections Official shall examine the petition, and from the records of registration ascertain whether the petition is signed by the requisite number of voters. A certificate showing the results of this examination shall be attached to the petition.
- (b) In determining the number of valid signatures, the Elections Official may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law. A signature shall not be invalidated because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing.
- (c) The Elections Official shall notify the proponents of the petition as to the sufficiency or insufficiency of the petition.
- (d) 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.
- (e) If the petition is found sufficient, the Elections Official shall certify the results to the governing body of the district at the next regular meeting of the board. (California Elections Code § 9114, § 9308)

CHAPTER VI

PETITION DISPOSITION

Disposition of Sufficient County Petition

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

- (a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
- (b) Submit the ordinance, without alteration, to the voters pursuant to §1405.
- (c) Order a report pursuant to § 9111 at the regular meeting at which the certification of the petition is presented. When the report is presented to the Board of Supervisors, the Board shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b). (California Elections Code § 9118)

Disposition of Sufficient District Petition

- (a) If the initiative petition is signed by voters not less in number than 10 percent of the voters in the district, if 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, if the total number of registered voters is 500,000 or more, the district board shall do either of the following:
 - (1) Adopt the ordinance, without alteration, either at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
 - (2) Submit the ordinance, without alteration, to the voters pursuant to California Elections Code § 1405.
- (b) The number of registered voters referred to in subdivision (a) shall be calculated as of the time of the last report of registration by the County Elections Official to the Secretary of State made before publication or posting of the notice of intention to circulate the initiative petition. (California Elections Code § 9310)

All Petitions

Requirements for Ordinance to Become Effective

If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the county or district. The ordinance shall be considered as adopted upon the date the vote is declared by the governing body and shall go into effect 10 days after that date. (California Elections Code § 9122, § 9320)

More than One Ordinance at Same Election

Any number of proposed ordinances may be voted upon at the same election. (California Elections Code § 9121, § 9319)

Conflicting Ordinance

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. (California Elections Code § 9123, § 9321)

Repeal or Amendment of Ordinance

No ordinance proposed by initiative petition and adopted either by the governing body without submission to the voters or adopted by the voters shall be repealed or amended except by a vote of the people unless provision is otherwise made in the original ordinance. In all other respects, an ordinance proposed by initiative petition and adopted shall have the same force and effect as any ordinance adopted by the governing body. (California Elections Code § 9125, § 9323)

Withdrawing the Petition

The proponent of an initiative may withdraw the initiative at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the Elections Official. (California Elections Code § 9118.5, § 9144.5, § 9311, § 9341.5)

CHAPTER VII

CAMPAIGN DISCLOSURE STATEMENT REQUIREMENTS

The Political Reform Act requires all proponents of ballot measures and committees supporting or opposing ballot measures, to file campaign disclosure statements disclosing contributions received and expenditures made.

The statutory requirements of the Political Reform Act are contained in California Government Code § 81000 et seq. Information and assistance relating to campaign reporting obligations under the Political Reform Act may be obtained from the Fair Practices Commission.

Committee Filing Responsibilities

It is the responsibility of the committee to be aware of and to file the required campaign disclosure statements in a correct and timely manner.

Where to File

The location in which campaign disclosure statements are to be filed depends entirely upon the jurisdiction the committee is active in.

When to File

Refer to the FPPC Filing Schedule by visiting www.fppc.ca.gov

NOTE: The County of Madera Elections Department is the filing officer for FPPC forms, and not the authority on filing requirements. Please direct any questions about campaign disclosures to the Fair Political Practices Commission:

Fair Political Practices Commission

www.fppc.ca.gov

**1102 Q Street, Suite 3000
Sacramento, CA 95811**

**(866) 275-3772
Advice@fppc.ca.gov**

Appendix A: City Clerks Contact List

Municipal initiatives and referenda are covered in the California Elections Code § 9200 through § 9295. To obtain information regarding Municipal Initiatives and Referenda, please contact the City Clerk. The below contact list was compiled for your convenience and contains the contact information available at the time this Guide was compiled.

City of Madera

205 West 4th Street
Madera, CA 93637
559-661-5400

City of Chowchilla

130 South 2nd Street
Chowchilla, CA 93610
559-665-8615

Appendix B: Example of Notice of Intention

County Example (California Elections Code § 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 _____(insert county name)_____ 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:

(Optional: Insert statement of reasons, not to exceed 500 words in length)

(List the printed names, addresses, and signatures of the proponents. Must list at least one but not more than 5.)

1. ...
2. ...
3. ...
4. ...
5. ...

District Example (California Elections Code § 9302)

Notice of Intention to Circulate Initiative Petition

Notice is hereby given of the intention of the persons whose names appear hereon of their intention to circulate the petition within the _____(insert district name)_____ district for the purpose of _____(insert purpose of measure)_____. A statement of the reasons for the proposed action contemplated in the petition is as follows:

(Insert required statement of reasons, not to exceed 500 words in length)

(List the printed names, addresses, and signatures of the proponents. Must list at least one but not more than 5.)

1. ...
2. ...
3. ...
4. ...
5. ...

Appendix C: Example of Proponent Statement of Acknowledgement¹

I, _____(insert proponent name)_____,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 the 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 the qualification of the measure for the ballot.

(Signature of Proponent)

Dated this _____ day of _____, 20__.

¹ A proponent of an initiative measure shall execute and submit, along with the request for a title and summary for the proposed measure, a signed statement of acknowledgement. (California Elections Code § 9608)

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS¹

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

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

[Insert complete text of the Notice of Intention here.]

[Insert full title and text of measure. The text of the proposed measure shall be printed in type not smaller than 8-point.]⁴

¹For a Referendum, this title shall be changed to: "REFERENDUM AGAINST AN ORDINANCE PASSED BY THE BOARD OF SUPERVISORS".

²The month and year must start at most seven days after the date the top contributors as defined in Government Code section 84501(c) were last confirmed.

³Insert here – Printed full name of person who gathered signatures.

⁴For a Referendum, insert the title and text of the ordinance or portion of the ordinance which is the subject of the referendum.

⁵If signature spaces are printed on both sides of a sheet of paper, the above information, except for the declaration of circulator must appear on each side of the paper. The circulator's declaration must follow the last signature box. It is suggested that petition be printed on 8 ½" x 14" paper to maximize the number of signatures printed on a sheet of paper.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS¹

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

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

[Insert complete text of the Notice of Intention here.]

[Insert full title and text of measure. The text of the proposed measure shall be printed in type not smaller than 8-point.]³

¹ For a Referendum, insert the title and text of the ordinance or portion of the ordinance which is the subject of the referendum.

² Insert here – Printed full name of person who gathered signatures.

³ For a Referendum, insert the title and text of the ordinance or portion of the ordinance which is the subject of the referendum.

⁴ If signature spaces are printed on both sides of a sheet of paper, the above information, except for the declaration of circulator must appear on each side of the paper. The circulator's declaration must follow the last signature box. It is suggested that petition be printed on 8 ½" x 14" paper to maximize the number of signatures printed on a sheet of paper.

Appendix F: Example of District Petition (With Official Top Funders)

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS¹

[Insert complete text of the Notice of Intention here.]

NOTICE TO THE PUBLIC

SIGN ONLY IF IT IS THE SAME MONTH SHOWN IN THE OFFICIAL TOP FUNDERS OR YOU SAW AN “OFFICIAL TOP FUNDERS” SHEET FOR THIS MONTH. [11-point font boldface type (California Elections Code § 101)]

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. [11-point non-boldface type (California Elections Code § 101)]

<p>OFFICIAL TOP FUNDERS. Valid only for [Month, Year ²] Petition circulation paid for by [name of the committee as it appears on the most recent Statement of Organization filed pursuant to Government Code section 84101] <u>Committee major funding from:</u> [Largest contributor] [Second largest contributor] [Third largest contributor]</p> <p style="text-align: center;">[OPTIONAL] <u>Endorsed by:</u> [First endorser] [Second endorser] [Third endorser]</p> <p style="text-align: center;"><u>Latest info: [link to committee website]</u></p>

[Column must be at least 1" wide]

This column for official use only.

	1. Print Your Name: _____ Sign As Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	2. Print Your Name: _____ Sign As Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	
	3. Print Your Name: _____ Sign As Registered To Vote: _____	Residence Address ONLY: _____ City: _____ Zip: _____	

DECLARATION OF PERSON CIRCULATING SECTION OF PETITION (MUST BE IN CIRCULATOR’S OWN HANDWRITING)

I, _____ (See note³) _____, solemnly swear (or affirm) all of the following:

1. That I am 18 years of age or older.
2. That my residence address, including street and number, is _____. (If no street or number exists, a designation of my residence adequate to readily ascertain its location is _____.)
3. That the signatures on this section of the petition form were obtained between _____ (Month and Day) _____, 20____, and _____ (Month and Day) _____, 20____; that I circulated the petition and I witnessed the signatures on this section of the petition form being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

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

Executed on _____ (Date) _____ at _____ (City or Community Where Signed) _____, California.⁵

Circulator’s SignatureDate

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS¹

[Insert complete text of the Notice of Intention here.]

[Insert full title and text of measure. The text of the proposed measure shall be printed in type not smaller than 8-point.]⁴

¹ For a Referendum, this title shall be changed to: "REFERENDUM AGAINST AN ORDINANCE PASSED BY THE [INSERT GOVERNING BODY NAME]".

² The month and year must start at most seven days after the date the top contributors as defined in Government Code section 84501(c) were last confirmed.

³ Insert here – Printed full name of person who gathered signatures.

⁴ For a Referendum, insert the title and text of the ordinance or portion of the ordinance which is the subject of the referendum.

⁵ If signature spaces are printed on both sides of a sheet of paper, the above information, except for the declaration of circulator must appear on each side of the paper. The circulator's declaration must follow the last signature box. It is suggested that petition be printed on 8 ½" x 14" paper to maximize the number of signatures printed on a sheet of paper.

Appendix G: Example of District Petition (Excluding Official Top Funders)

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS¹

[Insert complete text of the Notice of Intention here.]

NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. *[11-point non-boldface type (California Elections Code § 101)]*

[Column must be at least 1" wide]

This column for official use only.

	1. Print Your Name: _____ Residence Address ONLY: _____ DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid. Sign As Registered To Vote: _____ City: _____ Zip: _____	
	2. Print Your Name: _____ Residence Address ONLY: _____ DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid. Sign As Registered To Vote: _____ City: _____ Zip: _____	
	3. Print Your Name: _____ Residence Address ONLY: _____ DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid. Sign As Registered To Vote: _____ City: _____ Zip: _____	
	4. Print Your Name: _____ Residence Address ONLY: _____ DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid. Sign As Registered To Vote: _____ City: _____ Zip: _____	
	5. Print Your Name: _____ Residence Address ONLY: _____ DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid. Sign As Registered To Vote: _____ City: _____ Zip: _____	

DECLARATION OF PERSON CIRCULATING SECTION OF PETITION (MUST BE IN CIRCULATOR'S OWN HANDWRITING)

I, _____ (See note²) _____, solemnly swear (or affirm) all of the following:

1. That I am 18 years of age or older.
2. That my residence address, including street and number, is _____. (If no street or number exists, a designation of my residence adequate to readily ascertain its location is _____.)
3. That the signatures on this section of the petition form were obtained between _____ (Month and Day) _____, 20____, and _____ (Month and Day) _____, 20____; that I circulated the petition and I witnessed the signatures on this section of the petition form being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.
4. That I showed each signer a valid and unfalsified "Official Top Funders" sheet, as required by Elections Code Section 107.

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

Executed on _____ (Date) _____ at _____ (City or Community Where Signed) _____, California.⁴

Circulator's Signature

Date

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS¹

[Insert complete text of the Notice of Intention here.]

[Insert full text of measure. The text of the proposed measure shall be printed in type not smaller than 8-point.]³

¹ For a Referendum, this title shall be changed to: "REFERENDUM AGAINST AN ORDINANCE PASSED BY THE [INSERT GOVERNING BODY NAME]".

² Insert here – Printed full name of person who gathered signatures.

³ For a Referendum, insert the title and text of the ordinance or portion of the ordinance which is the subject of the referendum.

⁴ If signature spaces are printed on both sides of a sheet of paper, the above information, except for the declaration of circulator must appear on each side of the paper. The circulator's declaration must follow the last signature box. It is suggested that petition be printed on 8 ½" x 14" paper to maximize the number of signatures printed on a sheet of paper.