

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 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.

COUNTY INITIATIVE WHAT THE ELECTIONS OFFICIAL NEEDS FROM YOU:

THE RESOLUTION TO CALL THE ELECTION AND CONSOLIDATE

Districts and Cities: Submit a “Resolution Requesting Consolidation of Election and Ordering of such Election” along with the “Notice to County clerk of Measure Submitted to the Voters.”

County: Submit a “Resolution Requesting Consolidation of Election and Ordering of Such Election.”

Schools: Submit the “Resolution Ordering Election, Specifications of the Election Order, and Requesting Consolidation” along with the “Notice to County Clerk of Measure Submitted to the Voters.”

THE MEASURE TEXT

When submitting materials to place a measure on the ballot, indicate clearly the measure wording by placing a box around the entire question you wish to appear in the sample ballot. Also state in writing, which portion of the resolution or ordinance is to be printed in the Voter’s Information Pamphlet.

If you do not want any measure text printed in the Voter’s Information Pamphlet, please provide this direction in writing within the resolution. In this case, instead of measure text, before the analysis of the measure, voters will be directed to contact the Elections Department for a copy of the proposed measure. Jurisdictions will be billed for costs.

A LOOK AT THE PROCESS

Notice of Intent to Circulate Petition; Filing Publication: (a) Before circulating any initiative petition in a county, or any petition relating to the annexation of territory by a county, the consolidation of counties, or the dissolution of 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.

(b) Any person filing a notice of intent with the county elections official shall pay a fee to be established by the board of supervisors not to exceed two hundred dollars (\$200.00) to be refunded to the filer if, within one year of the date of filing the notice of intent, the county elections official certifies the sufficiency of the petition. (Election Code 9103)

Form of Notice of Intention to Circulate Petition: The notice of intention shall contain the printed name, signature, and business or residence address of at least one but not more than five proponents, and may include a printed statement, not exceeding 500 words in length, stating the reasons for the proposed petition. (EC 9104)

Title and Summary: The elections official immediately transmits a copy of any proposed measure to county counsel. County Counsel prepares a ballot title and summary not exceeding 500 words. (E.C. 9105(a)) The County Registrar of Voters furnishes a copy of the ballot title and summary to the proponents. (E.C. 9105(b))

Appeal: Any elector of the county may seek a writ of mandate requiring the ballot title or summary to be amended. (E.C. 9106)

Publication: Proponent publishes for one day the Notice of Intention and the ballot title and summary in a newspaper of general circulation. (E.C. 9105(b))

File Proof: Proponent files proof of publication with the County Registrar of Voters. (E.C. 9105(b))

Circulation: 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. (E.C. 9108) Proponents have 180 days from the receipt of the title and summary to circulate the petitions. (E.C. 9110)

Reports Ordered: 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 Registrar of Voters certifies the sufficiency of the petition. (E.C. 9111)

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 occurring not less than 88 days after the date of the order unless the ordinance petitioned for is required to be, or for some reason is, submitted to the voters at a special election pursuant to (E.C. 1405(a)); or
- 3) Order a report pursuant to E.C. 9111 and once the report is presented, the Board shall either adopt the ordinance within 10 days or order an election. (E.C. 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 election will be held within 180 days, the measure may be consolidated with that regular election (E.C. 1405, 9116); or
- 3) Order a report pursuant to E.C. 9111 and once the report is presented, the Board shall either adopt the ordinance within 10 days or order an election. (E.C. 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 may be submitted to Secretary of State. (California Constitution Art. II, Sections 8(b) & 11)

Verification of Signatures: Within 30 days from the date of filing of the petition, excluding weekends and holidays, the elections official shall verify signatures. If the petition is found insufficient, no action shall be taken. If the petition is found to be sufficient, the election official shall certify the results to the Board of Supervisors at the next regular meeting. (E.C. 9115)

The jurisdiction affected by the petition will be responsible for the cost of petition set-up and signature checking.

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. (E.C. 9122)

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. (E.C.9163)

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-365 County Registrar of Voters 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). (E.C. 9103, 9104)

E-365 County Registrar of Voters delivers Notice of Intent to County Counsel. (E.C. 9105(a))

E-350 Within 15 days, County Counsel delivers Title and Summary to County Registrar of Voters who then delivers a copy of the Title and Summary to Proponents. (E.C. 9105(a))

E-349 Proponents shall, **prior to circulation of the petition**, publish the Notice of Intent with Title and Summary and file proof of publication with the County Registrar of Voters. (E.C. 9105(b))

E-348 Proponents begin collecting signatures. Proponents submit petition with signatures within 180 days after proponents receive Title and Summary from County Registrar of Voters 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. (E.C. 9110)

E-168 The petition is submitted within the 180 days. County Registrar of Voters has 30 working days (Saturdays, Sundays & holidays excluded) to certify the signature check results to Board of Supervisors. (E.C. 9114, 9115) After the petition qualifies for the ballot, county counsel prepares an impartial analysis. (E.C. 9160)

E-138 County Registrar of Voters submits to the Board of Supervisors the signature check results for the Board agenda. Items have to be noticed 14 days before the board meeting. (County policy)

E-124 Board of Supervisors has three options to exercise at its meeting where the County Registrar of Voters 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 the petition)
3. Order a report pursuant to section 9111. See Below

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.

E-98 Board to call the election or adopt the ordinance without alteration. (E.C. 9118)

E-88 Last day Board can consolidate a measure with a regular election. (E.C. 10403)

E-88 Registrar of Voters to publish once the deadline for submitting arguments. (E.C. 9163 & Gov. Code 6061)

E-88 Last day for Board of Supervisors to direct the County Auditor to write a fiscal impact statement of a county measure. (E.C. 9160)

E-76 Last day to submit direct arguments. (E.C. 9163)

E-60 Last day to submit rebuttal arguments. (E.C. 9167)

E-59 to E-50 10-day public examination of arguments/analyses. (E.C. 9190)

ARGUMENTS, ETC.

The Election Code Article 3 (commencing with section 9160) shall govern the procedures for submitting arguments for county initiatives. (E.C. 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. (E.C. 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 Sutter ordain as follows." (E.C. 9124)

ASSIGNING A LETTER

Letters designating measures will be assigned by the elections official pursuant to Elections Code section 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, City, and District. (E.C. 13109) See Sutter County Letter Policy on page 5.

BOARD ACTION

The Board of Supervisors will adopt a resolution calling the election and may consolidate it with other elections being conducted in the same jurisdiction on the same day. (E.C. 10400, 10401)

BALLOT QUESTION

The Statement of all measures submitted to the voters shall be abbreviated on the ballot, followed by the words, "Yes" and "No". (E.C. 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. If the measure is a school bond then the words would "Bond Yes and "Bond No". (Education Code 15122) A "Yes" vote is in favor of the adoption of the ordinance; a "No" vote shall be counted against its adoption. (E.C. 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. (E.C. 9160 (b))

HOW TO RAISE OR SPEND MONEY:

FIRST

Obtain a copy of Information Manual D – Campaign Provisions of the Political Reform Act – from the County Registrar of Voters.

SECOND

File a 410 – Statement of Organization - with the County Registrar of Voters. 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. You are responsible to know the deadlines and the type of forms you must file. 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 a Form 410 to terminate the committee upon completion of your initiative efforts.

Sutter County Elections Policy on Lettering of Local Measures

Pursuant to *California Elections Code 13116*, lettering of measures submitted for the ballot shall be assigned by Sutter County Elections after the deadline set forth by the Registrar. All letters will be assigned in alphabetical order starting with the letter "A" and continuing through letter "Z". The letters will continue to be assigned in alphabetical order through the letter "Z", and then the letter will begin again with the letter "A". The order and precedence of all offices and measures that are to be placed on the ballot shall be pursuant to *California Elections Code 13109*. It has been Sutter County Election's policy not to use the following letters:

"F" Some associate this to 'Fail'

"I" Some associate this with the numeral 'One'

Sutter County Elections does not permit any requests for letter changes or for specific letter requests for measures. For districts where overlapping is a consideration the lead county will designate a letter after communication with surrounding counties. The letter chosen will not conflict with other letters in said counties to confuse the voter. Due to this factor, letters assigned to measures may not be in alphabetical order.

**** SAMPLE ****

INITIATIVE MEASURE TO BE SUBMITTED BY VOTERS

(Insert Ballot Title and Summary of Measure in at least 12-point bold type)

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.

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of Sutter 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 statement outlining the reasons for the proposed petition may be printed here. The statement is optional. The notice shall contain the printed name, signature, and business or residence address of at least one, but not more than five, proponents. §9104. To print on the petition, format the signature as "Surname, Address, City, State, Zip". Each section of the petition shall bear a copy of the notice of intention. §9108. So, if it is on the front side, it may be omitted on the back. The law does not specify the type size for the Notice of Intent, but it should be not less than 8-point.

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	
2	Print Your Name Residence Address Only _____ Your Signature as Registered to Vote	
3	Print Your Name Residence Address Only _____ Your Signature as Registered to Vote	
4	Print Your Name Residence Address Only _____ Your Signature as Registered to Vote	
5	Print Your Name Residence Address Only _____ Your Signature as Registered to Vote	

Each petition section shall have attached to it an affidavit to be completed by the circulator. §104, 9101. This declaration below may be omitted on front side if signature spaces are provided on both sides. The circulator's declaration must follow the last signature block.

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

I _____ declare:
(Print Name)

1. My residence address is _____ in _____ County, California, and I am a registered voter in (insert electoral jurisdiction).
2. I personally circulated the attached petition for signing.
3. I witnessed each of the appended signatures being written and to the best of my information and belief, each signature is the genuine signature of the person whose name purports to be, and
4. The appended signatures were obtained between the dates of _____ and _____, inclusive.
(Starting Date) (Ending Date)

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

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