

# 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.*

## GETTING STARTED

This guide covers the initiative process which allows any proposed ordinance to be submitted to the Board of Supervisors by filing an initiative petition with the county elections official that is signed by the number of voters specified by Elections Code. (EC 9101)

## A LOOK AT THE PROCESS

### NOTICE OF INTENTION

The first step in the initiative process is filing a Notice of Intention with the Elections Department. The Notice of Intention must include the following:

- Printed name, signature and business or residence address of at least but not more than five proponents of the initiative,
- the written text of the initiative; and
- a request that a Ballot Title and Summary be prepared.

A \$200 fee is required to be paid at the time of filing the Notice of Intention. This fee however may be refunded if, within one year, the elections official certifies the sufficiency of the petition. (EC 9103)

The Notice of Intention may also include a statement of no more than 500 words stating the reasons for the proposed petition. (EC 9104)

The proponents must also submit a signed Statement of Acknowledgment that it is a misdemeanor under state law to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure. (EC 9608) See Page 8 for an example.

### BALLOT TITLE AND SUMMARY

Once the Notice of Intention is filed, the elections official will immediately transmit a copy of any proposed measure to County Counsel. County Counsel has 15 days to prepare a Ballot Title and Summary (impartial statement of the purpose of the proposed measure) not exceeding 500 words. The election official will then provide a copy to the proponents. (EC 9105)

Any elector of the county may seek a writ of mandate requiring the Ballot Title or Summary to be amended. (EC 9106)

### PUBLICATION

Proponent must publish the Notice of Intention and the Ballot Title and Summary in a newspaper of general circulation for one day, and file proof of publication with the Elections Department. (EC 9105)

### INITIATIVE PETITION

Proponents may begin to circulate the petitions for voter signatures after publication of the Notice of Intention and Ballot Title and Summary. The initiative petition must conform to Election Code; not limited to each section of the petition containing a copy of the Notice of Intention and Ballot Title and Summary. An example is provided on Page 7. (EC 9108)

Proponents have 180 days from the receipt of the Ballot Title and Summary to circulate the petitions. (EC 9110)

### SIGNATURE REQUIREMENT

The minimum number of valid signatures required is equal to 10% of the number of votes cast within the county for all candidates for Governor at the last gubernatorial election preceding the publication of the Notice of Intention. **The Elections Division will determine the number of signatures required.** (EC 9118)

The petition must be filed with the Elections Division by the proponents, or by any person authorized in writing by the proponents. All petition sections must be filed at the same time and may not be amended or supplemented except by order of a court. Any sections not so filed shall be void for all purposes. (EC 9113)

**Note: It is recommended that the number of signatures submitted be well above the minimum to compensate for disqualified signatures (e.g. signers who are not registered in the county, duplicate signatures, etc.).**

**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. (EC 9111)

### **SIGNATURE VERIFICATION AND CERTIFICATION**

Within 30 days from the date of filing of the petition, excluding weekends and holidays, shall verify signatures. If, from the examination of petitions pursuant to Section 9114 shows that 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 sampling shall include an examination of at least 500, or 3 percent of the signatures, whichever is greater.

If the 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 elections official shall, within 60 days from the date of the filing of the petition, excluding weekends and holidays, examine and verify the signatures filed. If the elections official determines, prior to completing the examination of each signature filed, that the petition is signed by the requisite number of qualified voters to declare the petition sufficient, the elections official may terminate the verification of the remaining unverified signatures.

The elections official shall attach to the petition a certificate showing the result of this examination and shall notify the proponents of either the sufficiency or insufficiency of the petition.

If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the filing later of an entirely new petition to the same effect.

If the petition is found to be sufficient, the elections official shall certify the results of the examination to the board of supervisors at the next regular meeting of the board. (EC 9115)

The Board of Supervisors shall either:

- 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.
- Submit the ordinance, without alteration, to the voters pursuant to Section 1405.
- Order a report pursuant to Section 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.

**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. (EC 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. (EC 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). (EC 9103, 9104)
- E-365 County Registrar of Voters delivers Notice of Intent to County Counsel. (EC 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. (EC 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. (EC 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. (EC 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. (EC 9114, 9115) After the petition qualifies for the ballot, county counsel prepares an impartial analysis. (EC 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. (EC 9118)
  1. Adopt the ordinance, without alteration
  2. Call an Election
  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 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. (EC 9118)
- E-88 Last day Board can consolidate a measure with a regular election. (EC 10403)
- E-88 Registrar of Voters to publish once the deadline for submitting arguments. (EC 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. (EC 9160)
- E-81 Last day to submit direct arguments. (EC 9163)

E-74 Last day to submit rebuttal arguments. (EC 9167)

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

### **ARGUMENTS AND REBUTTALS**

The Election Code Article 3, commencing with Section 9160, shall govern the procedures for submitting arguments for county initiatives. (EC 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. (EC 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:" (EC 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. See Sutter County Letter Policy on page 6. (EC 13109)

### **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. (EC 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". (EC 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 measure (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 "Bonds Yes and "Bonds No" pursuant to Education Code 15122. A "Yes" vote is in favor of the adoption of the ordinance; a "No" vote shall be counted against its adoption. (EC 13119)

### **IMPARTIAL 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. (EC 9160 (b)(c))

### **HOW TO RAISE OR SPEND MONEY:**

Initiative proponents, as well as those who organize to support or oppose an initiative effort, may have disclosure requirements in accordance with the State Political Reform Act and local ordinances.

Before raising or spending any money, all parties involved with an initiative effort should review the FPPC's campaign disclosure information on their website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

Manuals, forms, and filing deadlines are available from either the Elections Department or:

**Fair Political Practices Commission (FPPC)**

1102 Q Street, Suite 3000

Sacramento, CA 95811

Phone: (916) 322-5660

Fax: (916) 322-0886

Website: [fppc.ca.gov](http://fppc.ca.gov)

**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"
- "1" 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.

**INITIATIVE MEASURE TO BE SUBMITTED BY VOTERS**

The County Counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:  
***(Insert Ballot Title and Summary of Measure in at least 12-point bold type)***

**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 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:

*Insert 500-word statement outlining the reasons for the proposed petition (Optional)*

*Insert text of measure (must be in type no smaller than 8 point and clearly separated from the ballot title and summary above)*

**NOTICE TO THE PUBLIC**

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

If the petition does not include the disclosure statement described by EC 107(b), the text **“YOU HAVE THE RIGHT TO SEE AN “OFFICIAL TOP FUNDERS’ SHEET.”** Must be included in bold type.

	PRINT YOUR NAME 1.	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	CITY ZIP	
	PRINT YOUR NAME 2.	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	CITY ZIP	
	PRINT YOUR NAME 3.	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	CITY ZIP	

This column for official use only.

Each petition section shall have attached to it an affidavit to be completed by the circular. §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 \_\_\_\_\_.
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.
4. I declare that I am 18 years of age or older.
5. The appended signatures were obtained between the dates of \_\_\_\_\_ and \_\_\_\_\_, inclusive.  
(Starting Date) (Ending Date)

If the petition does not include the disclosure statement described in EC 107(b), you must add “6. I showed each signer a valid and unfalsified “Official Top Funders” sheet as required by Section 107”.

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)

**\*\*Sample\*\***

## Statement of Acknowledgement

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

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Signature

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_