

PLACER COUNTY ELECTIONS  
OFFICE OF JIM MCCAULEY

# COUNTYWIDE INITIATIVES

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A GUIDE TO PLACING A COUNTY  
INITIATIVE ON THE BALLOT



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# COUNTYWIDE INITIATIVES

## A GUIDE TO PLACING A COUNTY INITIATIVE ON THE BALLOT

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### LEGAL DISCLAIMER

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This guide was developed in an effort to provide answers to questions frequently asked to the Placer County Office of Elections 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.

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### A LOOK AT THE PROCESS

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#### NOTICE OF INTENTION

Before circulating any initiative petition, its proponent(s) shall file with the county officials a notice of intention to do so. File the Notice of Intention with the Office of Elections with the printed name(s), signature(s), and business or residence addresses of at least one but not more than five proponents. The Notice includes the written text of the initiative and a request that a ballot title and summary be prepared. (E.C. 9103, 9104<sup>1</sup>)

The Notice of Intention may contain a 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: (optional statement) (E.C. 9104)

At the same time the proponent submits the request for the ballot title and summary, the proponent executes and submits a signed and dated statement that reads as follows:

I, \_\_\_\_\_, 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 qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully

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<sup>1</sup> E.C. refers to the California Elections Code.

allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot. (E.C. 9608)

### **TITLE AND SUMMARY**

The Office of Elections immediately transmits a copy of any proposed measure to county counsel. County counsel prepares a ballot title and summary for the proposed measure not exceeding 500 words within 15 days of filing. (E.C. 9105 (a))

The Registrar of Voters furnishes a copy of the ballot title and summary to the proponents. (E.C. 9105 (b))

### **APPEAL OPTION (WRIT OF MANDATE)**

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

### **PUBLICATION**

Prior to the circulation of the petition, the proponents shall publish the notice of intention and the ballot title and summary in a newspaper of general circulation. (E.C. 9105 (b))

### **FILE PROOF OF PUBLICATION**

The proponent shall file proof of publication with the Office of Elections. (E.C. 9105 (b))

### **CIRCULATION**

Any proposed ordinance may be submitted to the Board of Supervisors by filing any initiative petition with the Registrar of Voters, signed by the required number of voters (see pages 4 and 5). (E.C. 9101)

Proponents may begin 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. (E.C. 9108)

### **TIME LIMITS FOR SIGNATURES**

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 on the proposed measure's impact. The report shall be presented to the Board no later than 30 days after the Office of Elections certifies the sufficiency of the petition. (E.C. 9111)

## **FILING OF PETITIONS**

The petition shall be filed by the proponents, or by any person or persons authorized in writing by the proponents. When the petition is filed, the Office of Elections shall determine the total number of signatures affixed to the petition. If from this examination the Office of Elections determines the number of signatures equals or exceeds the minimum number of signatures required, the Office of Elections shall examine the petition. If the minimum number of signatures does not equal or exceed the minimum number of signatures required, no further action shall be taken.

All sections of the petition must be filed at one time. (E.C. 9113)

## **EXAMINATION OF SIGNATURES**

Within 30 days from the petition filing date, excluding weekends and holidays, the Office of Elections shall examine the petition and verify the signatures on the petition. A certificate showing the results of this examination shall be attached to the petition. The Office of Elections shall notify the proponents of the petition as to its sufficiency or insufficiency.

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.

If the petition is found to be sufficient, the Office of Elections shall certify the results of the examination to the board of supervisors at the next regular meeting of the board. (E.C. 9114, 9115)

## **QUALIFICATION OF THE PETITION**

### **FOR SPECIAL ELECTIONS**

If the initiative petition is signed by voters not less in number than twenty percent (20%) of the entire vote cast in the county for all candidates for Governor in the last gubernatorial election preceding the publication of the notice of intention to circulate an initiative petition 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 of supervisors shall do one of the following:

1. Adopt the ordinance without alteration at the regular meeting or within 10 days after it is presented;
2. Call a special election within 88 and no more than 103 days after the date of the order of election (if a regular or special election will be held within 180 days, the measure may be consolidated with that election) (E.C. 1405(a)(4)); or

3. Order a report pursuant to E.C. 9111 at the regular meeting at which the certification of the petition is presented. When the report is presented to the board, it shall either adopt the ordinance within 10 days or order an election. (E.C. 9116)

#### FOR REGULARY SCHEDULED ELECTIONS

If the initiative petition is signed by voters not less in number than ten percent (10%) of the entire vote cast in the county for all candidates for Governor in 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:

1. 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; or
2. Place the measure on the ballot at the next statewide election (primary election or general election held in November of even-numbered years) occurring not less than 88 days after the date of the order; or
3. Order a report pursuant to 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)

#### **ENACTMENT OF ORDINANCE**

Ordinances are passed with a majority vote of the voters (50% plus 1) 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 provision of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes will take effect. (E.C. 9123)

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## CREATING A PETITION

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The California Elections Code governs the content and format of initiative petitions. Please see below for a selection of code sections relating to the required information. The Placer County Office of Elections does not approve initiative petitions or give advice on creating them. At the proponent's request, samples of past petitions may be provided. However, providing sample petitions does not imply that the Office of Elections verifies the compliance of the samples and that there have not been changes in the Elections Code since the sample petitions were created. Questions regarding the compliance of the initiative petition should be directed to the proponent's legal counsel.

**E.C. 100 ONLY REGISTERED VOTER ENTITLED TO SIGN PETITION;  
PRINTED NAME AND PLACE OF RESIDENCE; FORM OF PETITION.**

Notwithstanding any other provision of law, whenever any initiative, referendum, recall, nominating petition or paper, or any other petition or paper, 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 or paper is entitled to sign it. Each signer shall at the time of signing the petition or paper personally affix his or her signature, printed name, and place of residence, giving street and number, and if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained. A space at least one inch wide shall be left blank after each name for the use of the elections official in verifying the petition or paper. The part of a petition for the voters' 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. The petition format shall be substantially in the following form:

|                         |                          |                      |
|-------------------------|--------------------------|----------------------|
|                         |                          | Official Use<br>Only |
| (Print name)            | (Residence address only) |                      |
| 1. _____<br>(Signature) | _____<br>(City)          |                      |
| (Print name)            | (Residence address only) |                      |
| 2. _____<br>(Signature) | _____<br>(City)          |                      |

**E.C. 101 PETITION NOTICE TO THE PUBLIC.**

Notwithstanding any other provision of law, any state or local initiative petition required to be signed by voters shall contain in 12-point type, prior to that portion of the petition for voters' signatures, printed names, and residence addresses, the following language:

“NOTICE TO THE PUBLIC

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

**E.C. 102 VOTER MAY CIRCULATE PETITION.**

A person who is a voter or who is qualified to register to vote in this state may circulate an initiative or referendum petition in accordance with this code. A person who is a voter may circulate a recall petition in accordance with this code.

**E.C. 103 SIGNATURE WITHDRAWN FROM PETITION.**

A voter who has signed an initiative, referendum, or recall petition pursuant to the Constitution or laws of this state shall have his or her signature withdrawn from the petition upon filing a written request therefor with the appropriate county elections official or city elections official prior to the day the petition is filed. A written request made under this section shall not constitute a petition or paper for purposes of Section 104.

**E.C. 104 DECLARATION OF CIRCULATOR ATTACHED TO PETITION.**

(a) Wherever any petition or paper is submitted to the elections official, each section of the petition or paper shall have attached to it a declaration signed by the circulator of the petition or paper, setting forth, in the circulator's own hand, the following:

- (1) The printed name of the circulator.
- (2) The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- (3) The dates between which all the signatures to the petition or paper were obtained.

(b) Each declaration submitted pursuant to this section shall also set forth the following:

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

(c) The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name at length, including given name, middle name or initial, or

initial and middle name. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

**E.C. 9020 FORM OF PETITION; SIGNATURE AND ADDRESS.**

The petition sections shall be designated so that each signer shall personally affix all of the following:

- (1) His or her signature.
- (2) His or her printed name.
- (3) His or her residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- (4) The name of his or her incorporated city or unincorporated community.

Only a person who is a qualified registered voter at the time of signing the petition is entitled to sign it.

The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.

**E.C. 9101 PROPOSED ORDINANCES SUBMITTED TO  
THE BOARD OF SUPERVISORS.**

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 the number of voters specified in this article.

Each petition section shall comply with Sections 100 and 9020 and contain a full and correct copy of the notice of intention and accompanying statement including the full text of the proposed ordinance.

**E.C. 9105 PROPOSED MEASURE; TITLE AND SUMMARY.**

(a) The county elections official shall immediately transmit a copy of any proposed measure 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.

(b) 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 that county, and file proof of publication with the county elections official.

(c) 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 boldface type not smaller than 12 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 substantially the following form:

Initiative Measure to be Submitted Directly to the Voters

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

(Here set forth the title and summary prepared by 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.)

**E.C. 9108 CIRCULATION OF PETITION.**

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. Each section of the petition shall bear a copy of the notice of intention, and the title and summary prepared by the county counsel.

**E.C. 9109 FORM OF PETITION.**

Each petition section shall have attached to it an affidavit to be completed by the circulator. The affidavit shall be substantially in the same form as set forth in Section 104.

**E.C. 9124 FORM OF 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 \_\_\_\_\_ ordain as follows:”

**SAMPLE PETITION.**

Please see the following pages for a sample initiative petition created by the Secretary of State. Please note that this sample was created for statewide initiatives and changes may be necessary for county initiative petitions.

[A one-inch blank space must be left at the top of each page of the petition.]

The Attorney General of California 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 Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear, in Roman boldface type not smaller than 12-point. (§ 9001)]

**NOTICE TO THE PUBLIC**

**THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.** (12-point type)

This column for official use only.

|                               |    |   |  |
|-------------------------------|----|---|--|
| <b>REGISTERED VOTERS ONLY</b> | 1. | Print Your Name: _____<br>Residence Address ONLY: _____<br><br>Sign As Registered To Vote: _____ City: _____ Zip: _____ |  |
|                               | 2. | Print Your Name: _____<br>Residence Address ONLY: _____<br><br>Sign As Registered To Vote: _____ City: _____ Zip: _____ |  |
|                               | 3. | Print Your Name: _____<br>Residence Address ONLY: _____<br><br>Sign As Registered To Vote: _____ City: _____ Zip: _____ |  |
|                               | 4. | Print Your Name: _____<br>Residence Address ONLY: _____<br><br>Sign As Registered To Vote: _____ City: _____ Zip: _____ |  |
|                               | 5. | Print Your Name: _____<br>Residence Address ONLY: _____<br><br>Sign As Registered To Vote: _____ City: _____ Zip: _____ |  |
|                               | 6. | Print Your Name: _____<br>Residence Address ONLY: _____<br><br>Sign As Registered To Vote: _____ City: _____ Zip: _____ |  |

**DECLARATION OF CIRCULATOR**  
(to be completed after above signatures have been obtained)

I, \_\_\_\_\_, am registered to vote in the County (or City and County)  
(print name)  
of \_\_\_\_\_, or am qualified to register to vote in California. My residence address is  
\_\_\_\_\_  
(address, city, state, zip)  
I circulated this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of \_\_\_\_\_ and \_\_\_\_\_  
(month, day, year) (month, day, year)  
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
Executed on \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
(month and day) (year) (place of signing)

(complete signature indicating full name of circulator)

[Dates of circulation, printed name, and residence address must be in circulator's own hand.]

[NOTE: It is recommended that a space approximately 1/2 inch wide be left along the left margin opposite the signatures, as shown, for the clerks' use in verifying signatures.]

[A one-inch blank space must be left at the top of each page of the petition.]

**Initiative Measure to be Submitted Directly to the Voters**

[This heading must be printed in 12-point or larger Roman boldface type. (§§ 9001, 9008)]

**The Attorney General of California has prepared the following title and summary  
of the chief purposes and points of the proposed measure:**

**[INSERT ATTORNEY GENERAL TITLE AND SUMMARY]**

[Roman boldface type not smaller than 12-point. (§§ 9001, 9008)]

To the Honorable Secretary of State of California

We, the undersigned, registered, qualified voters of California, residents of \_\_\_\_\_ County  
(or City and County), hereby propose amendments to [(the Constitution of California) (the \_\_\_\_\_ Code,  
relating to \_\_\_\_\_ )] and petition the Secretary of State to submit the same to the voters of  
California for their adoption or rejection at the next succeeding general election or at any special statewide election held  
prior to that general election or otherwise provided by law. The proposed [(constitutional) (statutory)] amendments read as  
follows:

*[NOTE: Within each set of brackets in the text above, the proponent must select  
the information within one set of parentheses for printing on the petition.]*

**[Insert full title and text of measure]**

**NOTE:** This sample was created by the Secretary of State for statewide initiatives and changes may be necessary for county initiative petitions.

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## SAMPLE TIMELINE

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The following provides an example of the amount of time and deadlines associated with proposing a county initiative. Please note that these time frames are approximate. The timeline is subject to change depending on the actual dates when events happen as most deadlines are based upon the completion of the previous step in the process above. Once a Notice of Intent is filed, the Office of Elections staff will assist in developing a calendar specific to your initiative.

|   |  |
|---|--|
| 0   | Proponent files Notice of Intent and a copy of the proposed initiative with a request for a ballot title.  |
| 0   | Registrar of Voters immediately delivers Notice of Intent to County Counsel.   |
| 15 days   | County Counsel delivers Title and Summary to the Office of Elections who then delivers a copy of the Title and Summary to the proponent.   |
| After receipt of Ballot Title and Summary         | Proponent publishes the Notice of Intention with the Ballot Title and Summary. Proponent files proof of publication with the Office of Elections. This is done before the petition is circulated.  |
| 180 days from receipt of Ballot Title and Summary | Proponent circulates the petition after the Notice of Intention has been published. The petition is filed with the Office of Elections. During this time, the Board of Supervisors may order a report on the effect of the proposed initiative in accordance with E.C. 9111. This report must be presented to the Board of Supervisors no later than 30 days after the Office of Elections certifies to the Board of Supervisors the sufficiency of the initiative petition. |
| 30 days   | The Office of Elections examines the signatures on the petition. The Office of Elections notifies the proponent as to the sufficiency or insufficiency of the petition.  |
| At the next regular Board meeting                 | If the petition is found sufficient, the Office of Elections certifies the results of the examination of the petition signatures at the Board of Supervisors' meeting.<br><br>The Board of Supervisors may: <ol style="list-style-type: none"> <li>1. Adopt the ordinance without alteration,</li> <li>2. Call an election, or</li> <li>3. Order a report on the effect of the proposed initiative.</li> </ol>   |
| 88 days or more after the Board meeting           | The election date is determined by the percentage of voters who signed the petition and the provisions of E.C. 1405. If a proponent has a specific election date in mind, he/she should contact the Office of Elections to determine when the election order would need to be filed. The proponent can then calculate when the Notice of Intention needs to be filed.  |

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## WHAT HAPPENS NEXT

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### INSUFFICIENT PETITIONS

If the initiative petition is found to be insufficient, no further action is taken. If the proponents would like to make further attempts to place the initiative on the ballot, they may start the process over again.

### SUFFICIENT PETITIONS THAT GO TO ELECTION

#### ELECTION ORDER

The Board of Supervisors will adopt a resolution calling the election and consolidating it with other elections being conducted in the same jurisdiction on the same day. (E.C. 1405, 10400, 10401)

#### FORM OF BALLOT QUESTION

When the initiative is placed on the ballot, the questions shall be worded, “Shall the ordinance (stating the nature thereof) be adopted?” Below the ballot question, the words “Yes” and “No” shall be printed. A “Yes” vote is in favor of the adoption of the ordinance and a “No” vote shall be counted against its adoption. (E.C. 13119)

#### ASSIGNING A MEASURE LETTER

Measure letters will be assigned by the Office of Elections pursuant to E.C. 13116. Measures letters will be assigned in alphabetical order when the election order has been received. Placer County begins each year with the letter A and continues through the alphabet until the end of the year, excluding the letters I and O.

#### CALENDAR

The Office of Elections will prepare a calendar for the election. The calendar will include dates for submitting ballot arguments, rebuttals, and campaign disclosure statements.

#### MULTIPLE MEASURES

Any number of proposed ordinances may be voted upon at the same election. (E.C. 9121)

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)

#### BALLOT ARGUMENTS

Primary arguments are typically due 88 days before the election and rebuttal arguments are typically due 78 days before the election to meet printing deadlines and allow time for the public review period. Arguments may be submitted by the Board of Supervisors, any member of the Board of Supervisors, any individual voter who is eligible to vote on the measure, or a bona fide association of citizens.

If primary arguments are submitted both for and against a measure, the Office of Elections will provide the argument in favor to the author of the argument against and

provide the argument against to the author of the argument in favor. The authors of the primary arguments may prepare a rebuttal or may authorize another person in writing to prepare the rebuttal argument. (E.C. 9120, 9162, *et seq.*)

#### PASSAGE OF THE MEASURE

If a majority of voters (50% plus 1) voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the county. The ordinance shall be considered as adopted upon the date the vote is declared by the Board of Supervisors, and shall go into effect 10 days after that date. (E.C. 9122)

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## HOW TO RAISE OR SPEND MONEY

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Proponents of initiative petitions may raise or spend money on signature gathering, including making copies of the petitions, fees for legal counsel, and the salaries of paid signature gatherers. Once the initiative has qualified to appear on the ballot, the proponents may continue to accept contributions and spend additional funds campaigning for the passage of the measure. These contribution and expenditures are subject to the campaign disclosure laws set forth in the Political Reform Act as administered by the Fair Political Practices Commission.

### FIRST

Obtain a copy of Information Manual 3 – Information for Committees Primarily Formed to Support or Oppose a Ballot Measure - from the Office of Elections of the Fair Political Practices Commission website, [www.fppc.ca.gov](http://www.fppc.ca.gov).

### SECOND

File a Form 410 – Statement of Organization with the Registrar of Voters and the Secretary of State.

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

A Form 410 may be filed prior to qualifying. Upon receipt of the Form 410, the Secretary of State will issue an identification number, which must be included on all campaign disclosure forms. An annual fee of \$50 must be paid to the Secretary of State when the initial Form 410 is filed and no later than January 15 for each year the committee is active.

### THIRD

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

These reports detail your committee's financial activity and are filed at specified times prior to and following the election. There are also various special reports that must be filed to amend forms or to provide supplemental information. Know the deadlines and the type of forms you must file.

Office of Elections staff will provide you with a calendar. For technical advice on completing the forms, contact the Fair Political Practices Commission at 1-866-275-3772 (1-866-ASK-FPPC) or by fax at 916-322-0886, or visit their website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

### FOURTH

File Forms 410 and 460 to terminate the committee upon completion of your initiative efforts.