

County Initiative Process



Terry A. Hansen **Yuba County Registrar of Voters**

This guide was developed in an effort to provide answers to questions frequently asked of the Yuba County Elections Department concerning a county initiative. 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 a city initiative, please contact your City Clerk.

Marysville City Clerk – 526 C Street, Marysville, CA 95901 – (530)749-3901

Wheatland City Clerk – 111 C Street, Wheatland, CA 95692 – (530)633-2761

For information regarding a Yuba County Water Agency initiative, please contact the water agency at (530) 741-5000.

A Sample Calendar

The following is an example of timeframes and deadlines for doing 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 calendar is subject to change depending on the actual dates when events happen.**

Once a Notice of Intent is filed, the Elections Department staff will assist in developing a calendar specific to your initiative. State statute mandates some deadlines; others are suggested time frames in order to provide the maximum amount of time to circulate petitions. All codes refer to the Elections Code unless otherwise stated.

E-383	County Elections Official 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), a Statement of Petition Proponents signed by a proponent and the \$200 fee. (§9103, 9104)
E-383	County Elections Official immediately delivers Notice of Intent to County Counsel. (§9105a)
E-368	Within 15 days, County Counsel delivers ballot title and summary to County Elections Official who then delivers a copy of the ballot title and summary to Proponents (§§9105a, 9105b)
E-367	Proponents shall, <u>prior to circulation of the petition</u> , publish the Notice of Intent with the ballot title and summary and file proof of publication with the County Elections Official. (§9105b)
E-363	Proponents submit petition with signatures 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 §9106 and, if applicable, after receipt of an amended title or summary or both, which occurs later. (§9110)
E-183	County Elections Official has 30 working days (Saturdays, Sundays & holidays excluded) to examine and determine the total number of valid signatures. If the petition is found sufficient, the County Elections Official will certify results to the Board of Supervisors at their next regular meeting. (§§9114, 9115)
E-146	County Elections Official submits to the Board of Supervisors an item for the Board agenda.
E-128	Board of Supervisors has three options to exercise when the County Elections Official presents findings that an initiative petition is sufficient. 1. Adopt the ordinance without alteration, or 2. Call an election (date to be determined by the percentage of voters who signed petition), or 3. Order a report pursuant to §9111 (see next page).
E-88	Last day Board can consolidate a measure with a regular election. Letters will be assigned to measures by the County Elections Official after 5 p.m. (§10403)
E-88	County Elections Official to publish the deadline for submitting arguments. (§9163 & Gov. Code §6061)

E-81	Last day for Board of Supervisors to direct County Auditor to write an analysis of a county measure. (§9160)
	Deadline to submit direct arguments per County Elections Official. (§9163)
	Deadline for County Counsel (and County Auditor, if previously directed) to submit impartial analysis. (§9160)
E-74	Deadline to submit rebuttal arguments per County Elections Official. (§9167)
E-60	First day to send Military and Overseas ballots to voters. (§3105)
E-40 to E-21	Mailing of County Voter Information Guides. (§§13303, 13304)
E-29	Vote-by-mail ballot period begins. (§§3001, 3003)
E	Election Day – Polls open at 7am and close at 8pm. (§§1000, 14212)
E+1 to E+30	Official Canvass (§§15301, 15372)

Report on Initiative Petition

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 a county agency or agencies for a report on any or all of the following:
- (1) Its fiscal impact.
 - (2) Its effect on the internal consistency of the county's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on county actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
 - (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the county to meet its regional housing needs.
 - (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
 - (5) Its impact on the community's ability to attract and retain business and employment.
 - (6) Its impact on the uses of vacant parcels of land.
 - (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
 - (8) Any other matters the board of supervisors request to be in the report.
- (b) The report shall be presented to the board of supervisors within the time prescribed by the board of supervisors, but no later than 30 days after the county elections official certifies to the board of supervisors the sufficiency of the petition.

A Look at the Process

Notice of Intention	The Notice of Intention must include: • The written text of initiative • A request that a ballot title and summary be prepared • The printed name(s), signature(s) and business or residence address of at least one but no more than five proponents The Notice of Intention may include: • A statement not exceeding 500 words stating the reasons for the petition. (§9104) The Notice of Intention must be filed with the County Elections Official. A fee of \$200 is due when the Notice of Intention is filed. This fee will be refunded if, within one year of the date of filing the Notice of Intention, the County Elections Official certifies the sufficiency of the petition. (§9103) A <i>Statement of Petition Proponents</i> signed by a proponent must be submitted with the Notice of Intention.
Title & Summary	When the Notice of Intention is filed, the County Elections Official will immediately provide a copy to County Counsel who will prepare a ballot title and summary not to exceed 500 words. (§9105 (a)) The County Elections Official will provide a copy of the ballot title and summary to the proponents when received from County Counsel. (§9105 (b))
Writ of Mandate	Any elector of the county may seek a writ of mandate requiring the ballot title or summary to be amended. (§9106)
Publication	Prior to circulating petitions, the proponents must publish the Notice of Intention and the ballot title and summary in a newspaper of general circulation. (§9105 (b))
File Proof	File proof of publication with the County Elections Official. (§9105 (b))
Circulation	Following publication of the Notice of Intention, proponents may begin circulating petitions for voter signatures. Each section of the petition must include a copy of the Notice of Intention, ballot title and summary. (§9108) Proponents have 180 days from the receipt of the ballot title and summary to circulate the petitions. (§9110)
Filing a 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. (§9113)
Reports Ordered	While the petition is being circulated, 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 Elections Official certifies the sufficiency of the petition. (§9111)
Verification of Signatures	Within 30 days from the date of filing the petition, excluding weekends and holidays, the elections office shall verify signatures. If the petition is found insufficient, no further action will be taken. If the petition is found to be sufficient, the County Elections Official will certify the results to the Board of

	Supervisors at the next regular meeting. §9115)
Signature Requirement	If the initiative petition is signed by voters not less 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: 1) Adopt the ordinance without alteration at the regular meeting at which 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 §1405. 3) 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). (§9118)
Enactment of Ordinance	Ordinances are passed with a majority vote of the voters and shall be considered adopted upon the date the vote is declared by the Board of Supervisors. The ordinance shall go into effect 10 days after that date. (§9122)
Petitions Not Public Record	Pursuant to Government Code §6253.5, petitions and all memoranda prepared by the county elections officials in the examination of the petitions indicating which registered voters have signed particular petitions are not public records and shall not be open to inspection except by the public officer or public employees responsible for receiving, examining or preserving the petitions or who are responsible for the preparation of that memoranda, or by court order, and, if the petition is found to be insufficient, by the proponents of the petition and the representatives of the proponents as may be designated by the proponents in writing in order to determine which signatures were disqualified and the reasons for disqualification. If the proponents of a petition are permitted to examine the petition and memoranda, the examination shall commence not later than 21 days after certification of insufficiency, and the county election officials shall retain the documents as prescribed in Section 17200 of the Elections Code.
Petition Retention	Elections officials shall preserve initiative petitions until eight months after the certification of the election results or, if the measure, for any reason, is not submitted to the voters, eight months after the final examination of the petition by the elections official. Thereafter, the petition shall be destroyed as soon as practicable unless: • The petition is evidence in a pending action or proceeding. • The elections official receives a written request that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot, or in a

	pending or ongoing investigation into a violation of the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code). The proponents of the petition have commenced an examination pursuant to Section 6253.5 of the Government Code, in which case the petition shall be preserved until one year from the date the proponents last examined the petition.
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If the initiative goes to Election

Calendar	The Elections Department will develop a calendar for the election, including dates when arguments, rebuttals, and campaign statements need to be filed.
Arguments & Rebuttals	A "Guide to Writing Arguments and Rebuttals for Local Measures" has been prepared by the Yuba County Elections Department and is available on the Elections Division website. This guide provides information on filing arguments and rebuttals for local measures. Article 3 (commencing with §9160) shall govern the procedures for submitting arguments for county initiatives. (§9120)
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 Counsel may also prepare a summary of the impartial analysis in a format that answers the questions "What does a yes vote mean?" and "What does a no vote mean?" for each measure, limited to 75 words or less that may be included in the county voter information guide. (§9160)
Conflicting Measures	If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control. (§9123)
Enacting Clause	The enacting clause of an ordinance submitted to the voters of a county shall be substantially in the following form: "The people of the County of Yuba ordain as follows:". (§9124)
Assigning a Letter	Letters designating measures will be assigned by the elections official pursuant to Elections Code §13116 after 5:00 pm on the 88th day prior to the election. 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. (§13116) 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.

	Note: It may be necessary for the elections official to skip letters for multi county measures and if assigning letters would make it wrap from a to z. The letter "I" is always skipped. Measures will appear on the ballot in the following order: Schools, County, Cities, and Districts. (§13109)
Board Action	A resolution calling the election and consolidating it with other elections being conducted in the same jurisdiction on the same day is filed with the Board of Supervisor's and a copy with the Elections Official. (§10400, 10401, 10403) The resolution will include the 75-word ballot question that is printed on the ballot. (§10403)
Ballot Question	The statement of all measures submitted to the voters shall be abbreviated on the ballot. The statement shall not contain more than 75 words of each measure to be voted on, followed by the words, "Yes" and "No". (§13247) The ballots used when voting upon a proposed county measure shall have the words "Shall the measure (stating the nature thereof) be adopted?" printed on them. To the right or below the statement of the measure to be voted on, the words "Yes" and "No" shall be printed on separate lines, with voting targets. A yes vote is in favor of the adoption of the ordinance; a no vote shall be counted against the adoption. If the proposed measure imposes a tax or raises the rate of a tax, the ballot shall include in the statement the amount of money to be raised annually and the rate and duration of the tax to be levied. (§13119)

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

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

Insert a request for a ballot title and summary be prepared.

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

Name	Residence or Business Address	Signature

Include here the written text of the initiative.

Each proponent must complete a Statement of Petition Proponent and submit with the Notice of Intention.

A fee of \$200 is due at the time of filing the Notice of Intent. This fee will be refunded if, within one year of the date of filing the Notice of Intention, the County Elections Official certifies the sufficiency of the petition. (§9103)

Statement of Petition Proponent

Must be completed by a proponent and submitted with Notice of Intent (EC 9608)

The proponents of an initiative measure shall ensure that any person, company, or other organization that is paid, or who volunteers, to solicit signatures to qualify the proposed measure for the ballot shall receive instruction on the requirements and prohibitions imposed by state law with respect to circulation of the petition and signature gathering thereon, with an emphasis on the prohibition on the use of signatures on an initiative petition for a purpose other than qualification of the proposed measure for the ballot. (§9607)

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 allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

_____ Dated this _____ day of, 20 _____. (Signature of Proponent)

This certification shall be kept on file by County Counsel for not less than eight months after the certification of the results of the election for which the measure qualified, or if the measure, for any reason, is not submitted to the voters, eight months after the deadline for submission of the petition to the elections official.

Failure to comply with this section shall not invalidate any signatures on a state or local initiative petition.

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:
(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. §9105

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 Yuba 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 “s/Name, Address, City, State, Zip” Each section of the petition shall bear a copy of the Notice of Intention. §9108. The law does not specify the type size for the Notice of Intent, but it should not be less than 8-point.

Insert text of measure in type not smaller than 8 point. It must be clearly separated from the ballot title and summary above. §9105(c)

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.

			Official use Only
1	Print Your Name _____ Sign as Registered to Vote _____ Residence Address Only _____ City, State _____ Zip _____		
2	Print Your Name _____ Sign as Registered to Vote _____ Residence Address Only _____ City, State _____ Zip _____		
3	Print Your Name _____ Sign as Registered to Vote _____ Residence Address Only _____ City, State _____ Zip _____		
4	Print Your Name _____ Sign as Registered to Vote _____ Residence Address Only _____ City, State _____ Zip _____		
5	Print Your Name _____ Sign as Registered to Vote _____ Residence Address Only _____ City, State _____ Zip _____		

1” §100

Each petition section shall have attached to it an affidavit to be completed by the circulator. §104, 9109. 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 Section of Initiative Petition (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 on the petition and to my best information and belief, each signature is the genuine signature of the person whose name it purports to be.

4. The appended signatures were obtained between the dates of _____ and _____, inclusive.

5. I am 18 years of age or older. *(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)

It is recommended that you leave a 1” margin at the top, and a ½” margin on the left, right and bottom. The full text of the proposed measure must also appear on the petition. You may want to print the text on the back side; however, the Ballot Title and Summary must appear above the text of the proposed measure. §9105(c)

(Signature)