

# *County Initiative Information*

Shannon Bushey  
Santa Clara County  
Registrar of Voters



Revised February 2015

**COUNTY INITIATIVE INFORMATION  
SANTA CLARA COUNTY  
REGISTRAR OF VOTERS  
2015**

*Table of Contents*

<b>Use of This Guide</b>	<b>1</b>
<b>General Information</b>	<b>2</b>
<b>Signatures Required</b>	<b>3</b>
<b>Notice of Intent</b>	<b>4</b>
<b>Filing Fee</b>	<b>4</b>
<b>Ballot Title and Summary</b>	<b>4</b>
<b>Publication</b>	<b>4</b>
<b>Circulation and Filing of Petition</b>	<b>5</b>
<b>Verification and Certification of Petition</b>	<b>5</b>
<b>Action by Governing Body</b>	<b>6</b>
<b>Additional Requirements</b>	<b>7</b>

## **USE OF THIS GUIDE**

**This booklet is for general information only and does not have the force and effect of law, regulation, or rule. It is made available with the understanding that the Registrar of Voters is not rendering legal advice and this document is not to be a substitute for legal counsel for the individual using it. In case of conflict, the law, regulation, or rule will apply. Before beginning any effort, the proponents should get the most current information available because of possible changes in law or procedure since the publication of this information.**

## COUNTY INITIATIVE INFORMATION

*(All citations are to the Elections Code unless otherwise specified)*

*The power of the electors to propose statutes (laws) and amendments to the (State) Constitution (and County Charter), and to adopt or reject such laws and amendments. (State Const., Art. II, Sec. a; Govt. Code 23702, 23720)*

Information on how to qualify a State initiative can be found on the Secretary of State's website at [www.sos.ca.gov/elections/elections\\_initiatives.htm](http://www.sos.ca.gov/elections/elections_initiatives.htm). Information on how to qualify a City initiative must be obtained from the Office of the City Clerk for the city in which the initiative is to be circulated.

### **General Information**

#### **Where not applicable**

Initiative powers are not available to voters:

On federal issues. (U.S. Const., Art. 1, Sec. 1)

In school and community college districts. (Elections Code 9300, Govt. Code 56036)

In districts which have no election procedures or do not provide for taking action by ordinance. (9300)

#### **Petition**

An initiative measure may be proposed by submitting to the appropriate authority a petition containing the text of the measure and a specified number of signatures of qualified voters. (9101)

Only the proponents of an initiative, or persons authorized in writing by the proponents are entitled to submit a petition for filing. (9113)

A petition may not be circulated within 100 feet of a polling place on the day of any election. (18370a)

Petition signatures may be used for no purpose other than the qualifying the measure for the ballot. (18650)

Anyone who signs a petition may have his/her name withdrawn by submitting a written request therefor to the officer with whom the petition is to be filed prior to the day of filing. (103)

The Registrar of Voters must preserve an initiative petition for a period of 8 months after certification of the results of the election for which it qualified or, if not submitted to the voters, 8 months after the final examination of the petition. Thereafter, the petition shall be destroyed unless needed as evidence in a pending legal action. (17200)

## **Not a Public Record**

Once filed an initiative petition is not a public record open to inspection by the general public. If a petition fails to qualify, the proponents may, within 21 days after certification of insufficiency, examine the petition to determine which signatures were disqualified and the reasons therefor. Certain administrative and law enforcement agencies may examine petitions upon approval of the Superior Court. (Govt. Code 6253.5)

## **Conflicting Measures**

If the provisions of two or more measures approved at the same election conflict, the measure receiving the highest affirmative vote shall prevail. (9123)

## **No Legislative Amendment**

Statutes enacted by initiative may not be amended or repealed except by a vote of the people unless the statute itself provides for amendment or appeal without voter approval. (9125)

## **Campaign Financial Reports**

Committees formed to support or oppose the qualification of initiative measures have campaign reporting obligations under the Political Reform Act of 1974. (Govt. Code 82013, 84200.f)

## **Signatures Required**

### **County Initiative**

For a special election:

20% of vote within the County for all candidates for Governor at the last gubernatorial election preceding publication of notice of intention by proponents. (9116)

**79,169 (2015 through the 2018 general election)**

With next statewide election:

10% of vote within the County for all candidates for Governor at the last gubernatorial election preceding publication of notice of intention. (9118)

**39,585 (2015 through the 2018 general election)**

### **County charter amendment:**

10% of vote within the County for all candidates for Governor at the last gubernatorial election. (Govt. Code 23720a)

**39,585 (2015 through the 2018 general election)**

## **Notice of Intent**

Prior to circulation of petition, proponents must file a Notice of Intention to do so with Registrar of Voters. The notice shall contain the written text of the initiative, the name and address of one, but not more than five proponents of the measure, a request that a ballot title and summary be prepared, and may include a statement, not exceeding 500 words, of the reasons for the proposed petition. This statement is not to be confused with a ballot argument. (9103a, 9104)

## **Filing Fee**

Person filing notice of intent shall pay the fee, not to exceed \$200, if prescribed by the Board of Supervisors for such filing (\$50 for County Initiatives, make check payable to: The Registrar of Voters). The fee shall be refunded to the filer if, within one year of the date of filing the Notice of Intention, the elections official certifies the sufficiency of the petition. (9103b)

## **Ballot Title and Summary**

Registrar of Voters shall immediately transmit a copy of the proposed measure to County Counsel who shall, within 15 days, return a Ballot Title and Summary, of not more than 500 words, expressing the purpose of the proposed measure. (9105a)

Registrar of Voters shall furnish the Ballot Title and Summary to the person who filed the measure. The Ballot Title and Summary shall be printed, in not smaller than 12-point, roman boldface type, on each section of the petition above the text of the proposed measure and across the top of each page on which signatures are to appear. (9105b)

Proponent who disagrees with content of Ballot Title and Summary may seek writ of mandate requiring that it be amended. (9106)

## **Publication**

Notice of Intention and Ballot Title and Summary shall be published by the proponents once in a newspaper of general circulation published in the jurisdiction. (9105b)

The published notice shall be in substantially the following form: (9104)

### **Notice of Intention to Circulate Petition**

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

(Insert here the 500 word statement, if any.)

The County Counsel has prepared the following title and summary of the chief purposes and points of the proposed measure:

(Insert here the official title and summary, followed by the names and addresses of the proponents.) (9105b)

### **File Proof of Publication**

Prior to circulating petition, proponents of a County initiative shall file proof of publication of the Notice of Intention and the Ballot Title and Summary with the Registrar of Voters. (9105b)

### **Circulation and Filing of Petition**

County petitions may be circulated among the voters of the jurisdiction after proof of publication of Notice of Intention and Ballot Title and Summary have been filed with the Registrar of Voters. (9105b)

Any registered voter in the County may sign a county initiative petition. (9108)

Petitions shall be filed with the Registrar of Voters within 180 days from the date of receipt of the Ballot Title and Summary or an amended Ballot Title and Summary, whichever occurs later. All sections of a petition must be presented for filing at the same time and may not thereafter be amended except by court order. If the number of signatures submitted is less than the minimum number required, the petition will not be accepted. (9110, 9113)

During the circulation of a petition, or before taking action on a petition that is found to have qualified, a board of supervisors may refer the proposed initiative measure to appropriate staff for a report on its fiscal impact, effect on general or specific plans or other matters. Report must be completed not later than 30 days after the elections official certifies to the board of supervisors the sufficiency of the petition. (9111)

### **Verification and Certification of Petition**

If a petition is accepted for filing, the signatures thereon must be verified by the Registrar of Voters within 30 days, excluding Saturdays, Sundays and holidays. (9114, 9115)

If the minimum number of signatures required to qualify the petition are filed, the signatures are authenticated by comparing them to signatures of registered voters on file at the election official's office. If more than 500 signatures are filed, a random sample of 500 signatures or 3% of the number filed, whichever is the greater number, are verified. (9114, 9115)

If verification of the random sample indicates that the total number of valid signatures on the petition is at least 110% of the number required, the petition shall be deemed qualified.

If the random sample indicates that the total number of valid signatures is less than 95% of the number required, the petition will be deemed to have failed.

If the random sample indicates that the total number of valid signatures is between 95% and 110% of the number required, then the sample must be rejected and all signatures on the petition have to be verified.

If the petition is found insufficient, the proponents are so notified and no further action is taken.

If the petition is found sufficient, the proponents are so notified and the results of the examination are certified to the governing body of the jurisdiction. (9114, 9115)

### **Action by Governing Body**

If petition is signed by voters not less in number to 20% of the entire vote cast within 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, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election be called, the Board of Supervisors shall do one of the following:

- 1) Adopt the ordinance without alteration either at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
- 2) Immediately call a special election pursuant to subdivision (a) of Section 1405, at which the ordinance, without alteration, shall be submitted to a vote of the voters of the county.
- 3) 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, it shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b).

If petition is signed by voters not less in number to 10% 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 the certification of the petition is presented, or within 10 days after it is presented.
- 2) Submit the ordinance, without alterations, to the voters pursuant to subdivision (b) of Section 1405, unless the ordinance petitioned for is required to be, or for some reason is, submitted to the voters at a special election pursuant to subdivision (a) of Section 1405.
- 3) 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, it shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b).

### **County Charter Amendment**

If petition is signed by voters equal in number 10% of the vote for Governor, the Board of Supervisors shall submit the proposal to the voters at the next established election date not less than 88 days after the proposal is received by the Board. (Govt. Code 23722)

**Effective Date - County**

If a majority of the voters voting on the proposed ordinance vote in its favor, the ordinance shall be considered adopted on the date the vote is declared by the governing body of the jurisdiction, and shall go into effect 10 days after that date. (9122)

**Additional Requirements**

**EC 9607**

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.

**EC 9608**

(a) A proponent of an initiative measure shall execute and submit, along with the request for a title and summary for the proposed measure, a signed statement 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 allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

\_\_\_\_\_  
(Signature of Proponent)

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

(b) The certification required by subdivision (a) shall be kept on file by the agency authorized to prepare the title and summary for the proposed initiative measure 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.

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

**EC 9609**

(a) Prior to allowing a person to circulate an initiative petition for signatures, the person, company official, or other organizational officer who is in charge of signature gathering shall execute and submit to the proponents a signed 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 allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

\_\_\_\_\_  
(Signature of Official)

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

(b) The certification required by subdivision (a) shall be kept on file by the proponents of the proposed initiative measure 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.

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

### **EC 9610**

(a) Prior to soliciting signatures on an initiative petition, a circulator shall execute and submit to the person, company official, or other organizational officer who is in charge of signature gathering a signed 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 allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

\_\_\_\_\_  
(Signature of Circulator)

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

(b) The certification required by subdivision (a) shall be kept on file by the person, company official, or other organizational officer who is in charge of signature gathering for the proposed initiative measure 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.

(c) This section shall not apply to unpaid circulators of state or local initiative petitions.

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