

INITIATIVE PETITION GUIDELINES

INTRODUCTION-COUNTY INITIATIVE PETITIONS

Any person or group desiring to start and circulate an initiative petition is strongly advised to contact private legal counsel to guide and advise them through the many steps involved in the petition process. The Humboldt County Elections Office cannot give legal advice or interpret law.

The following information is intended as only an introduction to the initiative process for County measures. While we believe it faithfully restates the Elections Code, it is not intended for use in lieu of legal counsel and should not be relied on in place of the actual law.

Elections staff are more than happy to work with initiative proponents on the initiative process, timelines, and petition format. We cannot help proponents with the content of proposed ordinance or the theory and practice of initiative petition drives. There are costs involved in an initiative petition, from the filing fee to legal notice costs to getting the petitions printed. It is in everyone's best interests to be prepared and have everything correct before moving on to the next step.

All references are to the California Elections Code unless otherwise noted. The following link will take you to the state's online edition of the Elections Code.

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=elec&codebody=&hits=20>

NOTICE OF INTENTION

Any proposed ordinance may be submitted to the Board of Supervisors by the filing of an initiative petition. Each petition section shall comply with the requirements of the California Elections Code and shall contain a full and correct copy of the 'Notice of Intention' and accompanying statement including the full text of the proposed ordinance. (EC 9101)

The enacting clause of an ordinance submitted to the voters shall be substantially in the following form:

The people of the County of Humboldt ordain as follows: _____
. (EC 9124)

Before circulating any initiative petition, the proponents shall file with the Humboldt County Elections Office a '**Notice of Intention.**' The notice shall include the names and business or residence addresses of at **least one but not more than five proponents** of the petition and shall be accompanied by the written text of the initiative, and a request that a ballot title and summary be prepared. (EC 9103a)

Any person filing a Notice of Intention with the county elections official shall pay a fee to be established by the board of supervisors not to exceed **two hundred dollars (\$200)** to be refunded to the filer if, within one year of the date of filing the notice of intent, the county elections official certifies the sufficiency of the petition. (EC 9103b)

The 'Notice' may also include a printed statement not exceeding 500 words stating the reasons for the proposed petition. (EC 9104)

The 'Notice' shall be in substantially the following form: (EC 9104)

'Notice of Intention' to Circulate an Initiative Petition:

'Notice' is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of Humboldt for the purpose of _____ .

A statement of the reasons of the proposed action as contemplated in the petition is as follows:

(Here set forth a statement of the reasons for the proposed petition in not more than 500 words)
(This statement is optional)

Along with the 'Notice of Intention' the proponents shall also file a copy of the **text of the proposed measure**, and a request for a ballot title and summary. This request shall be accompanied by the names and addresses of the proponents. (EC 9105)

Keep in mind that this Notice of Intention ultimately will be published as a legal notice and newspapers charge by the inch.

PROPOSED MEASURE: TITLE AND SUMMARY

The County Counsel shall with in **15 days** after the proposed measure if filed, prepare a ballot title and summary for the proposed measure. (EC 9105a)

The Humboldt County Elections Office shall furnish a copy of the ballot title and summary to the proponents. (EC 9105b)

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**. The ballot title and summary shall be clearly separated from the text of the measure. (EC 9105c)

The heading of the proposed measure shall be in substantially the following form. (EC 9105c)

Initiative Measure to be Submitted Directly to the Voters

The County Counsel 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 County Counsel. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear)

The proponents may seek a writ of mandate requiring the ballot title or summary prepared by the County Counsel to be amended. A peremptory writ of mandate shall be issued only upon clear and convincing proof that the ballot title or summary is false, misleading, or inconsistent with the requirements of EC 9105. (EC 9106)

The 'Notice of Intention' and the 'Title and Summary' prepared by the County Counsel shall be **published** by the proponents at least **once** in a newspaper of general circulation in Humboldt County and shall file a 'Proof of Publication' with the Humboldt County Elections Office. (EC 9105b)

CIRCULATION OF PETITIONS

The proponents may commence to circulate the petition among the registered voters of Humboldt County **after the publication** of the 'Title and Summary' that was 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. (EC 9108)

Any person who is a registered voter or is qualified to register to vote in California (i.e., the person is a U.S. citizen, at least 18 years old, and not in prison or on parole for conviction of a felony (EC 2101) may circulate an initiative petition. (EC 102)

Only a person who is a qualified registered voter of Humboldt County 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. (EC 9020)

TIME LIMIT FOR CIRCULATING A PETITION

Signatures shall be secured and the petition presented for filing to the Humboldt County Elections Office within **180** days from the date of receipt of the 'Title and Summary', or after receipt of an amended 'Title and Summary' or both, whichever occurs later. (EC 9110)

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. Once filed, no petition section shall be amended except by court order. (EC 9113)

The Humboldt County Elections Office has 30 working days from the date of filing of the petition to examine the petition and ascertain whether or not the petition is signed by the requisite number of voters. (EC 9114, 9115)

Any voter who has signed the petition shall have their signature withdrawn if they file a written request with the Humboldt County Elections Office prior to the day the petition is filed. (EC 103)

ELECTION

If the petition is signed by not less than **20%** of the vote cast for Governor **AND** contains a request that the ordinance be submitted to a vote at special election, the Board of Supervisors shall either: (EC 9116)

- a) Pass the ordinance without alteration or,
- b) Immediately call a special election.
- c) Order a report pursuant to Section 9111 at the regular meeting at which the ordinance is presented. When the report is presented to the Board, it shall either adopt the ordinance within **10 days** or order an election.

If the petition signed by not less the 10% of the vote cast for Governor, the Board of Supervisors shall either: (EC 9118)

- a) Pass the ordinance without alteration or,
- b) Submit it to the voters at the next statewide election occurring not less than 88 days after the date of the order, or after the Board is presented with a report pursuant to (EC 9111)

When it is legally possible to hold a special election within 180 days prior to a regular

election, the proposed ordinance may be submitted at that election instead of a special election. In all other cases the Board shall call a special election to be held not less than 88 nor more than 103 days after the presentation of the proposed ordinance. (EC 1405, 9117)

If a majority of the voters 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. (EC 9122)

ARGUMENTS

Written arguments not exceeding 300 words may be filed for or against any county measure. (EC 9163)

A ballot argument will not be accepted unless it is accompanied by the name or names of the person or persons submitting it, or, if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. (EC 9164)

No more than five signatures shall appear with any argument submitted for filing. If any argument is signed by more than five persons the signatures of the first five will be printed. (EC 9164)

All arguments shall be accompanied by the following form statement, to be signed by each proponent and each author if different, of the argument. (EC 9600)

The undersigned proponents(s) or author(s) of the (**primary/rebuttal**) argument (**in favor of/against**) ballot measure (**name or number**) at the (**title of election**) for the County of Humboldt to be held (**date of election**) hereby states that such argument is true and correct to the best of their knowledge and belief.

Signed Dated

Any ballot arguments may be withdrawn at any time prior to and including the final date fixed for filing arguments. (EC 9601)

HYPOTHETICAL CALENDER OF EVENTS

DAYS BEFORE
ELECTION

ACTIVITY

*347

Proponents file with the Elections Office the following:

- a) Notice of Intention
- b) Statement of Reasons, not exceeding 500 words. (This statement is permissive, not mandatory)
- c) Text of proposed initiative.
- d) Request for a Ballot Title and Summary.
- e) Their names and addresses. (EC 9104)

*347-332

County Counsel to prepare Ballot Title and Summary. (EC 9105)

*332-325

Proponents publish Notice of Intention, and the Title and Summary as prepared by the County Counsel, and file Proof of Publication with the Humboldt County Elections Office. (EC 9105b)

*324

Proponents may commence to circulate the petitions after publication of the Notice of Intention and the Title and Summary. (EC 9108)

During the circulation of the petition, or before adopting the ordinance or calling an election, 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:

- a) Its fiscal impact.
- b) Its effect on the internal consistency of the County's general and specific plans including the housing element, the consistency between planning and zoning, 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).
- c) Any other matters the Board of Supervisors request to be in the report. The report shall be presented to the Board within the time prescribed by the Board, but no later than 30 days after the Clerk certifies the sufficiency of the petition. (EC 9111)

144

Lastday to file petitions in time to qualify for the next regular election. (EC 9110)

102

Last day for Elections Office to verify signatures. (EC 9114, 9115)

99

Last day to receive report if ordered by the Board of Supervisors pursuant to Section 9111.

88

Last day Board of Supervisors to either adopt the ordinance or call election. (EC 9116, 9117, 9118)

84

Last day to file arguments. (EC 91163)

74

Last day to file rebuttal arguments. (EC 91167)

74

Last day for County Counsel to prepare an Impartial Analysis. (EC 91160)

74

Last day for County Auditor to prepare Fiscal Impact Statement. (EC 91160)

* These dates are approximate. Actual dates will depend on the timing of the proponents completing filings and publication, completion of the Title and Summary prepared by the County Counsel, and the number of days proponents take to circulate the petition.

SIGNATURE REQUIREMENTS

As noted above, the Elections Code requires valid signatures from voters equal to or greater than at least 10 percent of the number of votes cast for governor at the last gubernatorial election (the October 2003 Governor Recall election does not count). As a practical matter, initiative proponents need about 15 percent more signatures than the minimum to compensate for petition signers who are not registered, who moved since they last registered, or who sign the petition more than once.

TOTAL of all votes cast for Governor in Humboldt County at the November 2, 2010 General Election	50,784
20% of votes cast	8,773
10% of votes cast	4,387

SAMPLE INITIATIVE PETITION

BALLOT TITLE: (as prepared by the County Counsel)

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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

TITLE: (by County Counsel)

Summary by County Counsel: (500 words or less)

Text of measure: (full wording of ordinance)

Notice of Intention: (by proponents, no more than 500 words)

NOTICE TO THE PUBLIC

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

Official

Use Only

1	Print Name	Residence Address Only	
	Signature	City	Zip
2	Print Name	Residence Address Only	
	Signature	City	Zip

DECLARATION OF CIRCULATOR

I, (print name) _____ declare that my residence address is in Humboldt County California, and I am a registered voter in Humboldt County, and I personally circulated this initiative petition for signing, and I further state that I witnessed each of the appended signatures on this initiative petition being signed, and to my best information and belief, each signature is the genuine signature of the person whose name it purports to be; and the signatures were obtained between the dates of _____ and _____ , inclusive.

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

Executed on (date) at (City/town where signed) , California.

(Signature of Petition Circulator)

POLITICAL REFORM ACT

Proponents of initiatives may have disclosure requirements under the Political Reform Act, Government Code Sections 81000 et seq.

Questions should be directed to the Humboldt County Elections Office or the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814, (916) 322-5662.

MASS MAILING REQUIREMENTS

- a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.
- b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and the city of the candidate or committee need only be shown on the outside of each piece of mail.
- c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

Government Code §84305, Election Code §16