

Siskiyou County Clerk's Office

County Initiative Guidebook

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Distributed by Laura Bynum, Siskiyou County Clerk
Siskiyou County Clerk's Office
311 Fourth St., Rm. 201
Yreka, CA 96097

Phone: (530) 842-8084
Fax: (530) 841-4110
Website: www.sisqvotes.org
Email: laura@sisqvotes.org

DISCLAIMER:

This Initiative Guide has been compiled to provide an overview of the county initiative process, and is intended to provide general information and does not have the force and effect of law, regulations, or rules. It is prepared and distributed with the understanding that the Siskiyou County Clerk's Office is not rendering legal advice and that the guide is, therefore, not a substitute for legal counsel. In case of conflict, the law, regulation, or rule will apply.

SAMPLE CALENDAR

Below is an example of timeframes and deadlines for a county initiative.

E= Election Day, followed by the number of days prior to or after Election Day when the various steps should be taken. The calendar is subject to change depending on the actual dates when events take place.

Once a Notice of Intent is filed, the County Clerk's Office will develop a specific calendar for your initiative. Some deadlines are state law; others are suggested time frames in order to provide the maximum amount of time to circulate petitions. All codes refer to the California Elections Code unless otherwise noted.

E-383	County Clerk receives Notice of Intent (§9103, 9104)
E-383	County Clerk immediately delivers Notice of Intent to County Counsel. (§9105a)
E-368	Within 15 days, County Counsel delivers Title and Summary to County Clerk, who then delivers a copy of the Title and Summary to Proponents. (§9105a)
E-367	Proponents shall, prior to the circulation of the petition, publish the Notice of Intent with Title and Summary and file proof of publication with the County Clerk's Office. (§9105b)
E-363	Proponents submit petition with signatures within 180 days after proponents receive Title and Summary from County Clerk or after termination of any action for a writ of mandate pursuant to §9106 and, if applicable, after receipt of an Amended Title and/or Summary. (§9110)
E-183	County Clerk has 30 working days (Saturdays, Sundays, and holidays excluded) to certify results to the Board of Supervisors. (§9114, 9115)
E-142	County Clerk submits to the Board of Supervisors an item for the Board agenda. Agenda items have to be reviewed for placement on the agenda no later than the Wednesday preceding the Tuesday Board meeting.
E-128	Board of Supervisors have three options to exercise at its meeting where the County Clerk presents its findings that an initiative petition is sufficient: <ol style="list-style-type: none"> 1. Adopt the ordinance, without alteration 2. Call an election (date to be determined by the percentage of voters who signed the petition). 3. Order a report pursuant to §9111
E-98	Board to call the election or adopt the ordinance without alteration (§9118)
E-88	Last day Board can consolidate a measure with a regular election. Letter will be assigned to the measure by the County Clerk. (§10403)
E-98 to E-88	Clerk to publish the Notice of Election, setting the deadline for submitting arguments. (§9163 and Gov Code §6061) Last day for Board of Supervisors to direct County Auditor to write an analysis of a county measure. (§9160)

WHAT IS A MEASURE?

“Measure” means any constitutional amendment or other proposition submitted to a popular vote at any election. (§329)

This guidebook describes the Initiative process, which becomes a measure after the petition qualifies for the ballot.

THINGS TO CONSIDER BEFORE STARTING THE PROCESS

Need Help?

You may want to consider consulting with private legal counsel to advise and guide you through the steps of the initiative process. The County Clerk’s Office staff cannot help you with the content of your proposed law or with getting signatures, but will assist you by developing a calendar specific to your effort as well as provide templates for the necessary forms.

Expenses

You will incur some expenses, including but not limited to, the filing fee, publication expenses, and petition printing.

OVERVIEW OF THE PROCESS

Notice of Intention

File the Notice of Intention with the County Clerk with the printed name(s), signature(s), and business or residence addresses of at least one but not more than five proponents. The Notice of Intention includes the written text of the initiative and a request that a Ballot Title and Summary be prepared. (§9103)

The Notice of Intention may contain a statement not exceeding 500 words, stating the reasons for the petition. (§9104)

A signed Proponent Statement of Acknowledgement must be submitted to the County Clerk’s Office at the same time the Notice of Intention is submitted. (§9608)

Proponent(s) must pay a fee of \$200.00 to be refunded if, within one year of the date of filing the Notice of Intention, the clerk certified the sufficiency of the petition. (§9103)

See Attachment 1 – Example of Notice of Intention

See Attachment 2 – Example of Statement of Petition Proponent

Title and Summary

The County Clerk immediately transmits a copy of any proposed measure to County Counsel, along with the signed Statement of Petition Proponent. Within 15 days, County Counsel prepares a Ballot Title and Summary not exceeding 500 words. (§9105a)

The County Clerk furnishes a copy of the Ballot Title and Summary to the proponent(s). (§9105b)

Appeal

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

Publication

Proponent(s) publish for one day the Notice of Intention and the Ballot Title and Summary in a newspaper of general circulation and file proof of publication with the County Clerk.

Prepare the Petition

A specific petition format is required under California law. (§§100, 101, 104, 9105c, 9108, 9109)

See Attachment 3 – Example of Petition format. You can request the WORD version of this document from the County Clerk’s Office if desired.

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 Siskiyou ordain as follows.” §9124

Petition Formatting Tips

The petition can be printed on letter, legal size or larger paper, and can be single or double-sided and can accompany any amount of signatures. A section is a part of the larger petition. Each section must contain a declaration of the circulator, space for voter signatures, and may consist of one or many pages. If you staple the petition pages together into a single “section” during signing, do not remove any of the staples. You must submit the pages to the County Clerk as the petition signers signed them.

Gathering Signatures

Proponents may begin to circulate the petitions for voter signatures after publication of the title and summary.

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

Who Can Sign the Petition

Only a person who is an eligible registered voter at the time of signing the petition is entitled to sign it. Each signer shall personally affixes his or her signature, printed name, and place of residence, giving street and number, or if not available, a designation of the place of residence. (§100)

A voter who is unable to personally affix on a petition the information required may request another person to print the voter's name and place of residence on the appropriate spaces of the petition, but the voter shall personally affix his or her mark or signature on the appropriate space of the petition, which shall be witnessed by one person by subscribing his or her name thereon. (§101.5)

Withdrawing a Signature

A voter who has signed a petition shall have his or her signature withdrawn from the petition upon filing a written request that includes the voter's name, residence address, and signature with the County Clerk prior to the day the petition is filed. (§103)

Tips on Gathering Signatures

It is recommended that you obtain additional signatures above the amount required to compensate for disqualified signers for not being registered or for other reasons.

A signer can register to vote at the same time they sign the petition as long as the affidavit of registration is signed on the same date or a date before the signing of the petition and the affidavit of registration is received by the County Clerk's Office on or before the date that the petition is filed. (§2102b)

Proponents can obtain Voter Registration Cards from the County Clerk's Office, to use to register people to vote. Individuals distributing voter registration cards who receive completed voter registration cards from voters shall return the completed cards to the county elections official or shall deposit the cards in the postal service within three days, excluding Saturdays, Sundays, and state holidays, of receipt from the voter. (§2138)

If, after completing his or her voter registration card, an elector entrusts it to another person, the latter shall sign and date the attached, numbered receipt indicating his or her address and telephone number, if any, and give the receipt to the elector. (§2158b2)

See Attachments 4 and 5 for examples of Statement of Petition Circulator and Statement of Petition Company.

Board of Supervisors Can Order Reports During Circulation

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 Clerk certifies the sufficiency of the petition. (§9111)

How Many Signatures are Needed?

10% of the entire vote cast in the county for all candidates for Governor in the last election – then the Board of Supervisors shall either:

1. Adopt the ordinance without alteration at the meeting at which certification 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 (§9111) and once the report is presented, the Board shall either adopt the ordinance within 10 days or order an election. (§9118)

20% of the entire vote cast in the county for all candidates for Governor in the least election 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 shall either:

1. Adopt the ordinance without alteration.
2. Call a Special Election within 88 and 103 days (if a regular or special election will be held within 180 days, the measure may be consolidated with that election.) (§1405a) (§9116); or
3. Order a report pursuant to §9111 and once the report is presented, the Board shall either adopt the ordinance within 10 days or order an election. (§9116)

Filing the Petition with the County Clerk's Office

You must file the petition with the County Clerk's Office during normal business hours within 180 days from the date of receipt of the title and summary and, if applicable, after receipt of an amended title or summary or both, whichever occurs later. (§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. 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)

At the time you file the petition, please provide the County Clerk with a blank copy of the petition and a completed worksheet indicating the number of sections and signatures filed.

See Attachment 6 for Petition Worksheet.

Verification of Signatures

Within 30 days from the date of filing of the petition, excluding weekends and holidays, the County Clerk shall verify signatures. If the petition is found insufficient, no action shall be taken. If the petition is found to be sufficient, the County Clerk shall certify the results to the Board of Supervisors at the next regular meeting. (§9115)

The County Clerk's Office will notify the proponents of the outcome of the verification of signatures.

Petitions Not Public Record

Pursuant to Government Code (§6253.5) petitions and all memoranda prepared by the County Elections Official in the examination of the petitions indicating which registered voters have signed particular petitions shall not be deemed to be public records and shall not be open to inspection except by the public officer or public employees who have the duty of receiving, examining or preserving the petitions or who are responsible for the preparation of that memoranda and, if the petition is found to be insufficient, by the proponents of the petition and representatives of the proponents as may be designated by the proponents in writing in order to determine which signatures were disqualified and the reasons therefore.

However, the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a school district or a community college district attorney, and a city attorney shall be permitted to examine the material upon approval of the appropriate superior court.

If the proponents of a petition are permitted to examine the petition and memoranda, the examination shall commence no later than 21 days after certification of insufficiency.

- a) As used in this section, "petition" shall mean any petition to which a registered voter has affixed his or her signature.
- (b) As used in this section "proponents of the petition" means the following:
 - (1) For statewide initiative and referendum measures, the person or persons who submit a draft of a petition proposing the measure to the Attorney General with a request that he or she prepare a title and summary of the chief purpose and points of the proposed measure.
 - (2) For other initiative and referenda on measures, the person or persons who publish a notice of intention to circulate petitions, or, where publication is not required, who file petitions with the elections official.
 - (3) For recall measures, the person or persons defined in Section 343 of the Elections Code.
 - (4) For petitions circulated pursuant to Section 5091 of the Education Code, the person or persons having charge of the petition who submit the petition to the county superintendent of schools.
 - (5) For petitions circulated pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of the Education Code, the person or persons designated as chief petitioners under Section 35701 of the Education Code.
 - (6) For petitions circulated pursuant to Part 46 (commencing with Section 74000) of the Education Code, the person or persons designated as chief petitioners under Sections 74102, 74133, and 74152 of the Education Code.

Petition Retention

Elections Officials required by law to receive or file in their offices any initiative or referendum petition shall preserve the petition until eight months after the certification of the results of the election for which the petition qualified 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 practical unless the petition must 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). §17200

If the Initiative Goes to Election

The Board of Supervisors will adopt a resolution calling the election after certification of the petition. §10400, 10401

The resolution will include the ballot question that is printed on the ballot. The ballot question is limited to 75 words.

Ballot Question

The statement of all measures submitted to the voters shall be abbreviated on the ballot. The statement shall contain not more than 75 words of each measure to be voted on, followed by the words "YES" and "NO". §13247

Notice of Election/Deadline for Submitting Arguments

Once the Board calls the election, the County Clerk's Office will prepare a Notice of Election, which will be published once in a newspaper of general circulation. The Notice of Election will include the deadlines for submitting arguments.

Submitting Arguments and Rebuttals

Obtain a copy of the Guide for Submitting Arguments and Rebuttals for Local Measures. This guide outlines procedures for filing arguments and rebuttals and analyses for local measures and is available from the County Clerk's Office or online at www.sisqvotes.org

Analyses

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 Auditor-Controller may prepare a Fiscal Analysis of the effect on county revenues or expenditures. §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

Assigning a Letter

Letters designating measures will be assigned by the County Clerk pursuant to California Elections Code §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 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, cities, districts. §13109

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)

CAMPAIGN DISCLOSURE REQUIREMENTS

Individuals who support or oppose a ballot measure may form a “committee.” An individual, group of individuals, organization or any other entity is a “committee” if it makes or receives “contributions” or makes “independent expenditures” as defined in the Political Reform Act. Committees are required to file periodic campaign disclosure statements with the appropriate filing officer(s) disclosing contributions received and expenditures made. Types of committees involved with ballot measures include:

Recipient Committees: Individuals and organizations that receive contributions (\$2,000 or more in a calendar year) to support or oppose state or local candidates, or to qualify, support or oppose state or local ballot measures, including initiative, referendum and recall measures (either primarily formed to support or oppose a single candidate or ballot measure, or more than one candidate or measure being voted on in a single election, or general purpose to support or oppose a variety of candidates and/or measures);

Major Donor Committees: Individuals or entities that use their own money (i.e., personal funds, corporate or business funds) to make contributions totaling \$10,000 or more in a calendar year to candidates or to committees supporting or opposing candidates or ballot measures;

Independent Expenditure Committees: Individuals or entities that use their own money to make “independent expenditures” totaling \$1,000 or more in a calendar year to support or oppose candidates or measures (e.g., Jane Brown uses personal funds to send a mailing to voters or to purchase an advertisement supporting a candidate, but she does so independently, not in coordination with the candidate or his or her campaign committee).

Any individual, or group of individuals, who anticipate receiving and/or spending funds to support or oppose a ballot measure, should view the current **Fair Political Practices Commission Information Manual on Campaign Disclosure Provisions of the Political Reform Act** at www.fppc.ca.gov. Forms may also be downloaded from the website. Additionally, there are legal requirements pertaining to “mass mailings.”

Notice of Intention to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition with the County of Siskiyou 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.

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

Name	Residence or Business Address	Signature

Include here the written text of the initiative and a request that a ballot title and summary be prepared.

Statement of Petition Proponent

Must be submitted with Notice of Intent and filed with County Counsel

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.

I, _____, acknowledge that it is a misdemeanor under state law (CA Elections Code § 18650) 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.

Signed: _____

Date: _____

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.

ATTACHMENT 3

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 Santa Cruz 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. So, if it is on the front side, it may be omitted on the back. 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. And, it must be clearly separated from the ballot title and summary above. §9105(c) If printed once on the back side, text must follow the Ballot Title and Summary.

NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER

Print in 12-point type, prior to the portion for voters' signatures. §101.

1	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
2	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
3	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
4	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
5	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	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, (Print Name) _____ declare:

My residence address is _____
(Physical Address, including city, state, zip)

1. I personally circulated the attached petition for signing.
2. 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; and
4. The appended signatures were obtained between the dates of _____ and _____, inclusive.

(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)

Signature

It is recommended that you leave a 1" margin at the top, and a 1/2" 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)

Statement of Petition Circulator

Must be kept by Person, Company, or Organization who is gathering signatures.

This certification does not apply to unpaid circulators of state or local initiative petitions.

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 (CA Elections Code §18650) 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 signature for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Signature of Circulator: _____

Date: _____

This certification shall be kept on file by the person, company of 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.

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

Statement of Petition Company

Must be kept by Proponents

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 (CA Elections Code §18650) 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 signature for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Signature: _____

Date: _____

This certification 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.

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

Attachment 5

Petition Worksheet

Name of Petition: _____

Date of Filing: _____

Filed by: _____

Number of Sections Filed: _____

Raw Count of Signatures Filed: _____

County Clerk's Office Use Only

_____ sections with 1 signature

_____ sections with 2 signatures

_____ sections with 3 signatures

_____ sections with 4 signatures

_____ sections with 5 signatures

_____ sections with 6 signatures

_____ sections with 7 signatures

_____ sections with 8 signatures

_____ sections with 9 signatures

_____ sections with 10 signatures

_____ sections with 11 signatures

_____ sections with 12 signatures

_____ sections with 13 signatures

_____ sections with 14 signatures

_____ sections with 15 signatures

Total Raw Signatures: _____