

COUNTYWIDE AND DISTRICT INITIATIVE AND REFERENDUM GUIDELINES



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PREFACE

The goal of these guidelines is intended to assist the public with general information on the initiative and referenda process and does not have the force of law, regulation or rule. In case of conflict, the law, regulation or rule will apply. Code references refer to the California Constitution (CA Const.), California Elections Code (EC) and California Government Code GC). These guidelines are made available with the understanding that the County Clerk-Recorder's office staff is not rendering legal advice and cannot make a legal determination on the wording or sufficiency of your petition or text. Persons using these guidelines must bear full responsibility to make their own determinations as to all legal standards and duties. These guidelines are only a summary of the procedures for preparing and qualifying county and district initiatives and referenda. If you would like to have your petition reviewed for legal sufficiency, it is highly recommended that you please contact an attorney. Lastly, for information on City initiative and referendum petitions, please contact the appropriate City Clerk.

TABLE OF CONTENTS

PREFACE	2
I. DEFINITIONS.....	5
INITIATIVE	5
REFERENDUM	5
II. GENERAL INFORMATION	5
COUNTY CHARTER.....	5
CONFLICTING MEASURES.....	5
REPEAL OF ORDINANCE	5
PRESERVATION OF PETITION	5
NOT A PUBLIC RECORD	5
CAMPAIGN REPORTS.....	6
PROHIBITIONS -	6
III. COUNTYWIDE INITIATIVE.....	6
TIMING OF THE PETITION PROCESS.....	6
SIGNATURES REQUIRED	6
PRELIMINARY PROCEDURES	6
NOTICE OF INTENTION	6
BALLOT TITLE AND SUMMARY	7
WRIT OF MANDATE – BALLOT TITLE OR SUMMARY	7
PUBLICATION OF NOTICE OF INTENTION	7
SIGNED STATEMENT OF PROPONENT/CIRCULATOR	7
FORM OF PETITION	9
CIRCULATION OF PETITION.....	11
FILING OF PETITION	11
EXAMINATION AND VERIFICATION OF SIGNATURES.....	12
ADDITIONAL INFORMATION	13
IV. DISTRICT INITIATIVE.....	13
PRELIMINARY PROCEDURES	14
PUBLICATION OF NOTICE OF INTENTION	14
IMPARTIAL ANALYSIS	14
FILING OF NOTICE AND STATEMENT	15
FORM OF PETITION	15
DECLARATION OF CIRCULATOR	16

CIRCULATING THE PETITION	16
FILING OF PETITION	16
EXAMINATION OF SIGNATURES.....	17
ACTION BY GOVERNING BOARD	17
ADDITIONAL INFORMATION	18
V. COUNTY REFERENDUM.....	18
VI. DISTRICT REFERENDUM.....	19
APPENDIX A - SAMPLE NOTICE OF INTENTION TO CIRCULATE A COUNTYWIDE INITIATIVE PETITION	20
APPENDIX B - SAMPLE – COUNTY PETITION FORM	21
APPENDIX C - SAMPLE - DECLARATION OF PERSON CIRCULATING PETITION SECTION	22
APPENDIX D - SAMPLE COUNTYWIDE INITIATIVE PROCESS TIMELINE	23
APPENDIX E – SAMPLE NOTICE OF INTENT TO CIRCULATE DISTRICT PETITION	25
APPENDIX F – SAMPLE DISTRICT PETITION FORM	26
APPENDIX G - SAMPLE DISTRICT INITIATIVE PROCESS TIMELINE	27

I. DEFINITIONS

INITIATIVE - The power of the electors to propose a new ordinance and amendments to ordinances, and to adopt or reject such laws and amendments. (CA Const. Art. II, §8A,)

REFERENDUM - The power of the electors to approve or reject statutes or parts of statutes except urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for usual current expenses of the State. (CA Const. Art. II, §9A)

II. GENERAL INFORMATION

COUNTY CHARTER - Any proposal to enact, amend, or otherwise revise a County Charter by initiative petition may be submitted to the Board of Supervisors. In addition, the Board of Supervisors may not enact, amend, or otherwise revise a county charter without submitting the proposal to the voters. (EC §9102)

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. (EC §9123)

REPEAL OF ORDINANCE - No ordinance proposed by initiative petition and adopted either by the Board of Supervisors without submission to the voters or adopted by the voters, shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance. In all other respects, an ordinance proposed by initiative petition and adopted shall have the same force and effect as any ordinance adopted by the Board of Supervisors. (EC §9125)

PRESERVATION OF PETITION - The Elections Official 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 practicable, unless it is in evidence in a pending legal action. (EC §17200)

NOT A PUBLIC RECORD - Once filed, an initiative petition and all memoranda prepared by the County Elections Official in the examination of the petition 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 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 therefor. 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 not later than 21 days after certification of insufficiency, and the County Elections Official shall retain the documents as prescribed in Section 17200 of the Elections Code. (GC§6253.5)

CAMPAIGN REPORTS - Committees formed to support or oppose the qualification of initiative measures may have campaign finance reporting obligations under the Political Reform Act of 1974. Please refer to the Fair Political Practices Commission (FPPC) Manual 3 concerning Ballot Measure Committees, contact the FPPC at (866) 275-3772 or contact the Elections Office for further information. (GC §82013, 84200 - 84225)

PROHIBITIONS - A petition may not be circulated within 100 feet of a polling place, a satellite location or an Election Official's office on the day of any election. (EC §18370(a))

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

III.COUNTYWIDE INITIATIVE

TIMING OF THE PETITION PROCESS - The maximum time necessary for the entire petition process is nearly 9 ½ months. The election cannot be held any sooner than 88 days after the Board places the measure on the ballot. Due to these time requirements, it is recommended that the initiative preparation should begin approximately 13 months prior to the election for which a ballot initiative is being qualified. If the proponents begin less than 13 months from the election, it is strongly suggested that they submit the signatures in less than the 180 days allowed by code. This will allow the necessary time to verify signatures and present the certification to the County Board of Supervisors. (EC §§1405, 9110)

SIGNATURES REQUIRED - The County Elections Official shall ascertain the number of signatures required to sign the petition by obtaining the number of votes cast within the county for all candidates for Governor in the last Gubernatorial Election, preceding the publication of the notice of intent to circulate. The initiative petition shall be signed by voters not less than 10% of that number. (EC §§9107, 9118)

PRELIMINARY PROCEDURES

1. NOTICE OF INTENTION – APPENDIX A

Prior to circulating any initiative petition, the proponents shall file with the County Elections Official a Notice of Intention to do so. The notice shall include 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.

Any person filing a Notice of Intention with the County Elections Official shall pay a fee of \$5.00, to be refunded to the filer if, within one year of the date of filing the Notice of Intention, the County Elections Official certifies the sufficiency of the petition.

The Notice of Intention may also include a printed 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 San Luis Obispo for the purpose of _____
_____. A statement of the reasons of the proposed action as contemplated in the petition is as follows: (optional statement) (EC §§9103,9104)

2. BALLOT TITLE AND SUMMARY

After receipt of a Notice of Intention to circulate an initiative petition, 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 of 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. (EC §9105(a))

3. WRIT OF MANDATE – BALLOT TITLE OR SUMMARY

Any elector of the County may seek a writ of mandate requiring the ballot title or summary prepared by 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 Section 9105. (EC §9106)

4. PUBLICATION OF NOTICE OF INTENTION

After receipt from the County Counsel, the County Elections Official shall furnish a copy of the ballot title and summary to the proponents of the proposed measure. Prior to the circulation of the petition, the proponents shall publish the Notice of Intention, and the ballot title and summary of the proposed measure in a newspaper of general circulation published in San Luis Obispo County, and file proof of publication with the County Elections Official. (EC §9105(b))

5. SIGNED STATEMENT OF PROPONENT/CIRCULATOR

The proponent(s) of a proposed initiative measure are required to ensure that any person, company, or other organization who solicits signatures to qualify the initiative measure, whether they are paid or volunteer, receives instruction on the requirements and prohibitions imposed by state law with respect to the circulation of petitions and the gathering of signatures. Such instructions must emphasize the prohibition of the use of signatures on an initiative petition for a purpose other than qualification of the proposed measure for the ballot. (EC §9607.)

The petition may be circulated by several individuals carrying separate, identical parts of the petition called sections. Preprinted dates or generalized dates, other than the particular range of

dates during which the petition section was actually circulated, are not allowed.

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 Official

Dated this _____ day of _____, 20_____

The certification 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.

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 proponent(s) a signed statement that reads as follows (EC § 9609):

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_____

This statement shall be kept on file by the proponent(s) for not less than eight months after the certification of the results of the election for which the petition qualified or, if the measure did not qualify, eight months after the deadline for submission of the petition to Elections Officials. (EC § 9609 (b))

In addition, prior to soliciting signatures on an initiative petition, all paid circulators 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 (EC § 9610):

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_____

This statement shall be kept on file by the person, company official, or other organizational officer who oversees signature gathering for not less than eight months after the certification of the results of the election for which the petition qualified or, if the measure did not qualify, eight months after the deadline for submission of the petition to elections officials.

Unpaid circulators do not need to provide a signed statement. (EC §§9610 (c))

6. FORM OF PETITION – APPENDIX B

State law specifies the format for petitions. The County Elections Official will not accept petitions that do not conform to the law. Initiative proponents are responsible for the preparation and printing of petitions (EC §§100, 100.5, 101, 104, 9101, 9105c, 9108, 9109).

Each section of the petition must contain:

1. **BALLOT TITLE AND SUMMARY** - 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 11 point. The ballot title and summary shall be clearly separated from the text of the measure.

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.)

Following the ballot title and summary, place the complete **FULL TEXT OF THE PROPOSED MEASURE** and the statement of the reasons of the proposed action as

contemplated in the petition (if the statement was submitted).

2. The **FULL TEXT OF THE MEASURE** shall be printed in type not smaller than 8 point and attached to each section of the petition.

Before the portion of the petition for voters' signatures, printed names, and residence addresses, in 11-point type, the following language shall be printed, in order:

1. "NOTICE TO THE PUBLIC:". This text shall be in a boldface font.
 2. If the petition does not include the disclosure statement described by subdivision (b) of Section 107, the text "YOU HAVE THE RIGHT TO SEE AN "OFFICIAL TOP FUNDERS" SHEET." This text shall be in a boldface font.
 3. "THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK."
3. **NOTICE OF INTENTION AND STATEMENT OF REASONS** – A full and correct copy of the Notice of Intention and accompanying statement, if submitted, must be attached to each petition section.
 4. The petition sections shall be designed so that each signer shall personally affix all of the following:
 1. Signature or mark, if unable to write, witnessed by one person by subscribing his or her name thereon
 2. Printed name.
 3. Residence address – number, street and city. (Not mailing address) If no street or number exists, then a designation of the place of residence must be given so that the location may be readily ascertained.
 4. A space of at least one inch wide shall be left blank at the end of each name for the Election Official's use.
 5. The number of signatures on a page shall be at the pleasure of the person designing the petition and shall be numbered consecutively beginning with number 1 and continuing through the number of signature spaces allotted to each section.
 6. **DECLARATION OF CIRCULATOR – APPENDIX C**

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.
4. That the circulator circulated that section and witnessed the appended signatures being written.
5. 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.
6. That the circulator is 18 years of age or older.
7. If the petition does not include the disclosure statement described by subdivision (b) of Section 107, that the circulator showed each signer a valid and unfalsified "Official Top Funders" sheet, as required by Section 107. (EC §104)

The circulator shall certify 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 the circulator's name. The circulator shall state the date and the place of execution on the declaration immediately preceding the circulator's signature.

7. 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.

8. FILING OF PETITION

The petition shall be filed by the proponents, or by any person or persons authorized in writing by the proponents. Signatures shall be secured and the petition, together with all sections thereof, shall be filed within 180 days from the date of receipt of filing the materials. If the petitions are not filed within the time permitted by this section, the petition and its sections shall be void for all purposes. Once filed, no petition section shall be amended except by order of a court of competent jurisdiction.

When the petition is filed, the Elections Official shall determine the total number of signatures affixed to the petition. If, from this examination, the Elections Official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, the Elections Official shall examine the petition in accordance with Section 9114 or 9115. If, from the examination, the County Elections Official determines that the number of signatures, prima facie, does not equal or exceed the minimum number of signatures required, no further action shall be taken. (EC §9113)

9. EXAMINATION AND VERIFICATION OF SIGNATURES

Excluding Saturdays, Sundays, and Holidays, 30 days from the date of filing, the Elections Official shall examine the petition, and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. A certificate showing the results of this examination shall be attached to the petition.

In determining the number of valid signatures, the Elections Official may check the signatures against facsimiles of voters' signatures provided that the method of preparing and displaying the facsimiles complies with law. A signature shall not be invalidated because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

The Elections Official shall notify the proponents of the petition as to the sufficiency or insufficiency of the petition.

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 sufficient, the Elections Official shall certify the results of the examination to the Board of Supervisors at the next regular meeting of the Board. (EC §9114)

Random Sample Technique – If the examination of petitions shows that more than 500 signatures have been signed, the Elections Official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn so that every signature filed with the Elections Official shall be given an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500, or 3 percent of the signatures, whichever is greater.

If verification of the random sample indicates that the total number of valid signatures on the petition is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the Elections Official shall, within 60 days from the date of the filing of the petition, excluding Saturdays, Sundays, and holidays, examine and verify the signatures filed. If the Elections Official determines, prior to completing the examination of each signature filed, that the petition is signed by the requisite number of qualified voters to declare the petition sufficient, the Elections Official may terminate the verification of the remaining unverified signatures.

If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the filing later of an entirely new petition to the same effect.

If the petition is found to be sufficient, the Elections Official shall certify the results of the

examination to the governing board of the district at the next regular meeting of the board.
(EC §9309)

10. ACTION BY GOVERNING BOARD

If the initiative petition is signed by voters not less in number than 10 percent of the voters in the district, if the total number of registered voters is less than 500,000, or not less in number than 5 percent of the voters in the district, if the total number of registered voters is 500,000 or more, the district board shall do either 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. Submit the ordinance, without alteration, to the voters pursuant to Section 1405.

11. ADDITIONAL INFORMATION

The proponent of an initiative may withdraw the initiative at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the Elections Official. (EC §9118.5)

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 of San Luis Obispo. 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)

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. (EC §9123)

No ordinance proposed by initiative petition and adopted either by the Board of Supervisors without the submission to the voters or adopted by the voters shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance. In all other respects, an ordinance proposed by initiative petition and adopted shall have the same force and effect as any ordinance adopted by the Board of Supervisors. (EC §9125)

IV. DISTRICT INITIATIVE

In addition to any other method provided by law, ordinances may be enacted by any district pursuant to this article, except that this article shall not apply to irrigation districts, to a district formed under a law that does not provide a procedure for elections, to a district formed under a law which does not provide for action by ordinance, to a district governed by an election procedure that permits voters, in electing the district's directors or trustees, to cast more than one vote per voter, or to a district in which the directors are empowered to cast more than one vote per director when acting on any matter.
(EC §9300)

Any proposed ordinance may be submitted to the governing board of the district by an initiative petition filed with the District Elections Official. (EC §9301)

The number of registered voters shall be calculated as of the time of the last report of registration by the County Elections Official to the Secretary of State made prior to publication or posting of the notice of intention to circulate the initiative petition. (EC §9310)

PRELIMINARY PROCEDURES

1. PUBLICATION OF NOTICE OF INTENTION – APPENDIX E

Before circulating an initiative petition in any district, the proponents of that measure shall publish a notice of intention. A printed statement stating the reasons for the proposed petition shall accompany the notice. The printed statement shall not exceed 500 words. The notice shall be signed by at least one, but not more than five, proponents and shall be substantially in the following form:

“Notice of Intention to Circulate Initiative Petition

Notice is hereby given of the intention of the persons whose names appear hereon of their intention to circulate the petition within the _____ district for the purpose of _____. A statement of the reasons for the proposed actions as contemplated is as follows:”

The notice of intention and statement shall be published or posted, or both, as follows:

1. If there is a newspaper of general circulation within the district, the notice and statement shall be published at least once.
2. If the petition is to be circulated in a district in which there is no newspaper of general circulation, the notice and statement shall be published at least once in a newspaper of general circulation within the county in which the district is located, and the notice and statement shall be posted in three public places within the district. (EC §§9302, 9303)

2. IMPARTIAL ANALYSIS

Whenever a district measure is submitted to the voters, the District Elections Official shall transmit a copy of the measure to the County Counsel. The County Counsel shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the district. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

If the entire text of the measure is not printed on the ballot nor in the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

“The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the district elections official’s office at (insert telephone number) and a copy will be mailed at no cost to you.” (EC §9313)

For measures submitted to the voters of a water district, please refer to EC §9314.

3. FILING OF NOTICE AND STATEMENT

Within 10 days after the date of publication or posting, or both, of the Notice of Intention And Statement of Reasons for the proposed petition, the proponents shall file with the District Elections Official a copy of the notice and statement as published or posted, or both, together with the written text of the initiative and an affidavit made by a representative of the newspaper in which the notice was published or, if the notice was posted, by a voter of the district certifying to the fact of posting must be included. (EC §9304)

4. FORM OF PETITION – APPENDIX F

State law specifies the format for petitions. The District Elections Official will not accept petitions that do not conform to the law. Several people, each carrying separate, identical parts of the petition called “sections”, may circulate the petition. Only a person who is a qualified registered voter at the time of signing the petition is entitled to sign it. A person who submits his or her affidavit of registration pursuant to subdivision (d) of Section 2102 is not eligible to sign a petition or paper unless at the time of signing he or she is 18 years of age. Each petition section shall be designed so that each signer can, as required by law, personally affix his or her:

1. Signature
2. Printed name
3. Residence address, giving street and number. If no street or number exists, then adequate designation of the residence must be given so that the location may be readily determined.
4. Name of incorporated city or unincorporated community.

Notwithstanding any other law, a state or local initiative petition required to be signed by voters shall contain in 11-point type, before that portion of the petition for voters’ signatures, printed names, and residence addresses, the following language, in order:

1. “NOTICE TO THE PUBLIC:”. This text shall be in a boldface font.
2. If the petition does not include the disclosure statement described by subdivision (b) of Section 107, the text “YOU HAVE THE RIGHT TO SEE AN “OFFICIAL TOP FUNDERS” SHEET.” This text shall be in a boldface font.
3. “THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.” (EC §§100, 101, 9020, 9022, 9301)

5. DECLARATION OF CIRCULATOR

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 on that section were obtained.
4. That the circulator circulated that section and witnessed the appended signatures being written.
5. 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.
6. That the circulator is 18 years of age or older.
7. If the petition does not include the disclosure statement described by subdivision (b) of Section 107, that the circulator showed each signer a valid and unfalsified "Official Top Funders" sheet, as required by Section 107.
8. 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. The circulator shall state the date and the place of execution on the declaration immediately preceding the circulator's signature.
(EC §§104, 9022, 9301, 9307)

6. CIRCULATING THE PETITION

After filing a copy of the Notice of Intention and Statement of Reasons for the propose petition, written text of the initiative, and affidavit of publication or posting with the District Elections Official, the petition may be circulated among the voters of the district for signatures by any person who is a voter or who meets the requirements of Section 102. Each section of the petition shall bear a copy of the Notice of Intention and Statement of Reasons.
(EC §9305)

7. FILING OF PETITION



Signatures upon petitions and sections thereof shall be secured, and the petition, together with all sections, shall be filed within 180 days from the date of filing the materials specified in Section 9304 with the District Elections Official. If the petition and its sections are not filed within the time required, they will be void for all purposes.

Each section of the petition shall have attached thereto the affidavit of the person soliciting the signatures. This affidavit shall be substantially in the same form as set forth in Section 9022. (EC §9306, 9307)

8. EXAMINATION OF SIGNATURES

Unless a random sampling technique is used, within 30 days from the date of filing of the petition, excluding Saturdays, Sundays and holidays, the District Elections Official shall examine the petition, and from the records of registration ascertain whether the requisite number of voters signed the petition.

The District Elections Official shall notify the proponents of the petition as to the sufficiency or insufficiency of the petition.

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 sufficient, the District Elections Official shall certify the results of the examination to the governing board of the district at the next regular meeting of the board.

Within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if more than 500 signatures have been signed on the petition, the District Elections Official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the District Elections Official shall be given an equal opportunity to be included in the sample. The random sample shall include an examination of at least 500 or 3 percent of the signatures, whichever is greater.

If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the District Elections Official, within 60 days from the date of the filing of the petition, excluding Saturdays, Sundays, and holidays, shall examine and verify each signature filed.

The District Elections Official shall notify the proponents of either the sufficiency or insufficiency of the petition.

If the petition is found insufficient, no action shall be taken on the petition. However, failure to secure sufficient signatures shall not preclude the filing of an entirely new petition to the same effect.

If the petition is found to be sufficient, the District Elections Official shall certify the results of the examination to the governing board of the district at the next regular meeting of the Board. (EC §§9308, 9309)

9. ACTION BY GOVERNING BOARD

If the initiative petition is signed by voters not less in number than 10 percent of the voters in the district, where the total number of registered voters is less than 500,000, or not less in number than 5 percent of the voters in the district, where the total number of registered voters is 500,000 or more, the district board shall do either 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. Submit the ordinance, without alteration, to the voters pursuant to Section 1405.

10. ADDITIONAL INFORMATION

The proponent of an initiative may withdraw the initiative at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the District Elections Official. (EC §9311)

Whenever an ordinance is required by this article to be submitted to the voters of a district at an election, the District Elections Official shall cause the ordinance to be printed. A copy of the ordinance shall be made available to any voter upon request. The District Elections Official shall mail with the Voter Information Guide to each voter the following notice printed in no less than 10-point type: "If you desire a copy of the proposed ordinance, please call the District Elections Official's office at (insert telephone number) and a copy will be mailed at no cost to you." (EC §9312)

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 district. The ordinance shall be considered as adopted upon the date the vote is declared by the district board and shall go into effect 10 days after that date. (EC §9320)

No ordinance proposed by initiative petition and adopted either by the district board without submission to the voters or adopted by the voters shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance. In all other respects, an ordinance proposed by initiative petition and adopted shall have the same force and effect as any ordinance adopted by the board. (EC §9323)

V. COUNTY REFERENDUM

1. SUBMISSION BY BOARD OF SUPERVISORS

The Board of Supervisors may submit to the voters, without a petition, an ordinance for the repeal, amendment, or enactment of any ordinance. The ordinance shall be voted upon at any succeeding regular or special election and, if it receives a majority of the votes cast, the ordinance shall be repealed, amended, or enacted accordingly. (EC §9140)

3. TIME INITIAL ORDINANCE SHALL TAKE EFFECT

Except as provided in EC §9141, 9142 or 9143, an ordinance shall become effective 30 days from and after the date of final passage.

4. PETITION PROTESTING ADOPTION OF AN ORDINANCE

If a petition protesting the adoption of an ordinance is submitted to the County Elections Official before the effective date of the ordinance, the ordinance shall be suspended and

the board of supervisors shall reconsider the ordinance. The petition shall be signed by voters of the county equal in number to at least 10 percent of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election. (EC §9144)

5. PROTEST OF ORDINANCE SUBMITTED TO VOTERS

If the Board of Supervisors does not entirely repeal the ordinance, the Board shall submit the ordinance to the voters at the next regularly scheduled county election or at a special election called for that purpose. The election on the ordinance shall not be held less than 88 days from the date of the order. The ordinance shall not become effective unless a majority of those voters voting on it the ordinance vote in favor of it. (EC §9145)

The proponent of a referendum may withdraw the referendum at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official. (EC §9144.5)

5. FORM OF PETITION

The form of the petition, duties of the elections official and the manner of holding elections shall be the same as those provided for initiative petitions. (EC §9146)

6. HEADING OF REFERENDUM MEASURE

The heading of a proposed referendum measure shall be in substantially the following form:

Referendum Against an Ordinance Passed by the Board of Supervisors

Each section of the referendum petitions shall contain the title and text of the ordinance or the portion of the ordinance which is the subject of the referendum. (EC §9147)

VI. DISTRICT REFERENDUM

The voters of any district that is a local public entity as defined by Section 900.4 of the Government Code, and to which Section 9300 applies, shall have the right to petition for referendum on legislative acts of the district in the same manner and subject to the same rules as are set forth in Sections 9140, 9141, 9142, 9143, 9144, 9145, 9146, and 9147, except that all computations referred to in those sections and officers of the county mentioned in those sections shall be construed to refer to comparable computations and officers of the district.

APPENDIX A - SAMPLE NOTICE OF INTENTION TO CIRCULATE A COUNTYWIDE INITIATIVE PETITION

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 San Luis Obispo for the purpose of _____.

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

Insert the Statement of Reasons for this petition here - up to 500 words (Optional).

The undersigned proponents of this initiative petition hereby request that a ballot title and summary be prepared by County Counsel in accordance with Elections Code Section 9103 and that said ballot title and summary be furnished to the undersigned for publication in accordance with Elections Code Section 9105(b).

(The Notice of Intention shall contain at least one but not more than five proponents.)

Printed Name _____ Signature _____

Residence or Business Address (City, State, Zip)

Printed Name _____ Signature _____

Residence or Business Address (City, State, Zip)

Printed Name _____ Signature _____

Residence or Business Address (City, State, Zip)

Printed Name _____ Signature _____

Residence or Business Address (City, State, Zip)

Printed Name _____ Signature _____

Residence or Business Address (City, State, Zip)

FILING FEE: \$5.00

APPENDIX B - SAMPLE – COUNTY PETITION FORM (*Including Official Top Funders section. This section may be omitted if a copy of the “Official Top Funders” sheet is provided pursuant Election Code Section 107(b)(1).

You must leave a 1" margin at the top of the petition. It is highly recommended that you leave a ½" margin on the left, right and bottom of the petition sections.

The heading of the proposed measure shall be in a boldface type in substantially the following form:

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS (11-point or larger Roman boldface type)

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.)

INSERT BALLOT TITLE AND SUMMARY PREPARED BY THE COUNTY COUNSEL (EC 9105(c))

The ballot title and summary shall be clearly separated from the text of the measure.

INSERT THE FULL TEXT OF THE MEASURE (EC §9014)

The text of the measure shall be printed in type not smaller than 8-point; it must be clearly separated from the ballot title and summary above.

INSERT NOTICE OF INTENTION TO CIRCULATE AND 500 WORD STATEMENT OF REASONS

*OFFICIAL TOP FUNDERS (if applicable).

“NOTICE TO THE PUBLIC” (11-point type) (EC §101)

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

	NAME	RESIDENCE ADDRESS	FOR OFFICIAL USE ONLY
1.			
	Print Name	(Residence Address ONLY)	
	Signature	City	
2.			
	Print Name	Residence Address ONLY	
	Signature	City	

APPENDIX C - SAMPLE - DECLARATION OF PERSON CIRCULATING PETITION SECTION

(To be completed after above signatures have been obtained, in circulator’s own hand EC §102, 104)

**DECLARATION OF PERSON CIRCULATING SECTION OF INITIATIVE PETITION
(MUST BE IN CIRCULATOR’S OWN HANDWRITING) (Completed after above signatures have been obtained.)**

I _____ Declare:
(Print name)

1. My residence address is _____ in San Luis Obispo County, California and I am a voter or qualified to vote in (insert electoral jurisdiction).
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; and
4. The appended signatures were obtained between the dates of _____ and _____ inclusive.
(starting date) (ending date)
5. *I showed each signer a valid and unfalsified “Official Top Funders” sheet, as required by Elections Code Section 107.

I certify, under penalty of perjury under the laws of the State of California, that the content of the declaration as to its truth and correctness.

Executed on _____, 20__ at _____, California.
(month and day) (city where signed)

(Signature of Petition Circulator - First Name, Middle Name or Initial, Last Name)

APPENDIX D - SAMPLE COUNTYWIDE INITIATIVE PROCESS TIMELINE

*Election Official **Proponent ***Board of Supervisors, voter, organization A= Action F= Filing

PROCEDURE	Filing or Action	Date Due	Date Completed
Notice of Intent to Circulate Petition to be accompanied by: Text of Initiative - Including Full Text of Ordinance. Request for preparation of Ballot Title & Summary. Deposit (EC 9103)	F **		
Transmit copy of Notice of Intention, Initiative Text and Request for Title and Summary to County Counsel. (EC 9105)	A *		
Ballot Title and Summary due from County Counsel (15 days from filing of Notice of Intention.)	F *		
Copy of Ballot Title and Summary sent to proponent.	A *		
Publish Notice of Intention and Ballot Title and Summary. (EC 9105)	A **		
Begin circulating petition. (EC 9108)	A **		
File Proof of Publication and two blank copies of petition with Elections Official.	F **		
Board of Supervisors may refer proposed initiative to any County Agency for a report on fiscal impact. (EC 9111)	A ***		
Last day for proponents to file petition with Elections Official - 180 days from the date of receipt of the Title and Summary. (EC 9110)	F **		
Determine total number of signatures (raw count) on petition. If signatures equal or exceeds minimum number required, proceed with verification. Less than minimum number required, take no further action. (EC 9113)	A *		
Within 30 days of filing of petition notify proponent of sufficiency or insufficiency. (EC 9114, 9115)	A *		
If sufficient, certify results to the Board of Supervisors at their next regular meeting. (EC 9114, 9115) If insufficient, no further action shall be taken.	A *		
Submit qualified measure to County Counsel to prepare the Impartial Analysis and to the County Auditor to prepare the Fiscal Impact Statement, if so directed by the Board of Supervisors. (EC 9160)	A *		

PROCEDURE	Filing or Action	Date Due	Date Completed
Fix and publish dates for submission of arguments. (EC 9163, 9601)	A *		
Primary Argument in Favor - Author's Statement Due Primary Argument Against - Author's Statement Due (EC 9162, 9600)	F ** F ***		
Impartial Analysis Due	F *		
Fiscal Impact Statement Due (If applicable)	F *		
Send copies of arguments to opposing authors for preparation of Rebuttals. (EC 9167, 9600)	A *		
Public Examination Period Begins for Primary Arguments, Impartial Analysis, Fiscal Impact Statement (EC 9380)	A *		
Public Examination Period Ends for Primary Arguments, Impartial Analysis, Fiscal Impact Statement (EC 9380)	A *		
Rebuttal to Argument in Favor - Author's Statement Due Rebuttal to Argument Against - Author's Statement Due	F *** F **		
Public Examination Period Begins for Rebuttal Arguments	A *		
Public Examination Period Ends for Rebuttals Arguments	A *		

APPENDIX E – SAMPLE NOTICE OF INTENT TO CIRCULATE DISTRICT PETITION

Notice is hereby given of the intention of the persons whose names appear hereon of their intention to circulate the petition within the _____ District for the purpose of qualifying for the ballot an initiative measure entitled _____.

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

(Insert **REQUIRED** Statement of Reasons for initiative not to exceed 500 words)

(The Notice of Intention shall contain at least one but not more than five proponents.)

Printed Name _____ Signature _____

Residence or Business Address (City, State, Zip)

Printed Name _____ Signature _____

Residence or Business Address (City, State, Zip)

Printed Name _____ Signature _____

Residence or Business Address (City, State, Zip)

Printed Name _____ Signature _____

Residence or Business Address (City, State, Zip)

Printed Name _____ Signature _____

Residence or Business Address (City, State, Zip)

FILING FEE: \$5.00

NOTE: The Notice of Intention must include the Statement of Reasons and be accompanied by a Statement of Acknowledgement.

APPENDIX F – SAMPLE DISTRICT PETITION FORM

**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS
(INSERT NAME OF DISTRICT)**

Notice of Intention to Circulate Petition

Notice is hereby given of the intention of the persons whose names appear hereon of their intention to circulate the petition within _____ District 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:**

(INSERT REQUIRED STATEMENT OF REASONS NOT TO EXCEED 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. THE USE OF YOUR SIGNATURE FOR ANY OTHER PURPOSE OTHER THAN QUALIFICATION OF THIS MEASURE FOR THE BALLOT IS A MISDEMEANOR.

	NAME	RESIDENCE ADDRESS	FOR OFFICIAL USE ONLY
1.			
	Print Name	(Residence Address ONLY)	
	Signature	City	
2.			
	Print Name	Residence Address ONLY	
	Signature	City	

DECLARATION OF PERSON CIRCULATING SECTION OF INITIATIVE PETITION

(MUST BE IN CIRCULATOR’S OWN HANDWRITING) (Completed after above signatures have been obtained.)

I _____ Declare:
(print name)

1. My residence address is _____ in San Luis Obispo County, California and I am a voter or qualified to vote in (insert electoral jurisdiction);
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; 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 _____, 20__ at _____, California.
(month and day) (city where signed)

(signature of circulator)

You must leave a 1" margin at the top of the petition. It is highly recommended that you leave a ½" margin on the left, right and bottom of the petition sections.

APPENDIX G - SAMPLE DISTRICT INITIATIVE PROCESS TIMELINE

*Election Official **Proponent ***Board of Supervisors, voter, organization A= Action F= Filing

PROCEDURE	Filing or Action	Date Due	Date Completed
Publication and/or Posting of Notice of intention. (EC9302- 9303)	A**		
File Notice of Intent to Circulate Petition accompanied by: (EC9304) Text of Initiative - Including Full Text of Ordinance Proof of Publication/Posting	A**		
Begin circulating petition. (EC 9305)	A**		
Deadline for Filing petition (EC9306) (within 180 days of filing notice of intent)	A*		
Determine total number of signatures (raw count) on petition. Less than minimum number required, take no further action. (EC 9308)	A*		
Examination of signatures (EC9308) (filing of petition + 30 working days)	A*		
Within 30 days of filing of petition notify proponent of sufficiency or insufficiency. (EC 9308)	A*		
If insufficient, no further action shall be taken. If sufficient, certify results to the District Board at their next regular meeting. (EC 9308)	A*		
Submit qualified measure to County Counsel. County Counsel shall prepare the Impartial Analysis (500 words). (EC 9313)	A*		
Fix and publish dates for submission of arguments. (EC 9316) Last day to withdraw or change arguments	A*		
Arguments filed - 300 words. (EC 9315) Argument in Favor - Author's Statement Argument Against - Author's Statement	F** F***		
Public Examination Period Begins	A*		
Public Examination Period Ends	A*		
Send copies of arguments to opposing authors for preparation of Rebuttals - 250 words. (EC 9317)	A*		
Rebuttal to Argument in Favor - Author's Statement Rebuttal to Argument Against - Author's Statement	F*** F**		
Public Examination Period Begins (10 days)	A*		
Public Examination Period Ends	A*		
Impartial Analysis	F*		
Public Examination Period Begins	A*		
Public Examination Period Ends	A*		

