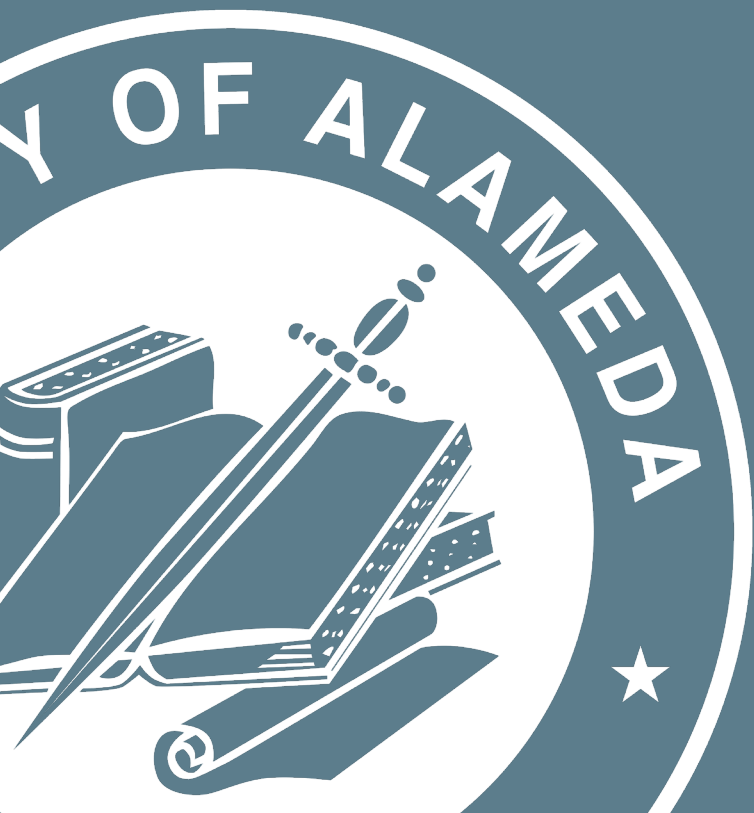

Guide to Filing Initiatives

For County, School Districts and Special Districts

This guide was developed in an effort to provide answers to questions frequently asked to the Alameda County Registrar of Voters office concerning county, school districts, special districts, and local judicial offices. It is for general information only and does not have the force and effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply. Persons using this guide must bear full responsibility to make their own determinations as to all legal standards and duties. For information on city initiatives please contact your City Clerk.



1225 Fallon Street, Rm. G-1,
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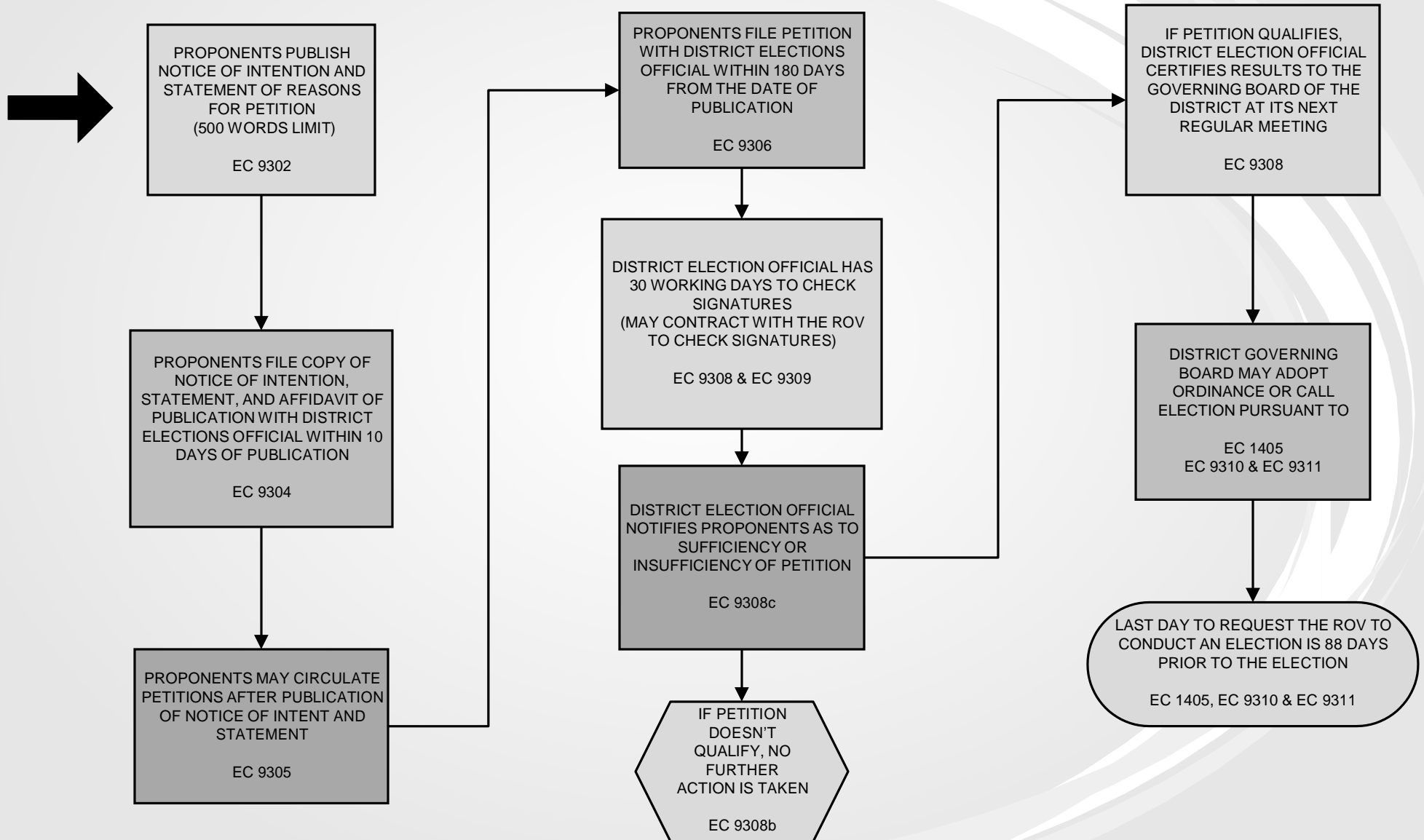
INTRODUCTION

The purpose of this guide book is to assist proponents of county initiative petitions in understanding the requirements of the initiative petition process.

The guide book is a summary of current election laws as of January 1, 1999 and is for general information only. It does not have the force of law, regulation or rule. In the event of conflict, the law, regulation or rule will apply. People interested in the initiative process should obtain the most current information available because laws and procedures may change after the publication of this material.

ALAMEDA COUNTY REGISTRAR OF VOTERS TIME TABLE FLOWCHART FOR DISTRICT INITIATIVE PETITION

*This is general information, not legal advice. Contact counsel for specific petition requirements.



COUNTY INITIATIVES

1. NOTICE OF INTENTION

Proponents of a county petition must first file a Notice of Intention before they can circulate a petition (proposed measure) with the Registrar of Voters. The notice should include the names and business or residence addresses of at least one, but not more than five proponents of the petition. The Notice of Intention should be accompanied by the written text of the petition and a request that a ballot title and summary be prepared. (EC 9103)

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

NOTICE OF INTENTION FORM

The form of the Notice of Intention must be prepared using substantially the following format:

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 Alameda for the purpose of _____. A statement of the reasons of the proposed action as contemplated in the petition is as follows: (optional statement). (EC 9104)

2. DEPOSIT FEE

The fee for filing a Notice of Intention with the Alameda County Registrar of Voters is \$200. This fee is placed in a trust fund and will be refunded if the Registrar certifies the sufficiency of the petition within one year of the Filing Notice of Intention.

3. BALLOT TITLE AND SUMMARY

The County Counsel must prepare a ballot title and summary of not more than 500 words and return it to the Registrar of Voters within fifteen days after the petition (proposed measure) is filed. The Registrar then gives a copy of the ballot title and summary to the proponents of the proposed measure. (EC 9105)

4. PUBLICATION

Before circulating the petition, the proponents must first publish the Notice of Intention and the ballot title and summary of proposed measure in a newspaper of general circulation published in the County. Proof of publication must be filed with the Registrar of Voters. (EC 9105)

5. FORMAT OF THE PETITION

The proponents are responsible for the preparation and printing of the petition. The format of an initiative petition is specified by law. This guide book summarizes the format requirements for a petition. However, proponents are advised to refer to the most current California Elections Code for the details of formatting a petition according to law.

SECTIONS OF THE PETITION

Each petition consists of sections which are separate, identical parts of the petition. Each section must contain the full title and summary of the measure, the text and space for signatures and a circulator's declaration.

PAGES OF THE PETITION

Each section of a petition consists of two or more pages which may be printed on front and back. Each page of the petition must contain a copy of the County Counsel's ballot title and summary printed in roman boldface type, not smaller than a 12 point font size. The ballot title and summary must be clearly separated from the text of the measure. The text of the measure must be printed in a font size not smaller than 8 point.

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.)
(EC 9105 (c))

SIGNATURE PORTION

The petition must have enough room for the signature of each signer as well as his/her printed name, residence address, and city name. Signature spaces must be numbered consecutively beginning with the number 1 and continuing through the number of signatures allotted to each section. A minimum space of one inch must be left after each name for the use of the Registrar of Voters. (EC 100, 9020)

The petition format shall be substantially in the following form and shall contain the notice to the public in 12 point type, prior to that portion of the petition for voter’s signatures: (EC 101)

NOTICE TO THE PUBLIC

**THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR
A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. (EC 101)**

REGISTERED VOTERS ONLY

		Official Use Only
Print 1..... Sign	Residence Address ONLY City or Town	
Print 2..... Sign	Residence Address ONLY City or Town	
Print 3..... Sign	Residence Address ONLY City or Town	
Print 4..... Sign	Residence Address ONLY City or Town	
Print 5..... Sign	Residence Address ONLY City or Town	
Print 6..... Sign	Residence Address ONLY City or Town	
Print 7..... Sign	Residence Address ONLY City or Town	
Print 8..... Sign	Residence Address ONLY City or Town	

CIRCULATORS DECLARATION

Whenever any petition is submitted to the elections official, each section of the petition shall have attached to it a declaration signed by the circulator of the petition, setting forth, in the circulator’s own handwriting, the following:

1. The printed name of the circulator.
2. The residence address of the circulator, including city, state and zip code.
3. The dates between which all the signatures to the petition were obtained.
4. A statement that the circulator circulated that section of the petition and witnessed the signatures being written, and 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.
5. The date and place of execution should be placed immediately preceding the signature. (EC 104)

A sample declaration is shown:

DECLARATION OF CIRCULATOR
(To be completed in circulator’s own handwriting after above signatures have been obtained.)

I, _____, am registered to vote or am qualified to register to vote in the
(Print Name)

County of _____. My residence address is _____
(Address/City/State/Zip)

I circulated this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on the document were obtained between the dates of _____ and _____
(Month/Day/Year)

(Month/Day/Year)

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) (Place of Signing)

(Signature of Circulator)

Dates of circulation, printed name and residence address must be in circulator’s own handwriting. (EC 104, 9109)

6. CIRCULATING THE PETITION

WHO MAY CIRCULATE THE PETITION

A person who is a voter or who is qualified to register to vote in the county may circulate an initiative or referendum petition anywhere within the county. (EC 9021)

WHEN TO CIRCULATE THE PETITION

The proponents may begin circulating the petition for signatures among the voters of the county only after publication of the title and summary prepared by the County Counsel. (EC 9108)

During the circulation of the petition, or before taking any action to either submit the initiative to the voters or enact the ordinance, the Board of the Supervisors may refer the initiative to any county agency or agencies for review and a report on its effect and fiscal impact. The report shall be presented to the Board of Supervisors no later than 30 days after certification of the petition's sufficiency by the county elections official to the Board of Supervisors. (EC 9111)

7. SIGNATURES AND NUMBER REQUIRED

WHO MAY SIGN THE PETITION

Only persons who are eligible registered voters in the county at the time of signing the petition are eligible to sign it. (EC 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. (EC 100.5)

NUMBER REQUIRED

The number of signatures required to certify a county petition is based on the number of votes cast within the county for all candidates for Governor at the last gubernatorial election preceding the publication of the notice of intention to circulate the petition. (EC 9107)

8. FILING OF PETITION

WHEN TO FILE

Signatures shall be secured and the petition shall be presented to the Registrar of Voters office for filing within 180 days from the date of receipt of the title and summary, or after termination of any action for a writ of mandate and, if applicable, after receipt of an amended title or summary or both, whichever occurs later. (EC 9110)

FILING PROCEDURE

The petition must be filed by the proponents, or by any person or persons authorized in writing by the proponents. All sections of the petition must be filed in at one time. Any sections of the petition not filed, will be voided for all purposes. Once filed, no petition section can be amended except by court order.

After the petition is filed, the Registrar of Voters determines the total number of signatures on the petition. This is called the "Raw Count." If the Registrar determines that the number of signatures equals or is in excess of the minimum number of signatures required, the petition will be examined. However, if the Registrar determines that the number of signatures does not equal or exceed the minimum number of signatures required, no further action will be taken. (EC 9113)

9. EXAMINATION OF SIGNATURES

The Registrar of Voters office has 30 days, excluding Saturdays, Sundays, and holidays, from the date of filing of the petition to examine the petition and determine whether or not the petition is signed by the required number of voters. If there are more than 500 signatures on a petition, the Registrar may use a random sampling technique to verify signatures. (EC 9115)

When verifying the signatures on a petition, the Registrar compares the signatures on the petition with those on the affidavits of registration. If the signature on the petition does not match the one on the affidavit, it is rejected.

As part of the verification process, the Registrar also determines whether the residence address on the petition is the same as the residence address on the affidavit of registration. If the addresses are different, incomplete, or missing, the signature is rejected. (EC 105)

Standard abbreviation of city names is allowed. Use of ditto marks on the petition is not allowed. (EC 9113, 9114, 9115)

THE RANDOM SAMPLE

The random sample must include 500 or 3% of the signatures, whichever is greater. The signatures in the sample must be drawn so that each signature on the petition has an equal opportunity to be included in the sample.

If the sample shows that the number of valid signatures is fewer than 95% of the signatures needed to qualify the petition, then the petition is declared insufficient. If the sample shows that more than 110% of the signatures needed to qualify the petition are valid, then the petition is declared sufficient.

However, if the sample shows that the number of valid signatures is within 95% to 110% of the number of signatures of qualified voters needed to declare the petition sufficient, the Registrar shall examine and verify every signature filed. (EC 9115)

SUFFICIENT SIGNATURES: ADOPT ORDINANCE OR ORDER ELECTION

1. If the initiative petition is signed by voters not less in number than 20% of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election preceding the publication of the notice of intention to circulate an initiative petition, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the Board of Supervisors must do one of the following:
 - a.) 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.
 - b.) Immediately call a special election pursuant to subdivision (a) of EC 1405, at which the ordinance, without alteration, shall be submitted to a vote of the voters of the county.
 - c.) Order a report pursuant to EC 9111 at the regular meeting at which the certification of the petition is presented. When the report is presented to the Board of Supervisors, it will either adopt the ordinance within 10 days or order an election pursuant to subdivision (b) EC 9116

2. If the initiative petition is signed by voters not less in number than 10% of the entire vote cast in the county for all candidates for Governor at the last gubernatorial election preceding the publication of the notice of intention to circulate an initiative petition, the Board of Supervisors must do one of the following:
 - a.) Adopt the ordinance without alteration at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
 - b.) Submit the ordinance, without alteration, to the voters pursuant to subdivision (b) of EC 1405, unless the ordinance petitioned for is required to be, or for some reason is, submitted to the voters at a special election pursuant to subdivision (a) of EC 1405.
 - c.) Order a report pursuant to EC 9111 at the regular meeting at which the certification of the petition is presented. When the report is presented to the Board of Supervisors, it will either adopt the ordinance within 10 days or order an election pursuant to subdivision (b). EC 9118

10. CERTIFYING THE PETITION

The Registrar of Voters will prepare a certificate showing the results of the examination of the signatures and attach it to the petition and will notify the proponents of the results of the examination of the signatures.

If the petition is sufficient, the Registrar will certify the results to the Board of Supervisors at their next regular meeting. The signatures on a petition which has been certified are not public information. (EC 9115, Government Code 6253.5)

If the petition is insufficient, no action will be taken on it. Although the petition is not a public record, the proponents or a representative designated by the proponents in writing may examine the signatures on an insufficient petition to determine which signatures were disqualified and the reasons for disqualification. (EC 9115, Government Code 6253.5)

The petition will be retained by the Registrar for 8 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, 8 months after the final examination of the petition by the elections official. (EC 17200)

11. ORDINANCE

REQUIREMENTS FOR ORDINANCE TO BECOME EFFECTIVE

If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance will become a valid and binding ordinance of the county. The ordinance will be considered as adopted upon the date is declared by the Board of Supervisors, and will go into effect 10 days after that date. (EC 9122)

CONFLICTING ORDINANCES

If the provisions of two or more ordinance 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 will 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 will have the same force and effect as any ordinance adopted by the Board of Supervisors. (EC 9125)