

Sacramento County

Voter Registration and Elections
February 2016



PROCEDURES

FOR COUNTY, MUNICIPAL AND DISTRICT

INITIATIVES AND REFERENDA

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PREFACE

This booklet has been prepared to assist voters in the initiative and referendum process. It contains a summary of procedures for preparing and qualifying county, city and special district initiatives and referenda.

This booklet contains general information and does not have the force and effect of law, regulation, or rule. In case of conflict, the law, regulation or rule will apply.

Anyone contemplating either process should seek legal counsel, who is familiar with local government, for wording or any legal questions.

If the initiative or referendum concerns a city, that city must be contacted for information.

Note:

- This booklet was last updated in January 2015. Persons interested in the initiative or referendum process should obtain the most up-to-date information available because of possible changes in law or procedure since the publication of this booklet.
- All references in this booklet refer to the California Elections Code unless otherwise indicated.
- Local libraries contain code books to aid in the research of the laws cited in this booklet, or other laws related to the initiative or referendum process.

Karen Startup
Campaign Services Manager

INITIATIVES

Initiative is the power of the electors to propose a new ordinance by which they will be governed. An initiative is placed on the ballot after its proponents have successfully met a series of deadlines.

COUNTY INITIATIVES

A. ORDINANCES

1. Notice of Intention

Before circulating any initiative petition in a county, its proponents shall file with the county elections official a notice of intention to do so. The notice shall include the names and business or residence addresses of at least one but not more than five proponents of the petition, and shall be accompanied by the written text, not exceeding 500 words in length, stating the reasons for the proposed petition, and a request that a ballot title and summary be prepared. 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 _____ for the purpose of _____. A statement of the reasons of the proposed action as contemplated in the petition is as follows: (EC 9103(a), 9104)

2. Deposit of Fee

Any person filing a notice of intention with the county elections official shall pay a fee to be established by the Board of Supervisors not to exceed two hundred dollars (\$200.00) 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. (EC 9103(b))

3. **Ballot Title and Summary**

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 for 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))

4. **Publication of the Notice of Intention**

The county elections official shall furnish a copy of the ballot title and summary to the proponents of the proposed measure. The proponents shall, prior to the circulation of the petition, publish the Notice of Intention, and the ballot title and summary of the proposed measure in an adjudicated newspaper of general circulation published in that county, and file proof of publication with the county elections official. (EC 9105(b))

5. **Petition Preparation**

Initiative proponents are responsible for the preparation and printing of the petition. 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 12 point. The ballot title and summary shall be clearly separated from the text of the measure. The text of the measure shall be printed in type 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))

6. **Petition Notice to the Public**

Notwithstanding any other provision of law, any state or local initiative petition required to be signed by voters shall contain in 12 point type, prior to that portion of the petition for voters' signatures, printed names, and residence addresses, the following language:

“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)

7. **Form of the Petition**

Notwithstanding any other provision of law, whenever any initiative or referendum is required to be signed by voters of any county, city, school district, or special district subject to petitioning, only a person who is an eligible registered voter at the time of signing the petition is entitled to sign it. Each signer shall at the time of signing the petition personally affix his or her signature, printed name, residence address, giving street and number, and if no street or number exists, then a designation of the residence address which will enable the location to be readily ascertained and the name of the incorporated city or unincorporated community.

A space at least one inch wide shall be left blank after each name for the use of the elections official in verifying the petition. The part of a petition for the voters' signatures, printed names, and residence addresses and for the blank spaces for verification purposes shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures. (EC 9020). The petition format shall be substantially in the following form: (EC 100)

Form of the Petition (continued)

Official
Use
Only

| | | | |
|----|--------------|--------------------------|--|
| 1. | (Print Name) | (Residence Address ONLY) | |
| | (Signature) | (City) | |
| 2. | (Print Name) | (Residence Address ONLY) | |
| | (Signature) | (City) | |

Each section of the petition shall bear a copy of the notice of intention, and the title and summary prepared by the county counsel. (EC 9108)

8. **Circulation of Petition**

A person who is 18 years of age or older may circulate an initiative or referendum petition anywhere within the state. (EC 102, 104)

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. (EC 9108)

9. **Declaration of Circulator**

a) 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 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 were obtained.

b) Each declaration submitted pursuant to this section shall also set forth the following:

Declaration of Circulator (continued)

- 1) that the circulator circulated that section and witnessed the appended signatures being written;
 - 2) 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.
 - 3) that the circulator is 18 years of age or older.
- c) 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 his or her signature. (EC 104, 9109)

10. **When to Circulate the Petition**

The proponents may commence to circulate the petition 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. (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 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)

11. **Who May Sign the Petition**

Each section of the petition shall bear the name of the county. Only persons who are eligible registered voters of the county at the time of signing the petition are entitled to sign it. The circulator may sign the section he or she is circulating. The signature of the circulator shall be given the same effect as that of any other qualified signer. (EC 100, 106, 9020, 9021)

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)

12. **When to File the Petition**

Signatures shall be secured and the petition shall be presented to the county elections official 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, pursuant to §9106 and, if applicable, after receipt of an amended title or summary, or both, whichever occurs later. (EC 9110)

13. **Filing the Petition**

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.

When the petition is filed, the county elections official shall determine the total number of signatures affixed to the petition. If, from this examination, the county elections official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, the county elections official shall examine the petition in accordance with §9114 or §9115. If, from this 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)

14. **Examination of Signatures**

Unless a random sampling technique is used as provided in §9115, within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, 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.

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)

Examination of Signatures (continued)

Pursuant to §9114, if the petition contains more than 500 signatures, the elections official may use a random sampling technique for verification of signatures. The random sampling shall include an examination of at least 500, or 3 percent of the signatures, whichever is greater. (EC 9115)

15. Disposition of Sufficient Petition

1. If the initiative petition is signed by voters not less in number than 20 percent 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 shall 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 §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 §9111 at the regular meeting at which the certification of the petition is presented. When the report is presented to the Board of Supervisors, it shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b). (EC 9116)

2. If the initiative petition is signed by voters not less in number than 10 percent of the entire vote cast in the county for all candidates for Governor at the last gubernatorial election preceding the publication of the notice of intention to circulate an initiative petition, the Board of Supervisors shall do one of the following:

- 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 §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 §1405, 9118.

Disposition of Sufficient Petition (continued)

c) Order a report pursuant to §9111 at the regular meeting at which the certification of the petition is presented. When the report is presented to the Board of Supervisors, it shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b). (EC 9118)

16. Requirements for Ordinance to Become Effective

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

17. Conflicting Ordinances

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)

18. 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)

ENACTING, AMENDING, REVISING OR REPEALING THE COUNTY CHARTER

All provisions of law relative to the initiative may be invoked by the electors of this County, and all ordinances that may be passed by the Board of Supervisors, shall be subject to referendum whenever the use of initiative or referendum is permitted by law. (Sacramento County Charter Section 73)

Any proposal to enact, amend, or otherwise revise a county charter by initiative petition may be submitted to the Board of Supervisors and shall be subject to Article 1, commencing with §9100 of the Elections Code. However, nothing in this article shall be construed to allow a Board of Supervisors to enact, amend, or otherwise revise a county charter without submitting the proposal to the voters. (EC 9102)

1. Methods

a) A county charter may be amended by proposals submitted by the governing body or by a petition signed by 10 percent of the qualified electors of the county, computed upon the total number of votes cast in the county for all candidates for Governor at the last general election at which a Governor was elected, filed in the office of the county elections official, petitioning the governing body to submit a proposed amendment or amendments to the charter of the county to the qualified electors of the county, which amendment or amendments are set forth in full in the petition.

b) A county charter may be repealed by proposals submitted by the governing body or by a petition signed by 10 percent of the qualified electors of the county computed upon the total number of votes cast in the county for all candidates for Governor at the last general election at which a Governor was elected. The petition, petitioning the governing body to submit the question of charter repeal to the qualified electors of the county, shall be filed in the office of the county elections official. (Government Code §23720)

2. **Submission to Voters and Alternative Proposals**

Upon the presentation of a petition, or upon its own submission of a proposal to amend or repeal the charter, the governing body shall submit the amendment or amendments proposed, or the question of the repeal of the charter to the eligible registered voters of the county at a special election held on the next established election date not less than 88 days after the presentation of the petition, or submission of the proposal. In submitting the question of charter repeal or amendment, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

The county elections official shall cause the complete text of the proposed amendment or amendments to be printed. A copy of the proposed amendment or amendments shall be made available to any voter upon request.

The impartial analysis prepared pursuant to §9160 of the Elections Code shall include a statement notifying voters that they may call the county elections official's office and request that a copy of the proposed amendment or amendments to the charter be mailed to them at no cost.

(Government Code §23722)

3. **Ratification**

If a majority of electors voting, at a general or special election, shall vote in favor of the proposed amendment or amendments or in favor of charter repeal, the amendment or amendments or charter repeal shall be deemed to be ratified but shall not take effect until accepted and filed by the Secretary of State, pursuant to the provisions of Government Code §23724. (Government Code §23723)

NOTE: Please see the County Initiatives section of this booklet for further information on petition format and other procedural processes.

MUNICIPAL INITIATIVES

Any proposed ordinance may be submitted to the legislative body of the city by a petition filed with the elections official of the legislative body, in the manner hereinafter prescribed, after being signed by not less than the number of voters specified in this article. The petition may be in separate sections, providing that the petition complies with Election Code §§9200 - 9226. The first page of each section shall contain the title of the petition and the text of the measure. The petition sections shall be designated in the manner set forth in Election Code §9020 as set forth on page 3 of this booklet.

1. **Notice of Intention**

Before circulating an initiative petition in any city, the proponents of the matter shall file with the city elections official a notice of intention to do so, which shall be accompanied by the written text of the initiative and may be accompanied by a written statement not in excess of 500 words, setting forth the reasons for the proposed petition. The notice shall be signed by at least one, but not more than three, proponents and shall be in substantially the following form:

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of _____ for the purpose of _____. A statement of the reasons of the proposed action as contemplated in the petition is as follows: (EC 9202)

2. **Deposit of Fees**

Any person filing a notice of intention with the city elections official shall pay a fee, to be established by the city council, not to exceed two hundred dollars (\$200.00) to be refunded to the filer if, within one year of the date of filing the notice of intention, the city elections official certifies the sufficiency of the petition. (EC 9202(b))

3. **Ballot Title and Summary**

Any person who is interested in any proposed measure shall file a copy of the proposed measure with the city elections official with a request that a ballot title and summary be prepared. This request shall be accompanied by the address of the person proposing the measure. The city elections official shall immediately transmit a copy of the proposed measure to the city attorney. Within 15 days after the proposed measure is filed, the city attorney shall provide and return to the city elections official a ballot title for and summary of the proposed measure.

Ballot Title and Summary (continued)

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 city attorney 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. The city elections official shall furnish a copy of the ballot title and summary to the person filing the proposed measure. (EC 9203(a))

4. Publication or Posting of Notice

1. A notice of intention and the title and summary of the proposed measure shall be published or posted or both as follows:

a) If there is a newspaper of general circulation, as described in Chapter 1 (commencing with §6000) of Division 7 of Title 1 of the Government Code, adjudicated as such, the notice, title, and summary shall be published therein at least once.

b) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, the notice, title, and summary shall be published at least once, in a newspaper circulated within the city and adjudicated as being of general circulation within the county in which the city is located and the notice, title, and summary shall be posted in three (3) public places within the city, which public places shall be those utilized for the purpose of posting ordinances as required in §36933 of the Government Code.

c) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, and there is no newspaper of general circulation adjudicated as such within the county, circulated within the city, then the notice, title, and summary shall be posted in the manner described in subdivision (b). (EC 9205)

2. Within 10 days after the date of publication or posting, or both, of the notice of intention and title and summary, the proponents shall file a copy of the notice and title and summary as published or posted together with 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 city, certifying to the fact of publication or posting.

If the notice and title and summary are both published and posted pursuant to §9205(b), the proponents shall file affidavits as required by this section made by a representative of the newspaper in which the notice was published certifying to the fact that the notice was published and by a voter of the city certifying to the fact that the notice was posted.

These affidavits, together with a copy of the notice of intention and title and summary, shall be filed with the city elections official of the legislative body of the city in his or her office during normal office hours as posted. (EC 9206)

5. **Petition Preparation**

The person proposing the measure shall, prior to its circulation, place upon each section of the petition, above the text of the proposed measure and across the top of each page of the petition on which signatures are to appear, in roman boldface type not smaller than 12 point, the ballot title prepared by the city attorney. The text of the measure shall be printed in type 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 city attorney 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 city attorney. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.) (EC 9203)

Notwithstanding any other provision of law, any state or local initiative petition required to be signed by voters shall contain in 12 point type, prior to that portion of the petition for voters' signatures, printed names, and residence addresses, the following language:

“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)

6. **Form of the Petition**

Notwithstanding any other provision of law, whenever any initiative or referendum is required to be signed by voters of any county, city, school district, or special district subject to petitioning, only a person who is an eligible registered voter at the time of signing the petition is entitled to sign it. Each signer shall at the time of signing the petition personally affix his or her signature, printed name, and place of residence, giving street and number, and if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained.

A space at least one inch wide shall be left blank after each name for the use of the elections official in verifying the petition. The part of a petition for the voters' signatures, printed names, and residence addresses and for the blank spaces for verification purposes shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. The petition format shall be substantially in the following form: (EC 100)

Official
Use
Only

| | | | |
|----|--------------|--------------------------|--|
| 1. | (Print Name) | (Residence Address ONLY) | |
| | (Signature) | (City) | |
| 2. | (Print Name) | (Residence Address ONLY) | |
| | (Signature) | (City) | |

7. **Circulation and Signers of the Petition**

The proponents may commence to circulate the petitions among the voters of the city for signatures by any registered voter of the city after publication or posting, or both, as required by §9205, of the title and summary prepared by the city attorney. Each section of the petition shall bear a copy of the notice of intention and the title and summary prepared by the city attorney. (EC 9207)

During the circulation of the petition, or before taking action as described in §9214(a) and (b) or §9215, the city council may refer the proposed initiative measure to any city agency or agencies for a report on its fiscal impact and any other effects or impacts as referred to in §9212. The report shall be presented to

the city council no later than 30 days after the elections official certifies to the city council the sufficiency of the petition. (EC 9212)

8. **Securing Signatures**

Signatures upon petitions and sections of petitions shall be secured, and the petition, together with all sections of the petition, shall be filed within 180 days from the date of receipt of the title and summary, or after termination of any action for a writ of mandate pursuant to §9204, and, if applicable, after receipt of an amended title or summary or both, whichever occurs later. Petitions and sections thereof shall be filed in the office of the city elections official during normal office hours as posted. If the petitions are not filed within the time permitted by this section, the petitions shall be void for all purposes. (EC 9208)

9. **Who May Circulate the Petition**

A person who is 18 years of age or older may circulate an initiative or referendum petition anywhere within the state. (EC 102, 104)

10. **Declaration of Circulator**

Each section shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in §9022.

a) 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 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 were obtained.

b) Each declaration submitted pursuant to this section shall also set forth the following:

- 1) that the circulator circulated that section and witnessed the appended signatures being written.
- 2) 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.

Declaration of Circulator (continued)

3) that the circulator is 18 years of age or older.

c) 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 his or her signature. (EC 104, 9022, 9209)

11. **Filing of Petition**

The petition shall be filed by the proponents or by any person or persons authorized in writing by the proponents. All sections of the petition shall be filed at one time. Once filed, no petition section shall be amended except by order of a court of competent jurisdiction.

When the petition is presented for filing, the city elections official shall do all of the following:

a) Ascertain the number of registered voters of the city last reported by the county elections official to the Secretary of State pursuant to §2187 effective at the time the notice specified in §9202 was published.

b) Determine the total number of signatures affixed to the petition. If, from this examination, the city elections official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, the city elections official shall accept the petition for filing. The petition shall be deemed as filed on that date. Any petition not accepted for filing shall be returned to the proponents. (EC 9210)

12. **Examination of Signatures**

The city elections official has 30 days from the date of filing the petition, excluding Saturdays, Sundays, and holidays, to determine whether the required number of voters has signed the petition and to certify the results. If the petition is found to be insufficient, the city elections official will notify the proponents and no further action will 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 to be sufficient, the city elections official will notify proponents and certify the results to the city council. A certificate showing the results of this examination shall be attached to the petition.

However, if the petition contains more than 500 signatures, the city elections official may randomly sample 3 percent or 500 signatures for verification, whichever is greater. (EC 9114, 9115, 9211)

13. **Disposition of Petition**

If the initiative petition is signed by not less than 15 percent of the voters of the city according to the last report of registration by the county elections official to the Secretary of State pursuant to §2187, effective at the time the notice specified in §9202 was published, or, in a city with 1,000 or less registered voters, by 25 percent of the voters or 100 voters of the city, whichever is the lesser number, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the council shall 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) Immediately order a special election to be held not less than 88 nor more than 103 days after the date of the order of election, at which the ordinance, without alteration, shall be submitted to a vote of the voters of the city.

c) Order a report (on the fiscal impact and any other effects or impacts as referred to in §9212 that the initiative will have on the legislative body) at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the body shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b) above.
(EC 1405(a), 9212, 9214)

If the initiative petition is signed by not less than 10 percent of the voters of the city, according to the last report of registration by the county elections official to the Secretary of State pursuant to §2187, effective at the time the notice specified in §9202 was published, or, in a city with 1,000 or less registered voters, by 25 percent of the voters or 100 voters of the city, whichever is the lesser number, the legislative body shall 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 at the city's next regular election occurring not less than 88 days after the date of the order of election, unless the ordinance petitioned for is required to be, or for some reason is, submitted to the voters at a special election to be held not less than 88 nor more than 103 days after the date of the order of election.

c) Order a report (on the fiscal impact and any other effects or impacts as referred to in §9212 that the initiative will have on the city) at the regular meeting at which the certification of the petition is presented. When the report is presented to the city council, the city council shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b) above.
(EC 1405(a) (b), 9215)

14. **Mayor May Veto**

In cities having a mayor, or like officer, with the veto power, when the passage of an ordinance petitioned for by the voters is vetoed, the failure of the city council to pass the ordinance over the veto shall be deemed a refusal of the city council to pass the ordinance within the meaning of this article. (EC 9216)

15. **Valid Ordinance if Majority**

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 city. The ordinance shall be considered as adopted upon the date that the vote is declared by the city council and shall go into effect 10 days after that date. No ordinance that is either proposed by initiative petition and adopted by the vote of the city council of the city 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. (EC 9217)

16. **More Than One Ordinance at Same Election**

Any number of proposed ordinances may be voted upon at the same election, but the same subject matter shall not be voted upon twice within any 12 month period at a special election under the provisions of this article. (EC 9218)

1. **Overview**

In addition to any other method provided by law, ordinances may be enacted by any district pursuant to Article 1 commencing with §9300 of the Elections Code. However, the provisions of Article 1 shall not apply to irrigation districts, to a district formed under a law which 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)

Initiatives powers for county water districts, county drainage districts, and community services districts are to be exercised in accordance with the procedure established by law for the exercise of those powers in relation to counties (Water Code §§30830, 56042). Consult the “County Initiatives” section in this booklet when considering an initiative proposal for these types of districts.

2. **Definitions**

“District,” for the purposes of initiative and referendum, commencing with §9300, includes any regional agency that has the power to tax, to regulate land use, or to condemn and purchase land. (EC 317)

“District elections official,” for the purposes of initiative and referendum, under Article 1 (commencing with §9300) of Chapter 4 of Division 9, includes the county elections official or other officer or board charged with performing the duties required of the clerk of the district by that chapter. (EC 308)

3. **Publication of Notice of Intention**

Before circulating an initiative petition in any district, the proponents of that measure shall publish a notice of intention. The notice shall be accompanied by a printed statement stating the reasons for the proposed petition. 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 in substantially 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 action as contemplated in the petition is as follows: (EC 9302)

Publication of Notice of Intention (continued)

A notice of intention and statement as referred to in §9302 shall be published at least once in an adjudicated newspaper of general circulation within the district. (EC 9303)

4. **Filing of Notice of Intention and Statement**

Within 10 days after the date of publication of the notice of intention and statement, the proponents shall file a copy of the notice and statement as published, together with an affidavit made by a representative of the newspaper in which the notice was published, certifying to the fact of publication. The affidavit, together with a copy of the notice of intention and statement, shall be filed with the district elections official. (EC 9304)

5. **Petition Notice to the Public**

Notwithstanding any other provision of law, any state or local initiative petition required to be signed by voters shall contain in 12 point type, prior to that portion of the petition for voters' signatures, printed names, and residence addresses, the following language:

“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)

6. **Form of the Petition**

Notwithstanding any other provision of law, whenever any initiative or referendum is required to be signed by voters of any county, city, school district, or special district subject to petitioning, only a person who is an eligible registered voter at the time of signing the petition is entitled to sign it. Each signer shall at the time of signing the petition personally affix his or her signature, printed name, and place of residence, giving street and number, and if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained. A space at least one inch wide shall be left blank after each name for the use of the elections official in verifying the petition. The part of a petition for the voters' signatures, printed names, and residence addresses and for the blank spaces for verification purposes shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures. The petition format shall be substantially in the following form: (EC 100, 9020)

Official

| | | | |
|----|--------------|--------------------------|--|
| 1. | (Print Name) | (Residence Address ONLY) | |
| | (Signature) | (City) | |
| 2. | (Print Name) | (Residence Address ONLY) | |
| | (Signature) | (City) | |

7. **Who May Circulate the Petition**

A person who is 18 years of age or older may circulate an initiative or referendum petition anywhere within the state. (EC 102, 104)

8. **Declaration of Circulator**

Each section shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in §9022.

Declaration of Circulator (continued)

a) 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 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 were obtained.

b) Each declaration submitted pursuant to this section shall also set forth the following:

- 1) that the circulator circulated that section and witnessed the appended signatures being written.

2) 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.

3) that the circulator is 18 years of age or older.

c) 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 his or her signature. (EC 104, 9022, 9307)

9. **Circulation and Signers of the Petition**

After filing a copy of the notice of intention, statement of the reasons for the proposed petition, written text of the initiative, and affidavit of publication or posting with the district elections official pursuant to Section 9304, the petition may be circulated among the voters of the district for signatures by any person who meets the requirements of Section 102. Each section of the petition shall bear a copy of the notice of intention and statement. (EC 9305)

10. **Filing of Petition**

Signatures upon petitions and sections thereof shall be secured, and the petition, together with all sections thereof, shall be filed within 180 days from the date of publication of the notice of intention and statement. Filing is with the district elections official. If the petitions are not filed within the time permitted, the petition and its sections shall be void for all purposes. (EC 9306)

11. **Examination of Signatures**

a) Unless a random sampling technique is used, as provided in §9309, 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 petition is signed by the requisite number of voters. A certificate showing the results of this examination shall be attached to the petition, and the proponents shall be notified of the sufficiency or insufficiency of the petition. (EC 9308)

b) 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 elections official shall be given an equal opportunity to be included in the sample. A random sampling shall include an examination of at least 500 or 3 percent of the signatures, whichever is greater.

A certificate showing the results of this examination shall be attached to the petition, and the proponents shall be notified of the sufficiency or insufficiency of the petition. (EC 9309)

c) 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 of a new petition on the same subject at a later date. (EC 9308(d), 9309(e))

d) 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. (EC 9308(e), 9309(f))

12. **Disposition of Petition**

a) 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, and the petition contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the district board shall do either of the following: (EC 9310)

1) Adopt the ordinance, without alteration, either at the regular meeting at which certification of the petition is presented, or within 10 days after it is presented. (EC 9310(a)(1))

2) Except as provided below, immediately order that the ordinance be submitted to the voters, without alteration, at an election held not less than 88 nor more than 103 days after the date of the order of the election. (EC 1405(a), 9310(a) (2))

2a) When it is legally possible to hold a special election on an initiative measure that has qualified pursuant to §§9116, 9214 or 9310, within 180 days prior to a regular or special election occurring wholly or partially within the same territory, the election on the initiative measure may be held on the same date as, and be consolidated with, that regular or special election. (EC 1405(a)(1))

2b) When it is legally possible to hold a special election on an initiative measure that has qualified pursuant to §§9116, 9214 or 9310 during the period between a regularly scheduled statewide direct primary election and a regularly scheduled statewide general election in the same year, the election on the initiative measure may be held on the same date as, and be consolidated with, the statewide general election. (EC 1405(a)(2))

2c) To avoid holding more than one special election within any 180 day period, the date for holding the special election on an initiative measure that has qualified pursuant to §§9116, 9214 or 9310, may be fixed later

than 103 days but at as early a date as practicable after the expiration of 180 days from the last special election. (EC 1405(a)(3))

2d) Not more than one special election for an initiative measure that qualifies pursuant to §§9116, 9214 or 9310 may be held by a jurisdiction during any period of 180 days. (EC 1405(a)(4))

b) The number of registered voters referred to in §9310(a) 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 of the notice of intention to circulate the initiative petition. (EC 9310(b))

c) If the initiative petition does not request a special election, 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 to the voters, without alteration, pursuant to subdivision (b) of §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 §1405. (EC 9311)

REFERENDA

A referendum is the submission of an ordinance, proposed or already in effect, to a direct vote of the people. By using referendum powers, the legislative board of a jurisdiction (e.g., Board of Supervisors, city council) may ask registered voters to decide on the enactment, repeal, or amendment of any ordinance. Additionally, voters may independently circulate a petition protesting the adoption of an ordinance and request that the issue be put up for a popular vote.

COUNTY REFERENDA

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)

2. **Petition Protesting Adoption of Ordinance**

If a petition protesting the adoption of an ordinance is presented to the Board of Supervisors prior to the effective date of the ordinance, the ordinance shall be suspended and the 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)

3. **Form of Petition**

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 petition shall contain the title and text of the ordinance or the portion of the ordinance that is the subject of the referendum. (EC 9147)

The provisions of the Elections Code relating to the form of petitions, the duties of the county elections official, and the manner of holding elections, when an ordinance is proposed by initiative petition, govern the procedure on ordinances against which a protest is filed. (EC 9146)

4. **Protest of Ordinance Submitted to Voters**

If the Board of Supervisors does not entirely repeal the ordinance against which a petition is filed, the Board shall submit the ordinance to the voters either at the next regularly scheduled county election occurring not less than 88 days after the date of the order, or at a special election called for that purpose not less than 88 days after the date of the order. The ordinance shall not become effective unless and until a majority of the voters voting on the ordinance vote in favor of it. (EC 9145)

NOTE: Please see the County Initiatives section of this booklet for further information on petition format and other procedural processes.

MUNICIPAL REFERENDA

1. **Petition to Reconsider Ordinance**

If a petition protesting the adoption of an ordinance, and circulated by a person who is 18 years of age or older, is submitted to the elections official of the legislative body of the city in his or her office during normal office hours, as posted, within 30 days of the adoption of the ordinance, and is signed by not less than 10 percent of the voters of the city according to the county elections official's last official report of registration to the Secretary of State, or, in a city with 1,000 or less registered voters, is signed by not less than 25 percent of the voters or 100 voters of the city, whichever is the lesser, the effective date of the ordinance shall be suspended and the legislative body shall reconsider the ordinance. (EC 102, 104, 9237)

2. **Form of Petition**

The provisions of this code relating to the form of petitions, the duties of the county elections official, and the manner of holding elections shall govern the petition procedure and submission of the ordinance to the voters. (EC 9237.5)

a) Across the top of each page of the referendum petition there shall be printed the following:

“Referendum Against an Ordinance Passed by the City Council”

b) Each section of the referendum petition shall contain (1) the identifying number or title, and (2) the text of the ordinance or the portion of the ordinance that is the subject of the referendum.

The petition sections shall be designed in the same form as specified in Section 9020.

c) Each section shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in Section 9022. (EC 9238)

3. **Filing of Petition**

Signatures upon petitions, and sections thereof, shall be secured, and the petition, together with all sections thereof, shall be filed, within 30 days from the date of the adoption of the ordinance to which it relates. Petitions and sections thereof shall be filed with the elections official of the legislative body of the city in his or her office during normal office hours as posted. Petitions that are not filed within the time permitted by this section shall be void for all purposes. (EC 9242)

4. **Examination of Signatures**

The city elections official has 30 days from the date of filing the petition, excluding Saturdays, Sundays, and holidays, to determine whether the required number of voters has signed the petition and to certify the results. A certificate showing the results of this examination shall be attached to the petition. The city elections official shall notify the proponents of the petition as to the sufficiency or insufficiency of the petition. If the petition is found to be insufficient, no further action will 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 to be sufficient, the city elections official shall certify the results to the legislative body of the city at their next regular meeting.

If the petition contains more than 500 signatures, the city elections official may randomly sample 3 percent or 500 signatures for verification, whichever is greater. (EC 9114, 9115, 9211)

5. **Ordinance Submitted to Voters**

If the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the legislative body, or at a special election called for the purpose, not less than 88 days after the order of the legislative body. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. If the legislative body repeals the ordinance or submits the ordinance to the voters, and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters. (EC 9241)

NOTE: *Please see the Municipal Initiatives section of this booklet for further information on petition format and other procedural processes.*

DISTRICT REFERENDA

1. Submission by Governing Board

The governing board of any district that is a local public entity as defined by §900.4 of the Government Code may refer legislative questions to the voters of the district in the same manner as the Board of Supervisors may refer county questions pursuant to §9140. (EC 9342) See the County Referenda section of this booklet.

2. Petition Protesting Adoption

The voters of any district that is a local public entity as defined by §900.4 of the Government Code, and to which §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 §§9141 through 9146, 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. (EC 9340)

3. Form of Petition

The provisions of the Elections Code relating to the form of petitions, the duties of the county elections official, and the manner of holding elections, when an ordinance is proposed by initiative petition, govern the procedure on ordinances against which a protest is filed. (EC 9146)

4. Protest of Ordinance Submitted to Voters

If the governing body does not entirely repeal the legislative act against which a petition is filed, the governing body shall submit the ordinance to the voters either at the next regularly scheduled county election, occurring not less than 88 days after the date of the order or at a special election called for that purpose, not less than 88 days after the date of the order. The act shall not become effective unless and until a majority of the voters voting on the act; vote in favor of it. (EC 9145, 9340)

NOTE: *Please see the District Initiatives section of this booklet for further information on petition format and other procedural processes*

CAMPAIGN DISCLOSURE REQUIREMENTS

Political Reform Act

Proponents of initiative or referendum petitions may have campaign disclosure requirements under the Political Reform Act. (Government Code §81000 et seq.)

If You Plan to Raise or Spend Money

First Obtain a copy of Disclosure Manual 3 – Information for Committees Primarily Formed to Support or Oppose a Ballot Measure. Campaign Disclosure Manuals can be requested by calling 866-275-3772 or downloaded from the FPPC website at www.fppc.ca.gov.

Second File a Form 410 – Statement of Organization – with the Secretary of State Political Reform Division and your local filing officer.

Any person, who receives contributions totaling \$2,000 or more within a calendar year, qualifies as a recipient committee and within 10 days of qualifying must file a Form 410 with the Secretary of State and your local filing officer.

A Form 410 may be filed prior to qualifying. Upon receipt of the Form 410, the Secretary of State will issue an identification number, which must be included on all campaign disclosure forms.

Third Once qualified, be prepared to file Form 460 Pre-Election Statements and Semi-Annual statements (according to the filing schedule for your committee).

These statements detailing your committee(s) contributions and expenditures are filed at specified times prior to and following the election. Know the deadlines and the type of forms you must file.

Elections Department staff will provide you with a filing schedule. For technical advice on completing the forms, call the Fair Political Practices Commission toll free at 866-275-3772 or visit their website at www.fppc.ca.gov

Fourth File a Form 410 termination with the Secretary of State Political Reform Division to terminate the committee upon completion of your initiative efforts. You must also file a Form 410 termination **and** a Form 460 or Form termination with your local filing officer to terminate the committee upon completion of your initiative efforts.

MASS MAILING REQUIREMENTS

- a)** Except as provided in subdivision (b), no committee shall send a mass mailing unless the name, street address, and city of the committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6 point type, which shall be in a color or print, which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.
- b)** If the sender of the mass mailing is a single committee, the name, street address, and city of the committee need only be shown on the outside of each piece of mail.
- c)** If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a). (GC 84305, EC 16)

NOTE: Anyone planning any type of mass mailing needs to contact the post office for the most current and specific postal regulations.

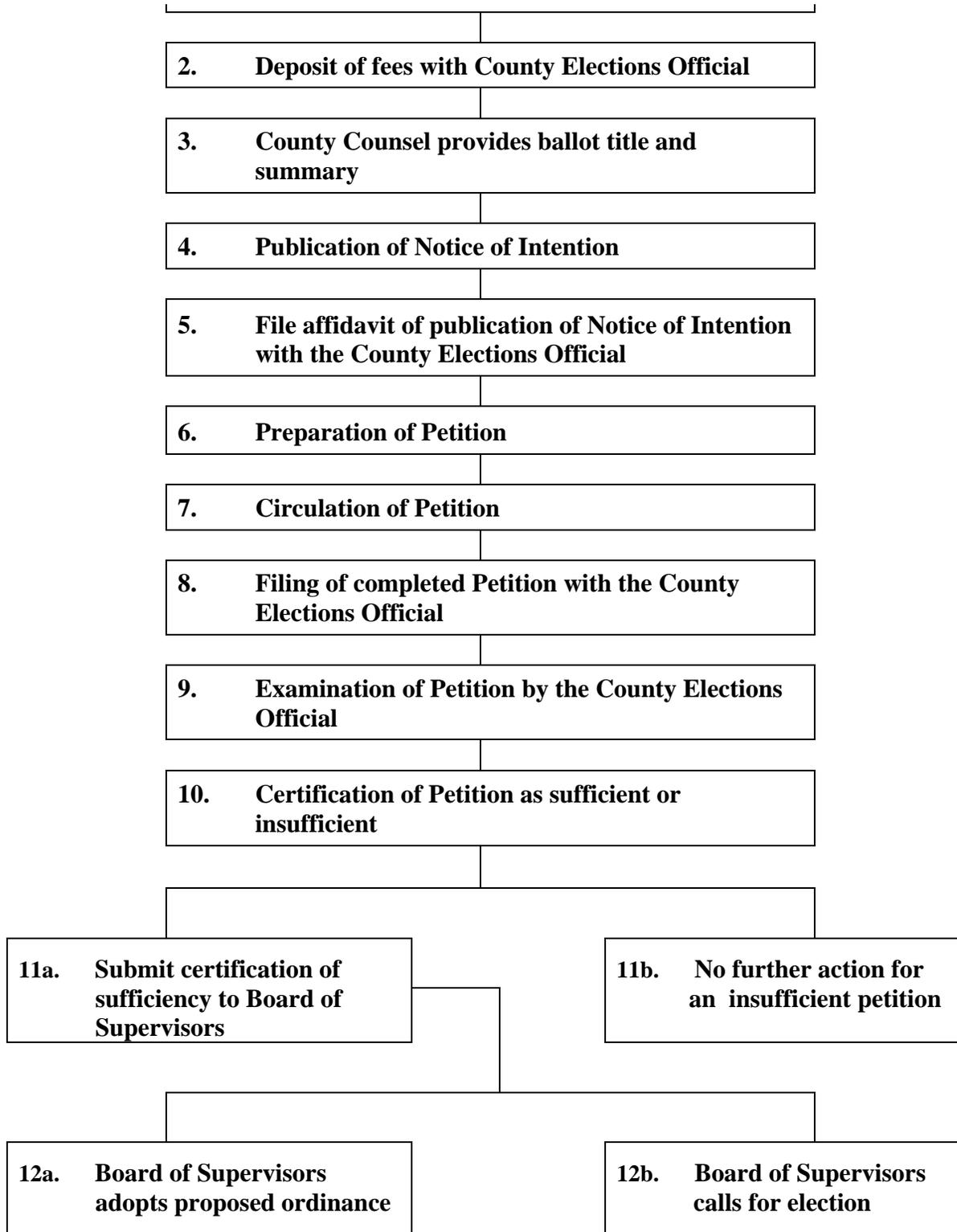
APPENDIX

Outlines of Initiative and Referendum Processes

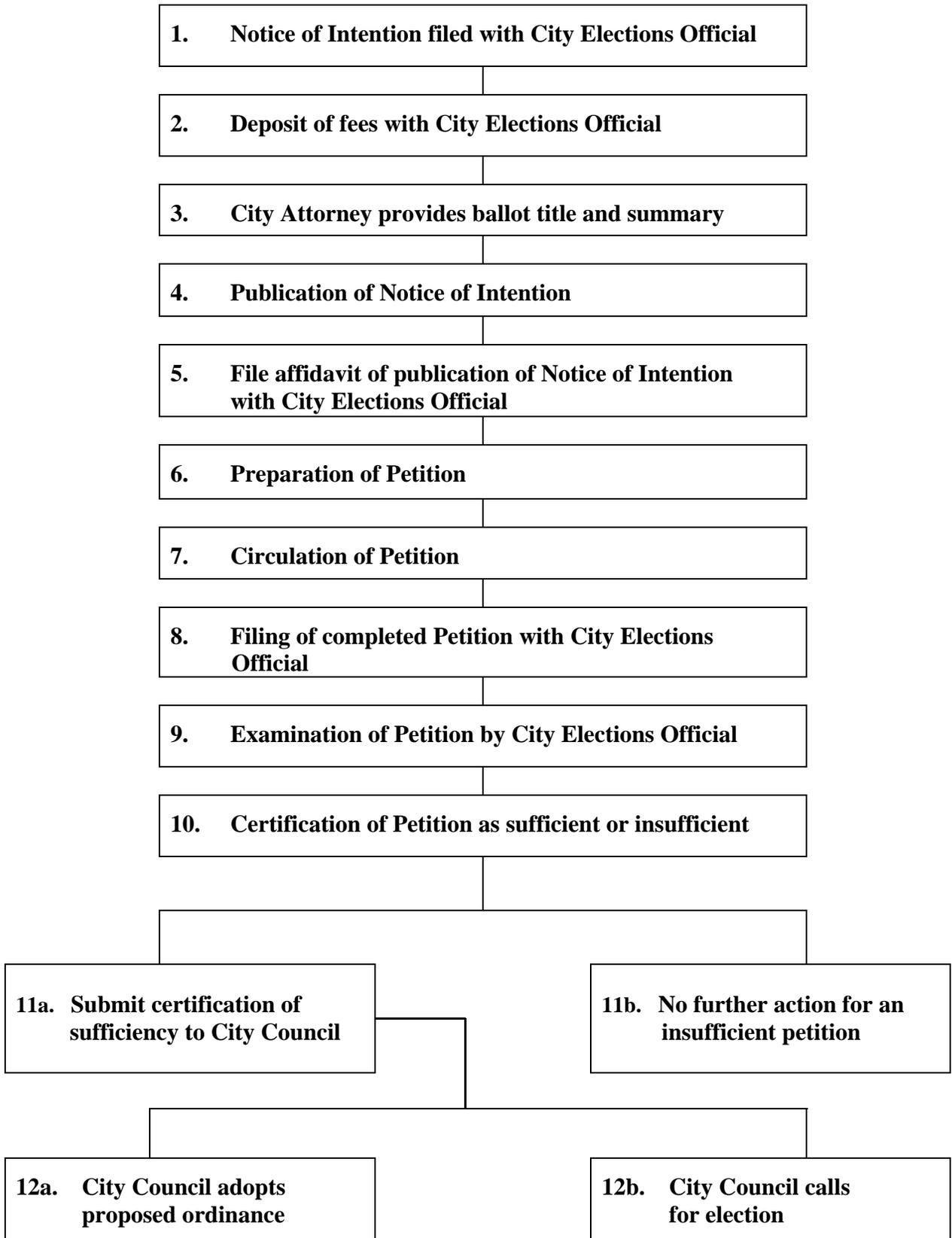
These outlines are to be used with the understanding that they are not all encompassing. Consult the applicable section of the booklet for a comprehensive description of the process.

County Initiative Process

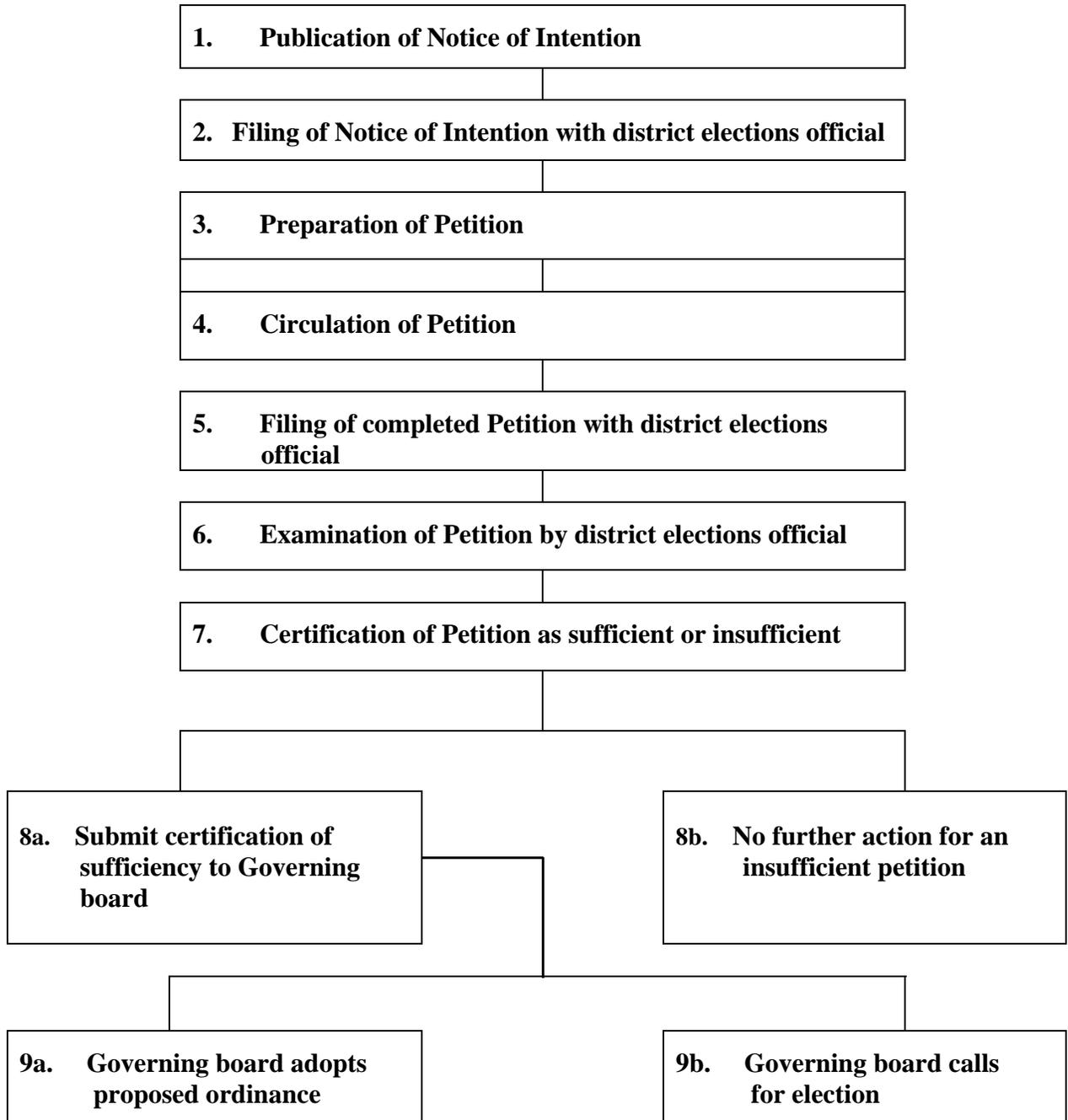
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| <ol style="list-style-type: none">1. Notice of Intention filed with the County Elections Official |
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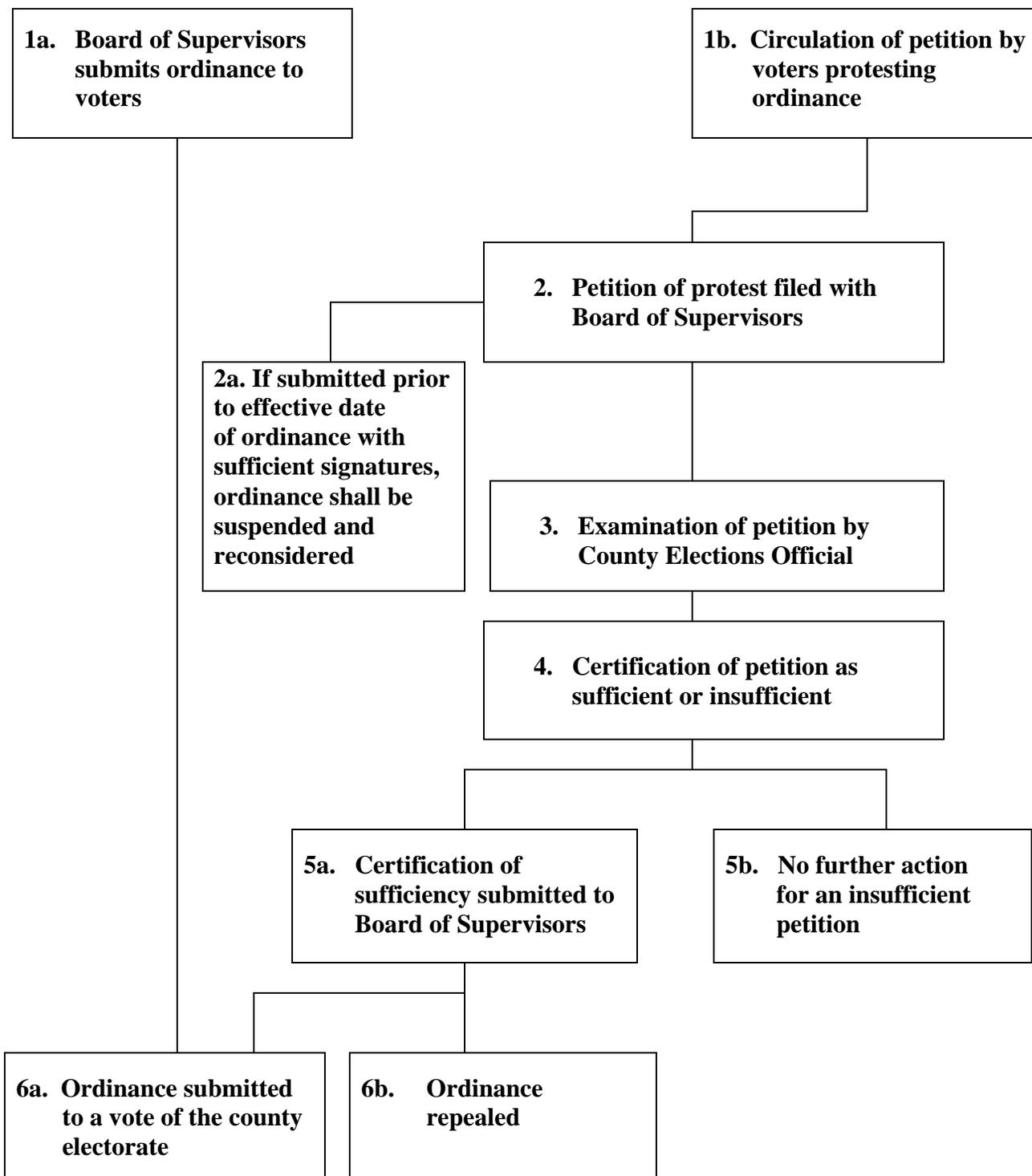
Municipal Initiative Process



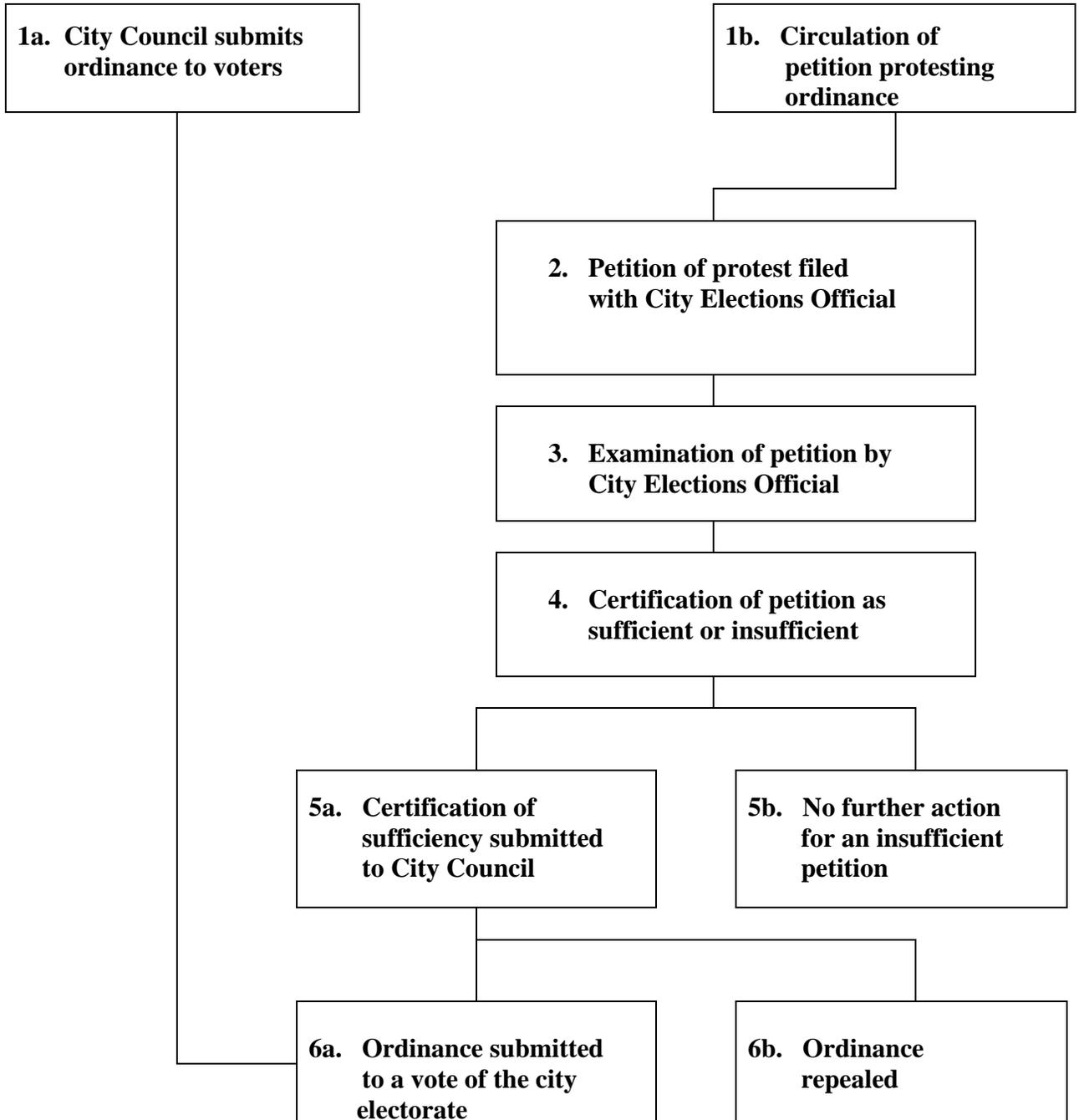
District Initiative Process



County Referendum Process



Municipal Referendum Process



District Referendum Process

