



County Initiative Guide

**Candace J. Grubbs, County Clerk-Recorder/Registrar of Voters
Elections Division**

155 Nelson Avenue Oroville CA 95965-3411

Phone: 530-552-3400 Fax: 530-538-6853

Website: <http://buttevotes.net>

This guide was developed in an effort to provide general information concerning county initiatives. It is for general information only and does not have the force and effect of law, regulation or rule. In the case of conflict, the law, regulation or rule will apply. It is distributed with the understanding that the County Clerk-Recorder/Registrar of Voters is not rendering legal advice and, therefore, this guide is not to be a substitute for legal counsel for the individual, organization or committee using it. Persons using this guide must bear full responsibility to make their own determinations as to all legal standards and duties. For information on municipal initiatives, please contact your City/Town Clerk's Office.

Revised February 9, 2016

INTRODUCTION

The initiative process is the power of the people of California to propose statutes and amendments to the California Constitution (Cal. Const., Art. II, §8(a)). Generally, any matter that is a proper subject of legislation can become an initiative measure; however, no initiative measure addressing more than one subject area may be submitted to the voters or have any effect (Cal. Const., Art. II, §§ 8(d) and 12). An initiative measure is placed on the ballot after its proponents successfully satisfy their requirements described in these guidelines.

All code sections quoted refer to the California Elections Code, unless otherwise stated.

Table of Contents

| | |
|---|----|
| The Initiative Process | 1 |
| Notice of Intention..... | 1 |
| Enacting Clause | 1 |
| Ballot Title and Summary..... | 1 |
| Publication of the Notice of Intention | 1 |
| Petition Format..... | 2 |
| General Information | 2 |
| Petition Heading | 2 |
| Petition Notice to the Public..... | 2 |
| Form of the Petition | 3 |
| Circulating the Petition | 4 |
| Who May Circulate the Petition | 4 |
| Declaration of Circulator | 4 |
| When to Circulate the Petition | 4 |
| Who May Sign the Petition | 4 |
| Board of Supervisors May Order Reports..... | 5 |
| Time Limit for Gathering Signatures on the Petition | 5 |
| Filing the Petition..... | 6 |
| Filing the Petition | 6 |
| Examination of Signatures..... | 6 |
| If the Petition is Found Insufficient..... | 6 |
| If the Petition is Found Sufficient | 6 |
| Board of Supervisors' Action if Petition is Sufficient..... | 7 |
| If the Initiative Goes to an Election..... | 8 |
| Calendar | 8 |
| Analysis | 8 |
| Assigning a Measure Letter | 8 |
| Ballot Question | 8 |
| Form of the Ballot Question | 8 |
| Arguments and Rebuttals | 9 |
| Votes Needed for Ordinance to Become Effective | 9 |
| Enacting Clause | 9 |
| Conflicting Ordinances..... | 9 |
| Repeal of Ordinance..... | 9 |
| Sample Calendar | 10 |
| Campaign Disclosure Requirements | 13 |
| Political Reform Act | 13 |
| If You Plan to Raise or Spend Money..... | 13 |
| Tips Regarding Petition Signers and Circulators..... | 14 |
| Electioneering Prohibitions | 15 |
| Information Available to Proponents..... | 18 |
| Vote by Mail Ballot Application Information | 19 |
| Political Activities..... | 21 |
| Election Night Results | 22 |
| County Clerk-Recorder Website..... | 23 |
| Code Sections..... | 24 |
| Appendix A Sample Notice of Intention to Circulate Petition | 38 |
| Appendix B Sample Petition..... | 42 |

**THIS PAGE
INTENTIONALLY
LEFT BLANK**

The Initiative Process

Notice of Intention

Before circulating any initiative petition in a county, its proponents shall file with the County Clerk-Recorder/Registrar of Voters, 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 of the initiative and a request that a ballot title and summary be prepared.

Any person filing a notice of intention shall pay a fee, established by the Board of Supervisors, of \$200 to be refunded to the filer if, within one year of the date of filing the notice of intention, the County Clerk-Recorder/Registrar of Voters certifies the sufficiency of the petition. (Elections Code section 9103)

The notice of intention may contain an optional printed statement, not to exceed 500 words, 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 _____ for the purpose of _____. A statement of the reasons of the proposed action as contemplated in the petition is as follows: (Optional Statement starts here) (Elections Code section 9104)

Enacting Clause

The written full text shall include the enacting clause of the ordinance submitted to the voters. Refer to California Elections Code section 9124 for required wording.

Ballot Title and Summary

The County Clerk-Recorder/Registrar of Voters 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 Clerk-Recorder/Registrar of Voters 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. (Elections Code section 9105(a))

Publication of the Notice of Intention

The County Clerk-Recorder/Registrar of Voters 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 Clerk-Recorder/Registrar of Voters. (Government Code section 6000, et seq., Elections Code section 9105(b))

Petition Format

General Information

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:

Petition Heading

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.)

(Elections Code section 9105(c))

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.”

(Elections Code section 101)

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.

A space at least one inch wide shall be left blank after each name for the use of the County Clerk-Recorder/Registrar of Voters 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 form of the sample on the following page:

Official Use Only

| | | | |
|--|--------------------------------------|------------------------|--|
| | Print Your Name 1. | Residence Address Only | |
| | Your Signature as Registered to Vote | City Zip | |
| | Print Your Name 2. | Residence Address Only | |
| | Your Signature as Registered to Vote | City Zip | |
| | Print Your Name 3. | Residence Address Only | |
| | Your Signature as Registered to Vote | City Zip | |

(Elections Code section 100)

The number of signatures attached to each section, or page of the petition, shall be at the pleasure of the person soliciting the signatures. (Elections Code section 9020)

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

Circulating the Petition

Who May Circulate the Petition

A person shall not circulate a state or local initiative, referendum, or recall petition or nominating paper unless the person is 18 years of age or older.

(Elections Code section 102)

Declaration of Circulator

(a) Whenever any petition is submitted to the County Clerk-Recorder/Registrar of Voters, 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 or paper 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.

(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.

(Elections Code sections 104, 9109)

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.

(Elections Code section 9108)

Who May Sign the Petition

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 qualified signer. (Elections Code sections 100, 106(b))

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 in 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. (Elections Code section 100.5)

Board of Supervisors May Order Reports

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 proposed initiative to any county agency or agencies for a report on its effect and fiscal impact. The report shall be presented to the Board of Supervisors within the time prescribed by the Board of Supervisors but no later than 30 days after the certification of the petition's sufficiency by the County Clerk-Recorder/Registrar of Voters to the Board of Supervisors. (Elections Code section 9111)

Time Limit for Gathering Signatures on the Petition

Signatures shall be secured and the petition shall be presented to the County Clerk-Recorder/Registrar of Voters 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. (Elections Code section 9110)

Filing the Petition

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 Clerk-Recorder/Registrar of Voters shall determine the total number of signatures affixed to the petition. If, from this examination, the County Clerk-Recorder/Registrar of Voters determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, the County Clerk-Recorder/Registrar of Voters shall examine the petition in accordance with §9114 or §9115. If, from this examination, the County Clerk-Recorder/Registrar of Voters 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. (Elections Code section 9113)

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 County Clerk-Recorder/Registrar of Voters 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 County Clerk-Recorder/Registrar of Voters shall notify the proponents of the petition as to the sufficiency or insufficiency of the petition.
(Elections Code section 9114)

Pursuant to §9114, if the petition contains more than 500 signatures, the County Clerk-Recorder/Registrar of Voters 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. (Elections Code section 9115)

If the Petition is Found Insufficient

If the petition is found insufficient, no further action shall be taken. However, the failure to secure sufficient signatures will not preclude the filing of a new petition on the same subject, at a later date. (Elections Code section 9114)

If the Petition is Found Sufficient

If the petition is found sufficient, the County Clerk-Recorder/Registrar of Voters shall certify the results of the examination to the Board of Supervisors at the next regular meeting of the Board. (Elections Code section 9114)

Board of Supervisors' Action if Petition is Sufficient

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 the office of Governor (including qualified write-in candidates) 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 section 1405, at which the ordinance, without alteration, shall be submitted to the voters of the county.

c) Order a report pursuant to section 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).

(Elections Code section 9116)

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 section 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 section 1405.

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).

(Elections Code section 9118)

If the Initiative Goes to an Election

Calendar

The County Clerk-Recorder/Registrar of Voters will develop a calendar for the election, including dates when arguments, rebuttals, and campaign statements need to be filed. (Elections Office Policy)

Analysis

The county counsel shall prepare a 500-word or less impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure.

The Board of Supervisors may direct the county auditor to prepare a 500-word or less fiscal analysis of the effect on revenues or expenditures of the county. (Elections Code section 9160)

Assigning a Measure Letter

Letters designating local measures will be assigned by the County Clerk-Recorder/Registrar of Voters. Local measures shall be assigned in alphabetical order beginning with the letter following the last letter assigned in the previous election and continuing through Z, or as close to the end of the alphabet as possible to accommodate all measures filed for the current election. For example, if the previous election ended with measure V, and five measures are on the next ballot, the measures will be assigned A, B, C, D, E rather than W, X, Y, Z, A.

For districts that overlap into other counties, the counties will mutually agree, when possible, to use a letter designation for the measure that will not conflict or confuse the voter.

Measures will appear on the ballot in the following order: Schools, County, Cities, Districts. (Elections Code section 13116)

Ballot Question

The statement of all measures submitted to the voters shall be abbreviated on the ballot. The statement shall contain not more than 75 words, or less, of each measure to be voted on, followed by the words "Yes" and "No". (Elections Code sections 9051, 13247)

Form of the Ballot Question

The ballots used when voting upon a proposed county, city or district ordinance as an initiative measure, shall have printed on them the words "Shall the ordinance (stating the nature thereof) be adopted?" Opposite the statement of the ordinance to be voted on, and to its right, the words "Yes" and "No" shall be printed on separate lines, with voting squares. A "Yes" vote is in favor of the adoption of the ordinance; a "No" vote shall be counted against its adoption. (Elections Code section 13119)

Arguments and Rebuttals

Obtain a copy of the "Ballot Measure Guidebook" prepared by the Butte County Clerk-Recorder Elections Division. The guide provides procedures for filing arguments and rebuttals for county measures and the necessary forms are included.

(Elections Code section 9120)

Votes Needed 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. (Elections Code section 9122)

Enacting Clause

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

"The people of the County of Butte ordain as follows:"

(Elections Code section 9124)

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.

(Elections Code section 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. (Elections Code section 9125)

Sample Calendar

The following calendar provides an example of the amount of time and deadlines associated with proposing a county initiative. “E” refers to Election Day and “+” or “-” represent the number of days before or after when the various steps should be taken.

The calendar is subject to change depending on the actual dates when events take place and in the event the ballot title and summary are challenged and need to be changed. Law mandates some deadlines; others are suggested time frames in order to provide the maximum amount of time to circulate petitions. All codes reference the Elections Code unless otherwise stated.

| | |
|---------------|---|
| | Adopt wording for Notice of Intention, Proposed Ordinance Text and Printed Statement (not to exceed 500 words in length) stating the reasons for the proposed petition. (Elections Code section 9103,9104) |
| E- 342 | County Clerk-Recorder/Registrar of Voters receives Notice of Intention (includes name(s) of proponent(s), signatures, and business or residence address of proponent(s), written text of the initiative and a request that a ballot title and summary be prepared). (Elections Code sections 9103, 9104) |
| E- 342 | County Clerk-Recorder/Registrar of Voters delivers Notice of Intention and written text of the initiative to County Counsel requesting a title and summary be prepared. (Elections Code section 9105(a)) |
| E- 327 | Within 15 days, County Counsel delivers Title and Summary to County Clerk-Recorder/Registrar of Voters for filing. County Clerk-Recorder/Registrar of Voters will deliver a copy of the Title and Summary to Proponent(s). (Elections Code section 9105(a)) |
| | Proponent(s) shall, <u>prior to circulation of the petition</u> , publish the Notice of Intention with Title and Summary and file proof of publication with the County Clerk-Recorder/Registrar of Voters. (Elections Code section 9105(b)) |
| | After filing the proof of publication, the proponent(s) will prepare the petition. The proponent(s) may begin circulating to gather signatures of voters. |
| E-148 | Proponent(s) submit petition with signatures within 180 days after proponent(s) receive Title and Summary from County Clerk-Recorder/Registrar of Voters or after termination of any action for a writ of mandate pursuant to section 9106 and, if applicable, after receipt of an amended title or summary, or both, which occurs later. (Elections Code section 9110) |
| E-105 | County Clerk-Recorder/Registrar of Voters has 30 working days (Saturdays, Sundays & holidays excluded) to certify the results to the Board of Supervisors (Elections Code sections 9114, 9115) |
| | County Clerk-Recorder to submit an item for the Board of Supervisors agenda. Agenda items have to be submitted 14 days before the board meeting (county policy) |
| | The Board of Supervisors has three options to exercise at its meeting where the County Clerk-Recorder presents its findings that an initiative petition is sufficient. <ol style="list-style-type: none"> 1. Adopt the Ordinance 2. Call an election (date to be determined by the percentage of voters who signed the petition) 3. Order a report pursuant to Elections Code section 9111 (Elections Code section 9118) |
| E-88 | Last day the Board of Supervisors can consolidate a measure with a regular election. (Elections Code section 10403). The County Clerk-Recorder must have more time in order to meet the printing schedule. (County Clerk-Recorder policy) |

Sample Calendar, Continued

| | |
|---------------------|--|
| E-96 | County Clerk-Recorder/Registrar of Voters to publish once the Notice of Election and deadline for submitting arguments. (Elections Code section 9163 & Government Code section 6061) |
| E-88 | Last day to submit direct arguments. (Elections Code section 9163) |
| E-88 | Last day the Board of Supervisors can direct the County Auditor-Controller to write an analysis of a county measure. (Elections Code section 9160) |
| E-81 | Last day for County Counsel to file Impartial Analysis. (Elections Code section 9160) |
| E-81 | Last day for County Auditor-Controller to file Fiscal Impact Report (Elections Code section 9160(c)) |
| E-78 | Last day to submit rebuttal arguments. (Elections Code section 9167) |
| E-77 to E-68 | 10-day public inspection of arguments/analyses. (Elections Code section 9190) |
| E-67 | Finalize materials for submission to vendor for printing. |
| E-40 to E-21 | Sample Ballot Booklet Mailing. (Elections Code sections 13303, 13304) |
| E-36 | Receive materials from printer. (suggested date) |
| E-29 | Last day to register to vote and receive election materials mailed to voters (Elections Code sections 2107, 13303(c)) |
| E-29 | Vote by Mail voting begins. (Elections Code sections 3001, 3003) |
| E-15 | Last day to register to vote. (Elections Code section 2107) |
| E-7 | Last day to request a vote by mail ballot by mail. (Elections Code section 3001) |
| E | ELECTION DAY (Elections Code section 1000) |
| E+1 to E+28 | Official Canvass |

Campaign Disclosure Requirements

Political Reform Act

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

If You Plan to Raise or Spend Money

- ▶ **First:** Obtain a copy of Campaign Disclosure Manual 3 – Information for Committees Primarily Formed to Support or Oppose a Ballot Measure.

Link: <http://www.fppc.ca.gov/manuals/manual3.pdf>

You may also request a copy from the Fair Political Practices Commission by calling 1-866-275-3772 or from your local filing officer, Butte County Clerk-Recorder Elections Division, at 530-538-7761 or 1-800-894-7761.

- ▶ **Second:** File a Form 410 – Statement of Organization. Original form and check for \$50 is mailed to the Secretary of State Political Reform Division. A copy is provided to the local filing officer.

Campaign Disclosure Forms are available online at www.fppc.ca.gov or by calling your local filing officer at 530-538-7761 or the Fair Political Practices Commission at 1-866-275-3772.

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.

Link: <http://www.fppc.ca.gov/forms>

- ▶ **Third:** Once qualified, be prepared to file Form 460 (long form) or Form 450 (short form), quarterly, and Pre-Election and Semi-Annual Statements. Refer to the FPPC website for filing deadlines and specific details regarding campaign disclosure filing requirements for local ballot measure committees.

Elections Office staff can also provide you with a filing schedule. For technical advice on completing the forms, call the Fair Political Practices Commission toll free number 1-866-275-3772 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 450 termination with your local filing officer to terminate the committee upon completion of your initiative efforts.

Tips Regarding Petition Signers and Circulators

Signers

- Signers must be a resident and registered voter of the same jurisdiction as the petition is being circulated.
- Signers must clearly print their physical residence address. They should include apartment, space or unit numbers, if applicable.
 - Business addresses are not acceptable; the signature cannot be counted.
 - Mailing addresses are not acceptable; the signature cannot be counted.
 - PO Boxes are not acceptable; the signature cannot be counted.
 - If no residence address is indicated, the signature cannot be counted.
- Signers may not use a pre-printed address label or stamper. This information must be handwritten.
- A registered voter who has legally qualified under Elections Code section 354.5 may use an authorized signature stamp.
- If the signer is not registered, or has moved, they must complete a new voter registration card. The voter registration card must be dated on or before the date of signing the petition.

Circulators

- The circulator must be 18 years of age or older.
- The circulator must complete the “Affidavit of Circulator” located on the back of the petition. An incomplete or unsigned Affidavit of Circulator could invalidate all signatures on the petition page.
- Circulators may not use a pre-printed address label or stamper. This information must be handwritten.

Voter Registration

- If a person registers to vote on the same day as signing the petition, verify that the voter registration card is complete. There are instances when missing information or a missing signature can invalidate the signature on the petition because the voter registration card was not properly completed.
- Return voter registration card within 72 hours by USPS mail or In Person to the Butte County Clerk-Recorder Elections Division

Additional Information Regarding Petitions:

Be aware of the filing deadline for the petition. Any petition filed after the given deadline cannot be counted.

Electioneering Prohibitions

“Electioneering” Definition

“Electioneering” means the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot within 100 feet of a polling place, an elections official’s office, or a satellite location under section 3018. Prohibited electioneering information includes, but is not limited to, any of the following:

- (a) A display of a candidate’s name, likeness, or logo.
- (b) A display of a ballot measure’s number, title, subject, or logo.
- (c) Buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information.
- (d) Dissemination of audible electioneering information. (Elections Code section 319.5)

Electioneering within 100 feet of a polling place

No person, on election day, or at any time that a voter may be casting a ballot, shall, within 100 feet of a polling place, a satellite location under section 3018, or an elections official’s office:

- (a) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
- (b) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
- (c) Place a sign relating to voters’ qualifications or speak to a voter on the subject of his or her qualifications except as provided in section 14240.
- (d) Do any electioneering as defined by section 319.5.

As used in this section, “100 feet of a polling place, a satellite location under section 3018, or an elections official’s office” means a distance 100 feet from the room or rooms in which voters are signing the roster and casting ballots.

Any person who violates any of the provisions of this section is guilty of a misdemeanor. (Elections Code section 18370)

Electioneering during vote by mail voting

- (a) No candidate or representative of a candidate, and no proponent, opponent, or representative of a proponent or opponent, of an initiative, referendum, or recall measure, or of a charter amendment, shall solicit the vote of a vote by mail voter, or do any electioneering, while in the residence or in the immediate presence of the voter, and during the time he or she knows the vote by mail voter is voting.
- (b) Any person who knowingly violates this section is guilty of a misdemeanor.
- (c) This section shall not be construed to conflict with any provision of the federal Voting Rights Act of 1965, as amended, nor to preclude electioneering by mail or telephone or in public places, except as prohibited by section 18370, or by any other provision of law. (Elections Code section 18371)

Solicitation dissuading persons from voting

(a) No person shall, with the intent of dissuading another person from voting, within 100 feet of a polling place, do any of the following:

- (1) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
- (2) Place a sign relating to voters’ qualifications or speak to a voter on the subject of his or her qualifications except as provided in section 14240.

(3) Photograph, video record, or otherwise record a voter entering or exiting a polling place.

(b) Any violation of this section is punishable by imprisonment in a county jail for not more than 12 months, or in the state prison. Any person who conspires to violate this section is guilty of a felony.

(c) For purposes of this section, 100 feet means a distance of 100 feet from the room or rooms in which voters are signing the roster and casting ballots.

(Elections Code section 18541)

Exit polls

Election Day is a big news day. There is always the possibility that the press will visit your polling place to get some camera footage, an interview or to conduct an “Exit Poll”.

The California Secretary of State and the Attorney General have reviewed the Electioneering provisions and have determined that these provisions do not apply to the Press and Media conducting “Exit Polls.” However, no one may interfere with the conduct of the election. Therefore, news media conducting “Exit Polls” have been advised to remain at least 25 feet from the entrance to the polls.

As a rule, the person conducting the “Exit Poll” has been advised of the 25-foot restriction and is more than willing to comply. Occasionally we have had problems, particularly in stormy weather. If you have any problems regarding members of the press or “Exit Polling”, call the Butte County Clerk-Recorder Elections Division as soon as possible and request to speak with a Supervisor.

The Press and Media may take pictures or run a television camera inside the polling place providing they respect the voter’s privacy and do not interfere with voting. They may speak to voters regarding how they are voting at a distance of 25 feet from the entrance to the polling place.

The Press and Media provide a valuable service to our community and we ask that you treat them courteously and with respect. If you have any questions regarding the activities of the Press and Media, please telephone the Butte County Clerk-Recorder Elections Division and ask to speak with a Supervisor.

Poll watchers

Poll watchers are allowed at the polling place as long as they obey the rules set out in the California Elections Code.

A Poll Watcher may:

- Inspect the “*Roster of Voters*” or “*Master Precinct Street Index*”. Any such inspection, however, must be done without impeding, interfering or interrupting the normal process of voting and counting.
- Inspect and write down information off the Indexes posted inside the polling place without removing them from the posted location.
- Observe all activities at the polling place (including activities after the polls close) providing there is no interference with the normal process.

A Poll Watcher may not:

- Engage in any electioneering (see “ELECTIONEERING”) within 100 feet of the entrance to the polling place. This includes wearing campaign buttons, T-shirts, etc. This is a prohibited activity and will not be tolerated.
- Sit at the table used by the precinct board. Only members of the precinct board (and voters who are signing the Roster) are allowed to sit at the table used by the precinct board during the time the polls are open. Also, only members of the precinct board may sit at this table while they are in the process of closing the polls and packaging the ballots, supplies and equipment.
- Be within the immediate area of the voting booths while the polls are open.
- Remove the indexes posted at the entrance, inside the polling place.
- Disrupt or interfere with the process in any way.

If there is a Poll Watcher, observer or campaign worker who does not comply with these rules, you must inform this person that they may not continue the prohibited activity.

Be pleasant and reasonable (i.e. if there are not any voters in the polling place, and you are not using the “*Roster of Voters*” or “*Master Precinct Street Index*”, it is available for inspection).

Remember that Poll Watchers may not sit at the table or interfere with the process.

If the person argues with you or persists with the activity, either telephone the Butte County Clerk-Recorder Elections Division and speak with a Supervisor or contact the appropriate police authorities directly.

Do not be intimidated by Poll Watchers, observers and campaign workers. They have been known to use false statements to intimidate precinct officers into allowing prohibited activities. If you have any questions, telephone the Butte County Clerk-Recorder Elections Division and speak with a Supervisor.

Information Available to Proponents

We encourage you to review the “Services Guide” on our website, <http://buttevotes.net>, for additional information and details.

Voter Registration Information

As of January 1, 1995, voter registration information is confidential and no longer available to the general public. However, certain persons, candidates and committees or proponents of initiative, petitions may access or purchase the voter file if an application has been completed and approved by the Butte County Clerk-Recorder Elections Division.

Accessing Voter Registration Information at the Butte County Clerk-Recorder Elections Division

A computer terminal is available for candidates for elective office or proponents of initiative, referendum or recall petitions/measures to conduct research of the voter registration file once an application form has been completed and approved. Persons working for candidate or measure committees must have a letter of authorization signed by the candidate or proponent authorizing them to view voter registration information.

Data Processing Materials

Before any confidential voter registration information can be released, an application must be completed and submitted along with payment. The application is reviewed and, if approved, the materials requested are generated and made available for pickup. Persons working for candidate or measure committees must have a letter of authorization signed by the candidate or proponent authorizing them to obtain data processing items on their behalf.

Election Materials

The applicant must complete an application that clearly details their request for materials. The application must be submitted along with payment. The application is reviewed and approved and materials are generated and made available for pickup.

Candidates for elective office who have established committees must complete and sign the application form in order for the Elections Office to process the request. Additionally, if someone other than the candidate intends to view the information, that person needs to be designated on the appropriate line before the request may be honored and materials gathered.

Misuse of Voter Registration Information; Misdemeanor

It is a misdemeanor for any person in possession of information obtained pursuant to Article 5 (commencing with Elections Code section 2180) of Chapter 2 of Division 2, or section 6254.4 of the Government Code, knowingly to use or permit the use of all or any part of that information for any purpose other than as permitted by law.

It is a misdemeanor for any person knowingly to acquire possession or use of voter registration information referred to in subdivision (a) without first complying with Elections Code section 2188. (Elections Code section 18109)

Vote by Mail Ballot Application Information

Application for Vote by Mail Ballot

Except as provided in Chapter 3 (commencing with section 3200) and sections 3007.5 and 3007.7, application for a vote by mail voter's ballot shall be made in writing to the elections official having jurisdiction over the election between the 29th and the 7th day prior to the election. The application shall be signed by the applicant and shall show his or her place of residence. Any applications received by the elections official prior to the 29th day shall be kept and processed during the application period. (Elections Code section 3001)

Form of Printed Application for Vote by Mail Ballot

(a) A printed application that is to be distributed to a voter for requesting a vote by mail voter's ballot shall inform the voter that the application for the vote by mail voter's ballot must be received by the elections official not later than seven days prior to the date of the election and shall contain spaces for the following:

- (1) The printed name and residence address of the voter as it appears on the affidavit of registration.
- (2) The address to which the ballot is to be mailed.
- (3) The voter's signature.
- (4) The name and date of the election for which the request is to be made.

(b)(1) The information required by paragraphs (1) and (4) of subdivision (a) may be preprinted on the application. The information required by paragraphs (2) and (3) of subdivision (a) shall be personally affixed by the voter.

(2) An address, as required by paragraph (2) of subdivision (a), may not be the address of a political party, a political campaign headquarters, or a candidate's residence. However, a candidate, his or her spouse, immediate family members, and any other voter who shares the same residence address as the candidate may request that a vote by mail ballot be mailed to the candidate's residence address.

(3) An application that contains preprinted information shall contain a conspicuously printed statement substantially similar to the following: "You have the legal right to mail or deliver this application directly to the local elections official of the county where you reside."

(c) The application shall inform the voter that if he or she has declined to disclose a preference for a political party, the voter may request a vote by mail ballot for a particular political party for the partisan primary election, if that political party has adopted a party rule, duly noticed to the Secretary of State, authorizing that vote. The application shall contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall contain a checkoff box with a conspicuously printed statement that reads substantially similar to the following: "I have declined to disclose a preference for a qualified political party. However, for this primary election only, I request a vote by mail ballot for the _____ Party." The name of the political party shall be personally affixed by the voter.

(d) The application shall provide the voter with information concerning the procedure for establishing permanent vote by mail voter status, and the basis upon which permanent vote by mail voter status is claimed.

(e) The application shall be attested to by the voter as to the truth and correctness of its content, and shall be signed under penalty of perjury. (Elections Code section 3006)

Time Period for Organizations to Return Vote by Mail Ballot Application

Applications Shall be Nonforwardable

(a) Any individual, organization, or group that distributes applications for vote by mail voter ballots and receives completed application forms shall return the forms to the appropriate elections official within 72 hours of receiving the completed forms, or before the deadline for application, whichever is sooner. The name, address, and telephone number of any organization that authorizes the distribution of the applications shall be included on the application.

(b) Any application for a vote by mail voter's ballot that is sent by an individual, group, or organization to a voter shall be nonforwardable. Any vote by mail voter's ballot that is returned to an elections official as undeliverable shall not be forwarded by the elections official.

(c) A person may not submit a vote by mail ballot application electronically for another registered voter. (Elections Code section 3008)

PENAL PROVISIONS

Non-Conforming Vote by Mail Application

Any individual, group, or organization that knowingly distributes any application for a vote by mail ballot that does not conform to Chapter 1 (commencing with section 3000) of Division 3 is guilty of a misdemeanor. (Elections Code section 18402)

Willful Interference with Return of Vote by Mail Ballot Application

Any person who willfully (a) interferes with the prompt delivery of a completed vote by mail ballot application, (b) retains a completed vote by mail ballot application, without the voter's authorization, for more than three days excluding weekends and state holidays, or by the deadline for return of vote by mail ballot applications, whichever is earlier, or (c) denies an applicant the right to return his or her own completed vote by mail ballot application to the local elections official having jurisdiction over the election, is guilty of a misdemeanor. (Elections Code section 18576)

Please see our website, <http://buttevotes.net>, for the Vote by Mail Ballot Application form.

Political Activities

The laws governing political activities of County employees include the following:

- Provisions of the California Government Code concerning political activities of public employees (California Government Code §3201, et seq.)
- The Federal Hatch Act (5 U.S.C. §7301, et seq.)
- The Butte County Charter (Article XII, Section 3), and Butte County Personnel Rule 7.7.

All County officers and employees are covered by the prohibitions of state law contained in Government Code sections 3201 through 3209 concerning political activities, and the Butte County Charter and Personnel Rules. In addition, a limited number of County officers and employees who are paid with federal grant money or loans, or whose principal employment is in connection with an activity or program which is financed in whole or in part by grants or loans made by the U.S. or a federal agency are also subject to the political restrictions of the Federal Hatch Act.

Election Night Results

Where:

Ballots will be delivered to and tabulated at the central counting center:

**Butte County Clerk-Recorder Elections
Division
155 Nelson Avenue
Oroville**

Election Night Returns:

For people who wish to phone in for election results, our phones will be staffed until all ballots have been counted.

**Call 538-7761 or
within Butte County only
1-800-894-7761**

Contacts:

Candace J. Grubbs,
County Clerk-Recorder/Registrar of Voters

Laurie Cassady,
Assistant County Clerk-Registrar of Voters

538-7761 or 1-800-894-7761

Semi-Final Official Results:

Once the last ballot is counted, a Semi-Official Election Summary Report will be available from the Butte County Clerk-Recorder Elections Division or on our website:

<http://buttevotes.net>

Website:

Results will be posted after 8:30 p.m. and continuously updated.
For up-to-date results, log on to:

<http://buttevotes.net>

Final Official Results:

The official canvass of returns will begin no later than the Thursday following Election Day. The official canvass must be completed no later than the 28th day following the election.

Vote by Mail Results:

Will be the first results you will see. These will be released after 8:30 p.m. election night.

County Clerk-Recorder Website

<http://buttevotes.net>

County Clerk-Recorder Division
(530)538-7691

County Clerk:

Birth Certificates
Death Certificates
Fictitious Business Name Filings
Marriage Licenses & Certificates
Miscellaneous Filings
Official Records
Notary Filings
Fees
Applications

Recorder:

Maps
Official Records
Recorded Documents
Fees
Applications

Online Services:

Birth Certificates
Death Certificates
Fictitious Business Names
Marriage Certificates
Official Records

Elections Division
(530)538-7761
(800)894-7761

Voter Registration

Scheduled Elections

Calendar of Events
Candidate Handbooks
Candidate Lists
State & Local Measures
Election Observer Information
Election Results
Media Releases
Precinct Officers
Polling Place Location Look Up
Vote by Mail & Provisional Voting
Voter Information & Statistics

Campaign Finance Documents
Candidate Services
District Maps
Elected Officials
Fees
Past Elections
Political Parties
Precinct Officers
Products/Services
Resources and Manuals
Statistics
Voting Information

Passport Services:

Passport Information

Code Sections

For the user's convenience, the following is a compilation of the actual code sections regarding county initiative procedures noted throughout this handbook.

California Elections Code

Section 100

(a) Notwithstanding any other provision of law, whenever an initiative, referendum, recall, nominating petition or paper, or any other petition or paper, is required to be signed by voters of a 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 or paper is entitled to sign the petition or paper. 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 the signing of the petition or paper he or she is 18 years of age.

(b) A signer shall at the time of signing the petition or paper personally affix his or her signature, printed name, and place of residence, including the street and number of the place of residence, and if no street or number for the place of residence exists, then a designation of the place of residence that 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 or paper.

(c) The part of a petition for the signatures, printed names, and residence addresses of the voters 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:

(Amended by Stats. 2009, Ch. 364, Sec. 1. Effective January 1, 2010. Conditionally operative, as prescribed by Sec. 7 of Ch. 364.)

(Refer to Petition Format section in this guide)

Section 100.5

Notwithstanding Section 100, a voter who is unable to personally affix on a petition or paper the information required by Section 100 may request another person to print the voter's name and place of residence on the appropriate spaces of the petition or paper, but the voter shall personally affix his or her mark or signature on the appropriate space of the petition or paper, which shall be witnessed by one person by subscribing his or her name thereon.

(Amended by Stats. 2001, Ch. 922, Sec. 2. Effective January 1, 2002.)

Continued Next Page

Section 101

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.”

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Section 102

A person shall not circulate a state or local initiative, referendum, or recall petition or nominating paper unless the person is 18 years of age or older.

(Amended by Stats. 2013, Ch. 278, Sec. 1. Effective January 1, 2014.)

Section 104

(a) Wherever any petition or paper is submitted to the elections official, 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.

(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 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.

(Amended by Stats. 2013, Ch. 278, Sec. 2. Effective January 1, 2014.)

Continued Next Page

Section 9020

The petition sections shall be designed so that each signer shall personally affix all of the following:

(a) His or her signature.

(b) His or her printed name.

(c) His or her residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.

(d) The name of his or her incorporated city or unincorporated community.

Only a person who is a qualified registered voter at the time of signing the petition is entitled to sign it.

The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Section 9051

(a) (1) The ballot title and summary may differ from the legislative, circulating, or other title and summary of the measure and shall not exceed 100 words, not including the fiscal impact.

(2) The ballot title and summary shall be amended to include a summary of the Legislative Analyst's estimate of the net state and local government fiscal impact prepared pursuant to Section 9087, and Section 88003 of the Government Code.

(b) The ballot label shall contain no more than 75 words and shall be a condensed version of the ballot title and summary including the financial impact summary prepared pursuant to Section 9087 and Section 88003 of the Government Code.

(c) In providing the ballot title and summary, the Attorney General shall give a true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.

(Repealed and added by Stats. 2009, Ch. 373, Sec. 33. Effective January 1, 2010.)

Continued Next Page

Section 9103

(a) Before circulating any initiative petition in a county, or any petition relating to the annexation of territory by a county, the consolidation of counties, or the dissolution of a county, its proponents shall file with the County Clerk-Recorder/Registrar of Voters 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 of the initiative and a request that a ballot title and summary be prepared.

(b) Any person filing a notice of intent with the County Clerk-Recorder/Registrar of Voters shall pay a fee to be established by the board of supervisors not to exceed two hundred dollars (\$200) to be refunded to the filer if, within one year of the date of filing the notice of intent, the County Clerk-Recorder/Registrar of Voters certifies the sufficiency of the petition.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Section 9104

The notice of intention shall contain the printed name, signature, and business or residence address of at least one but not more than five proponents, and may 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 ____ for the purpose of _____. A statement of the reasons of the proposed action as contemplated in the petition is as follows: (optional statement).

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Continued Next Page

Section 9105

(a) The County Clerk-Recorder/Registrar of Voters 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 Clerk-Recorder/Registrar of Voters 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.

(b) The County Clerk-Recorder/Registrar of Voters 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 a newspaper of general circulation published in that county, and file proof of publication with the County Clerk-Recorder/Registrar of Voters.

(c) 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.)

(Amended by Stats. 1999, Ch. 312, Sec. 20. Effective January 1, 2000.)

Section 9108

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.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Continued Next Page

Section 9110

Signatures shall be secured and the petition shall be presented to the County Clerk-Recorder/Registrar of Voters 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 Section 9106 and, if applicable, after receipt of an amended title or summary or both, whichever occurs later.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Section 9113

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 Clerk-Recorder/Registrar of Voters shall determine the total number of signatures affixed to the petition. If, from this examination, the County Clerk-Recorder/Registrar of Voters determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, the County Clerk-Recorder/Registrar of Voters shall examine the petition in accordance with Section 9114 or 9115. If, from this examination, the County Clerk-Recorder/Registrar of Voters 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.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Section 9114

Except as provided in Section 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.

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.

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.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Continued Next Page

Section 9115

(a) Within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if, from the examination of petitions pursuant to Section 9114 shows that more than 500 signatures have been signed on the petition, 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.

(b) 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 elections official shall, within 60 days from the date of the filing of the petition, excluding Saturdays, Sundays, and holidays, examine and verify each signature filed.

(c) In determining from the records of registration, what number of valid signatures are signed on the petition, 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.

(d) The elections official shall attach to the petition, a certificate showing the result of this examination, and shall notify the proponents of either the sufficiency or insufficiency of the petition.

(e) 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.

(f) If the petition is found to be sufficient, the elections official shall certify the results of the examination to the board of supervisors at the next regular meeting of the board.

(Amended by Stats. 2001, Ch. 70, Sec. 1. Effective January 1, 2002.)

Continued Next Page

Section 9116

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 Section 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 Section 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).

(Amended by Stats. 2000, Ch. 55, Sec. 14. Effective January 1, 2001.)

Section 9118

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 Section 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 Section 1405.
- (c) Order a report pursuant to Section 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).

(Amended by Stats. 2001, Ch. 159, Sec. 88. Effective January 1, 2002.)

Section 9120

Article 3 (commencing with Section 9160) shall govern the procedures for submitting arguments for county initiatives.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Section 9122

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.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Section 9123

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.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Section 9124

The enacting clause of an ordinance submitted to the voters of a county shall be substantially in the following form: "The people of the County of ____ ordain as follows:"

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Section 9125

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.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Continued Next Page

Section 9160

(a) Whenever a county measure qualifies for a place on the ballot, the County Clerk-Recorder/Registrar of Voters shall transmit a copy of the measure to the county auditor and to the county counsel or to the district attorney in a county that has no county counsel.

(b) The county counsel or district attorney 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 board of supervisors. The analysis shall be printed preceding the arguments for and against the measure. The analysis may not exceed 500 words in length.

In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point boldface 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 elections official’s office at (insert telephone number) and a copy will be mailed at no cost to you.”

The elections official may, at his or her discretion, add the following message: “You may also access the full text of the measure on the county Web site at the following Web site address (insert Web site address).”

(c) Not later than 88 days prior to an election that includes a county ballot measure, the board of supervisors may direct the county auditor to review the measure and determine whether the substance thereof, if adopted, would affect the revenues or expenditures of the county. He or she shall prepare a fiscal impact statement which estimates the amount of any increase or decrease in revenues or costs to the county if the proposed measure is adopted. The fiscal impact statement is “official matter” within the meaning of Section 13303, and shall be printed preceding the arguments for and against the measure. The fiscal impact statement may not exceed 500 words in length.

(Amended by Stats. 2013, Ch. 265, Sec. 1. Effective January 1, 2014.)

Section 10400

Whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated pursuant to this chapter upon the order of the governing body or bodies or officer or officers calling the elections.

The elections, whether held under a freeholder charter or under any state law, or both, may be consolidated, and different elections called by the same governing body may be consolidated.

(Amended by Stats. 2007, Ch. 199, Sec. 5. Effective January 1, 2008.)

Section 10401

Where one of the elections to be consolidated is a statewide election, the board of supervisors of the county in which the consolidation is to be effected may order the consolidation.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Section 10403.

(a) Whenever an election called by a district, city, or other political subdivision for the submission of a question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for the statewide election, the district, city, or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board that does all of the following:

(1) Requests that the district, city, or other political subdivision election be consolidated with the statewide election.

(2) Sets forth the exact form of the question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. The question or proposition to appear on the ballot shall conform to this code governing the wording of propositions submitted to the voters at a statewide election.

(3) Acknowledges that the consolidated election will be held and conducted in the manner prescribed in Section 10418.

(b) The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election.

(c) The names of the candidates to appear upon the ballot where district, city, or other political subdivision offices are to be filled shall be filed with the County Clerk-Recorder/Registrar of Voters no later than 81 days prior to the election.

(Amended by Stats. 2013, Ch. 98, Sec. 1. Effective January 1, 2014.)

Continued Next Page

Section 13116

(a) In an election at which state, county, city, or other local measures are submitted to a vote of the voters, all state measures shall be numbered in numerical order, as provided in this chapter or division. All county, city, or other local measures shall be designated by a letter, instead of a figure, printed on the left margin of the square containing the description of the measure, commencing with the letter “A” and continuing in alphabetical order, one letter for each of these measures appearing on the ballot.

(b) An elections official may commence designating local measures with any letter of the alphabet following the letter “A,” and continuing in alphabetical order, in order to avoid voter confusion that might result from different local measures carrying the same letter designation in successive elections.

(c) Where two or more counties or cities submitting measures to the voters are in close proximity, the elections officials of those counties or cities may mutually agree to use letter designation for ballot measures that will not conflict or confuse the voter.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Section 13119

The ballots used when voting upon a proposed county, city, or district ordinance submitted to the voters of the respective local government as an initiative measure pursuant to Division 9 (commencing with Section 9000) shall have printed on them the words “Shall the ordinance (stating the nature thereof) be adopted?” Opposite the statement of the ordinance to be voted on, and to its right, the words “Yes” and “No” shall be printed on separate lines, with voting squares. If a voter stamps a cross (+) in the voting square after the printed word “Yes,” his or her vote shall be counted in favor of the adoption of the ordinance. If he or she stamps a cross (+) in the voting square after the printed word “No,” his or her vote shall be counted against its adoption.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Section 13247

The statement of all measures submitted to the voters shall be abbreviated on the ballot in a ballot label as provided for in Section 9051. The ballot label shall be followed by the words, “Yes” and “No.”

(Amended by Stats. 2009, Ch. 373, Sec. 38. Effective January 1, 2010.)

Continued Next Page

California Government Code

Section 6060

Whenever any law provides that publication of notice shall be made pursuant to a designated section of this article, such notice shall be published in a newspaper of general circulation for the period prescribed, the number of times, and in the manner provided in that section. As used in this article, “notice” includes official advertising, resolutions, orders, or other matter of any nature whatsoever that are required by law to be published in a newspaper of general circulation.

(Added by Stats. 1949, Ch. 1587.)

Section 6061

Publication of notice pursuant to this section shall be for one time.

(Added by Stats. 1949, Ch. 1587.)

Section 6253.5

Notwithstanding Sections 6252 and 6253, statewide, county, city, and district initiative, referendum, and recall petitions, petitions circulated pursuant to Section 5091 of the Education Code, petitions for the reorganization of school districts submitted pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of the Education Code, petitions for the reorganization of community college districts submitted pursuant to Part 46 (commencing with Section 74000) of the Education Code and all memoranda prepared by the County Clerk-Recorder/Registrar of Voters in the examination of the petitions indicating which registered voters have signed particular petitions shall not be deemed to be public records and shall not be open to inspection except by the public officer or public employees who have the duty of receiving, examining or preserving the petitions or who are responsible for the preparation of that memoranda and, if the petition is found to be insufficient, by the proponents of the petition and 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.

(a) As used in this section, “petition” shall mean any petition to which a registered voter has affixed his or her signature.

(b) As used in this section “proponents of the petition” means the following:

- (1) For statewide initiative and referendum measures, the person or persons who submit a draft of a petition proposing the measure to the Attorney General with a request that he or she prepare a title and summary of the chief purpose and points of the proposed measure.

(2) For other initiative and referenda on measures, the person or persons who publish a notice of intention to circulate petitions, or, where publication is not required, who file petitions with the elections official.

(3) For recall measures, the person or persons defined in Section 343 of the Elections Code.

(4) For petitions circulated pursuant to Section 5091 of the Education Code, the person or persons having charge of the petition who submit the petition to the county superintendent of schools.

(5) For petitions circulated pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of the Education Code, the person or persons designated as chief petitioners under Section 35701 of the Education Code.

(6) For petitions circulated pursuant to Part 46 (commencing with Section 74000) of the Education Code, the person or persons designated as chief petitioners under Sections 74102, 74133, and 74152 of the Education Code.

(Amended by Stats. 1994, Ch. 923, Sec. 32. Effective January 1, 1995.)

Appendix A
Sample Notice of Intention to Circulate Petition

**THIS PAGE
INTENTIONALLY
LEFT BLANK**

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 Butte for the purpose of *(insert purpose of measure)*. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

A 500 word optional statement outlining the reasons for the proposed petition may be printed here.

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

| | Name | Residence or Business Address | Signature |
|----|-------|-------------------------------|-----------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ |

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

Proponents must pay a fee not to exceed \$200 at the time of filing the Notice of Intention to be refunded if, within one year of the date of filing the Notice of Intention, the clerk certifies the sufficiency of the petition. (Elections Code section 9103)

**THIS PAGE
INTENTIONALLY
LEFT BLANK**

Appendix B Sample Petition

**THIS PAGE
INTENTIONALLY
LEFT BLANK**

The ballot title and summary shall appear upon each section of the petition above the text of the proposed measure and across the top of each page of the petition on which signatures are to appear, in 12 point type. The ballot title and summary shall be clearly separated from the text of the measure. (Elections Code section 9105(c))

****SAMPLE****

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: **CHOCOLATE FOR STRESS INITIATIVE MEASURE.** This proposed ordinance would establish a County policy favoring the availability of chocolate to relieve stress and would require communication of this policy to various federal and state governmental officers and representatives, and direct other related actions.

Notice of Intention to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition with the County of Butte for the purpose of placing an initiative measure on the March 26, 1996 ballot. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

A 500 word statement outlining the measure for the proposed petition may be printed here. The statement is optional.

- s/ Voter 1, 3030 Sugar St, Oroville, CA 95965
- s/Voter 2, 4010 Sugar Dr, Chico CA 95928
- s/Voter 3, 501 Coco Rd, Paradise CA 95969
- s/Voter 4, 32 Sugar Ave, Magalia CA 95954
- s/Voter 5, 189 Coco Blvd, Gridley CA 95948

Each section of the petition shall bear a copy of the Notice of Intention. Elections Code section 9108. The notice shall contain the printed name, signature, and business or residence address of at least one, but note more than five, proponents. Elections Code section 9104.

NOTICE TO THE PUBLIC

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

| | | | | |
|-------------------------------|----|------------------------------|---|-------------------|
| REGISTERED VOTERS ONLY | 1 | Print Your Name Signature | Residence Address ONLY City, State Zip | Official Use Only |
| | 2 | Print Your Name Signature | Residence Address ONLY City, State Zip | Official Use Only |
| | 3 | Print Your Name Signature | Residence Address ONLY City, State Zip | Official Use Only |
| | 4 | Print Your Name Signature | Residence Address ONLY City, State Zip | Official Use Only |
| | 5 | Print Your Name Signature | Residence Address ONLY City, State Zip | Official Use Only |
| | 6 | Print Your Name Signature | Residence Address ONLY City, State Zip | Official Use Only |
| | 7 | Print Your Name Signature | Residence Address ONLY City, State Zip | Official Use Only |
| | 8 | Print Your Name Signature | Residence Address ONLY City, State Zip | Official Use Only |
| | 9 | Print Your Name Signature | Residence Address ONLY City, State Zip | Official Use Only |
| | 10 | Print Your Name Signature | Residence Address ONLY City, State Zip | Official Use Only |

Declaration of Circulator

(to be completed in Circulator's own handwriting after above signatures have been obtained)

- I, _____, solemnly swear (or affirm) all of the following:
1. That I am 18 years of age or older.
 2. That my residence address, including street and number is: _____
[If no street or number exists, a designation of my residence adequate to readily ascertain its location is _____]
 3. That I circulated this section of the petition in the County of _____ 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 is purports to be. All signatures on this document were obtained between the dates of _____ and _____.
- 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**, _____
Signature of Circulator

California Elections Code section 9124 must precede the full initiative measure text wording.