

# County of San Joaquin Registrar of Voters

## Guide to County Initiatives and Referenda

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This reference guide has been prepared in an effort to answer frequently asked questions and is intended to provide general information only. The San Joaquin County Registrar of Voters is not rendering legal advice. This guide does not have the force and effect of law and is not a substitute for legal counsel. In the unlikely event that there is a conflict between this guide and the law, the law shall take precedence. Before initiating any efforts related to a particular topic within this guide, please note that, it is the public's responsibility to obtain the most current and accurate information that may be available on a topic.

*(Revised 7/13/2023)*

## Preface

This guide has been prepared in an effort to answer frequently asked questions about the County initiative and referenda process. In general, an initiative is a proposal by the people, a legislative act placed on the ballot by voters to be decided by voters. In contrast, a referendum is generally a political challenge by voters to an enactment already made by the legislative body. Both types of measures qualify for the ballot through submission of a petition signed by a designated percentage of the electorate.

To help avoid any confusion: *Referendum* is singular, while *referenda* and *referendums* are plural.

- The San Joaquin County Registrar of Voters' Office

# Table of Contents

## Prefix.

County Initiative Petition Process Flowchart.....	1
Sample County Initiatives Calendar .....	2

## Chapter I. General County Initiatives Information

What is a County Initiative? .....	3
Initiative, Referendum, and Recall .....	3

## Chapter II. County Initiatives

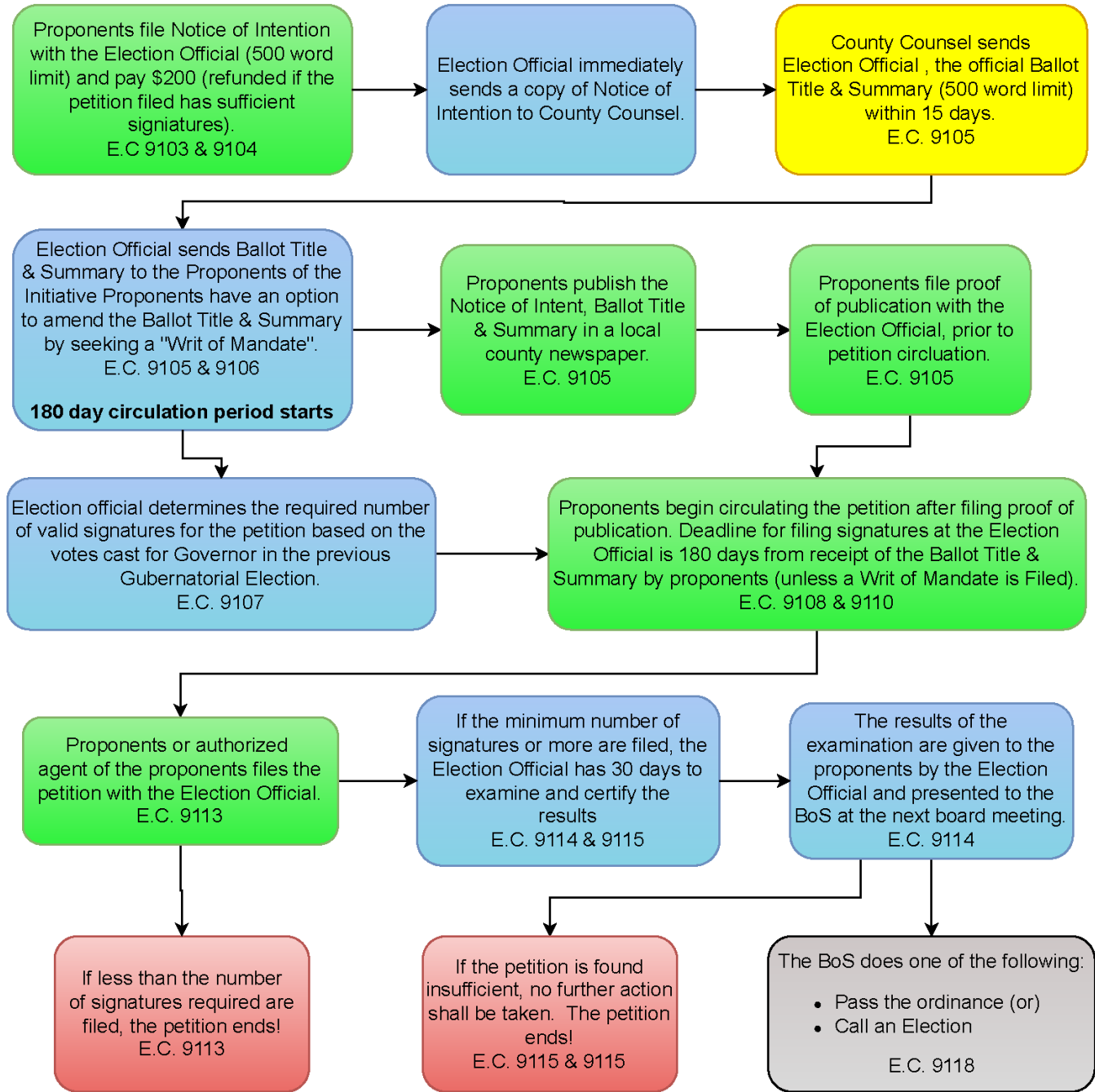
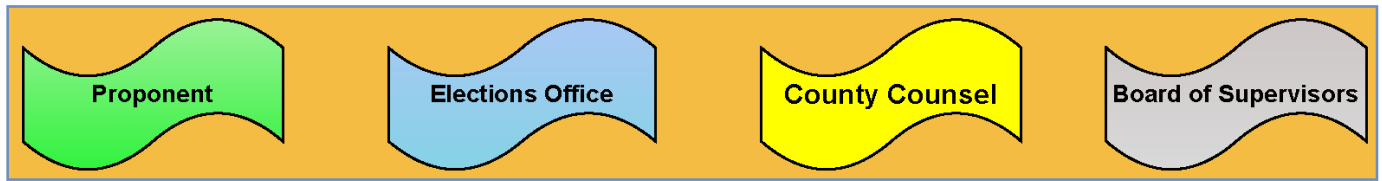
Notice of Intention and Proof of Publication .....	4
Preparing the Petition .....	5
Circulation .....	6
Important Tips on Signature Gathering .....	7
Filing the Petition.....	8
Verifying Signatures .....	8
Petitions Are Not Public Record .....	10
Certification of Sufficiency and Board Actions .....	11
Proposed Ordinance Goes to Election .....	11
Calling An Election .....	11
Submitting Arguments .....	11
Rebuttal Arguments.....	12
When More Than One Argument is Submitted .....	12
Impartial Analysis .....	13
Voter Approval of Proposed Ordinance.....	13
Word Count Guidelines .....	14
Sample Notice of Intention .....	15
Sample Petition .....	16
Sample Proponent Statement of Acknowledgement.....	17
Sample Circulator Statement of Acknowledgement.....	18

## Chapter III. County Referenda

Introduction to the Referendum Process .....	19
Definitions .....	19
Time Frame in which Ordinances Take Effect.....	19
Petition Protesting the Adoption of an Ordinance .....	20
Petition Format .....	20
Signature Section .....	20
Declaration of Circulator .....	21
Who Can Circulate.....	21
Filing .....	21
Confidentiality .....	21
Signature Verification .....	22
Number of Signatures Needed.....	22
Certification.....	22
Raising and Spending Money .....	23
If the Referendum Goes to Election .....	23
Calendar .....	23
Arguments and Rebuttals .....	23
Conflicting Measures .....	24
Enacting Clause.....	24
Assigning a Letter.....	24
Legislative Body Action.....	24
Ballot Question .....	24
Form of Ballot Question .....	24
Analyses .....	25

Glossary of Terms .....	26
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# County Initiative Petition Process



**During the circulation of the petition or before taking either action described in subdivisions (1) and (b) of Section 9118, the BoS may refer the proposed initiative measure to the relevant Agency for a report of fiscal impact. (E.C. 9111)**

## Sample County Initiatives Calendar

<b>E-383</b>	Registrar of Voters (ROV) receives notice of intention + \$200 (refunded if the petition is sufficient)	ELEC §§ 9103, 9104
<b>E-383</b>	ROV delivers notice of intention to County Counsel	ELEC § 9105
<b>E-368</b>	County counsel delivers title and summary to ROV; ROV delivers a copy to Proponents	ELEC § 9105
<b>E-367</b>	Proponents publish the notice of intention with title and summary; file proof of publication with ROV	ELEC § 9105
<b>E-363</b>	Proponents submit petition with signatures within 180 days after proponents receive title and summary from ROV	
<b>E-183</b>	Deadline for ROV to certify results to Board of Supervisors	ELEC §§ 9114, 9115
<b>E-142</b>	ROV submits an item to the Board of Supervisors agenda	
<b>E-128</b>	Board of Supervisors adopts the ordinance without alteration, calls an election, or orders a report	
<b>E-98</b>	Board calls an election or adopts the ordinance without alteration	ELEC § 9118
<b>E-88</b>	Deadline to consolidate with a regularly scheduled election. ROV assigns measure letters after 5 p.m.	ELEC § 10403
<b>E-88</b>	ROV to publish once the deadline for submitting arguments	ELEC § 9163 GOV § 6061
<b>E-88</b>	Last day for Board of Supervisors to direct County Auditor to write an impartial analysis	ELEC § 9160
<b>E-81</b>	Deadline to submit direct arguments	ELEC § 9163
<b>E-81</b>	Deadline for County Counsel (and County Auditor, if previously directed) to submit impartial analysis	ELEC § 9160
<b>E-74</b>	Deadline to submit rebuttal arguments	ELEC § 9167
<b>E-60</b>	First day to send a ballot to military and overseas voters	ELEC § 3105
<b>E-40</b>	County Voter Information Guides mailed to voters	ELEC §§ 13303, 13304
<b>E-29</b>	Ballots mailed to all active registered voters	ELEC § 2102, 3001, 3003
<b>E-15</b>	Last day to register to vote	ELEC § 2102
<b>E-7</b>	Last day to mail a ballot request	ELEC § 3001
<b>E-0</b>	Election Day - Polls open at 7am and close at 8pm	ELEC §§ 1000, 14212
<b>E+1-30</b>	Official Canvass	

## Chapter I

### General County Initiatives Information

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#### What is a County Initiative?

An initiative is a citizen-driven effort to propose laws. Initiatives are powerful tools that voters can use to affect change in government. California voters may propose initiatives at the state or local level. Voters can even use the initiative process to propose changes to the California Constitution.

There are several steps that proponents of an initiative must follow in order for the initiative to become law. The details may vary depending on what kind of initiative that citizens wish to propose. Just as state lawmakers are able to create laws by proposing bills at the Capitol, voters are able to create local ordinances by proposing initiatives. This guide provides an overview of the process of proposing a county initiative.

The Registrar of Voters (ROV) is the elections official in the case of the circulation and filing of a countywide initiative petition. You may contact our office during business hours Monday through Friday, excluding county holidays. You may call us at (209) 468-8683, email us at [registrar@sjgov.org](mailto:registrar@sjgov.org), or visit our website at [www.SJCROV.org](http://www.SJCROV.org) for more information.

Those who wish to learn more about filing a statewide initiative should refer to the California Secretary of State's information page about initiatives:  
[www.sos.ca.gov/elections/ballotmeasures/how-qualify-initiative](http://www.sos.ca.gov/elections/ballotmeasures/how-qualify-initiative)

The City Clerk is the elections official in the case of a city initiative. Contact the City Clerk of the appropriate city to learn more.

Initiative proponents, as well as those who organize to support or oppose a referenda effort, may have disclosure requirements in accordance with the Political Reform Act and local ordinances. Before raising or spending any money, all parties involved with an initiative effort should review the Fair Political Practices Commission's *Campaign Disclosure Manual 3 – Ballot Measure Committees* for information on campaign finance disclosure requirements. This publication is available at [www.fppc.ca.gov](http://www.fppc.ca.gov) or (888) 275-3772.

#### Initiative, Referendum, and Recall

California is one of a handful of states that allows voters to propose initiatives, referenda, and recall of elected officials. These terms are defined in the California Constitution. The steps needed to conduct an initiative, referendum, or recall are provided for in the Elections Code.

**Initiative:** The power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them. (Cal. Const. Art. II, § 8)

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

**Recall:** The power of the electors to remove an elective officer. (Cal. Const. Art. II, § 13)

## Chapter II

### County Initiatives

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#### Notice of Intention and Proof of Publication

Any proposed ordinance may be submitted to the Board of Supervisors by filing an initiative petition with the ROV that is signed by the number of voters specified in the Elections Code.<sup>1</sup> Before gathering signatures for the initiative, proponents must provide the ROV with a notice of intention.<sup>2</sup>

A sample notice of intention is provided on Page 15. It must include:

- The printed names, signatures, and business or residential addresses of at least one but not more than five proponents
- The written text of the initiative
- A request for the County to prepare a ballot title and summary
- A signed statement of acknowledgement (see examples on Pages 17-18) that it is a misdemeanor under state law to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualifying the proposed measure for the ballot<sup>3</sup>
- A \$200 filing fee (refunded if the measure qualifies for the ballot within a year of filing)

Proponents have the option to include a printed statement of up to 500 words providing the reasons for the proposed petition.<sup>4</sup>

The ROV must transmit a copy of the proposed initiative to County Counsel immediately. County Counsel has 15 days to provide a ballot title and summary that gives a true and impartial statement of the measure's purpose in 500 words or less. The ballot title must not be argumentative or likely to create prejudice for or against the proposed measure. The ROV provides a copy of the ballot title and summary to the proponents.<sup>5</sup>

Once the ballot title and impartial summary are complete, proponents must publish the notice of intention and the ballot title and summary in a newspaper of general circulation. Proponents must then file proof of publication with the ROV.<sup>6</sup>

<sup>1</sup> Elections Code § 9101

<sup>2</sup> Elections Code § 9103

<sup>3</sup> Elections Code § 9608

<sup>4</sup> Elections Code § 9104

<sup>5</sup> Elections Code § 9105(a)

<sup>6</sup> Elections Code § 9105(b)



## Preparing the Petition

A sample petition is provided on Page 18. By law, the petition must include:

- The heading of the proposed measure, in a boldface type in substantially the following form:

**INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS**  
The County Counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

- The ballot title and summary prepared by County Counsel, which must appear on each section of the petition, above the text of the proposed measure, in roman typeface, no smaller than 11-point font<sup>6</sup>
- The text of the measure, no smaller than 8-point font, and clearly separated from the ballot title and summary<sup>7</sup>
- The notice of intention, which must appear in each section<sup>8</sup>
- The Official Top Funders section, if applicable<sup>9</sup>
- The following language in no less than 11-point font, above the portion for voters' signatures, printed names, and residential addresses<sup>10</sup>:

**NOTICE TO THE PUBLIC**

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

- Space for voter signatures, printed name, and residential addresses<sup>11</sup>
- The affidavit of the circulator<sup>12</sup>

<sup>6</sup> Elections Code § 9105(c)

<sup>7</sup> Elections Code § 9105(c)

<sup>8</sup> Elections Code § 9108

<sup>9</sup> Elections Code § 107

<sup>10</sup> Elections Code § 101

<sup>11</sup> Elections Code § 100

<sup>12</sup> Elections Code §§ 104, 9109

## Circulation

Proponents must file proof of publication, which can be obtained from the newspaper publisher, before circulating the petition.<sup>13</sup> Any voter within the County may seek a writ of mandate requiring County Counsel to amend the ballot title or summary.<sup>14</sup>

The ROV determines the number of signatures required to sign the petition by calculating 10 percent of the number of votes cast within the County for all candidates for Governor at the last gubernatorial election preceding the publication of the notice of intention.<sup>15</sup>

Any person who is 18 years of age or older may circulate an initiative, referendum, or recall petition.<sup>16</sup> Proponents must ensure that any person, company, or organization who is paid, or who volunteers, to solicit signatures on the requirements and prohibitions imposed by state law with respect to circulation and signature gathering. Proponents must emphasize the prohibition on the use of signatures on an initiative petition for a purpose other than qualifying the proposed measure for the ballot.

Any person, company, or organization in charge of signature gathering shall execute and submit to the proponents a signed statement acknowledging their understanding of state law (see Page 18 for an example). Proponents must keep the signed statements of paid circulators on file for at least eight months after the election results are certified, or, if not submitted to the voters, eight months after the deadline for filing the petition. Failure to comply with this section shall not invalidate any signatures.<sup>17</sup>

Only persons who are eligible registered voters of the County at the time of signing the petition are entitled to sign it.<sup>18</sup> Circulators may sign the petition, if otherwise qualified to do so.<sup>19</sup> The circulator must personally affix their printed name and residence address and the specific dates of circulation of each petition section in every circulator's affidavit. Preprinted dates, or generalized dates other than the particular range of dates on which the petition section was circulated, are not authorized.<sup>20</sup>

The vote for Governor in November 2022 in San Joaquin County was 177,325. Ten percent of 177,325 equals 17,733 (rounded to nearest whole number).

Our office recommends getting more signatures than the minimum to account for signers who might be disqualified from signing the petition, whether for not being registered, being registered but not living in the County, or for other reasons.

<sup>13</sup> Elections Code § 9105(b)

<sup>14</sup> Elections Code § 9106

<sup>15</sup> Elections Code §§ 9107, 9118

<sup>16</sup> Elections Code § 102

<sup>17</sup> Elections Code §§ 9607, 9609, 9610

<sup>18</sup> Elections Code § 100

<sup>19</sup> Elections Code § 106(b)

<sup>20</sup> Elections Code § 104

## Important Tips on Signature Gathering

Circulators cannot start to circulate the petition among the voters of the County for signatures until after publication of the notice of intention and the ballot title and summary prepared by County Counsel.<sup>21</sup>

There is no statute requiring that the circulator be a voter or an eligible voter of the County, and similar laws governing city referendum have been declared unconstitutional by the courts.

Voters must sign the petition in their own handwriting. A voter must personally fill in their own name, address, and signature unless the signer is unable to do so. If a signer is unable to write in their own information, the signer may request that another person print their name and place of residence on the appropriate spaces of the petition. However, the signer must personally mark or sign the petition. This process must be witnessed, and that witness must sign on the petition as well.<sup>22</sup>

Make sure that each voter is registered and lives in the County. The ROV has helpful resources for purchase to assist in this process, including precinct maps, indexes, and registration forms.

The signature on the initiative petition does not have to be a “rubber stamp” that exactly matches the voter’s registration.

You may register a voter at the same time they sign the petition. The registration must be received by the ROV by the time the petition is filed.

Any voter may withdraw their signature from a petition by filing a written request with the ROV that includes the voter’s name, residential address, and signature, prior to the day the petition is filed.<sup>23</sup>

The deadline to file the petition with the ROV is 180 days from receipt of the title and summary prepared by County Counsel, or after termination of any action for a writ of mandate pursuant to Elections Code § 9106 and, if applicable, after receipt of an amended title or summary or both, whichever occurs later.<sup>24</sup>

<sup>21</sup> Elections Code § 9105(b)

<sup>22</sup> Elections Code § 100.5

<sup>23</sup> Elections Code §§ 103, 9602

<sup>24</sup> Elections Code § 9110

## Filing the Petition

All petition sections must be submitted at the same time by proponents and/or any person authorized in writing by the proponents on or before the 180-day deadline. The petition will be deemed filed as of the date of submission. Any additions or supplements to the original filing will not be accepted without a court order.<sup>25</sup> The petitions must be filed during normal business hours.

At the time of filing, the ROV determines the total number of signatures on the face of the petition sections. If the ROV determines that the number of signatures, prima facie (on its face), equals or exceeds the minimum number required, the process of verifying the petition for sufficient signatures will begin. If the petition falls short of the number of required signatures, then the ROV takes no further action.<sup>26</sup>

## Verifying Signatures

Within 30 business days of filing of the petition (excluding weekends and holidays), the ROV determines if sufficient valid signatures have been submitted by either (1) conducting a complete signature check or (2) a random sample. Regardless of what method is used to examine the petition, the ROV will provide a deadline for signature verification. In the interest of efficiency and time, the ROV may opt to conduct a verification by random sample. The process of verification using a random sample is provided in Elections Code § 9115 and California Code of Regulations §§ 20510-22540.

A random sample is drawn using a computerized random number generator and must include 500 signatures or three percent of signatures, whichever is greater. If the random sample shows that the number of valid signatures is between 95% and 110% of the number needed to qualify the petition for the ballot, every signature shall be examined.

If the random sample determines that the number of valid signatures is over 110 percent, then the petition is considered qualified without further verification. The ROV must certify the results to the Board of Supervisors at the next regular meeting. If the random sample shows less than 95%, then no further action is taken.

<sup>25</sup> Elections Code § 9113

<sup>26</sup> Elections Code § 9113

An example is provided within the regulations, reproduced here:

Raw count:	24,034 signatures
Random sample (3%):	722 signatures
Signatures found valid in sample:	516 signatures
Signatures found not valid in sample:	205 signatures
Signatures requested to be withdrawn found in sample (included in 205 signatures deemed not valid):	1 signature
Number of duplicate signatures found in sample:	2 signatures
1. The elections official computed the percent of valid signatures by dividing the total number of signatures found valid in the sample, 516, by the total number of signatures in the sample, 722.	$516 / 722 = 71.47\%$
2. The elections official then multiplied the raw count of 24,034 by the sample validity rate of 71.47% (or .7147) to determine the number of uncorrected total valid signatures. The result was 17,178.	$24,034 \times .7147 = 17,177.0990$ (Round up to 17,178)
3. To calculate the duplicate signature factor, the elections official divided the raw count sample size.	$24,034 \div 722 = 33.2881$
4. To determine the weight assigned to each duplicate signature found in the sample, the elections official multiplied the duplicate signature factor computed at #3., above, by the factor computed at #3., above, minus one.	$33.2881 \times 32.2881 = 1,074.8095$ ( $33.2881 - 1.0000 = 32.2881$ )
5. The elections official then multiplied the number calculated in #4, above, times the number of duplicate signatures found in the sample (2).	$1,074.8095 \times 2 = 2,149.6190$ (Round up to 2,150)
6. The elections official determined the number of valid signatures based on the random sample by subtracting the figure computed at Step #5, above, from the figure computed at Step #2., above.	$17,178 - 2,150 = 15,028$

In this example, out of the 24,034 initiative signatures submitted to the elections official, 15,028 signatures were projected to be valid based on the random sample of signatures. (2 CCR § 20540)

## Petitions Are Not Public Record

Pursuant to Government Code § 7924.110, all petitions and all memoranda prepared by the ROV indicating which registered voters have signed particular petitions are not public records. They are not available for public inspection except by the public officer or public employees who have the duty to prepare memoranda or receive, examine, or preserve the petitions.

If the ROV finds that the petition is insufficient, the proponents listed on the notice of intention and the representatives of the proponents as may be designated by the proponents in writing must be allowed to examine the petition signatures in order to ascertain which signatures were disqualified and the reasons why. Such examination shall begin no later than 21 days after certification of insufficiency.<sup>27</sup>

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 are permitted to examine the material upon court order.

The ROV shall preserve all petitions filed for eight months after the results of the election for which the petition is qualified, or if no election is held, eight months after the ROV's final examination of the petition.<sup>28</sup>

Note: The right of examination is not otherwise available to proponents or to the public in general.

<sup>27</sup> Government Code § 7924.110

<sup>28</sup> Elections Code § 17200

## Certification of Sufficiency and Board Actions

If the ROV determines that there are sufficient signatures, they must certify the results to the Board of Supervisors at its next regular meeting.<sup>29</sup>

If the petition is signed by no less than 10 percent of the entire votes cast in the County for Governor, the Board of Supervisors has several options for how to proceed.

1. Adopt the proposed ordinance without alteration at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented, or
2. Call an election to submit the proposed ordinance, unaltered, to the voters of the County, or
3. Order a report describing the effects of the proposed ordinance, to be presented to the Board of Supervisors within 30 days. The Board of Supervisors must either adopt the ordinance within 10 days or order an election.<sup>30</sup>

## Proposed Ordinance Goes to Election

### Calling An Election

If an election is called, the election will be consolidated with the next statewide election if it is scheduled to occur not less than 88 days after the date of the Board order. If not consolidated, then a special election will be held not less than 88 or more than 103 days after the election is called.<sup>31</sup>

Whenever any ordinance is required to be submitted to the voters of a County at any election, the ROV shall print the ordinance and make a copy available to any voter upon request.<sup>32</sup>

### Submitting Arguments

The ROV will print an argument for the measure, an argument against the measure, and the analysis of the measure. A copy of both arguments preceded by the analysis are included in the County Voter Information Guide.<sup>33</sup>

Based on time reasonably necessary to prepare and print the arguments, analysis, and Voter Information Guides, and to accommodate the 10-day public examination period, the ROV shall fix and determine a reasonable date prior to the election after which no arguments for or against any county measure may be submitted for printing and distribution to the voters – usually 88 days prior to election.<sup>34</sup>

<sup>29</sup> Elections Code § 9114

<sup>30</sup> Elections Code §§ 9111, 9118

<sup>31</sup> Elections Code § 1405

<sup>32</sup> Elections Code § 9119

<sup>33</sup> Elections Code § 9162

<sup>34</sup> Elections Code § 9163

A ballot argument will not be accepted unless accompanied by the printed name and signature or printed names and signatures of the person or persons submitting it, or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers.<sup>35</sup>

The Board of Supervisors, any member or members authorized by the Board, any individual voter who is eligible to vote on the measure, bona fide association of citizens, or any combination of these voters and associations may file a written argument for or against any county measure.<sup>36</sup> No arguments shall exceed 300 words in length.<sup>37</sup>

No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.<sup>38</sup>

### **Rebuttal Arguments**

The authors may prepare and submit rebuttal arguments not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.<sup>39</sup>

The rebuttal arguments shall be submitted to the ROV no later than a date designated by the ROV. When an argument in favor and an argument against a measure have been selected for publication in the Voter Information Guide, the ROV shall send copies of the argument in favor of the measure to the authors of the argument against the measure and copies of the argument against the measure to the authors of the argument in favor.<sup>40</sup>

### **When More Than One Argument is Submitted**

If more than one argument for or more than one argument against any county measure is submitted to the ROV within the time prescribed, the ROV shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument, the ROV shall give preference and priority in the order named to the arguments of the following<sup>41</sup>:

1. The Board of Supervisors, or member or members of the Board authorized by the Board.
2. The individual voter, or bona fide association of citizens, or combination of voters and
3. associations, who are the bona fide sponsors or proponents of the measure.
4. Bona fide associations of citizens.
5. Individual voters who are eligible to vote on the measure.

<sup>35</sup> Elections Code § 9164

<sup>36</sup> Elections Code § 9162(a)

<sup>37</sup> Elections Code § 9162(a)

<sup>38</sup> Elections Code § 9164

<sup>39</sup> Elections Code § 9167(a)

<sup>40</sup> Elections Code § 9167

<sup>41</sup> Elections Code § 9166



To enable the ROV to determine whether it qualifies as a bona fide association of citizens, an organization or association submitting an argument for or against a county measure shall submit with its argument a copy of one of the following:

1. Its articles of incorporation, articles of association, partnership documents, bylaws, or similar documents
2. Letterhead containing the name of the organization and its principal officers
3. If the organization or association is a primarily formed committee established to support or oppose the measure, its statement of organization filed pursuant to Government Code § 84101

When selecting an argument from among bona fide associations of citizens, the ROV shall not consider the type of document submitted.

### **Impartial Analysis**

Whenever any county measure qualifies for a place on the ballot, the ROV shall transmit a copy of the measure to the County Auditor and to the County Counsel. The County Counsel shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall be printed preceding the arguments for and against the measure and may not exceed 500 words in length. If the full text is not printed in the Voter Information Guide, information about where a copy of the measure text may be obtained must be provided.<sup>42</sup>

## **Voter Approval of Proposed Ordinance**

If a majority of the voters pass the proposed ordinance, then it becomes a valid and binding county ordinance. The ordinance shall be considered adopted upon the date the vote is declared by the Board of Supervisors and goes into effect 10 days after that date.<sup>43</sup> If the provision of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of yes votes shall control.<sup>44</sup>

The enacting clause of an ordinance submitted to the voters of a county shall be substantially in the following form<sup>45</sup>:

“The people of the County of San Joaquin ordain as follows:”

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.<sup>46</sup>

<sup>42</sup> Elections Code § 9160(a)(b)

<sup>43</sup> Elections Code § 9122

<sup>44</sup> Elections Code § 9123

<sup>45</sup> Elections Code § 9124

<sup>46</sup> Elections Code § 9125

## Word Count Guidelines

Each word is counted as one word except:<sup>47</sup>

- **Punctuation:** Punctuation is not counted.
- **Titles:** Words used in the title of the document, such as "Argument in Favor of Measure A" are not counted.
- **Proper Nouns & Geographical Names:** All proper nouns, including geographical names, shall be counted as one word. For example, "Manteca Unified School District" shall be counted as one word.
- **Abbreviations:** Each abbreviation for a word, phrase, or expression shall be counted as one word.
- **Hyphenations:** Hyphenated words that appear in any generally available dictionary shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
- **Dates:** Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting of only a combination of digits shall be counted as one word. "January 1, 2000" shall be counted as two words, whereas "1/1/00" shall be counted as one word.
- **Numbers:** Any number consisting of a digit or digits shall be considered as one word. Any number that is spelled shall be considered as a separate word. "100" shall be counted as one word, whereas "one hundred" shall be counted as two words.
- **Percent Signs (%), Number Signs (#), etc.:** numbers consisting of a digit or digits used with a dollar sign (\$), cent sign (¢), percentage sign (%), or number sign (#) count as one word.
- **Phone & Internet:** Website addresses and telephone numbers shall be counted as one word.

<sup>47</sup> Elections Code § 9

## Sample Notice of Intention

### Notice of Intention to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of San Joaquin 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:

*[(Optional) 500-word statement outlining the reasons for the proposed petition printed here.]*

The printed names, signatures, and business or residence addresses of the proponents are as follows:

Name	Residence or Business Address	Signature

*[Insert the written text of the initiative and a request that County Counsel prepare a ballot title and summary.]*

Proponents must pay a fee not to exceed \$200 at the time of filing. The fee will be refunded if, within one year of the date of filing the notice of intention, the ROV certifies the sufficiency of the petition.<sup>48</sup>

<sup>48</sup> Elections Code § 9103

# Sample Petition

**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS** (Including Official Top Funders section. This section may be omitted if a copy of the “Official Top Funders” sheet is provided pursuant to Election Code Section 107(b)(1).

The County Counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

**Insert Ballot Title and Summary**  
**(See Preparing the Petition, page 6, for more information)**

INSERT TEXT OF MEASURE

(Type should be not smaller than 8 point; it must be clearly separated from the ballot title and summary above)

**Notice of Intention to Circulate Petition (See page 2 for more information)**

<p><b>OFFICIAL TOP FUNDERS. Valid only for [Month, Year]</b>                  Petition circulation paid for by [name of the committee as it appears on the most recent Statement of Organization filed pursuant to Government Code section 84501]  <u>Committee major funding from:</u>  <b>[Largest contributor]</b>  <b>[Second largest contributor]</b>  <b>[Third largest contributor]</b>                  [OPTIONAL] <u>Endorsed by:</u>                  [First endorser]                  [Second endorser]                  [Third endorser]                  Latest info: [link to Secretary of State Top Funders website or committee website]</p>
---

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

		Official Use Only
1.	(Print Name)	(Residence Address ONLY)
	(Signature)	(City)
2.	(Print Name)	(Residence Address ONLY)
	(Signature)	(City)

**DECLARATION OF PERSON CIRCULATING SECTION OF INITIATIVE PETITION (MUST BE IN CIRCULATOR’S OWN HANDWRITING)**

(See page 7 for more information)

- I, \_\_\_\_\_ solemnly swear (or affirm) all of the following: (Print Name)
1. That I am 18 years of age or older.
  2. That my residence address is \_\_\_\_\_. (If no such street number exists, adequate designation of residence so that the location may be readily ascertained)
  3. That the signatures on this section of the petition form were obtained between the dates of \_\_\_\_\_ (Starting date) \_\_\_\_\_ and \_\_\_\_\_ (Ending date) \_\_\_\_\_; that I circulated the petition and I witnessed the signatures of this section of the petition form being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.
  4. That I showed each signer a valid and unfalsified “Official Top Funders” sheet, as required by Elections Code Section 107.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on \_\_ (Date) \_\_  
 \_\_\_\_\_ at \_\_\_\_\_ (City) \_\_\_\_\_, California.

\_\_\_\_\_(Circulator’s Signature)\_\_\_\_\_ (Date)\_\_\_\_\_

**(You must leave a 1” margin at the top. It is recommended that you leave a ½” margin on the left, right and bottom.)**

## PROPONENT STATEMENT OF ACKNOWLEDGEMENT

I, \_\_\_\_\_ acknowledge that it is a misdemeanor under State Law (Section 18650 of the California Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot.

I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

\_\_\_\_\_  
(Proponent Signature)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

## CIRCULATOR STATEMENT OF ACKNOWLEDGEMENT

I, \_\_\_\_\_ acknowledge that it is a misdemeanor under State Law (Section 18650 of the California Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot.

I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

---

(Circulator Signature)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

## Chapter III

### County Referenda

---

#### Introduction to the Referendum Process

The county referendum process provides citizens with a vehicle to refer an ordinance passed by the Board of Supervisors to a vote of the people. The very nature of the referendum process is that it must be accomplished in a very condensed time frame. Therefore, there are no requirements for proponents to file notices, publish intent, or obtain any document or input from the ROV or government official. California Elections Code §§ 9140-9147 provide the procedures for the county referendum process.

#### Definitions

1. Ordinance:
  - (a) An authoritative decree or direction: Order.
  - (b) A law set forth by a governmental authority.
  
2. Referendum:
  - (a) The principle or practice of submitting to popular vote a measure passed on or proposed by a legislative body or by popular initiative.
  - (b) A vote on a measure so submitted.
  
3. Initiative:
  - (a) The right to initiate legislative action.
  - (b) A procedure enabling a specified number of voters by petition to propose a law and secure its submission to the electorate or to the legislature for approval.

#### Time Frame in which Ordinances Take Effect

Except an ordinance granting a franchise, the following ordinances shall take effect immediately:<sup>49</sup>

- Those calling or otherwise relating to an election
- Those specifically required by law to take immediate effect
- Those fixing the amount of money to be raised by taxation or the rate of taxes to be levied
- Those for the immediate preservation of the public peace, health, or safety

<sup>49</sup> Elections Code § 9141(a)

The following ordinances shall take effect after 60 days:

- Notwithstanding Elections Code § 9141, ordinances authorizing the issuance of revenue bonds by a county as part of a joint powers entity pursuant to Government Code § 6547<sup>50</sup>
- Notwithstanding Elections Code § 9141, that portion of any ordinance that changes supervisorial salaries<sup>51</sup>

All other ordinances, including ordinances granting a franchise, shall take effect after 30 days.<sup>52</sup>

## Petition Protesting the Adoption of an Ordinance

If, prior to the effective date of an ordinance, a petition signed by the required number of voters is filed with the Board of Supervisors, the ordinance shall be suspended, and the supervisors shall reconsider the ordinance.<sup>53</sup>

### Petition Format

The heading of a proposed referendum measure shall be in the following form:<sup>54</sup>

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 which is the subject of the referendum.<sup>55</sup>

The petition design must adhere to the requirements of Elections Code §§ 100-101. The format does not have to be approved prior to circulation; however, non-compliance with the governing laws could result in court challenge after filing. It is recommended that legal counsel be consulted.

### Signature Section

The petition sections must be designed so that each signer may personally write in all of the following:

- Signature
- Printed name
- Residence address<sup>56</sup> (including street and number or, if no street or number exists, an explanation of how to locate the place of residence)
- Name of incorporated city or unincorporated community

<sup>50</sup> Elections Code § 9142 (a)

<sup>51</sup> Elections Code § 9143

<sup>52</sup> Elections Code § 9141 (b)

<sup>53</sup> Elections Code § 9144

<sup>54</sup> Elections Code § 9147(a)

<sup>55</sup> Elections Code § 9147(b)

<sup>56</sup> Pursuant to the California Supreme Court's decision in *Assembly vs. Deukmejian* (1982) 30 Cal. 3d 638, 180 Cal. Rptr 297, the petition form must direct signers to include their residence address" rather than "address as registered" or other address. Non-complying petition forms will be rejected as invalid.



Only a person who is registered to vote in the County at the time of signing the petition is entitled to sign it.

The number of signatures attached to each section is up to the person soliciting the signatures.

### **Declaration of Circulator**

Each section of the petition must include a declaration by the circulator (person gathering signatures) of that section of the petition, where the circulator will personally write in all of the following:<sup>57</sup>

- The printed name of the circulator
- Residence address of the circulator, including street and number (or, if no street or number exists, an explanation of how to locate the place of residence)
- The dates between which all signatures on that section were obtained

The circulator must then sign and date the declaration, certifying under penalty of perjury all of the following:

- That the content of the declaration is true and correct
- That the circulator circulated that section and witnessed each signature being written
- That each signature is the genuine signature of the person whose name it purports to be, according to the best information and belief of the circulator
- That the circulator is 18 years of age or older

### **Who Can Circulate**

Any person who is 18 years old or older may circulate an initiative or referendum petition.<sup>58</sup>

### **Filing**

Petitions protesting the adoption of an ordinance must be presented to the Board of Supervisors prior to the effective date of the ordinance.<sup>59</sup>

The proponent(s) or person(s) authorized in writing by the proponent(s) must file all sections of the petition at the same time.<sup>60</sup>

The ROV will examine the petition to determine if the number of signatures submitted is at least equal to the number of valid signatures required. If so, the petition will be filed and signatures will be checked. If not, no further action shall be taken.<sup>61</sup>

### **Confidentiality**

The petition shall remain confidential in accordance with Government Code § 7924.110. Access to the petition shall be restricted to ROV staff and proponents of the measure.

<sup>57</sup> Elections Code § 104

<sup>58</sup> Elections Code § 102

<sup>59</sup> Elections Code § 9144

<sup>60</sup> Elections Code § 9113

<sup>61</sup> Elections Code §§ 9113, 9144

## Signature Verification

The ROV has 30 business days from the date of filing (excluding weekends and holidays) to check the signatures on the petition.<sup>62</sup>

If the petition contains more than 500 signatures, the ROV may use a random sampling technique for verification.<sup>63</sup>

### **Number of Signatures Needed**

To be certified as sufficient, the number of valid signatures on the petition must be equal to at least 10% of the total number of votes cast within the County for all candidates for Governor at the last gubernatorial election.<sup>64</sup>

### **Certification**

The ROV shall notify the proponents as to the sufficiency or insufficiency of the petition.<sup>65</sup>

If the petition is sufficient, the ROV shall certify the results of the examination to the Board of Supervisors at their next regular meeting after completion of signature verification.<sup>66</sup> The Board of Supervisors shall then do one of the following:

1. Entirely repeal the ordinance; or
2. Submit the ordinance to the voters either at a special election called for that purpose or the next regularly scheduled county election occurring 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 it vote in favor of the ordinance. If approved, the ordinance shall be considered adopted on the date the vote is declared by the Board of Supervisors and shall go into effect 10 days after that date.<sup>67</sup>

<sup>62</sup> Elections Code §§ 9114, 9115(a)

<sup>63</sup> Elections Code § 9115(a)

<sup>64</sup> Elections Code § 9144

<sup>65</sup> Elections Code §§ 9114, 9115(d)

<sup>66</sup> Elections Code §§ 9114, 9115(f)

<sup>67</sup> Elections Code §§ 9122, 9145

## Raising and Spending Money

Referenda proponents, as well as those who organize to support or oppose an initiative effort, may have disclosure requirements in accordance with the Political Reform Act of 1974 (Proposition 9) and local ordinances.

Before raising or spending any money, all parties involved with a referenda effort should review the Fair Political Practices Commission's *Campaign Disclosure Manual 3 – Ballot Measure Committees* for information on campaign finance disclosure requirements.

Manuals, forms, and filing deadlines are available from either of the following:

Fair Political Practices Commission  
(FPPC)

1102 Q Street, Suite 3000  
Sacramento, CA 95811  
Phone: (916) 322-5660  
Fax: (916) 322-0886  
Website: [www.fppc.ca.gov](http://www.fppc.ca.gov)

San Joaquin County ROV Office

44 North San Joaquin Street  
Third Floor, Suite 350  
Stockton, CA 95202  
Phone: (209) 468-8683  
Fax: (209) 468-2889  
Website: [www.SJCROV.org](http://www.SJCROV.org)

## If the Referendum Goes to Election

### Calendar

The ROV will develop a calendar for the election, including dates when arguments, rebuttals, and campaign statements need to be filed.

### Arguments and Rebuttals

Those filing a referendum petition may file a written argument against the ordinance, and the legislative body may submit an argument in favor of the ordinance. Check with the ROV to determine any rules governing arguments. The ROV will also provide deadlines for filing arguments.

Arguments are limited to 300 words and must be accompanied by a signature statement to be signed by each proponent and by each author of the argument.<sup>68</sup>

Rebuttal arguments are limited to 250 words and must also be accompanied by a signature statement.<sup>69</sup>

<sup>68</sup> Elections Code §§ 9162(a), 9600

<sup>69</sup> Elections Code §§ 9285(a)(3), 9600

## **Conflicting Measures**

If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.<sup>70</sup>

## **Enacting Clause**

The enacting clause of an ordinance submitted to the voters of a county shall be substantially in the following form:<sup>71</sup>

"The people of the County of San Joaquin do ordain as follows."

## **Assigning a Letter**

Letters designating measures will be assigned by the ROV pursuant to Elections Code § 13116. All local measures shall be designated by a letter commencing with the letter "A" and continuing in alphabetical order, one letter for each measure appearing on the ballot. The ROV 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.

Local measures will appear on the ballot in the following order: School, County, City, District.<sup>72</sup>

## **Legislative Body Action**

The legislative body may adopt a resolution calling the election and may also order it be consolidated with other elections being conducted in the same jurisdiction on the same day.<sup>73</sup>

The resolution will include the 75-word ballot question that is printed on the ballot.<sup>74</sup>

## **Ballot Question**

The statement of a measure submitted to the voters shall be abbreviated on the ballot. The statement shall contain no more than 75 words, followed by the words, "Yes" and "No."<sup>75</sup>

## **Form of Ballot Question**

The ballots used when voting upon a proposed county ordinance as a referendum measure shall have printed on them the words "Shall the statute or ordinance (stating the nature thereof) be adopted?" Opposite the statement of the statute or 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.<sup>76</sup>

<sup>70</sup> Elections Code § 9123

<sup>71</sup> Elections Code § 9124

<sup>72</sup> Elections Code § 13109

<sup>73</sup> Elections Code §§ 10400, 10401

<sup>74</sup> Elections Code § 10403(a)(2)

<sup>75</sup> Elections Code § 13247

<sup>76</sup> Elections Code § 13120

## **Analyses**

The County Counsel shall prepare an impartial analysis of 500 words or less showing the effect of the measure on the existing law and the operation of the measure.

In the event the entire text is not printed on the ballot nor in the Voter Information Guide, immediately below the impartial analysis, in no less than 10-point bold type, the following shall be printed:<sup>77</sup>

"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 phone number] and a copy will be mailed at no cost to you."

<sup>77</sup> Elections Code § 9160

## **GLOSSARY OF TERMS**

<b>CIRCULATOR</b>	A paid or volunteer person, who is a voter or qualified to vote in the state.
<b>ELECTIONS OFFICIAL</b>	The Registrar of Voters is the elections official for countywide initiatives.
<b>GOVERNING BOARD</b>	For a countywide initiative, the Board of Supervisors of a county.
<b>NOTICE OF INTENTION</b>	Statement of proponents' desire to circulate a countywide initiative petition and it may state the reasons for the proposed petition.
<b>PROPONENT</b>	A person who initiates the countywide initiative petition process, and has control of the circulation and signature collection for the petition.
<b>RANDOM SAMPLE OF SIGNATURES</b>	Signatures selected at random using a computerized random numbers generator. The sample of signatures for verification is selected in such a manner that every signature filed with the Registrar of Voters has an equal opportunity to be included in the sample.
<b>RAW COUNT</b>	The total number of unverified signatures affixed to a petition and submitted to an elections official.
<b>RESIDENCE</b>	"Residence" for voting purposes means a person's domicile. The domicile of a person is that place in which his/her habitation is fixed, wherein, the person has the intention of remaining, and to which, whenever he/she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.
<b>SECTION OF A PETITION</b>	Page of a petition.
<b>SIGNATURE VERIFICATION</b>	The process of comparing a person's signature on a petition with the signature on file with the voter registration records to determine if they match. The signer must be a duly registered voter qualified to sign the petition in order for the signature to be counted as valid. The address on the petition must match the registered address.

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**San Joaquin County  
Registrar of Voters' Office**

44 North San Joaquin Street  
Third Floor, Suite 350  
Stockton, CA 95202

PO BOX 810  
Stockton, CA 95201

Phone: (209) 468-8683  
Toll Free: (800) 400-5009  
Español: (209) 953-1052

Fax: (209) 468-2889

Email: [registrar@sjgov.org](mailto:registrar@sjgov.org)

Web: [www.SJCROV.org](http://www.SJCROV.org)