



# County of Humboldt

## Office of Elections

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County Initiative Process

## **INITIATIVE PETITION GUIDELINES**

### **COUNTY-WIDE INITIATIVE**

#### **INTRODUCTION**

Initiative is the power of the people to propose and enact legislation without action by the legislative body. A county initiative can be placed on the ballot to be voted on by the citizens of Humboldt County by collecting signatures on a petition. (Contact the City Clerk of the appropriate city for information about a city initiative.)

The following information is intended as only an introduction to the initiative process for county measures. While we believe it faithfully restates the Elections Code, it is not intended for use in lieu of legal counsel and should not be relied on in place of the actual law.

Any person or group desiring to start and circulate an initiative petition is strongly advised to contact private legal counsel to guide and advise them through the many steps involved in the petition process. The Humboldt County Office of Elections cannot give legal advice or provide legal interpretations, though you should feel free to call our office with your questions: 445-7481.

All references are to the California Elections Code unless otherwise noted. The following link will take you to the state's online edition of the Elections Code:

<http://leginfo.legislature.ca.gov/faces/codes.xhtml>

## STEP 1: FILE THE NOTICE OF INTENTION

The countywide initiative process begins with the proponents of the measure filing a notice of intention to circulate an initiative petition. The notice of intention is filed with the Humboldt County Office of Elections. It must include the names and residence or business addresses of at least one but no more than five proponents of the petition. It includes the written text of the initiative and a request that a title and summary be prepared.(code section 9103)

Proponents must pay a fee of \$200 to be refunded if, within one year of the date of filing the notice of intention, the county elections official certifies the sufficiency of the petition. (code section 9103)

*Example*

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### Notice of Intention to Circulate Initiative Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of Humboldt 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 statement of reasons, 500 words or less*): \_\_\_\_\_

Name	Residence or Business Address	Signature

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(code section 9302)

At the time that the notice is filed, the proponents must also file the written text of the initiative. It should begin with the following phrase: The people of the County of Humboldt ordain as follows:  
(code section 9124)

A proponent of an initiative measure shall execute and submit a signed statement of acknowledgement that it's a misdemeanor under state law 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. (code section 9608)

*Example*

<b>Proponent Statement of Acknowledgement</b>
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.
_____ (Signature of Proponent)
Dated this _____ day of _____, 20__

(code section 9608)

**STEP 2: PUBLISH THE NOTICE OF INTENTION**

After the Office of Elections has received the request for a ballot title and summary, they will send the request along with a copy of the written text of the initiative to county counsel. Within 15 days, county counsel will prepare and return to the Office of Elections the title and summary. The Office of Elections will furnish a copy to the proponents. (code section 9105)

In providing the ballot title and summary, county counsel shall give a true and impartial statement of the purpose of the initiative in such language that the ballot title shall neither be an argument, nor be likely to create prejudice, for or against the proposed initiative. (code section 9105)

The proponents may seek a writ of mandate requiring the ballot title or summary prepared by the county counsel to be amended. The proponents will be successful and a peremptory writ of mandate shall be issued only upon clear and convincing proof that

the ballot title or summary is false, misleading, or inconsistent with the requirements of Section 9105 of the Election Code. (code section 9106)

The notice of intention and the title and summary prepared by the county counsel shall be published by the proponents at least once in a newspaper of general circulation in Humboldt County and the proponents shall file a proof of publication with the Humboldt County Office of Elections. (code section 9105). After the publication, the petition can be circulated. (code section 9108)

*Example*

<p style="text-align: center;"><b>Initiative Measure to be Directly Submitted to the Voters</b></p> <p>The County Counsel has prepared the following title and summary of the chief purposes and points of the proposed measure:</p> <p><i>(insert the ballot title and summary)</i></p> <p><i>(insert Notice of Intention)</i></p> <p><i>/s/ (name of proponent)*</i></p> <p><small>*between one and five names</small></p>
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**STEP 3: PREPARE THE PETITION**

The petition format is described in Elections Code section 9105. This format is mandated and must be used. Please refer directly to the Elections Code.

**Measure Section:**

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 **roman boldface type not smaller than 11-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. (code section 9105c)

**Signature Section:**

The petition section (page) shall be designed so that each signer shall personally affix the following information: (code section 9020)

- a) Signature.
- b) Printed name.

- c) 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) Name of incorporated city or unincorporated community.

The part of the petition for the voters' signatures shall be in substantially the following form: (code section 105)

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

**Circulator Section:**

The following language shall be printed in 12-point type, prior to that portion of the petition for voters' signatures, printed names, and residence addresses: (code section 101)

**NOTICE TO THE PUBLIC**

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

Each section of the petition shall have attached a declaration signed by the circulator of the petition. The declaration may be omitted on the front side of the petition if signature spaces are provided on both sides. The circulator's declaration must follow the last signature block. The declaration will include the following: (code sections 102, 104, 9109)

- a) The printed name of the circulator.
- b) The residence address of the circulator, giving street and number, or if no street and number exists, adequate designation of residence so that the location may be readily ascertained.
- c) The dates between which all the signatures to the petition were obtained.

- d) That the circulator circulated that section and witnessed the appended signatures being written.
- e) 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.
- f) 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 at length, including given name, middle name or initial, and last name.
- g) The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

EXAMPLE

**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: *(insert ballot title and summary)*

**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 Humboldt 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, statement of reasons)*

The people of the County of Humboldt ordain as follows: *(insert text of measure)*

**NOTICE TO THE PUBLIC**

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

The use of your signature for any other purpose other than qualification of this measure for the ballot is a misdemeanor. Complaints about this misuse of your signature may be made to the Secretary of State's Office.

For Official  
Use Only

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

*(add more signature spaces and continue on the other side of the sheet)*

**DECLARATION OF PERSON CIRCULATING SECTION OF INITIATIVE PETITION**

I \_\_\_\_\_ (printed name) solemnly swear (or affirm) the following:

1. That I am 18 years of age.
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. I personally circulated the attached petition for signing.
4. I witnessed each of the appended signatures being written on the petition and to my best information and belief, each signature is the genuine signature of the person whose name it purports to be; and
5. The appended signatures were obtained between the dates of \_\_\_\_\_ and \_\_\_\_\_ inclusive.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. \_\_\_\_\_ (signature) \_\_\_\_\_ (date)

## **STEP 4: CIRCULATE THE PETITION**

### **How much time do you have?**

The initiative petition can be circulated and signatures gathered during the 180 days after the proponents have received the title and summary from the Office of Elections. (code section 9110)

### **How many signatures do you need?**

The Office of Elections will determine the number of signatures required to sign the petition by obtaining the number of votes cast within the county for all candidates for Governor at the last gubernatorial election preceding the publication of the Notice of Intention to circulate the initiative petition. The minimum amount is 10% of that number. (code sections 9107, 9118)

The Office of Elections recommends that you collect many more signatures than the minimum needed for your initiative petition.

### **Who can circulate the petition?**

Any person who 18 years or older. (code sections 102)

The proponents of an initiative measure shall ensure that any person, company, or other organization that is paid, or who volunteers, to solicit signatures to qualify the proposed measure for the ballot shall receive instruction on the requirements and prohibitions imposed by state law with respect to circulation of the petition and signature gathering thereon, with an emphasis on the prohibition on the use of signatures on an initiative petition for a purpose other than qualification of the proposed measure for the ballot. (code section 9607)

### **Who can sign the petition?**

Only a person who is a qualified registered voter of Humboldt County 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. (EC 9020)

You can register a voter at the same time they sign the countywide initiative petition. The registration must be received by the Office of Elections by the time the petition is filed with the Registrar of Voters.

The signers of a countywide initiative petition must sign the petition in their own handwriting. They must personally fill in their name, address, and signature unless the signer is unable to do so. If a signer is unable to personally affix on a petition his or her own information, the signer may request another person to print the signer's name and place of residence on the appropriate spaces of the petition, but the signer 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. (code section 100.5)

## **STEP 5: FILE THE PETITION**

### **Who can file the petition?**

The petition shall be filed by the proponents, or by any person or persons authorized in writing by the proponents. (code section 9113)

### **Where do you file the petition?**

The petition must be filed at the Office of Elections. (code section 9110)

### **When is the deadline for filing?**

Submit your petitions to the Office of Elections by the deadline – within **180 days** from the date of receipt of the ballot title and summary or after termination of any action for a writ of mandate pursuant to Elections Code Section 9106 and, if applicable, after receipt of an amended title or summary or both, whichever occurs later.

The petitions must be filed during normal business hours.

All sections of the petition must be filed at the same time and may not be amended or supplemented except by order of a court of competent jurisdiction. Any sections not so filed shall be void for all purposes. (code section 9113)

The Office of Elections will ask the filer to provide the number of sections (pages in a single petition) and number of signatures. We recommend that the petitions be separated into stacks reflecting the number of signers on each petition (all sections with one signature in one stack, all with two signatures in another stack, etc.). This assists us in determining whether the number of signatures, on its face, is equal to or is in excess of the minimum number of signatures required. As long as there are the minimum number of signatures, we accept the petition for filing.

## **STEP 6: SIGNATURE VERIFICATION**

The Office of Elections will provide the proponents with the deadline for the verification of the signatures (30 days from the date of filing, excluding Saturdays, Sundays, and holidays, except as provided in Elections Code Section 9115). (code section 9114)

There are two methods that can be used to verify the petition signatures, 100% signature check and random sample signature check. For county-wide initiatives, the Office of Elections will use the random sample method which means we will examine 500 signatures or 3% of the total signatures, whichever number is larger.

The percentage of good signatures is applied to the total number of signatures turned in to determine if the petition has met the minimum. There is a penalty for each duplicate signature that is turned in. The formula for this is available from the Office of Elections.

There are three possible outcomes from the initial signature check by the Office of Elections.

The first is that the 500 signatures yield more than 110% of the necessary number of good signatures. For example, if 20,000 Humboldt County voters voted in the last governor's election, then at least 2000 good signatures would be needed for the petition to be successful. You collected 3000 signatures. Elections staff looked at 500. 400 signatures were good and that is 80%. 80% of 3000 is 2400. 2400 is 120% of the necessary 2000 signatures so the petition is successful.

The second possibility is that the 500 signatures yield less than 95% of the necessary number of good signatures. Using the same goal of 2000 and the same number turned in of 3000, only 300 of the checked signatures are good. This is 60%, so when applied to the 3000, it yields 1800 good signatures which is 90%. The Office of Elections would find the petition insufficient and it will have been unsuccessful.

The third possibility is that the percentage falls between 95% and 110%. Using the same numbers, this time there were 350 good signatures, 70%. When applied to the original 3000, it yields 2100 good signatures which is 105%. In this case, the Office of Elections must check all the signatures. The Office will get a total of 60 working days from start to finish to check all the signatures that were turned in. If and when the Office has found 2000 good signatures, staff will stop checking and proclaim the petition sufficient.

## **STEP 7: TO THE BOARD OF SUPERVISORS**

If the petition signed by at least **10%** of the vote cast for governor, the Board of Supervisors shall either: (code section 9118)

- a) Adopt the ordinance without alteration, or
- b) Submit it to the voters at the next statewide election occurring not less than 88 days after the date of the order, or after the Board is presented with a report pursuant to (code section 9111)
- c) Order a report pursuant to Elections Code 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).

## **STEP 8: ELECTION**

Once the election has been called for the initiative, the initiative will be called a measure and will be given a letter designation, i.e. Measure A.

The Office of Elections will send a copy of the measure to the County Counsel who will prepare an impartial analysis (max 500 words) to be published in the county voter information guide. If the proponents wish, the full text of the measure can be published as well. If the proponents decide not have the full text published, the impartial analysis will include information telling voters how they can obtain a copy. (code sections 9160)

Not less than 88 days before the election the Board of Supervisors may direct the county auditor to review the measure and prepare a fiscal impact statement that will be published in the voter information guide. (code section 9160)

Arguments for or against a measure can be filed by qualified voters of the county. Arguments cannot be more than 300 words long and must be signed by the person or people submitting it, or if it the argument is submitted by an organization, the name of the organization and the printed name and signature of at least one of its principal officers. (code section 9164)

If more than one argument for or argument against is submitted, the Office of Elections will determine which will be distributed to the voters. (code section 9166)

Rebuttals to arguments (max 250 words) can be made by those who submitted arguments or by people designated in writing by the original author(s). (code section 9167)

Arguments and rebuttals should be accompanied by a signature form that is available from the Office of Elections.

Arguments and rebuttals will be published in the voter information guide.

Deadlines for arguments and rebuttals are set by the Office of Elections. You can find the dates on the calendar for the election posted on the Office of Elections website or by calling the Office of Elections.

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. (code section 9122)