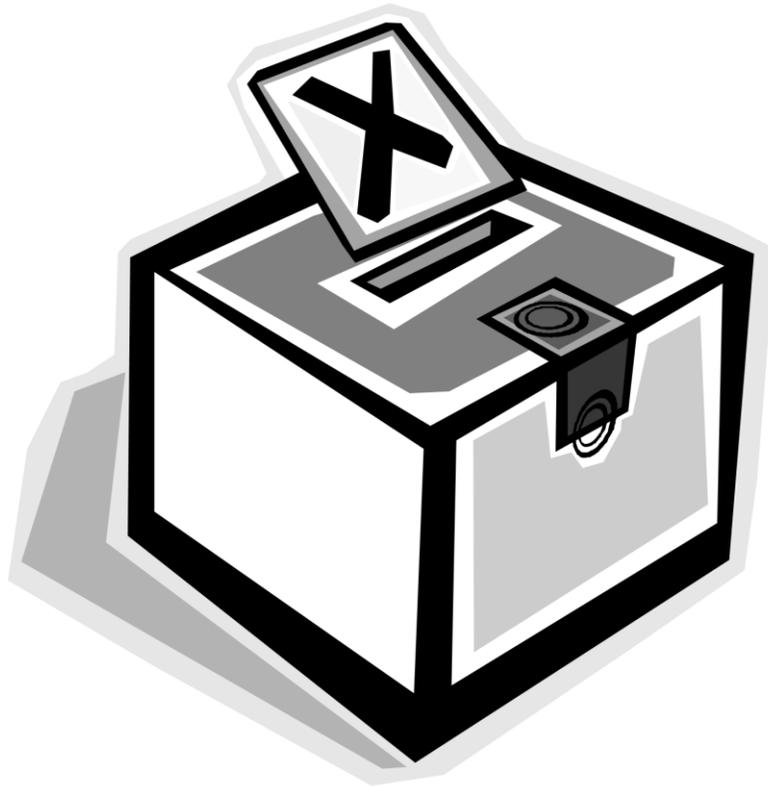


How to...

An Overview to the Countywide Initiative Process



Monterey County Elections Department
1441 Schilling Place – North Building
Salinas, CA 93901
Phone: (831) 769-1499; Fax: (831) 755-5485
Website: www.MontereyCountyElections.us

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This guide was developed in an effort to provide answers to questions frequently asked at the Monterey County Elections Department concerning countywide initiatives. It is for general information only and does not have the force and effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply.

This guide is distributed with the understanding that the Monterey County Elections Department is not rendering legal advice and, therefore, the guide is not to be a substitute for legal counsel for the individual or organization using it. Persons using this guide must bear full responsibility to make their own determinations as to all legal standards and duties and to obtain the most current information available reflecting changes in laws or procedure subsequent to the publication of this guide.

For more information regarding...	Contact...
City initiatives	The city clerk of the specific city
District initiatives	The district elections official (in many cases, the Registrar of Voters)
Countywide Initiatives	The Registrar of Voters

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Introduction

Thank you for taking the time to review this overview of the countywide initiative process. In addition to providing a general overview of what to expect when you or your organization propose an ordinance, you will also find useful references to additional resources including the California Elections Code and the Fair Political Practices Commission. Because the initiative process entails a number of complex rules and regulations interested parties should consider seeking the advice of legal counsel. Refer to [Appendix A, page 23](#) for a short overview of the process.

What is an initiative?

An initiative is the power of the electors to propose a new ordinance by which they will be governed. Any proposed ordinance may be submitted to the Board of Supervisors by filing an initiative petition with the Registrar of Voters (ROV) that is signed by the number of voters specified in the Elections Code. (Elections Code §9101)

How long will the process take?

The process officially begins when you, the “proponent”, file the Notice of Intention. To get an idea of how long the process will take, review the sample calendar [Appendix B, page 25](#). This sample timeline is an example only and does not represent an exact timeline for your particular initiative. It is provided to give you a general idea of the length of the process.

What are potential costs proponents may encounter?

Direct initiative fees are required by statute at the onset of the initiative process. \$200 made payable to Monterey County Elections is due at the time of filing the Notice of Intention and other required documents. (Elections Code §9103) Additional costs include those required for the legal publication, printing petition sections, and may include additional third party costs, including but not limited to paid circulators, legal counsel, etc.

How can I prepare for this process?

Some of the resources that may be helpful in preparing for the process include:

<u>Resource</u>	<u>Link</u>	<u>Notes</u>
Access to applicable state and local codes	http://leginfo.legislature.ca.gov/	California Elections Code Sections 9100 – 9610 California Elections Code Sections 100 – 106
California Fair Political Practices Commission (FPPC)	http://www.fppc.ca.gov/	Financial disclosure and filing requirements

Department Contact Information

Location:	1441 Schilling Place – North Building Salinas, CA 93901
Mailing Address:	Monterey County Elections PO Box 4400 Salinas, CA 93912
General Phone:	(831) 796-1499 Toll Free: (866) 887-9274
Fax:	(831) 755-5485
General Email:	elections@co.monterey.ca.us
Website:	www.MontereyCountyElections.us

Elections Personnel

Claudio Valenzuela
elections@co.monterey.ca.us

Registrar of Voters

Gina Martinez
elections@co.monterey.ca.us

Assistant Registrar of Voters

Chuck Cassinelli
cassinellicl@co.monterey.ca.us

Departmental Data Processing
Election and Registration Data
Precinct Maps

Greta Arevalo
arevalog@co.monterey.ca.us

Elections Program Manager
Bilingual Outreach

Mary Kikuchi
kikuchim@co.monterey.ca.us

Elections Program Manager
Voter Registration Services

Jessica Cedillo
cedilloj@co.monterey.ca.us

Elections Program Manager
Candidates & Campaigns

Raising and Spending Money

The Political Reform Act (Act) was approved by California voters in 1974. The Act is in place to ensure that disclosure of political payments is accurate, timely, and made in a transparent manner. The Fair Political Practices Commission (FPPC) was established as the authority on campaign disclosure.

If you or your organization plan on raising and spending money, then you may have filing obligations. According to the FPPC:

“Once a proposal becomes a “measure,” all contributions received and expenditures made to influence voters for or against qualification or passage of the measure must be reported. This includes funds received prior to the measure’s qualification”

In other words, “when the petitions hit the street, the proposal becomes a “measure” and reporting applies.”

([FPPC – Campaign Disclosure Manual 3](#), Chapter 1.1)

The FPPC website contains forms, manuals, and other helpful information and resources. Of interest to the initiative process is Campaign Disclosure Manual 3. A copy is available at the Elections Office or you may view this manual online at <http://www.fppc.ca.gov/forms/all-fppc-manuals.html> - Campaign Disclosure Manual 3.

As indicated above, the FPPC is the authority on campaign disclosures. Questions should be directed to the FPPC at:

Email Advice
advice@fppc.ca.gov

Telephone Advice
1-866-ASK FPPC (1-866-275-3772)

Raising and Spending Money (Continued)

Typical filing procedures include:

<p>First</p>	<p>File a 410 – Statement of Organization: Original 410 with a check for \$50 paid to the Secretary of State; Copy to the Elections Office.</p> <p>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 the original Form 410 with the Secretary of State and a copy to the county.</p> <p>A Form 410 may be filed prior to qualifying. Upon receipt of the 410, the Secretary of State will issue an identification number, which must be included on all campaign disclosure forms.</p>
<p>Second</p>	<p>File 460 (long form) or 450 (short form) Pre-Election Statements and Semi-Annual statements:</p> <p>These reports, detailing your committee’s contributions and expenditures, are filed at specified times prior to and following the election. There are also various special reports that must be filed to amend forms or to provide supplemental information. Know the deadlines and the type of forms you must file.</p> <p>For technical advice on completing the forms, call the Fair Political Practices Commission at 1-866-275-3772 (1-866-ASK-FPPC); FAX: 916-322-0886; or visit their website at www.fppc.ca.gov</p>
<p>Third</p>	<p>File Forms 410 and 460 to terminate the committee upon completion of your initiative efforts.</p>

NEW! Ordinance Requiring Electronic Filing of Campaign Statements

On October 3, 2017, the Monterey County Board of Supervisors adopted an ordinance amending Chapter 1.10 of the Monterey County Code authorizing and requiring electronic filing of campaign disclosure statements, reports, and other documents with the Registrar of Voters of Monterey County. All elected officers, candidates, committees, or other persons for whom the Registrar of Voters is the filing officer will be required, with few exceptions, to file campaign disclosure statements, reports, and other required documents electronically.

The adopted ordinance authorizes and will require electronic filing of the following documents:

<p>FPPC forms required to be filed electronically:</p>
<p>460 – Recipient Committee Campaign Statement</p>
<p>461 – Major Donor and Independent Expenditure Committee Campaign Statement</p>

496 – Independent Expenditure Report
497 – Contribution Report
450 – Recipient Committee Campaign Statement – short form

The few exceptions include:

FPPC forms that will be accepted in a paper format:
501 – Candidate Intention Statement
410 – Statement of Organization Recipient Committee
425 – Semi-Annual Statement of No Activity
470 – Officeholder and Candidate Campaign Statement – short form
700 – Statement of Economic Interests

The filing system, NetFile, is a web-based filing system that allows individuals to electronically track contributions and expenditures and submit campaign statements. Alternatively, most third-party campaign accounting systems will produce an electronic file that you may upload to NetFile and use to file your statements electronically.

A kiosk is available at the Monterey County Elections office to file, view and print nonredacted statements. In addition, one-on-one trainings are available.

Financial Disclosure: Important Phone Numbers

Fair Political Practices Commission	General Phone: (916) 322-5660 Website: www.fppc.ca.gov Mailing Address: 1102 Q Street, Suite 3000 Sacramento, CA 95811
	Political Reform Act Advice Division Regarding: Campaign Disclosure, Conflict of Interest Disclosure, Filing of Forms 501, 410, 460, etc. Hours of Phone Operation: Monday through Thursday from 9:00 a.m. to 11:30 a.m. Advice Line: 1-866-275-3772 *2 Email: Advice@fppc.ca.gov
	Enforcement Complaint Regarding: Filing a complaint under the Political Reform Act Phone: 1-866-275-3772 Email: Complaint@fppc.ca.gov

<p>State Franchise Tax Board</p>	<p>Regarding: Tax Deductible Contributions, Committee Tax Status, Charitable Non-profit Groups, other tax related questions Phone: (800) 852-5711 Phone: (800) 338-0505 (24/7 Automated Support) Website: www.ftb.ca.gov</p>
<p>Secretary of State</p>	<p>Political Reform Division Regarding: Committee Identification Number and committee termination Phone: (916) 653-6224 Website: http://cal-access.sos.ca.gov/</p>

Phase 1 – Initial Actions

Step 1: Notice of Intention

File the Notice of Intention to circulate an initiative petition with the Registrar of Voters. [Appendix C, page 27](#), of this guide is an example of the Notice of Intention.

To complete step 1, refer to the following checklist when preparing your Notice of Intention and other required items which are all due at the time of filing.

Step 1 Requirements	Description
<input type="checkbox"/> Notice of Intention (EC §§ 9103, 9104)	<p>Must contain:</p> <ul style="list-style-type: none"> ✓ Printed name/s, signature/s, and business or residence addresses of at least one but not more than five proponents. ✓ Written text of the initiative ✓ Request that a ballot title and summary be prepared <p>May include:</p> <ul style="list-style-type: none"> ✓ Statement not exceeding 500 words, stating the reasons for the petition. The Elections Department will verify count. See Appendix D, page 28 for guidelines. ✓ A request to conduct a special election if the petition achieves 20% of the entire votes cast for the office of Governor in the last gubernatorial election
<input type="checkbox"/> Text of the initiative (EC § 9103)	<p>The proponents must file the written text of the initiative</p> <ul style="list-style-type: none"> ✓ Hard Copy ✓ Electronic copy emailed to elections@co.monterey.ca.us
<input type="checkbox"/> Request for Ballot Title and Summary (EC § 9103)	<p>The proponents must:</p> <ul style="list-style-type: none"> ✓ Request a Ballot Title and Summary ✓ Include the name and address of one of the proponents (the ROV will deliver the title and summary to this proponent)
<input type="checkbox"/> Statement of Acknowledgement (EC § 9608)	<p>Proponents shall execute and submit a statement acknowledging 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 qualification of the proposed measure for the ballot. See Appendix E, page 29 for sample.</p>
<input type="checkbox"/> \$200 Filing Fee (EC § 9103(b))	<ul style="list-style-type: none"> ✓ Check or Money Order made payable to Monterey County Elections ✓ The filing fee may be refunded if, within one year of the date of filing the Notice of Intention, the ROV certifies the sufficiency of the petition

Step 2: Ballot Title and Summary

(EC §§ 9105 & 9106)

The following summarizes what will happen after you meet all of the requirements listed in Step 1 Notice of Intention:

First, the ROV will submit the Request to County Counsel.

Immediately upon the request from the proponent to prepare the ballot title and summary, the ROV will transmit a copy of the proposed measure to County Counsel, who will prepare the ballot title and summary.

The ballot title may differ from any other title of the proposed measure and shall state in 500 words or less the purpose of the measure.

In providing the ballot title, 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.

Then, County Counsel will return the Ballot Title and Summary to the ROV.

Within 15 days after the proposed measure is filed, County Counsel will provide the ballot title and summary to the ROV.

Finally, the ROV will provide the copy to the proponent listed in Step 1.

The ROV will furnish a copy of the ballot title and summary to you, the proponent.

Any voter may appeal the ballot title and summary.

Any elector of the county may seek a writ of mandate requiring the ballot title or summary prepared by County Counsel to be amended. The court shall expedite a hearing on the writ. A preemptory 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 Elections Code Section 9105.

Step 3: Publication

(EC § 9105(b))

Now that you have successfully completed Step 1 and Step 2, you are now obligated to publish a notice in a newspaper of general circulation.

Step 3 Requirements	Description
<input type="checkbox"/> Proponents to pay for publication in newspaper of general circulation	This notice, published at least once, must include: ✓ Notice of Intention ✓ Ballot Title and Summary of the proposed measure
<input type="checkbox"/> Proponents must file proof of publication with the ROV	✓ Obtained from the newspaper publisher after the Notice of Intention appears in print

Phase 2 – The Petition

The steps in this phase of the process are mandated by Elections Code and must be followed according to law. It is incumbent upon you and your organization to review and to understand the applicable code sections and ensure compliance. See [Appendix F, page 30](#), for a sample of the countywide initiative format

Step 1: Formatting the Petition

The petition format is described in Elections Code § 9105. This format is mandated and must be used. Unless otherwise specified, text should not be less than 8 point font.

Required Text

- ✓ 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 County Counsel. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

- ✓ Each section of the petition shall bear a copy of the Notice of Intention. The Notice of Intention follows the Ballot Title and Summary.
- ✓ Signatures on the Notice of Intention, for purposes of printing on the petition, shall appear as:

“/s/Name, Address, City, State, Zip”

Signature Space

Elections Code §§ 100 through 106 regulates the form and content of the remaining portions of the petition, including the area designated as the signature space.

The petition must be designed so that each signer can personally affix his or her:

- (a) printed name;
- (b) signature;

- (c) residence address, giving street number, or if no street number exists, adequate designation of residence so that the location may be readily determined; and
- (d) name of incorporated city or unincorporated community in which he/she resides.

- ✓ Pursuant to the California Supreme Court’s decision in Assembly v. Deukmejian, 30 Cal.3d 638, 180 Cal.Rptr.297(1982), the petition form must direct signers to include their “residence address” rather than their “address as registered” or other address. Non-complying petition forms will be rejected as invalid.
- ✓ Signature spaces must be consecutively numbered commencing with the number one for each petition section.
- ✓ A space of at least one inch wide must be left blank at the right margin of the page after each name and address for the use of the ROV in verifying the petition.
- ✓ 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, a notice to the public.

NOTICE TO THE PUBLIC

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

Declaration of the Circulator

The “circulator” is the person in charge of collecting signatures on a single petition section. This person must declare that he or she meets certain criteria to circulate and that he or she did circulate the petition.

- ✓ Each section of the petition must have attached to it a declaration signed by the circulator of that section of the petition setting forth in the circulator’s own hand, all of the following:
 - (a) Printed name of the circulator;
 - (b) Residence address of the circulator, giving street and number, if no street exists, adequate designation of residence so that the location may be readily determined;
 - (c) The dates between which all signatures to the petition were obtained
 - (d) That the circulator personally 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) That the circulator is 18 years of age or older;
 - (g) That the circulator certifies to the content of the declaration as to its truth and correctness, under penalty of perjury. The circulator shall state the date and the place of execution on the declaration along with his or her signature.
- ✓ 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.

Note: “Own Hand” means the person must actually write the information.

Step 2: Circulating the Petition

Just as in formatting the petition, the circulation of any petition is highly regulated and strictly specified. You will need to pay special attention to the following:

- ✓ Requisite number of signatures
- ✓ Deadline to circulate
- ✓ Who can circulate
- ✓ Who can sign
- ✓ How the signer should append information

Signatures Required to Qualify

(EC §§§ 9107 and 9118)

The ROV will determine the number of signatures required to have the initiative qualify. This number is no less than 10% 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. See [Phase 4 Board of Supervisors' Options](#) for more information on the requisite number of signatures.

Signature Requirement	The vote for Governor in November 2018 in Monterey County was 116,164 10% = 11,616
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Deadline to File the Petition

(EC § 9110)

You have 180 days from the date of receipt of the title and summary to submit your petition to the ROV.

The code reads:

Signatures shall be secured and the petition shall be presented to the county elections official for filing within 180 days from the date of receipt of the title and summary, or after termination of any action for a writ of mandate pursuant to Section 9106 and, if applicable, after receipt of an amended title or summary or both, whichever occurs later.

Who can circulate the petition?

(EC §§ 102, 9607, 9609, 9610)

Age Requirement	✓ 18 years of age or older
Circulator's Signature	✓ Declaration of the Circulator on each petition section ✓ May need to sign a statement that you will have to keep on file (read circulator's signed statement below)

Circulator's Signed Statement

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.

Circulators and the person in charge of signature gathering shall execute and submit to the proponents a signed statement (see [Appendix G, page 31](#)). The statement does not need to be submitted by unpaid circulators of state or local initiatives. Failure to comply with this section shall not invalidate any signatures on a state or local initiative petition.

The circulator's signed statement shall be kept on file by the proponents of the proposed initiative measure for not less than eight months after the certification of the results of the election for which the measure qualified, or if the measure, for any reason, is not submitted to the voters, eight months after the deadline for submission of the petition to the ROV.

Who can sign the petition?

(EC §§ 100 & 106)

- ✓ Only persons who are eligible registered voters of the county at the time of signing the petition are entitled to sign it.
- ✓ Any person engaged in obtaining signatures on the initiative petition may sign the petition, if otherwise qualified to do so.

Signatures can be withdrawn

(EC §§ 103 & 9602)

Any voter may withdraw his or her signature from a countywide initiative petition by filing a written request that includes the voter's name, residence address, and signature with the ROV prior to the day the petition on which the signature appears is filed. (Note: A petition may be submitted earlier than the established deadline.)

To help expedite the process and to help ensure that the Elections Official is able to identify the correct information, any voter wishing to withdraw his or her name may wish to include the following information on their written request: their date of birth and date.

Important items to know when collecting signatures

These are a few common issues of which you should be aware. For more information, please review the petition verification guidelines available on the Monterey County Elections website.

- ✓ The person signing the petition must handwrite in his/her own information.
 - Any address or printed name filled in by any person other than the signer (circulator, someone else in the household, etc.) disqualifies the entry.
- ✓ If the person wishing to sign the petition is unable to print his/her information (personally affix), the voter may request another person to print the voter's name and residence, but the voter must still sign or mark the signature area, which shall be witnessed by one person by subscribing his or her name thereon.
 - IMPORTANT: "Unable to personally affix" is defined in case law as meaning the person is "disabled". Capo for Better Representation v. Kelley, 158 Cal. App. 4th 1455, 1463 (2008).
- ✓ Make sure the voter is registered and lives in the county. Resources can be purchased from the ROV to assist in this process. Available resources include:
 - Precinct maps
 - Indexes: printed or electronic lists of registered voters by precinct
 - Voter registration cards
 - Registration drive training
- ✓ Office policy related to registration drives:
 - Any organization or campaign effort will be required to attend training when checking out more than 50 registration cards
 - Training CD will be provided to proponents to share with circulators
 - Registration cards will be checked out to designated contacts for the organization, who can then issue registration cards to individual circulators
- ✓ You can register a voter at the same time they sign the countywide initiative petition. The registration card must be received by the ROV by the time the petition is filed with the ROV.
- ✓ Signatures will be compared to the signature available in the elections data information management system.

Board of Supervisors' Action During Circulation

(EC § 9111)

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 for review and a report on its effect on specific issues. The report shall be presented to the Board no later than 30 days after the Registrar of Voters certifies the sufficiency of the petition.

Are you ready to circulate your petition?

You are ready to circulate your petition if you have:

- Published your Notice of Intention and the ballot title and summary;
- Provided proof of publication to the ROV; and
- Formatted your petition according to law

Step 3: Filing the Petition

Who can file	<ul style="list-style-type: none">✓ The proponents✓ A person or persons authorized in writing by the proponents
Timing	<ul style="list-style-type: none">✓ 180 days from the date receipt of the Ballot Title and Summary (refer to Appendix B, page 25 for exceptions)✓ All sections must be filed at the same time✓ Must be filed during regular business hours
Receipt	<ul style="list-style-type: none">✓ Filer will have to complete portions of a receipt (see Appendix H, page 32 for sample) and provide:<ul style="list-style-type: none">○ Contact information○ Type of petition○ Estimated signatures✓ Petition shall be deemed as filed on the date submitted, any petition sections received after this date will be returned to the proponents and is void for all purposes
ROV (EC §§ 9113 & 9114)	<ul style="list-style-type: none">✓ Will accept petition for initial count and subsequent verification✓ Has 30 days from the date of filing, excluding Saturdays, Sundays, and holidays, except as provided in Elections Code Section 9115

Phase 3 – Petition Verification

There are two types of signature verification techniques authorized by law: 100% or random sampling. (EC § 9115)

100% Verification of Signatures

- ✓ The ROV must verify every signature submitted if less than 500 signatures are submitted.
- ✓ If more than 500 signatures are submitted, then the ROV may choose to use a random sampling signature verification.
- ✓ The random sampling shall include an examination of at least 500 or 3% of the signatures whichever is greater.

Random Sampling Verification of Signatures

- ✓ If the random sampling technique is used, the ROV must complete the examination of the sample of signatures within 30 days, excluding Saturdays, Sundays, and holidays, of the filing of the petition.

If the statistical sampling shows:	Then:
95% to 110% qualified signatures	<ul style="list-style-type: none"> ✓ The ROV has 60 business days from the date the petition was filed to verify each signature ✓ In this scenario, verification may stop if the requisite number of signatures are verified
< 95% qualified signatures	<ul style="list-style-type: none"> ✓ The petition is not sufficient and no further action is needed <ul style="list-style-type: none"> ○ ROV to notify proponents ○ Proponents have 21 days to begin review of disqualified signatures ○ Proponents may start a new petition
> 110% qualified signatures	<ul style="list-style-type: none"> ✓ The petition is deemed sufficient <ul style="list-style-type: none"> ○ ROV will prepare board report ○ ROV will notify proponents

Example

An initiative petition was filed in County X. The elections official counted the number of signatures affixed to the petition and determined the raw count to be 24,034. The required three percent random sample for initiative petitions was drawn and 722 signatures were randomly selected.

The signatures were verified and the results were as follows:

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. Calculate the percent of valid signatures: valid signatures divided by sample size	$516/722 = 71.47\%$
2. Multiply raw count by the sample validity rate to determine the number of uncorrected total valid signatures	$24,034 \times .7147 = 17,178$
3. Calculate the duplicate signature factor by dividing the raw count sample size	$24,034/722 = 33.2881$
4. Determine the weight assigned to each duplicate signature found in the sample, the ROV multiplied the duplicate signature factor calculated at #3 by that factor minus 1	$33.2881 \times (33.2881 - 1) = 1,074.8095$
5. Multiply the number calculated in #4 times the number of duplicate signatures in the sample	$1,074.8095 \times 2 = 2,150$
6. Determine corrected number of valid signatures by subtracting figure from #5 from valid signatures #2	$17,178 - 2,159 = 15,028$
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.	

Phase 4 – Board of Supervisors’ Options

If proponents collect:

10% of the entire vote cast in the county for all candidates for Governor in the last election, then the Board of Supervisors shall either:

- 1) adopt the ordinance without alteration at the meeting at which certification is presented or within 10 days after it is presented; or
- 2) place the measure on the ballot at the next statewide election (June or November of even-numbered years) occurring not less than 88 days after the date of the order, unless the ordinance petitioned for is required to be, or for some reason is, submitted to the voters at a special election pursuant to §1405(a); or
- 3) order a report pursuant to §9111 and once the report is presented, the Board shall either adopt the ordinance within 10 days or order an election. (EC § 9118)

5% of the entire vote cast in the county for all candidates for Governor in the last election for Proposition 218 measures affecting taxes, assessments or fees. (Art. II, §8(b) & 11)

Ordinances are passed with a majority vote of the voters and shall be considered adopted upon the date the vote is declared by the Board of Supervisors. The ordinance shall go into effect 10 days after that date. (EC § 9122)

Phase 5 – The Election

Calendar

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

Arguments, Etc.

Obtain a copy of the “Guide to Writing Arguments, Rebuttals, and Analyses for County Measures,” prepared by the Monterey County Elections Department. This guide provides deadlines and outlines procedures for filing arguments and rebuttals, and analyses for county measures.

Article 3 (commencing with §9160) shall govern the procedures for submitting arguments for county initiatives. (EC § 9120)

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. (EC § 9123)

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 Monterey ordain as follows.” (EC § 9124)

Assigning a Letter

Letters designating measures will be assigned by the elections official pursuant to Elections Code §13116. Measures will 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 coordinate to attempt 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. (EC § 13109)

Board Action

The Board of Supervisors will adopt a resolution calling the election and consolidating it with other elections being conducted in the same jurisdiction on the same day. (EC §§10400 & 10401)

The resolution will include the 75-word ballot question that is printed on the ballot.

Ballot Question

The statement of all measures submitted to the voters shall be abbreviated on the ballot. The statement shall contain no more than 75 words of each measure to be voted on, followed by the words, "Yes" and "No". (EC § 13247)

Form of 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 measure (stating the nature thereof) be adopted?" To the right or below the statement of the measure to be voted on, the words "Yes" and "No" shall be printed on separate lines, with voting targets. If a voter stamps a cross (+) in the voting target after the printed word "Yes," his or her vote shall be counted in favor of the adoption of the measure. If he or she stamps a cross (+) in the voting target after the printed word "No," his or her vote shall be counted against its adoption. (EC § 13119)

Analyses

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 County Auditor may prepare a fiscal analysis of the effect on county revenues or expenditures. (EC § 9160)

Appendix A Overview of the Process

Notice of Intention & Fee	<p>File Notice of Intention with Registrar of Voters with the printed name/s, signature/s, and business or residence addresses of at least one but not more than five proponents. Includes the written text of the initiative and a request that a ballot title and summary be prepared.</p> <p>Proponents must pay a fee not to exceed \$200 to be refunded if, within one year of the date of filing the Notice of Intention, the clerk certifies the sufficiency of the petition. (EC § 9103)</p> <p>The Notice of Intention may contain a statement not exceeding 500 words, stating the reasons for the petition. (EC § 9104)</p>
Title & Summary	<p>The Registrar of Voters immediately transmits a copy of any proposed measure to county counsel. County counsel prepares a ballot title and summary not exceeding 500 words. (EC § 9105(a))</p> <p>The Registrar of Voters furnishes a copy of the ballot title and summary to the proponents. (EC § 9105(b))</p>
Appeal	<p>Any elector of the county may seek a writ of mandate requiring the ballot title or summary to be amended. (EC § 9106)</p>
Publication	<p>Publish for one day the Notice of Intention and the ballot title and summary in a newspaper of general circulation. (EC § 9105(b))</p>
File Proof	<p>File proof of publication with the Registrar of Voters. (EC § 9105(b))</p>
Circulation	<p>Proponents may begin to circulate the petitions for voter signatures after publication of the title and summary. Each section of the petition shall include a copy of the Notice of Intention, ballot title and summary. (EC § 9108)</p> <p>Proponents have 180 days from the receipt of the Title and Summary to circulate the petitions. (EC § 9110)</p>
Reports Ordered	<p>During the circulation of the petition, the Board of Supervisors may refer the proposed initiative to any county agency for a report. The report shall be presented to the Board no later than 30 days after the Registrar of Voters certifies the sufficiency of the petition. (EC §9111)</p>
Signature Requirement	<p>If proponents collect:</p> <p>10% of the entire vote cast in the county for all candidates for Governor in the last election, then the Board of Supervisors shall either:</p> <p>1) adopt the ordinance without alteration at the meeting at which certification is presented or within 10 days after it is presented; or</p>

2) place the measure on the ballot at the next statewide election (June or November of even-numbered years) occurring not less than 88 days after the date of the order, unless the ordinance petitioned for is required to be, or for some reason is, submitted to the voters at a special election pursuant to §1405(a); or

3) order a report pursuant to §9111 and once the report is presented, the Board shall either adopt the ordinance within 10 days or order an election. (EC § 9118)

5% of the entire vote cast in the county for all candidates for Governor in the last election for Proposition 218 measures affecting taxes, assessments or fees. (Art. II, §8(b) & 11)

Verification of Signatures Within 30 days from the date of filing of the petition, excluding weekends and holidays, the Elections Department shall verify signatures. If the petition is found insufficient, no action shall be taken. If the petition is found to be sufficient, the Registrar of Voters shall certify the results to the Board of Supervisors at the next regular meeting. (EC § 9115)

Enactment of Ordinance Ordinances are passed with a majority vote of the voters and shall be considered adopted upon the date the vote is declared by the Board of Supervisors. The ordinance shall go into effect 10 days after that date. (EC § 9122)

Appendix B Sample Calendar

The following provides an example of the amount of time and deadlines associated with proposing a county initiative.

E= Election Day, followed by the number of days before (-) or after (+) the day of the election when the various steps should be taken. Please note that these periods are approximate. The calendar is subject to change depending on the actual dates when events happen; and in the event, the ballot title and summary are challenged and need to be changed. Once you file a Notice of Intent, the Elections Department staff will assist in developing a calendar specific to your initiative. State statute mandates some deadlines; others are suggested time frames to provide the maximum amount of time to circulate petitions. All codes refer to the Elections Code unless otherwise stated.

E- 383	Registrar of Voters receives Notice of Intent (includes printed name/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). (EC §§9103 & 9104)
E- 383	Registrar of Voters delivers Notice of Intent to County Counsel. (EC § 9105(a))
E- 368	Within 15 days, County Counsel delivers Title and Summary to Registrar of Voters who then delivers a copy of the Title and Summary to Proponents. (EC § 9105(a))
E- 367	Proponents shall, prior to circulation of the petition, publish the Notice of Intent with Title and Summary and file proof of publication with the Registrar. (EC § 9105(b))
E- 363	Proponents submit petition with signatures within 180 days after proponents receive Title and Summary from Registrar of Voters 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, which occurs later. (EC § 9110)
E- 183	Registrar of Voters has 30 working days (Saturdays, Sundays & holidays excluded) to certify results to Board of Supervisors. (EC §§ 9114 & 9115)
E- 142	Registrar of Voters submits to the Board of Supervisors an item for the Board agenda.
E- 128	Board of Supervisors has three options to exercise at its meeting where the Registrar of Voters presents its findings that an initiative petition is sufficient. <ol style="list-style-type: none"> 1. Adopt the ordinance, without alteration 2. Call an election (date to be determined by the percentage of voter who signed petition) 3. Order a report pursuant to EC § 9111

E- 98	Board to call the election or adopt the ordinance without alteration. (EC § 9118)
E- 88	Last day Board can consolidate a measure with a regular election. (EC § 10403)
E- 88	Registrar to publish once the deadline for submitting arguments. (EC § 9163 & Gov. Code § 6061)
E- 82	Last day to submit direct arguments. (EC § 9163) Last day for Board of Supervisors to direct County Auditor to write an analysis of a county measure (EC § 9160) Last day for County Counsel (and County Auditor, if previously directed) to submit impartial analysis. (EC § 9160)
E - 75	Last day to submit rebuttal arguments. (EC § 9167)
E- 81 to E- 64	10-day public inspection of arguments/analyses. (EC § 9190)
E- 56	Finalize materials for printer.
E- 40 to E- 21	Mailing of sample ballots. (EC §§ 13303 & 13304)
E- 36	Receive materials from printer (suggested date)
E- 29	Last day to register to vote in order to have election materials mailed to voters. Absentee period begins. (EC §§ 2102, 3001 & 3003).
E- 15	Last day to register to vote.
E- 7	Last day to request an absentee ballot by mail. (EC § 3001)
E	ELECTION DAY
E+ 1 to E+ 30	Official Canvass

Appendix C Example Notice of Intention to Circulate Petition

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 Monterey for the purpose of qualifying for the ballot an initiative measure entitled _____. A statement of the reasons of the proposed action as contemplated in the petition is as follows: (reasons for initiative not exceeding 500 words – optional).

*

Signature of Proponent

Business or Residence Address

City/State/Zip Code

*The Notice of Intention must be signed by at least one but not more than five proponents of the petition.

Reminder: The Notice of Intention must be accompanied by (1) the written text of the measure; (2) a request for a ballot title and summary to be prepared by County Counsel; (3) payment of \$200 fee; and (4) a Statement of Acknowledgement.

Appendix D Word Count Guidelines

Punctuation	Punctuation is not counted.
Titles	Words used by the Elections Department as part of a standardized heading, such as “Argument in Favor of Measure Z” or “Statement of Candidate for Mayor” are not counted.
Cities/Counties	All geographical names shall be counted as one word. For example “Monterey County”, “City of Salinas” and “County of Santa Cruz” are considered one word. The names of school districts, special districts and political subdivisions are considered geographical names as well. For example “North County Fire Protection District” and “Monterey Peninsula Community College District” are each one word.
Proper Nouns	All proper nouns, including geographical names, shall be considered as one word; for example, “City and County of San Francisco” or “Salinas High School” shall be counted as one word. (Generic location terms such as “North County” or “South County” do not constitute proper nouns and each word will be counted separately)
Abbreviations	Each abbreviation for a word, phrase, or expression shall be counted as one word.
Hyphenations	Hyphenated words that appear in any generally available U.S. dictionary published in the last 10 years shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word. Elections has a dictionary on hand and will reference this dictionary as the deciding factor.
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. “October 29, 2007”, shall be counted as two words, whereas “10/29/2007” will be counted as one word.
Numbers	Any number consisting of a digit or digits shall be considered as one word (i.e. “100”). Any number that is spelled shall be considered as a separate word (“one hundred” is two words).
Phone & Internet	Website addresses or telephone numbers are one word.

The following word combinations are often erroneously assumed to count as one word:

- ✓ Office titles (e.g., City Councilmember = two words)
- ✓ Idioms used to describe geographic locations (e.g., North County = two words)
- ✓ Governing body (e.g., Board of Directors = three words)
- ✓ Names of Schools (e.g., Salinas High School = three words)

Appendix E Example Proponent Statement of Acknowledgment

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.

Signature of Proponent

Dated this ____ day of _____, 20__

Appendix F Sample Countywide Initiative Petition

****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:

(Insert Ballot Title and Summary of Measure in at least 12-point bold type)

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 12-point. §0105

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 Monterey 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 statement outlining the reasons for the proposed petition may be printed here. The statement is optional. The notice shall contain the printed name, signature, and business or residence address of at least one, but not more than five, proponents. §0104 To print on the petition, format the signature as %/Name, Address, City, State, Zip Each section of the petition shall bear a copy of the Notice of Intention. §0108. So, if it is on the front side, it may be omitted on the back. The law does not specify the type size for the Notice of Intent, but it should not be less than 8-point.*

Insert text of measure in type not smaller than 8 point. And, it must be clearly separated from the ballot title and summary above. §0105(c) If printed once on the back side, text must follow the Ballot Title and Summary.

Print in 12-point type, prior to the portion for voters' signatures. §101,

NOTICE TO THE PUBLIC

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

1	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
2	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
3	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
4	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip
5	Print Your Name	Residence Address Only	
	Your Signature as Registered to Vote	City, State	Zip

1" §100

Each petition section shall have attached to it an affidavit to be completed by the circulator. §104, 0100. This declaration below may be omitted on front slide if signature spaces are provided on both sides. The circulator's declaration must follow the last signature block.

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

I, _____ declare:

1. My residence address is _____ in _____ County, California, and I am 18 years of age or older;
2. I personally circulated the attached petition for signing.
3. 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
4. The appended signatures were obtained between the dates of _____ (Starting Date) and _____ (Ending Date), inclusive.

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 or Community Where Signed), California.

(Signature)

It is recommended that you leave a 1" margin at the top, and a 1/2" margin on the left, right and bottom. The full text of the proposed measure must also appear on the petition. You may want to print the text on the back side; however, the Ballot Title and Summary must appear above the text of the proposed measure. §0105(c)

Appendix G Example Circulator Statement of Acknowledgement

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.

Signature of Circulator

Dated this ____ day of _____, 20__

Appendix H Petition Receipt

MONTEREY COUNTY ELECTIONS

1441 Schilling Place-North Building
Salinas, CA 93901
www.MontereyCountyElections.us

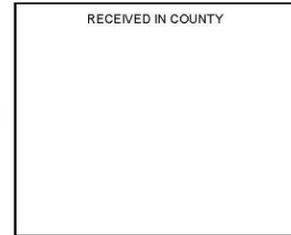
Claudio Valenzuela
Registrar of Voters

PO Box 4400
Salinas, CA 93912

831-796-1499 Phone
831-755-5485 Fax

elections@co.monterey.ca.us

Gina Martinez
Assistant Registrar of Voters



Petition Receipt

Measure Information	
Category (check one):	
<input type="checkbox"/> Initiative	<input type="checkbox"/> Referendum
<input type="checkbox"/> Recall	
Name of Measure:	Name of Official being recalled:
Type (check one):	
<input type="checkbox"/> County	<input type="checkbox"/> City
<input type="checkbox"/> School	
<input type="checkbox"/> State	
Signature Count: _____	
(Raw count provided by proponents)	
Proponent Information	
Name:	
Mailing Address:	
Contact Number:	Email:
Name:	
Mailing Address:	
Contact Number:	Email:
Transaction	
Submitted by:	
Printed Name:	Contact Number:
Signature:	Date:
Received by:	
Elections Personnel:	Date: