

**THIS COUNTYWIDE INITIATIVE PROCESS HANDBOOK IS INTENDED TO PROVIDE GENERAL INFORMATION, AND DOES NOT HAVE THE FORCE AND EFFECT OF LAW. IT IS DISTRIBUTED WITH THE UNDERSTANDING THAT THE REGISTRAR OF VOTERS OF THE COUNTY OF ORANGE IS NOT RENDERING LEGAL ADVICE AND, THEREFORE, THE HANDBOOK IS NOT TO BE A SUBSTITUTE FOR LEGAL COUNSEL FOR THE INDIVIDUAL OR ORGANIZATION USING IT. IT IS THE RESPONSIBILITY OF THE PROPONENTS OF AN INITIATIVE EFFORT TO OBTAIN THE MOST UP-TO-DATE INFORMATION AVAILABLE, REFLECTING CHANGES IN LAWS OR PROCEDURE SUBSEQUENT TO THE PUBLICATION OF THIS GUIDE.**

March 1, 2007



## REGISTRAR OF VOTERS

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**NEAL KELLEY**  
Registrar of Voters

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Dear Orange County Voter:

Thank you for your interest in our countywide initiative process handbook. This handbook has been designed to assist you in the process of initiating and circulating petitions.

You will find detailed information on our process; laws that govern countywide initiative petitions and more throughout this handbook. In addition, you can find added resources on our website by visiting **[www.ocvote.com](http://www.ocvote.com)**.

This handbook is intended to provide general information and does not have the force and effect of law. It is distributed with the understanding that the Registrar of Voters of the County of Orange is not rendering legal advice and, therefore, the handbook is not to be a substitute for legal counsel for the individual or organization using it.

We strongly recommend that any interested party obtain legal advice, to assist in complying with applicable California laws, including the California Elections Code and the California Government Code.

Our mission is to serve the registered voters of Orange County in a uniform, consistent and accessible manner with the highest level of integrity.

Sincerely,

Neal Kelley  
Registrar of Voters

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## 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. **Elec. Code §9101**

## WHOM DO I CONTACT FOR INFORMATION ON COUNTYWIDE INITIATIVES?

The Registrar of Voters is the elections official in the case of the circulation and filing of a countywide initiative petition.

The City Clerk is the elections official in the case of a city initiative. Contact the City Clerk of the appropriate city for this information. You can find a contact list of city clerks on our website by visiting [www.ocvote.com](http://www.ocvote.com).

## HOW LONG WILL THE PROCESS TAKE?

- The clock starts ticking when the Notice of Intention is filed.
- To give you an idea of how long the process will take, an example of a timeline has been prepared. (See Exhibit B, page 22, of the handbook.)
- **This sample timeline is an example, 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.

## PHASE 1 -- GETTING STARTED

### STEP 1...BE PREPARED!

- The Registrar of Voters (ROV) can provide you with helpful information to assist you in understanding the steps necessary to initiate, circulate, and file countywide initiative petitions.
- Become familiar with the process by reading this handbook, Elections Code Sections 9100 through 9190, and calling the ROV at (714) 567-7600, if you have specific questions.



**All parties involved in a countywide initiative petition process are advised to seek legal counsel. It is incumbent upon proponents to follow the petition process as directed in the Elections Code.**

### STEP 2...NOTICE OF INTENTION

- You begin the countywide initiative process by filing with the ROV a Notice of Intention to circulate an initiative petition. Exhibit C, page 23, of this handbook, is an example of the Notice of Intention.
- The Notice of Intention must include the names and business or residence addresses of at least one but not more than five proponents of the petition and may include a printed statement, not exceeding 500 words in length, stating the reasons for the proposed petition. The ROV will verify the word count. See Exhibit D, page 24, for guidelines. **Elec. Code §§9103, 9104**



At the time the Notice of Intention is filed:

The proponent must file the written text of the initiative. **Elec. Code §9103**

A \$200 filing fee must be paid. See page 3 for more information.

The proponent needs to request a Ballot Title and Summary to be prepared. This request must include one of the proponent's name and address. **Elec. Code §9103**

A proponent of an initiative measure shall execute and submit a signed Statement of Acknowledgement (See Exhibit E, page 25) 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. **Elec. Code §9608**

### STEP 3...PAYMENT OF FEE

- When you file a Notice of Intention with the ROV you must pay a fee established by the Board of Supervisors. **Elec. Code §9103(b)**
- The fee is currently \$200.
- The filing fee may be refunded to you if, within one year of the date of filing the Notice of Intention, the ROV certifies the sufficiency of the petition. **Elec. Code §9103(b)**



**A fee of \$200 is due upon the filing of the Notice of Intention.**

**Payment can be made by cash, check, or money order. Checks and money orders should be made payable to the Orange County Registrar of Voters. Credit cards are not accepted.**

### STEP 4...BALLOT TITLE AND SUMMARY

- Immediately upon the request from the proponent to prepare a Ballot Title and Summary, the ROV will transmit a copy of the proposed measure to County Counsel. **Elec. Code §9105**
- Within 15 days after the proposed measure is filed, County Counsel will provide the Ballot Title and Summary to the ROV. **Elec. Code §9105**
- The Ballot Title may differ from any other title of the proposed measure and shall express in 500 words or less the purpose of the measure. **Elec. Code §9105**
- 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. **Elec. Code §9105**
- The ROV will furnish a copy of the Ballot Title and Summary to you, the proponent. **Elec. Code §9105**
- Any elector of the county may seek a writ of mandate requiring the Ballot Title or Summary prepared by the County Counsel to be amended. The Court shall expedite hearing on the writ. 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 Elections Code Section 9105. **Elec. Code §9106**

STEP 5...PUBLISHING THE NOTICE OF INTENTION AND FILING THE  
COUNTYWIDE INITIATIVE PETITION

- Prior to the circulation of the petition, a copy of the Notice of Intention, and the Ballot Title and Summary of the proposed measure, must be published at your, the proponent's, expense at least once in a newspaper of general circulation.  
**Elec. Code §9105(b)**
- You must file proof of publication of the Notice of Intention and the Ballot Title and Summary with the ROV. Proof of publication can be obtained from the newspaper publisher after the Notice of Intention appears in print.

**Elec. Code §9105(b)**

PHASE 2 -- THE PETITION  
YOU'RE MAKING PROGRESS!

STEP 1...FORMATTING THE PETITION



The petition format is described in Elections Code §9105. This format is mandated and must be used. See Exhibit F, page 26, for a sample of the countywide initiative format.

- 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: **Elec. Code §9105**

- The Ballot Title and Summary prepared by 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**. **Elec. Code §9105**
- The Ballot Title and Summary shall be clearly separated from the text of the measure. **Elec. Code §9105**
- The Notice of Intention follows the Ballot Title and Summary. The law does not specify the type size for the Notice of Intention, but it should not be less than 8 point. **Each section of the petition shall bear a copy of the Notice of Intention.** **Elec. Code §9108**
- To print on the petition, format the signature of the Notice of Intention as “s/Name, Address, City, State, Zip”.
- **The text of the measure shall be printed in type not smaller than 8 point.** **Elec. Code §9105**



**Tips on Countywide Initiative Petition Format**

- The petition can accompany any amount of signatures.
- The petition can be printed on 8 ½” x 11” or 8 ½” x 14” or larger.
- The petition can be single-side or doubled-sided.
- The petition can be printed on color paper; however, neon colors are not recommended.

## STEP 2...SIGNATURE SPACE



Each signer must personally place his or her own information on the petition unless unable to do so, and must personally sign it. 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. **Elec. Code §100.5**

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 and number, or if not street or 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. **Elec. Code §100**

See Exhibit F, page 26, of this handbook for the format of the signature space.

- 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 "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. **Elec. Code §100**
- 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. **Elec. Code §100**
- 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. (See Exhibit F, page 26)

### NOTICE TO THE PUBLIC

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

**Elec. Code §101**

### STEP 3...DECLARATION OF CIRCULATOR

- Each section of the petition must have attached to it a declaration signed by the circulator (person soliciting signatures) of that section of the petition, setting forth **in the circulator's own hand**, all of the following:
  - (a) the printed name of the circulator;
  - (b) the 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.  
**Elec. Code §104**
- The declaration must also include:
  - (a) that the circulator circulated that section and witnessed the appended signatures being written;
  - (b) that according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be;
  - (c) that the circulator is a voter or is qualified to register to vote in this state;  
**Elec. Code §102**
  - (d) 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.  
**Elec. Code §104**
- 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 circulator must personally affix his or her 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.

**Elec. Code §104**

## PHASE 3 - CIRCULATION OF THE PETITION

YOU'RE ALMOST READY!



**You 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. Elec. Code §9105**

- There are two important pieces of information you need to know before circulating the countywide initiative petition:

How many signatures are required to qualify the countywide initiative?

How many days do you have to get the job done?

### NUMBER OF SIGNATURES NEEDED TO QUALIFY A COUNTYWIDE INITIATIVE:

- The ROV 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. See pages 16-17 for more information on number of signatures required. **Elec. Code §§9107, 9116, 9118**



**The vote for Governor in November 2006 in**

**Orange County was 728,019.**

**10% = 72,802**

**20% = 145,604**

### DEADLINE TO FILE THE PETITION:

- You need to secure signatures and present the petition to the ROV for filing **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. **Elec. Code §9110**

# NOW YOU'RE READY TO CIRCULATE THE PETITION

## WHO CAN CIRCULATE THE PETITION?

- A person who is a voter or who is qualified to register to vote in this state may circulate an initiative or referendum petition. **Elec. Code §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. **Circulators and the person in charge of signature gathering shall execute and submit to the proponents a signed statement (See Exhibit G, page 27). 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.**

**Elec. Code §§9607, 9609, 9610**

- 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. **Elec. Code §§9609, 9610**

## WHO CAN SIGN THE PETITION?

- Only persons who are eligible registered voters of the county at the time of signing the petition are entitled to sign it. **Elec. Code §100**
- Any person engaged in obtaining signatures on the initiative petition may sign the petition, if otherwise qualified to do so. **Elec. Code §106**

## CAN SIGNATURES BE WITHDRAWN?

- Any voter may withdraw his or her signature from a countywide initiative petition by filing a written request with the ROV **prior to the day the petition section on which the signature appears is filed.**

**Elec. Code §§103, 9602**



## **IMPORTANT TIPS ON SIGNATURE GATHERING**

- **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.**

**Elec. Code §100.5**

- The ROV recommends obtaining an **additional 30%** of signatures above the amount that is required to compensate for signers who are disqualified for not being registered, being registered but not living in the county, or for other reasons.
- **You can register a voter at the same time they sign the countywide initiative petition. The registration must be received by the ROV by the time the petition is filed with the ROV.**
- Make sure the voter is registered and lives in the county. Resources can be purchased from the ROV to assist in this process, including precinct maps (contact Map Unit at 714-567-7586); indexes – printed lists of registered voters by precinct, listed by address with the street names arranged alphabetically and street numbers in numerical order for a given street name. – (contact 714-567-7615); and, registration forms (contact 714-567-7569).
- **The signature on the initiative petition does not have to be a “rubber stamp”, exactly matching the voter's registration.**

## BOARD OF SUPERVISORS' ACTION DURING CIRCULATION

- During the circulation of the petition or before taking any action to either submit the initiative to the voters or enact the ordinance, the Board of Supervisors may refer the initiative to any county agency for review and a report on its effect on specific issues. This report shall be presented to the Board no later than 30 calendar days after certification of the petition's sufficiency by the ROV. **Elec. Code §9111**

## PHASE 4 – FILING THE PETITION

### Step 1...WHO CAN FILE THE PETITION AND WHERE IS IT FILED?

- The petition shall be filed by the proponents, or by any person or persons authorized in writing by the proponents. **Elec. Code §9113**
- The petition must be filed with the ROV. **Elec. Code §9110**

### STEP 2...MEETING THE DEADLINE

- Submit your petitions to the ROV 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. **Elec. Code §9113**

### STEP 3...EXAMINATION BY THE ROV

- The ROV will ask the filer to provide the number of sections (pages in a single petition) and number of signatures. The ROV recommends that the petitions be separated in stacks reflecting the amount of signers on each petition (all sections with one signature in one stack, all with two signatures in another stack, etc.).
- This assists the ROV to determine whether the number of signatures, on its face, is equal to or is in excess of the minimum number of signatures required. If so, the ROV shall accept the petition for filing.
- The petition shall be deemed as filed on that date. Any petition not so filed must be returned to the proponents and is void for all purposes. **Elec. Code §9113**
- The ROV will provide the proponents with the deadline for the ROV to verify the signatures (30 days from the date of filing, excluding Saturdays, Sundays, and holidays, except as provided in Elections Code Section 9115).

**Elec. Code §9114**

## PHASE 5 – VERIFICATION OF SIGNATURES

There are two types of signature verification techniques: 100% or random sampling.

### 100% Verification of Signatures:

- The ROV must verify every signature submitted if less than 500 signatures are submitted. **Elec. Code §9115**
- If more than 500 signatures are submitted, then the ROV may choose to use a random sampling signature verification. **Elec. Code §9115**
- The random sampling shall include an examination of at least 500, or 3% of the signatures, whichever is greater. **Elec. Code §9115**

### 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, for example, 87% of the sample signatures are found to be valid, then 87% of the entire number of signatures are deemed to be valid. **Elec. Code §9115**

#### Formula for Random Sampling

**V = Number of Valid Signatures**

**A = Value of Each Signature**

**B = Extra Value of Each Duplicate Signature**

**C = B x The Number of Duplicates**

**For Example below: Raw Count: 24,034; Sample (3%): 722; Sufficient in Sample: 516; Number of Duplicates: 2**

**1. CALCULATE**

$$\text{Raw Count (24,034)} \times \frac{\text{Sufficient in Sample (516)}}{\text{Sample (722 [3\%] or 500, whichever is greater)}} = V (17,178)$$

**2. DIVIDE**

$$\frac{\text{Raw Count (24,034)}}{\text{Sample (722)}} = A (33.2881)$$

**3. MULTIPLY**

$$A (33.2881) \times (A - 1) (32.2881) = B (1074.8095)$$

**4. MULTIPLY**

$$B (1074.8095) \times (\text{Number of duplicates}) (2) = C (2,150)$$

**5. SUBTRACT**

$$V (17,178) - C (2,150) = \text{Corrected Valid (15,028)}$$

After the random sampling is completed, can a 100% verification be done?

- Yes. If the random sampling shows that the number of valid signatures is within 95% to 110% of the number of signatures needed, the ROV must examine and verify each signature filed. **Elec. Code §9115**
- **Additional time is allowed for the 100% signature verification after the random sampling has been conducted.** The ROV must, within 60 days from the date of the filing of the petition, excluding Saturdays, Sundays, and holidays, examine and verify each signature filed. **Elec. Code §9115**

What happens if the random sampling determines that the number of valid signatures is less than 95% of the number of signatures needed?

- The ROV shall certify the petition to be insufficient. **Elec. Code §9115**
- If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the later filing of an entirely new petition to the same effect. **Elec. Code §9115**

What happens if the random sampling determines that the number of valid signatures is over 110% of the number of signatures needed?

- The petition is considered qualified without further verification, and the ROV must certify the results of the examination to the governing board at its next regular meeting. **Elec. Code §9115**



#### Deadline for Verifying Signatures

The ROV has within 30 days of the filing of the petition, excluding Saturdays, Sundays, and holidays, to verify the signatures unless after a random sampling has been conducted, the ROV needs to examine and verify each signature. Then, the ROV has within 60 days of the filing of the petition, excluding Saturdays, Sundays, and holidays, to verify each signature filed.

## PHASE 6 – CERTIFICATION

- If the petition is found to have insufficient signatures, the ROV will certify the results by preparing a certificate and notifying you, the proponent, of this result. No further action will be taken; but, the petition shall remain on file.  
**Elec. Code §9115**
- If the petition is found to have sufficient signatures, the ROV will certify the results by preparing a certificate. You, the proponent will be notified of this result.  
**Elec. Code §9115**
- If the petition is found sufficient, the ROV shall certify the results of the examination to the Board of Supervisors at its next regular meeting.  
**Elec. Code §9114**



### Who May Examine a Petition?

If a petition is found to be **sufficient** by the ROV, proponents and members of the public may **not** examine the petition. **Gov't §6253.5**

If a petition is found to be **insufficient** by the ROV, the proponents whose names are 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 therefor. **Gov't §6253.5**

**NOTE: THIS RIGHT OF EXAMINATION IS NOT OTHERWISE AVAILABLE TO PROPONENTS OR TO THE PUBLIC IN GENERAL.**

If the proponents examine the petition signatures, such examination shall begin **no later than 21 days** after certification of insufficiency. **Gov't §6253.5**

The elections official shall preserve in his or her office all countywide initiative 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 elections official's final examination of the petition. **Elec. Code §17200**

## PHASE 7 – BOARD OF SUPERVISORS' OPTIONS

### Countywide Initiative Petition Signed by 20%...

- If the countywide initiative petition is **signed by voters not less in number than 20%** of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election preceding the publication of the Notice of Intention to circulate the initiative petition, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the Board of Supervisors shall do one of the following:
  - (a) Adopt the ordinance without alteration either at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented; **Elec. Code §9116**
  - (b) Immediately call a Special Election pursuant to Elections Code Section 1405, at which the ordinance, without alteration, shall be submitted to a vote of the voters of the county; **Elec. Code §9116**



**NOTE: When legally possible, the Special Election may be consolidated with a Regular or Special Election held within 6 months (180 days) or the Special Election shall be held not less than 88 nor more than 103 days after the order date of the election.** However, the 103-day deadline may be extended in certain cases. The intent is that not more than one Special Election for a countywide initiative measure be held by one jurisdiction during any 180-day period. **Elec. Code §1405**

- (c) Order a report pursuant to Elections Code §9111 at the regular meeting when the certification of the petition is presented. When the report is presented to the Board of Supervisors, it shall adopt the ordinance within 10 days or order an election pursuant to subdivision (b). **Elec. Code §9116**

### Countywide Initiative Petition Signed by 10%...

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

(a) Adopt the ordinance without alteration either at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented; **Elec. Code §9118**

(b) Submit the ordinance, without alteration, to the voters pursuant to subdivision (b) of Elections Code Section 1405, unless the ordinance petitioned for is required to be, or for some reason is, submitted to the voters at a Special Election pursuant to subdivision (a) of Elections Code Section 1405. **Elec. Code §9118**



**NOTE: The election shall be consolidated with the next statewide election occurring not less than 88 days after the date of the Board order or after the Board of Supervisors is presented with the report.**

**Elec. Code §1405**

(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).

**Elec. Code §9118**

## PHASE 8 -- ELECTION

- Whenever any ordinance is required to be submitted to the voters of a county at any election, the ROV shall cause the ordinance to be printed. A copy of the ordinance shall be made available to any voter upon request.

**Elec. Code §9119**



### **VOTERS MAY SUBMIT DIRECT ARGUMENTS**

- **The Board of Supervisors or any member or members of the Board authorized by the Board, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of these voters and associations may file a written argument for or against any county measure. Elec. Code §9162**
- **No arguments shall exceed 300 words in length. Elec. Code §9162**
- **The ROV will print an argument for, an argument against, and the analysis of the measure. A copy of both arguments preceded by the analysis will be enclosed with each sample ballot. Elec. Code §9162**
- **Based on time reasonably necessary to prepare and print the arguments, analysis, and sample ballots, and to permit the 10-calendar-day public examination for the election, the ROV shall fix/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. Elec. 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. Elec. Code §9164**
- **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. Elec. Code §9164**

## WHAT HAPPENS IF MORE THAN ONE DIRECT ARGUMENT FOR OR MORE THAN ONE ARGUMENT AGAINST 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. **Elec. Code §9166**
- In selecting the argument, the ROV shall give preference and priority in the order named to the arguments of the following:
  - a. The Board of Supervisors, or member or members of the Board authorized by the Board.
  - b. The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
  - c. Bona fide associations of citizens.
  - d. Individual voters who are eligible to vote on the measure.

**Elec. Code §9166**

### Rebuttal Arguments....

- When an argument in favor and an argument against a measure have been selected for publication in the voter information pamphlet, 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. **Elec. Code §9167**
- 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. **Elec. Code §9167**
- The rebuttal arguments shall be submitted to the ROV no later than a date designated by the ROV. **Elec. Code §9167**

### 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. **Elec. Code §9160**

## PHASE 9 -- WHAT HAPPENS IF THE PROPOSED ORDINANCE IS APPROVED BY THE VOTERS?

- 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.

**Elec. Code §9122**

- 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.

**Elec. Code §9122**

- If the provision of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.

**Elec. Code §9123**

- 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 Orange ordain as follows:”

**Elec. Code §9124**

- 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.

**Elec. Code §9125**

**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.

**COUNTYWIDE INITIATIVE PROCESS TIMELINE**

*This sample timeline is an example, but does not represent an exact timeline for your particular countywide initiative process. It is provided to give you a general idea of the length of the process.*

The clock starts ticking when the Notice of Intention is filed with the ROV.

Within 15 days from the date the proposed measure is filed, County Counsel will provide the Ballot Title and Summary to the ROV.

Within 180 days from the date of receipt of the Ballot Title and Summary, signatures shall be secured and the petition shall be presented to the ROV for filing. **Remember:** Prior to circulation of the petition, the Notice of Intention must be published with Title and Summary, and Proof of Publication must be filed with the ROV.

\*Within 30 days (excluding Saturdays, Sundays, and holidays) from the date the petition is filed, the ROV will verify and certify the signatures.

Within 10 days after the certification of the petition is presented at a regular meeting, the Board of Supervisors shall adopt the ordinance, or issue an order stating that an election will be held. They may also order a report, and after that report is presented to the Board, adopt the ordinance within 10 days or order an election.

If the proposed measure goes to election, there are additional deadlines, including submission of direct and rebuttal arguments, submission of impartial analysis by County Counsel, public examination of arguments and impartial analysis, and mailing of sample ballot pamphlets. A separate election calendar would be provided with these dates.

If proposed ordinance is approved by voters 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.

\*After the random sampling has been conducted, if it is determined a 100% signature verification is needed, the ROV shall, within 60 days from the filing of the petition, excluding Saturdays, Sundays, and holidays, examine and verify each signature.

EXAMPLE  
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 Orange 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.

**NOTE:** The Notice of Intention must be accompanying 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.

WORD COUNT GUIDELINES

Elec. Code §9

**The following guidelines are used by the ROV for counting words on the notice of intention, ballot measure text, direct arguments, rebuttals, and other ballot enclosures.**

Punctuation is not counted. Symbols such as “&” (and), and “#” (number/pound) are not considered punctuation and each symbol is counted as one word.

Dictionary words.....one word  
The words "a", "the", "and", "an" are counted as individual words.

Geographical names - County of Orange, San Juan Capistrano.....one word

Abbreviations - UCLA, U.C.L.A., PTA, P.T.A., USMC, U.S.M.C.....one word

Regularly hyphenated words appearing in any generally available standard reference dictionary published in the United States within 10 calendar years preceding the election. Each part of all other hyphenated words shall be counted as a separate word.....one word

Dates – all digits (4/8/98).....one word  
Words and digits (April 8, 1998).....two words

Whole numbers - Digits (1 or 10 or 100, etc.).....one word  
Spelled out (one or ten or one hundred).....each word counts as one word

Numeric combinations (1973, 18 1/2, 1971-73, 5%).....one word

Monetary amounts (if the dollar sign is used with figures - \$1,000).....one word  
Spelled out (one thousand dollars).....one for each word

Telephone numbers.....one word

Internet web site address.....one word

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\_\_

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**  
**(See Petition Format, pages 3, for more information)**

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

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

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 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.**

Office 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 \_\_\_\_\_ Declare:  
(print name)

1. My residence address is \_\_\_\_\_ in \_\_\_\_\_ County, California and I am a voter or qualified to vote in (insert electoral jurisdiction);
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 \_\_\_\_\_ and \_\_\_\_\_ inclusive.  
(starting date) (ending date)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_ at \_\_\_\_\_, California.  
(date) (city)

\_\_\_\_\_  
(signature)

**It is recommended that you leave a 1" margin at the top, and a 1/2" margin on the left, right and bottom.**

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\_\_