

County Referendum Process 2021



Ventura County Elections Division

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This reference guide has been prepared in an effort to answer frequently asked questions. 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. Refer to the code sections cited for more information.

This guide is distributed with the understanding that the Ventura County Elections Division is not rendering legal advice and that this guide is, therefore, not to be a substitute for private legal counsel.

Unless otherwise indicated, all code sections referenced are from the California Elections Code.

Introduction to the Referendum Process

The county referendum process provides citizens with a vehicle to refer an ordinance passed by the Board of Supervisors to a vote of the people. The very nature of the referendum process is that it must be accomplished in a very condensed time frame. Therefore, there are no requirements for proponents to file notices, or publish intent, or obtain any document or input from the County Elections Official or Government Official; it is truly a process of the people. It is advised that proponents obtain legal counsel to confirm that they are complying with the law. California Elections Code Sections 9140 through 9147 provide the procedures for the county referendum process.

Definitions

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

Time Frame in which Ordinances Take Effect

Except an ordinance granting a franchise, the following ordinances shall take effect immediately:¹

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

¹ §9141 (a)

The following ordinances shall take effect after 60 days:

- Ordinances notwithstanding Section 9141, authorizing the issuance of revenue bonds by a county as part of a joint powers entity pursuant to Section 6547 of the Government Code.¹
- Notwithstanding Section 9141, that portion of any ordinance that changes supervisorial salaries.²

All other ordinances, including ordinances granting a franchise, shall take effect after 30 days.³

Petition Protesting the Adoption of an Ordinance

If, prior to the effective date of an ordinance, a petition signed by the required number of voters is filed with the Board of Supervisors, the ordinance shall be suspended and the supervisors shall reconsider the ordinance.⁴

Petition Format

The heading of a proposed referendum measure shall be in the following format:⁵

“Referendum Against an Ordinance Passed by the Board of Supervisors”

Each section of the referendum petition shall contain the title and text of the ordinance or the portion of the ordinance which is the subject of the referendum.⁶

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

Signature Section

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

- Signature
- Printed name
- Residence address⁷, including street and number (or, if no street or number exists, an explanation of how to locate the place of residence)

¹ §9142 (a)

² §9143

³ §9141 (b)

⁴ §9144

⁵ §9147(a)

⁶ §9147 (b)

⁷ Pursuant to the California Supreme Court’s decision in Assembly vs. Deukmejian

- Name of incorporated city or unincorporated community

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

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

Declaration of Circulator

Each section of the petition must include a declaration by the circulator (person gathering signatures) of that section of the petition, where the circulator will personally write in all of the following: ¹

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

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

- That the content of the declaration is true and correct
- That the circulator circulated that section and witnessed each signature being written
- That 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
- That the circulator is 18 years of age or older

Who Can Circulate

Any person who is 18 years old or older may circulate an initiative or referendum petition.²

Filing

Petitions must be presented to the Board of Supervisors prior to the effective date of the ordinance.³

The proponent(s) or person(s) authorized in writing by the proponent(s) must file all sections of the petition at the same time.⁴

(1982) 30 Cal.3d 638, 180 Cal.Rptr. 297, the petition form must direct signers to include his or her “residence address” rather than “address

as registered” or other address. Non-complying petition forms will be rejected as invalid.

¹ §104

² §102

³ §9144

⁴ §9113

The County Elections Official will examine the petition to determine if the number of signatures submitted is at least equal to the number of valid signatures required. If so, the petition will be filed and signatures checked. If not, no further action shall be taken.¹

Confidentiality

The petition shall remain confidential in accordance with Government Code §6253.5. Access to the petition shall be restricted to Elections Officials, their staff, and proponents of the measure.

Signature Verification

The County Elections Official has 30 days from the date of filing, excluding Saturdays, Sundays and holidays, to check the signatures on the petition.²

If the petition contains more than 500 signatures, the County Elections Official may use a random sampling technique for verification.³

Number of Signatures Needed

To be certified as sufficient, the number of valid signatures on the petition must be equal to at least 10% of the total number of votes cast within the county for all candidates for Governor at the last gubernatorial election.⁴

Certification

The County Elections Official shall notify the proponents as to the sufficiency or insufficiency of the petition.⁵

If the petition is sufficient, the County Elections Official shall certify the results of the examination to the Board of Supervisors at their next regular meeting after completion of signature checking.⁶ The Board of Supervisors shall then do one of the following:

1. Entirely repeal the ordinance; or
2. Submit the ordinance to the voters either at a special election called for that purpose or the next regularly scheduled county election occurring not less than 88 days after the date of the order.

The ordinance shall not become effective unless and until a majority of the voters voting on it vote in favor of the ordinance. If approved, the ordinance shall be considered

¹ §§9113, 9144

³ §9115

⁵ §§9114, 9115 (d)

² §§9114, 9115

⁴ §9144

⁶ §§9114, 9115 (f)

adopted on the date the vote is declared by the Board of Supervisors, and shall go into effect 10 days after that date.¹

Raising and Spending Money

Initiative proponents, as well as those who organize to support or oppose an initiative effort, may have disclosure requirements in accordance with the State Political Reform Act and local ordinances.

Before raising or spending any money, all parties involved with an initiative effort should review the FPPC's [Campaign Disclosure Manual 3 – Ballot Measure Committees](#) for information on campaign finance disclosure requirements.

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

Fair Political Practices Commission (FPPC)
1102 Q Street, Suite 3000
Sacramento, CA 95811
Phone: (916) 322-5660
Fax: (916) 322-0886
Website: fppc.ca.gov

Ventura County Elections Division
800 South Victoria Avenue
Ventura, CA 93009-1200
Phone: (805) 654-2664
Fax: (805) 648-9200
Website: venturavote.org

If the Referendum Goes to Election

Calendar

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

Arguments and Rebuttals

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

Arguments are limited to 300 words and must be accompanied by a signature statement to be signed by each proponent and by each author of the argument.²

Rebuttal arguments are limited to 250 words and must also be accompanied by a signature statement.³

¹ §§9122, 9145

² §9600

³ §§9285, 9600

Conflicting Measures

If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.¹

Enacting Clause

The enacting clause of an ordinance submitted to the voters of a county shall be substantially in the following form:²

“The people of the County of Ventura do ordain as follows.”

Assigning a Letter

Letters designating measures will be assigned by the Elections Official pursuant to Elections Code §13116. All local measures shall be designated by a letter commencing with the letter “A” and continuing in alphabetical order, one letter for each measure appearing on the ballot. An Elections Official may commence designating local measures with any letter of the alphabet following the letter “A” and continuing in alphabetical order, in order to avoid voter confusion that might result from different local measures carrying the same letter designation in successive elections.

Local measures will appear on the ballot in the following order: School, County, City, District.³

Legislative Body Action

The legislative body may adopt a resolution calling the election and may also order it be consolidated with other elections being conducted in the same jurisdiction on the same day.⁴

The resolution will include the 75-word ballot question that is printed on the ballot.⁵

Ballot Question

The statement of a measure submitted to the voters shall be abbreviated on the ballot. The statement shall contain no more than 75 words, followed by the words, “Yes” and “No.”⁶

¹ §9123

² §9124

³ §13109

⁴ §§10400, 10401

⁵ §10403(a)(2)

⁶ §13247

Form of Ballot Question

The ballots used when voting upon a proposed county ordinance as a referendum measure shall have printed on them the words “Shall the statute or ordinance (stating the nature thereof) be adopted?” Opposite the statement of the statute or ordinance to be voted on, and to its right, the words “Yes” and “No” shall be printed on separate lines, with voting squares. A yes vote is in favor of the adoption of the ordinance; a no vote shall be counted against its adoption.¹

Analyses

The county counsel shall prepare an Impartial Analysis of 500 words or less showing the effect of the measure on the existing law and the operation of the measure.

In the event the entire text is not printed on the ballot nor in the Voter Information Pamphlet, immediately below the Impartial Analysis, in no less than 10-point bold type, the following shall be printed:²

“The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the elections official’s office at (insert phone number) and a copy will be mailed at no cost to you.”

¹ §13120

² §9160