

City Referendum Process 2021



MARK A. LUNN
Clerk-Recorder, Registrar of Voters

Ventura County Elections Division

800 South Victoria Avenue
Ventura, CA 93009-1200
(805) 654-2664 • venturavote.org

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Contents

Introduction to the Referendum Process	1
Referendum Petition Format and Circulation	2
Petition Signature Section	2
Declaration of Circulator	3
Signature Requirement.....	3
Verification of Signatures.....	4
Ordinance Submitted to Voters	4
Veto by Mayor	4
Enactment of Ordinance.....	4
Referendum Against Revenue Bonds	5
Signature Requirement.....	5
Format of Ballot Question	5
Raising and Spending Money	5
If the Referendum Goes to Election	6
Calendar	6
Arguments and Rebuttals	6
Conflicting Measures	6
Enacting Clause.....	7
Assigning a Letter	7
Legislative Body Action.....	7
Ballot Question	7
Form of Ballot Question	7
Analyses	8
A Chart of the Referendum Process	9

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 city referendum process provides citizens with a vehicle to refer an ordinance passed by the City Council 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 City 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 law. California Elections Code Sections 9235 through 9247 provide the procedures for the municipal referendum process.

A city ordinance becomes effective 30 days after the date of its final passage, except:

- An ordinance calling or otherwise relating to an election
- An ordinance for the immediate preservation of the public peace, health, or safety that contains a declaration of, and the facts constituting, its urgency and is passed by a four-fifths vote of the city council
- Ordinances relating to street improvement proceedings
- Other ordinances governed by particular provisions of state law prescribing the manner of their passage and adoption

Referendum Petition Format and Circulation

Proponents may begin to gather signatures on petitions to reconsider a city ordinance after the Council takes final action on adoption of the ordinance.

The following must be printed across the top of each page of the referendum petition:

“Referendum Against an Ordinance Passed by the City Council”

Each section of the referendum petition must contain:

- The identifying number or title; and
- The text of the ordinance or the portion of the ordinance that is the subject of the referendum

Petition Signature Section

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

- Signature
- Printed name

- Residence address¹, including street and number (or, if no street or number exists, an explanation of how to locate the place of residence)
- Name of incorporated city or unincorporated community

Only a person who is registered to vote in the city 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:

- 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:²

- 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

Signature Requirement

The effective date of the ordinance shall be suspended and the legislative body shall reconsider the ordinance if a petition protesting the adoption of an ordinance is submitted to the Elections Official of the legislative body of the city in his or her office during normal office hours, as posted, within 30 days of the adoption of the ordinance and is signed by not less than:

¹ Pursuant to the California Supreme Court's decision in *Assembly vs. Deukmejian* (1982) 30 Cal.3d 638, 180 Cal.Rptr. 297, the petition

form must direct signers to include his or her "residence address" rather than "address as registered" or other address. Non-complying

petition forms will be rejected as invalid.
² §104

- 10% of the voters of the city according to the last official report of registration by the County Elections Official to the Secretary of State; or
- In a city with 1,000 or fewer registered voters, by 25% of the voters or 100 voters of the city, whichever is the lesser.¹

Verification of Signatures

Within 30 days from the date of filing of the petition, excluding weekends and holidays, the Elections Official shall verify signatures. If the petition is found insufficient, no action will be taken. If the petition is found to be sufficient, the Elections Official will certify the results to the legislative body at the next regular meeting.²

Ordinance Submitted to Voters

If the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the legislative body, or at a special election called for the purpose, not less than 88 days after the order of the legislative body.³

A special election may be held on any Tuesday, as long as it is not the day before, the day of, or the day after a state holiday.⁴

Veto by Mayor

Whenever the legislative body (City Council) has voted in favor of the repeal (agrees with the referendum) of an ordinance protested against by the voters, as provided in this article, and the mayor, or like officer, has vetoed the repeal (stops the repeal), the failure of the legislative body to pass the repeal over the veto shall be deemed a refusal to repeal the ordinance (forcing an election).⁵

Enactment of Ordinance

The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it.

If the legislative body repeals the ordinance or submits the ordinance to the voters, and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters.⁶

¹ §9237

² §9240

³ §§1410, 9241

⁴ §§1003(e), 1100, 1400

⁵ §9244

⁶ §9241

Referendum Against Revenue Bonds

An ordinance authorizing the issuance of revenue bonds by a city as part of a joint powers entity pursuant to Section 6547 of the Government Code shall not take effect for 60 days. Referenda against revenue bonds have additional procedures.

Signature Requirement

The number of signatures required is based on the total number of votes cast within the city for all candidates for Governor at the last gubernatorial election.

- When that number exceeds 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 5 percent of the entire vote cast within the boundaries of the city for all candidates for Governor at the last gubernatorial election.
- When that number is less than 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 10 percent of the entire vote cast within the boundaries of the city for all candidates for Governor at the last gubernatorial election.¹

Format of Ballot Question

The ballot wording for a referendum against revenue bonds shall approximate the following:²

“Shall the (city name), as a member of the (joint powers entity name), authorize the issuance of revenue bonds by the joint powers entity in the amount of \$ _____ pursuant to ordinance number _____, dated _____, the bonds to be used for the following purposes and to be redeemed in the following manner: _____?”

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.

¹ §9236(b)

² §9236(c)

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
Email: Advice@fppc.ca.gov
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 City 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 City Elections Official to determine any rules governing arguments. The City 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.¹ All arguments are limited to five signers.

No more than five signatures shall appear with any argument submitted under this article. In case any argument is signed by more than five authors, the signatures of the first five shall be printed.²

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

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.⁴

¹ §§9282, 9600

² §9283

³ §§9285, 9600

⁴ §9221

Enacting Clause

The enacting clause of an ordinance submitted to the voters of a city shall be substantially in the following form:¹

“The people of the City of _____ 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.²

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.³

The resolution will include the 75-word ballot question that is printed on the ballot.⁴

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.”⁵

Form of Ballot Question

The ballots used when voting upon a proposed city ordinance as a referendum measure shall have printed on them the words “Shall the statute (or ordinance) (stating the nature thereof including any identifying number or title) 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.⁶

¹ §9224

² §13109

³ §§10400, 10401

⁴ §10403(a)(2)

⁵ §13247

⁶ §13120

Analyses

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

In the event the entire text is not printed on the ballot nor in the Voter Information Guide, immediately below the Impartial Analysis, in no less than 10-point bold type, the following shall be printed:¹

“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 §9280

A Chart of the Referendum Process

