

Guide to County Initiatives 2021



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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.

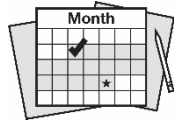
Unless otherwise indicated, all code sections referenced are from the California Elections Code.

Getting Started

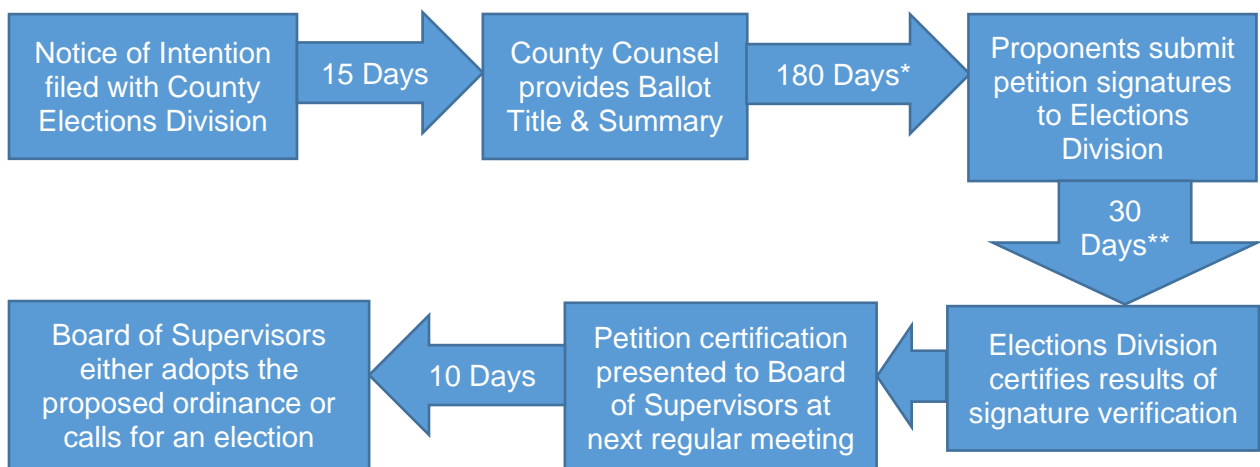
The initiative process allows the voters of the county to propose a new ordinance. Any proposed ordinance may be submitted to the Board of Supervisors by filing an initiative petition with the county elections official that is signed by the number of voters specified in the Elections Code.¹

This guide covers the process for a county initiative. For a city initiative, contact the local city clerk's office. For a statewide initiative, contact the Secretary of State's office or visit sos.ca.gov/elections/ballot-measures/how-qualify-initiative/.

Timeline



The following provides an example of the timeframes and deadlines associated with proposing a county initiative. Please note that this timeline is approximate and subject to change depending on actual dates and events. Once a Notice of Intention is filed, the Elections Division will assist in developing a calendar specific to your initiative. State statute mandates some deadlines; others are suggested time frames in order to provide the maximum amount of time to circulate petitions. The process begins when the Notice of Intention is filed with the county elections official.



* Before gathering signatures, proponents must publish the Notice of Intention and Title & Summary, and file proof of publication with the Elections Division

** Random sample method. If a full check is required, an additional 30 days may be taken. (Excludes weekends and holidays)

¹ §9101

Notice of Intention

The first step in the initiative process is filing a Notice of Intention with the Elections Division. The Notice of Intention must include the following:¹

- Printed name, signature, and business or residence address of at least one but not more than five proponents of the initiative
- The written text of the initiative
- A request that a Ballot Title and Summary be prepared

A \$200 filing fee is required. This fee will be refunded if, within one year, the elections official certifies the sufficiency of the initiative petition.²

The Notice of Intention may also include a statement of no more than 500 words stating the reasons for the proposed petition.³

The proponents must also submit a signed Statement of Acknowledgement 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.⁴

A [Sample Notice of Intention](#) and [Sample Statement of Acknowledgement](#) are included at the end of this guide.

Ballot Title and Summary

When the Notice of Intention is filed, the Elections Division will immediately transmit a copy of the proposed initiative to County Counsel. County Counsel will then have 15 days to produce a Ballot Title and Summary. The Title and Summary is an impartial statement of the purpose of the proposed measure.⁵

Any voter may seek a court order requiring the title and summary to be amended, on the grounds that the Title and Summary is false, misleading, or inconsistent with the requirements of the Elections Code.⁶

Publication

The Elections Division will provide a copy of the Title and Summary to the initiative proponents. Before circulating the petition, the proponents must publish the Notice of Intention and the Title and Summary in a newspaper of general circulation in the county, and file proof of publication with the Elections Division.⁷ Proof of publication can be obtained from the newspaper publisher after the Notice of Intention appears in print.⁷

¹ §9103(a)

² §9103(b)

³ §9104

⁴ §9608(a)

⁵ §9105(a)

⁶ §9106

⁷ §9105(b)

The Initiative Petition

Once the Notice of Intention and Title and Summary have been published, proponents may begin gathering petition signatures.

Format

The initiative petition must conform to the requirements of the Elections Code. A [Sample Petition](#) is included at the end of this guide.

Heading

Each page should begin with the following heading:¹

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:

Next is the Ballot Title and Summary, in roman boldface type no smaller than 11 point. The Title and Summary must also appear at the top of each page containing signatures.²

The Notice of Intention must be printed on each section of the petition following the Title and Summary.³ This may also include a statement of no more than 500 words stating the reasons for the proposed petition, if one was included in the Notice of Intention.

After the Notice of Intention, the full text of the proposed measure must be printed in type no smaller than 8 point.⁴

Signature Space

Before the section for voters' signatures, the following notice must be printed in 11 point type.⁵

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

The petition must be designed so that each signer may personally write in all of the following:⁶

¹ §9105(c)

² §9105(c)

³ §9108

⁴ §9105(c)

⁵ §101

⁶ §100(b)

- 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

Signature spaces must be numbered consecutively commencing with the number one for each petition section.²

A space at least one inch wide must be left blank to the right of each name and address for use by the County Elections Division in verifying the petition signatures.³

Declaration of Circulator

Each section of the petition must include a declaration signed by the circulator (person gathering signatures) of that section of the petition, where the circulator will personally write in all of the following:⁴

- 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)
- Dates between which all signatures on the petition 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

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 §100(c)

³ §100(b)

⁴ §104

Gathering Signatures

The next step is to gather signatures on the petition.

How many signatures are required?

The Elections Division will determine the number of signatures required. The minimum number of valid signatures required is equal to 10% of 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.¹

How much time is available to gather signatures?

The deadline to file the petition with the Elections Division is 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.²

Who can circulate a petition?

Any person who is 18 years of age or older may circulate a petition.³

Prior to gathering signatures, the person in charge of signature gathering, as well as any paid circulators, must submit a signed Statement of Acknowledgement (see [Sample Statement of Acknowledgement](#) at the end of this guide) 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.⁴

Who can sign a petition?

Signers must be registered to vote in the county when they sign the petition.⁵ Each signer must *personally* print and sign his or her name and *residence* address, including street and number (or, if no street or number exists, an explanation of how to locate the place of residence).⁶

A voter who is physically unable to sign a petition may have someone else write in his or her name and residence address. The voter must then affix his or her mark in the signature space on the petition, and have one person witness the mark by signing his or her name on the same line next to the mark.⁷

¹ §§9107, 9118

² §9110

³ §102

⁴ §§9609, 9610

⁵ §100(a)

⁶ §100(b)

⁷ §100.5, Government Code
§16

Registering Potential Signers

For potential signers who are not currently registered to vote, or those who are registered but have since moved, a newly completed voter registration affidavit will ensure the petition signature can be counted as valid. The new registration affidavit must be signed on or before the date the voter signs the petition, and must be received by the County Elections Division on or before the date the petition is filed.¹



Note: It will assist the Elections Division in verifying petition signatures if the circulator notes in the left hand margin of the petition, adjacent to the signature, these newly completed registration affidavit numbers and notifies the County Elections Official at the time of delivery that these registration cards are related to the specific petition. Proponents should also be aware that completed registration cards must be delivered to the Elections Division within three business days of receipt from the voter.²

Board of Supervisors Action

During the circulation of the petition, the Board of Supervisors may refer the proposed initiative to a county agency for a report. The report shall be presented to the Board no later than 30 days after the County Elections Official certifies the sufficiency of the petition.³

Withdrawal of Signatures

Any voter who has signed an initiative petition may withdraw his or her signature by filing a written request with the Elections Division prior to the day the petition is filed.⁴ The request must identify the subject of the petition, clearly indicate that the voter signed the petition, and contain the voter's name, residence address, and signature.



Note: The Elections Division will have no way of knowing for sure when the proponents will file the petitions. Consequently, the Elections Division will not be able to advise persons who wish to withdraw their signatures as to any "deadline" for filing their requests; other than the fact that the request must be received no later than the day before the petition is filed. Therefore, it is recommended that any voter who wishes to withdraw his or her name file the request with the Elections Division as soon as possible.

¹ §2102(b)

² §2138

³ §9111

⁴ §§103, 9602

Filing

The petition must be filed with the Elections Division by the proponents, or by any person authorized in writing by the proponents.¹

All petition sections 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.²

In order for the petition to be accepted for signature verification, the number of signatures submitted must be at least equal to the minimum number required.³ The proponents will need to provide the number of sections and number of signatures submitted. To aid in this process, it is recommended that the petition sections be sorted into stacks according to how many signatures are on each section.



Note: It is recommended that the number of signatures submitted be well above the minimum to compensate for disqualified signatures (e.g. signers who are not registered in the county, duplicate signatures, etc.).

Signature Verification and Certification

Once the petition is filed, the Elections Division will verify the signatures within 30 days (excluding Saturdays, Sundays, and Holidays).

There are two types of signature verification methods: random sampling and full check.

If more than 500 signatures are submitted, then the Elections Division may use the random sampling method. The random sampling includes an examination of at least 500 signatures or 3%, whichever is greater.⁴

If the random sampling determines that the number of valid signatures is less than 95% of the number required, the petition is certified to be insufficient. If the random sampling determines that the number of valid signatures is more than 110% of the number required, the petition is certified to be sufficient.

If the random sampling determines that the number of valid signatures is between 95% and 110% of the number required, then a full check is conducted. In this case, the Elections Division will have an additional 30 days to verify the signatures (up to 60 days total from the date the petition was filed, excluding Saturdays, Sundays, and holidays).⁵

The Elections Division will notify the proponents of the results of the signature verification. If the petition is found to be sufficient, the results will be presented to the Board of Supervisors at its next regular meeting.⁶ The Board of Supervisors then has the following options:

¹ §9113

² §9113

³ §9113

⁴ §9115(a)

⁵ §9115(b)

⁶ §9114

1) If the petition is signed by voters not less in number than ten percent (10%) of the entire vote cast in the county for all candidates for Governor in the last election – then the Board of Supervisors shall do one of the following:¹

- Adopt the ordinance, without alteration, at the meeting at which certification is presented or within 10 days after it is presented
- 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
- Order a report pursuant to §9111 and once the report is presented, either adopt the ordinance within 10 days or order an election

In general, petitions are not available to the public for examination. The exception is that when a petition is found to be insufficient, the proponents whose names are listed on the Notice of Intention and representatives designated by the proponents in writing are allowed to examine the petition signatures in order to ascertain which signatures were disqualified and the reasons why. Such examination must begin no later than 21 days after the certification of insufficiency.²

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

¹ §9118

² G.C. §6253.5

If the Initiative Goes to Election

The following steps will apply if the petition is certified as sufficient and an election is called.

Calendar

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

Assigning a Letter

Letters designating measures will be assigned by the Elections Official pursuant to §13116. Letters 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.

Measures will appear on the ballot in the following order: School, County, City, District.¹

Form of Ballot Question

The statement of a measure submitted to the voters shall be abbreviated on the ballot in a ballot label of not more than 75 words,² in the following form: “Shall the measure (stating the nature thereof) be adopted?” A “Yes” vote is in favor of the adoption of the measure; a “No” vote is against the adoption of the measure.³

Arguments and Rebuttals

Refer to the guide [Arguments, Rebuttals, and Analyses for Local Measures](#), prepared by the Elections Division. This guide provides deadlines and outlines procedures for filing arguments, rebuttals, and analyses for county measures.

Article 3 (commencing with §9160) governs the procedures for submitting arguments for county initiatives.⁴

¹ §13109

² §§13247, 9051

³ §13119

⁴ §9120

Conflicting Ordinances

If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of “yes” 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:

“The people of the County of Ventura ordain as follows:”²

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.³

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

Impartial Analyses

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 include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the board of supervisors. The analysis shall be printed preceding the arguments for and against the measure and may not exceed 500 words in length.

If directed by the Board of Supervisors, the County Auditor may prepare a fiscal impact statement of no more than 500 words explaining the effect on county revenues or expenditures.⁵

¹ §9123

² §9124

³ §§10400-10401

⁴ §10403

⁵ §9160(c)

Sample Petition

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)

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 Ventura 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 500-word statement outlining the reasons for the proposed petition (Optional)

Insert text of measure (must be in type no smaller than 8 point and 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.

This column for
official use only.

	PRINT YOUR NAME 1.	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	CITY	ZIP	
	PRINT YOUR NAME 2.	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	CITY	ZIP	
	PRINT YOUR NAME 3.	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	CITY	ZIP	

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

I _____ declare:

(Print Name)

1. My residence address is _____ in _____ County, California, and I am a registered voter 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 or Community Where Signed)

(Signature)

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

Sample Notice of Intention

Note: the Notice of Intention must be signed by at least one but not more than five proponents of the petition, and must be accompanied by the following:

- (1) written text of the measure;*
- (2) request for a ballot title and summary to be prepared by County Counsel;*
- (3) \$200 filing fee*
- (4) Statement of Acknowledgement.*

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 Ventura 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:

Insert 500-word statement outlining the reasons for the proposed petition (Optional)

(Signature of Proponent)

(Business or Residence Address)

(City/State/Zip Code)

Sample 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)

Dated this _____ day of _____, 20__