

HOW TO PLACE A MEASURE ON THE BALLOT

A GUIDE FOR CITIZENS



2021

A GUIDE PREPARED BY:

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Notice

This guide has been prepared to assist Citizens who are contemplating placing a measure on the ballot. The Glenn County Elections Department is not giving you legal advice. This guide does not have the force and effect of law, and is not to be a substitute for legal counsel.

It is recommended that you review these pages carefully. Placing a measure on the ballot is an expensive and difficult process with laws that must be adhered to.

All references contained in this guide are to the California Elections Code unless otherwise stated.

If you have any questions, please call the Elections Department at (530) 934-6414.

Overview

The Glenn County Board of Supervisors (BOS) and other governing bodies adopt laws to govern the people in the county, city, or districts. This guide describes the general process you can use to place an initiative or referendum on the ballot.

What Is a Measure?

In general, a measure is any constitutional amendment or other proposition *submitted to a popular vote* at any election. A county measure includes any proposed new or amendment to a county law, a proposition for the issuance of a bond, or any other question or proposition *submitted to the voters* of a county or district.

Sometimes people use the term measure interchangeably to refer to different types of measures. Typically, an initiative or referendum becomes a measure *after the petition qualifies* for the ballot.

Common Types of Measures

- ◆ Initiatives
- ◆ Referendums
- ◆ School Bonds
- ◆ Special District Bonds

Contact Information for Initiatives

The Glenn County Clerk is the elections official for countywide initiatives and referendums. See the front cover of this document for contact information.

The City Clerk is the elections official in the case of a city initiative or referendum. Contact the city clerk for Willows and Orland.

Helpful California Elections Code Sections

	Initiatives	Referendums	Bonds
County	9100-9126	9140-9147	9400-9405
City	9200-9226	9235-9247	9400-9405
Special Districts	9300-9232	9340-9342	9400-9405
School Districts	9500-9509; Education Code 5300-5363		

The Difference Between an Initiative and a Referendum

An initiative is the power of the voters to propose a new law or to change an existing ordinance. A referendum is a challenge to a law that the governing body passed *but is not yet effective*. Laws may be enacted by any district except those discussed in section 9300.

Generally, you propose an **initiative** to bring an issue to the voters. An initiative qualifies for the ballot when you submit a sufficient petition to the County Clerk.

You can challenge a law already approved, but not yet effective, by using a **referendum**. A referendum qualifies for the ballot when you submit a sufficient petition to protest the adoption of the law and the governing body chooses not to reconsider all or part of the law. If the governing body does not entirely repeal the law, the governing body sends it to a vote.

Both of these types of measures qualify for the ballot by submitting a petition signed by a percentage of the registered voters. Use the chart below to determine which process is right for your issue.

Example Situations	Initiative	Referendum
You want to change a law that is already in place and in effect	YES	NO
You want to propose a new law	YES	NO
You want to challenge a law that has passed <i>but is not yet effective</i>	NO	YES
Requires a public Notice of Intention	YES	NO
Requires a sufficient petition	YES	YES
Petition must be circulated, deemed sufficient, and presented to the BOS <i>before the effective date of the ordinance</i>	n/a	YES*

* You must complete the referendum process within a very short time frame. That is why there are no requirements to file or publish notices of intention, or obtain input from the elections official. We suggest that you obtain legal counsel to check the deadlines and laws about the referendum process. Most laws are effective 30 days after the date of final passage. See section 9141 for those laws that become effective immediately.

Examples:

#1: The BOS adopts a law to be effective in 30 days. You disagree with this law and wish to challenge it. You have 30 days to submit a sufficient petition to the ROV. If the ROV certifies your petition, the County Clerk submits a certification of sufficiency to the BOS, who reconsiders repealing the law. If the BOS does not repeal the law, they will send the law to the voters for a vote.

#2: You discover that the county has in place a law that you disagree with and you want to get it on the ballot. You would need to start the initiative process and submit a Notice of Intention, which starts the time clock. Then, you would have approximately 180 days to submit a sufficient petition to the County Clerk. If the petition is sufficient, the BOS will call an election.

How to Place a Measure on the Ballot

If you want to circulate an initiative petition, you should contact private legal counsel to advise you through the many steps involved in the petition process. There are costs involved with the petition process such as, but not limited to, the filing fees, legal notice costs, and petition printing. Elections staff **cannot** help proponents with developing the contents of their proposed law or getting signatures for the petitions.

File a Notice of Intention

You must file a *Notice of Intention* and a *Proponent Statement of Acknowledgement* with the County Clerk. The notice must include:

- ◆ Name and Address of at least one proponent, but not more than 5.
- ◆ Written Text of the Initiative
- ◆ Request that the ballot title and summary be prepared.

The Notice of Intention may contain a statement not exceeding 500 words, stating the reason for the petition. See Word Count Guidelines.

Proponents must pay a fee not to exceed \$200 to be refunded if, within one year of the date of filing the Notice of Intention, the Clerk certifies the sufficiency of the petition. § 9103, 9104, 9302, 9608

Title and Summary

The County Clerk will send a copy of the proposed measure to County Counsel, who must return a Ballot Title and Summary of 500 words or less within 15 days.

The County Clerk forwards a copy of the ballot title and summary to the proponents. § 9105

Appeal

Any elector in the county may seek a writ of mandate requiring the ballot title or summary to be amended. § 9106

Publication

Publish the Notice of Intention, ballot title, and summary in a newspaper of general circulation before you circulate the petition. § 9105 (b), 9303

Proof of Publication

File proof of publication with the County Clerk within 10 days. § 9105 (b), 9304

Prepare the Petition

The law requires you to use a specific petition format. The County Elections Department will not accept or file petitions which do not comply with Elections Code. § 9015 [See Sample Petition](#)

Circulate the Petition

Proponents may begin to circulate the petitions for voter signatures after publication of the title and summary. Each section of the petition must include a copy of the Notice of Intention, ballot title and summary. § 9108

Proponents have 180 day from the receipt of the title and summary to circulate the petition. § 9110

Gather Signatures

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

You must ensure that each signer, at the time of signing the petition, personally affixes his or her signature, printed name, and place of residence, giving street and number, or if not available, a designation of the place of residence.

If a voter is unable to personally include the required information on the petition, the voter may have another person print the voter's name and place of residence on the appropriate spaces. The voter still must personally write his or her mark, which would substitute for the signature, and have someone witness it. § 100, 100.5

A petition signer can register to vote at the same time they sign the petition, however, the Elections Department must receive the registration before or by the time the Elections Department receives the petition.

How Many Signatures Do I Need?

The Office of Elections 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. § 9107, 9116, 9118

The Elections Department recommends obtaining an additional 50 percent of signatures above the amount required to compensate for disqualified signers for not being registered or for other reasons.

Reports Ordered During Circulation

During the circulation of the petition, the Board of Supervisors may refer the proposed initiative to any county agency for a report. The report shall be presented to the board no later than 30 days after the County Clerk certifies the petition. § 9111

File the Petition

You must file the petition with the County Clerk during normal business hours within 180 days from the date of the receipt of title and summary.

You must file all the sections of the petition at the same time. § 9110, 9113

After you have submitted your petition, the County Clerk has 30 days to verify signatures and determine the sufficiency of the petition. If the petition is found to be sufficient, the County Clerk will certify the results to the Board of Supervisors at the next regular Board Meeting. § 9110

The County Clerk will notify you of the results.

Board of Supervisors Calls the Election

The BOS will adopt a resolution calling the election after certification of the petition or approval of a resolution. § 9116, 9145, 10400, 10401

Submit Text for Sample Ballot Question

The ballot label question is limited to 75 words (see Word Count Guidelines). Jurisdictions may want to consider beginning their ballot question with a few key words to summarize the measure, which are included in the word count. §13247

Measures are followed by the words, “YES” and “NO.” School bond measures are followed by the words “BONDS YES” and “BONDS NO”. Ed.C. §15122

Measures will appear on the ballot in the following order: §13109

1. School
2. County
3. City
4. District

In order to allow for the most efficient use of space, the Elections Division may vary the order of the measures.

Letters designating measures will be assigned by the County Elections Official. §13116
Measure letters are assigned on a first-submitted, first-assigned basis.

Enacting Clause

The enacting clause of a law submitted to the voters must be in the following form:

“The people of the County of Glenn ordain as follows:” § 9124

Arguments and Rebuttals

Whenever any local measure qualifies for placement on the ballot, written arguments in favor of and against the measure may be filed. Arguments are limited to 300 words.

Arguments will be printed in the County Voter Information Guide following the analysis of the measure. If more than one argument in favor of or against the same measure are submitted, the Elections Official will select one argument for publication according to the following priority:

1. The legislative body, or member or members of the legislative body authorized by that body.
2. 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.
3. Bona fide association of citizens.
4. Individual voters who are eligible to vote on the measure.

When both an argument in favor of and an argument against a measure have been filed, the Elections Official will send a copy of the argument in favor to the authors of the argument against and a copy of the argument against to the authors of the argument in favor. The authors may then prepare and submit rebuttal arguments. Rebuttal arguments are limited to 250 words. §9166, 9287 & 9503

For more information, refer to the *Guide to Writing Arguments, Rebuttals, and Analyses for Local Measures*.

Impartial Analysis

At the point a measure qualifies for a place on the ballot, the county counsel must prepare a 500-word or less impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The Impartial Analysis may not exceed 500 words. §9160, 9280, 9313, 9314, 9500

Fiscal Analysis

The Board of Supervisors may request the County Auditor-Controller, not later than 88 days prior to an election, to prepare a fiscal analysis of a county measure of the effect on county revenues or expenditures. The fiscal impact statement shall not exceed 500 words. §9160

Referendums

The petition process for a referendum is the same as for initiatives, except that you are not required to file a Notice of Intention.

You would pursue a referendum if the Board of Supervisors has already passed a law but the law is not yet effective. The county clerk must certify a petition sufficient and present it to the Board of Supervisors prior to the effective date of the law, which is usually 30 days after the law is passed.

The Board of Supervisors will reconsider the law.

- ◆ Repealed: If the law is repealed, the ordinance will not become effective.
- ◆ Not Repealed: If the law is not repealed, the ordinance will be submitted for vote at the Election.

Sample Calendar

After you have filed a Notice of Intention, we will assist you in developing a calendar specific to your issue. The following calendar is an example of the amount of time and deadlines associated with proposing an initiative.

This calendar is also applicable to the Referendum process. The exception is that referendums do not require a Notice of Intention and the BOS must receive a sufficient petition **before the effective date of the law that you want to repeal.**

E = Election Day, followed by the number of days prior or following Election Day. State laws mandate some deadlines while others are suggested timeframes to provide the maximum amount of time to circulate petitions.

THE CLOCK STARTS TICKING WHEN YOU FILE THE NOTICE OF INTENTION WITH THE ROV.

E- 342	County Clerk receives a sufficient Notice of Intention, and delivers same to County Counsel
E- 327	Within 15 days, County Counsel returns title and summary to Clerk, who then delivers to proponents
E- 327	Proponents must, prior to circulation, publish Notice of Intention and file proof of publication The petition may now be circulated
E- 148	Proponents submit a sufficient petition within 180 days
E- 112	County Clerk certifies results to BOS within 30 days, excluding Sat, Sun, and holidays
E- 112	Suggested Last day to submit Resolution to Consolidate Election. The last day a board can consolidate a measure with a regular election is E-88 (§10403) however, we may need more time to allow for placement on the Board agenda, and to meet printing deadlines.
E- 88	Transmit Copy of Measure to County Counsel for Impartial Analysis of the Measure
E- 88	BOS may Direct County Auditor to prepare Fiscal Impact Statement
E- 88	Tax Rate Statement (for Bond Measures)
E- 87	County Clerk publishes Notice Inviting Direct Arguments for and Against Measure
E- 77	Deadline for filing Direct Arguments for and Against Measure
E- 77-68	Period to file Rebuttal Arguments to Direct arguments
E- 68	Deadline for Impartial Analysis and Fiscal Impact Statement
E- 67-57	10 Day Public Examination of Analysis, Arguments, and Ordinances
E- 67	Finalize material for printer
E- 40-21	Mailing of sample ballots
E-	Election day
E+ 1 to +28	Official Canvass

§§ 9160, 9163, 9167, 9306; Government Code (GC) § 6061

Word Count Guidelines

(Pursuant to Elections Code Section 9)

This section shall not apply to counting words for ballot designations.

Each word is counted as one word except:

PUNCTUATION: Punctuation is not counted.

TITLES: Words used in the title of the document, such as "Argument in Favor of Measure A" are not counted.

CITIES/COUNTIES: All geographical names shall be counted as one word. Areas that have boundaries and can be mapped are considered geographic areas. For example, "County of Sacramento" and "City of Elk Grove" shall each be counted as one word.

ABBREVIATIONS: Each abbreviation for a word, phrase, or expression shall be counted as one word.

HYPHENATIONS: Hyphenated words that appear in any generally available dictionary shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

DATES: Dates shall be counted as one word.

NUMBERS: Any number consisting of a digit or digits shall be considered as one word. Any number that is spelled shall be considered as a separate word. "100" shall be counted as one word, whereas "one hundred" shall be counted as two words.

PHONE & INTERNET: Website addresses and telephone numbers are one word.

PERCENT, ETC.: It is department policy to count numbers consisting of a digit or digits used with a dollar sign (\$), cent sign (¢), percentage sign (%), or number sign (#) as one word.

CAPITALIZED: There is a limit of 10 all capitalized words.

If text exceeds the word limit, the author will be asked to delete or change a sufficient number of words, or a sentence, to ensure compliance with the required word limit.

Raising and Spending Money

Before raising or spending any money, all parties supporting or opposing a measure should review the FPPC's *Campaign Disclosure Manual 3-Ballot Measure Committees* for information on campaign finance disclosure requirements. Campaign Disclosure Manuals can be requested by calling 866-275-3772 or downloaded from the FPPC website at www.fppc.ca.gov.

File a Form 410 - Statement of Organization - with the County Election Official. Any committee that receives contributions totaling \$2,000 or more within a calendar year qualifies as a recipient committee and - within 10 days of qualifying - must file a Form 410 with the Secretary of State and the county. A Form 410 may be filed prior to qualifying. Upon receipt of the Form 410, the Secretary of State will issue an identification number that must be included on all campaign disclosure forms.

Be prepared to file a Form 460 for ballot measure committees that plan on raising or spending more than \$2,000.

Pre-Election Statements and Semi-Annual statements must be filed at certain times prior to the election and then semi-annually until the committee terminates. These reports detail your committee's contributions and expenditures. Know the deadlines and the type of forms you must file. *It is your responsibility to meet all filing deadlines. Failure to do so will result in fines.*

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

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516 W. Sycamore St., 2nd Floor Willows, CA 95988
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