PROCEDURES FOR COUNTY AND DISTRICT INITIATIVES AND REFERENDA



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For municipal initiatives and referenda, please contact the appropriate city clerk.

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This handbook, PROCEDURES FOR COUNTY AND DISTRICT INITIATIVES AND REFERENDA, is intended to provide general information and does not have the force and effect of law, regulation or rule. It is distributed with the understanding that the Registrar of Voters of the County of Fresno 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 jurisdictions to obtain the most up-to-date information available, reflecting changes in laws or procedures subsequent to the publication of this guide.



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An initiative is the power of the electors of a jurisdiction to propose a new ordinance by which they will be governed. An initiative is placed on the ballot after its proponents have successfully satisfied the requirements described in this handbook and the initiative petition is certified by the responsible elections official.

A referendum is the power of the voters in a jurisdiction to circulate a petition in protest of the adoption of an ordinance and request that the issue be put up for a popular vote. A referendum may also be used by the governing board of a jurisdiction to directly ask registered voters to decide on the enactment, repeal, or amendment of any ordinance.

Initiatives and referenda have specific and detailed requirements regarding the proposal, publication, petition design, certification of the petition signatures, and action by the responsible governing board. This handbook summarizes the countywide and district initiative and referendum processes for interested citizens and governing boards.

California Elections Code (EC) Div. 9, Chaps. 2-7

NOTE:

This handbook does not discuss how a local government agency delivers a measure to the voters or how proponents or opponents of a measure would submit arguments for or against a measure.



A glossary of terms used in this handbook is available in Exhibit A on page 32.



County Initiatives

Notice of Intention

To begin the initiative process, the proponents of the initiative must file a Notice of Intention with the County Clerk/Registrar of Voters. The Notice of Intention must include the names and business or residence addresses of one to five proponents of the petition. The Notice of Intention must be accompanied by the written text of the proposed initiative. The Notice of Intention may include an optional statement of the reasons for the proposed initiative. The statement must not exceed 500 words in length.

EC §§ 9103, 9104

An example Notice of Intention is available in Exhibit B on page 33 of this handbook. To ensure the Notice of Intention does not exceed 500 words, please refer to Exhibit C on page 35 of this handbook for word count guidelines.

The Notice of Intention shall be in substantially the following form:

"Notice of Intention to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their in	ntention to circulate
the petition within the County of Fresno for the purpose of	. A statement of the
reasons of the proposed action as contemplated in the petition is as follows:	
(Insert optional statement of reasons here)"	
	EC § 9104
The proponents must also request that a ballot title and summary be prepare	d.
	EC § 9103



Along with the Notice of Intention, the proponents of the initiative must submit a signed Statement of Acknowledgement (please see Exhibit D on page 36 of this handbook). EC § 9608

Any person filing a Notice of Intention with the County Clerk/Registrar of Voters shall pay a fee of \$200. This fee will be refunded to the filer if the County Clerk/Registrar of Voters certifies the sufficiency of the petition within one year of the date of filing the Notice of Intention.

EC § 9103

Ballot Title and Summary

The County Clerk/Registrar of Voters will send a copy of any proposed measure to the Fresno County Counsel. The County Counsel will create a ballot title and summary for the proposed measure. The summary will be 500 words or less and must truly and impartially state the purpose of the proposed initiative. The County Counsel must provide the ballot title and summary to the County Clerk/Registrar of Voters within 15 calendar days of the filing of the Notice of Intention.

EC § 9105

The County Clerk/Registrar of Voters will provide a copy of the ballot title and summary to the proponents of the proposed measure.

EC § 9105



Publication of the Notice of Intention



Prior to the circulation of the petition, the proponents must publish the Notice of Intention and the ballot title and summary of the proposed measure in an adjudicated newspaper of general circulation published in Fresno County. Prior to the circulation of the petition, the proponents must file proof of publication with the Fresno County Clerk/Registrar of Voters.

EC § 9105

A list of adjudicated newspapers in Fresno County can be found in Exhibit E on page 38 of this handbook.

Form of the Petition

Initiative proponents are responsible for the preparation and printing of the petition. The basic form of the petition includes the following:

Ballot Title and Summary;

Notice of Intention;

Text of the Measure;

Notice to the Public;

Official Top Funders sheet;

Signature Section; and

Declaration of Circulator.

EC §§ 100, 101, 104, 107, 9020, 9101, 9105, 9108, and 9109

An example County initiative petition form can be found in Exhibit F and G on page 39 and 40 of this handbook.

The heading of the proposed measure shall be in substantially the following form:



"INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED 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 here)"

EC § 9105

The ballot title and summary prepared by the 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 type not smaller than 11 point. The ballot title and summary shall be clearly separated from the text of the measure.

EC § 9105

The text of the measure shall be printed in type not smaller than 8 point.

EC § 9105

Petition Notice to the Public

A Notice to the Public, in 11 point type, will appear prior to all sections of the petition for voters' signatures, printed names, and residence addresses. The Notice to the Public must use the following language:

"NOTICE TO THE PUBLIC (This text must be in boldface type.)

SIGN ONLY IF IT IS THE SAME MONTH SHOWN IN THE OFFICIAL TOP FUNDERS OR

YOU SAW AN "OFFICIAL TOP FUNDERS" SHEET FOR THIS MONTH. (This text must be

11-point boldface type.)

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. (*This text cannot be in boldface type.*)"

If the petition includes the disclosure statement described by subdivision (b) of Section 107, the text "SIGN ONLY IF IT IS THE SAME MONTH SHOWN IN THE OFFICIAL TOP FUNDERS OR YOU SAW AN "OFFICIAL TOP FUNDERS" SHEET FOR THIS MONTH." This text shall be in a boldface type.

EC §§ 101, 101(a) (2)



Design of the Signature Section

The part of a petition for the voters' signatures, printed names, and residence addresses will be numbered consecutively starting with one and continuing through the number of signature spaces allotted to each section. Proponents of the initiative decide the number of signatures attached to each section.

EC §§ 100, 9020, 9101

A space at least one inch wide shall be left blank after each name for the use of the County Clerk/Registrar of Voters in verifying the petition.

EC § 100

The signature section shall be substantially in the following form:

Official Use Only

			Only
	(Print Name)	(Residence Address ONLY)	
1.			
	(Signature)	(City)	
	(Print Name)	(Residence Address ONLY)	
2.			
	(Signature)	(City)	

EC § 100

Residence Address Includes Street Number and Street Name. City should Include Zip Code. If there is no street or number for the place of residence, then a designation of the place of residence that will enable the location to be readily ascertained.

Declaration of Circulator

Each section of the petition must have a declaration, completed and signed by the circulator in his or her own hand, which includes the following:

1. The printed name of the circulator.



- The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- 3. The dates all the signatures on this petition section were obtained.

EC §§ 104(a), 104(a)(2)

Each declaration submitted pursuant to this section shall also set forth the following:

- 1. That the circulator witnessed each signature being written.
- 2. That, to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
- 3. That the circulator is at least eighteen years old.
- 4. If the petition does not include the disclosure statement described by subdivision (b) of Section 107, that the circulator showed each signer a valid and unfalsified "Official Top Funders" sheet, as required by Section 107

The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, by signing the declaration and appending the date and place of the execution of the declaration.

EC §§ 104, 9109

When to Circulate the Petition



The proponents may begin to circulate the petition after the publication of the ballot title and summary prepared by the County Counsel and filing proof of publication with the County Clerk/Elections Official.

EC §§ 9105, 9108

Who May Circulate the Petition?

The circulators of the petition forms must be at least 18 years old.

EC § 102



Who May Sign the Petition?

Notwithstanding any other provision of law, whenever any initiative is required to be signed by voters of Fresno County, only a person who is an eligible registered voter at the time of signing the petition is entitled to sign it. For a countywide initiative petition, only persons who are eligible registered voters of the County of Fresno, at the time of signing, may sign the petition.

EC § 100

Each voter must personally sign their name, write out their printed name, and write their residence address and city or unincorporated community of residence. The residence address must include the street name and number and the city should be accompanied by the residence zip code. If no street or number for the place of residence exists, then a designation of the place of residence that will enable the location to be readily ascertained.

EC § 100

A voter may complete a voter registration card at the same time as they sign the petition. Any completed voter registration affidavits should be turned in within three days, excluding Saturdays, Sundays, and state holidays or when the completed petitions are submitted, whichever is sooner.

EC §§ 2102(b), 2138

The circulator may sign the section he or she is circulating, if they are otherwise qualified to sign the petition. The signature of the circulator shall be given the same effect as that of any other qualified signer.

EC § 106(b)

A voter who is unable to personally sign the petition must place their mark in the appropriate space on the petition. The mark must be witnessed by one person, who will sign next to the mark. The voter may request the assistance of another person to print the voter's name and place of residence on the appropriate spaces of the petition.

EC § 100.5



Effect/Impact Analysis

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 or agencies for review and a report on its effect and fiscal impact. The report shall be presented to the Board of Supervisors no later than 30 days after certification of the petition's sufficiency by the County Clerk/Registrar of Voters to the Board of Supervisors.

EC § 9111

Filling the Petition



Completed petitions must be turned in to the County Clerk/Registrar of Voters for filing no later than 180 days from the date of receipt of the ballot title and summary.

The petition due date may be delayed due to a writ of mandate filed pursuant to EC § 9106. If delayed by court action for a writ of mandate, the completed petition is due within 180 days from the termination of the court action and, if applicable, after receipt of an amended ballot title and/or summary.

EC § 9110

The petition must be filed by the proponents, or by any person or persons authorized in writing by the proponents.

All sections of the petition must be filed at the same time. Any sections of the petition not filed at that time will be void. Once filed, no petition section can be changed except by court order.

EC § 9113



When the petition is filed, the County Clerk/Registrar of Voters will determine the number of signatures on the petition. If the initial count finds a number of signatures equal to or more than the minimum number of signatures required, the County Clerk/Registrar of Voters shall examine the petition in accordance with EC § 9114 or EC § 9115 to determine the number of valid signatures. If the initial count finds a number of signatures less than the minimum number of signatures required, the petition will be deemed insufficient and no further action shall be taken.

EC § 9113

Examination of Signatures

Within 30 days from the date of filing of the completed petition, excluding Saturdays, Sundays, and holidays, the County Clerk/Registrar of Voters shall examine the petition, and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. A certificate showing the results of this examination shall be attached to the petition.

EC § 9114

If the petition contains more than 500 signatures, the County Clerk/Registrar of Voters may use a random sampling technique for verification of signatures. The random sampling shall include an examination of at least 500 signatures, or 3 percent of the signatures, whichever is greater.

If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the elections official shall, within 60 days from the date of the filing of the petition, excluding Saturdays, Sundays, and holidays, examine and verify the signatures filed.

EC §§ 9115, 9115(b)

For county initiatives, the number of signatures required for sufficiency is based on the most recently completed gubernatorial election. To be sufficient, the petition must be signed by at least 10 percent of the number of votes cast within Fresno County for all candidates for Governor at the last gubernatorial election preceding the publication of the Notice of Intention to circulate an initiative petition.

EC §§ 9107, 9118



The County Clerk/Registrar of Voters shall notify the proponents of the petition as to the sufficiency or insufficiency of the petition.

If the petition is found insufficient, no further action shall be taken. The failure to secure sufficient signatures does not preclude the filing of a new petition on the same subject, at a later date.

If the petition is found sufficient, the County Clerk/Registrar of Voters shall certify the results of the examination to the Board of Supervisors at their next regular meeting.

eeting.

EC §§ 9114, 9115

Disposition of Sufficient Petition for County Initiatives

If the petition has been deemed sufficient, the Board of Supervisors shall do one of the following:

- a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
- b) Submit the ordinance, without alteration, to the voters pursuant to EC § 1405.
- c) Order a report pursuant to EC § 9111 at the regular meeting at which the certification of the petition is presented. When the report is presented to the Board of Supervisors, the Board shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b), above.
 - No local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote.

EC § 9118; Cal. Const., Art. XII C, Sec. 2.



AMENDING, REVISING OR REPEALING THE COUNTY CHARTER

Any proposal to repeal, amend or otherwise revise the Fresno County Charter by initiative petition may be submitted to the Board of Supervisors and shall be subject to Article 1 of Chapter 2 of Division 9 of the Elections Code (commencing with § 9100).

EC § 9102; Government Code (GC) § 23720

Please see the section on County Initiatives, pages 4 – 13 of this handbook, for instructions on completing the petition process.

The following requirements apply solely to petitions affecting the Fresno County Charter:

A petition to amend, revise or repeal the County Charter will be found to be sufficient if it is signed by a number of voters of the County equal to or greater than 10 percent of the voters within the County who voted for a candidate for Governor in the last gubernatorial general election.

The Fresno County Charter may be amended by proposals submitted by the Board of Supervisors or by a sufficient initiative petition, petitioning the Board of Supervisors to submit a proposed amendment or amendments to the Charter to the qualified electors of the County, which must set forth in full the proposed amendment or amendments.

The Fresno County Charter may be repealed by proposals submitted by the Board of Supervisors or by a sufficient initiative petition. The petition must ask the Board of Supervisors to submit the question of Charter repeal to the qualified electors of the County.

GC § 23720



Submission to Voters and Alternative Proposals

Upon the presentation of a sufficient petition, or upon its own submission of a proposal to amend or repeal the Charter, the Board of Supervisors shall submit the amendment or amendments proposed, or the question of the repeal of the Fresno County Charter, to the eligible registered voters of the County at a special election held on the next established election date not less than 88 days after the presentation of the petition, or submission of the proposal. In submitting the question of Charter repeal or amendment, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

GC § 23722

A flowchart describing the County initiative process can be found in Exhibit H on page 41 of this handbook.



DISTRICT INITIATIVES

Overview

In addition to any other method provided by law, ordinances may be enacted by any district pursuant to Article 1 of Chapter 4 of Division 9 of the Elections Code (commencing with § 9300). However, the provisions of Article 1 shall not apply to irrigation districts, to a district formed under a law which does not provide a procedure for elections, to a district formed under a law which does not provide for action by ordinance, to a district governed by an election procedure that permits voters, in electing the district's directors or trustees, to cast more than one vote per voter, or to a district in which the directors are empowered to cast more than one vote per director when acting on any matter.

EC § 9300

Initiative powers for Fresno County water districts, drainage districts, and community services districts are to be exercised in accordance with the procedure established by law for the exercise of those powers in relation to counties (Water Code §§ 30830, 56042). Consult the "County Initiatives" section in this handbook when considering an initiative proposal for these types of districts.

Definitions

"District," for purposes of initiative and referendum, includes any regional agency that has the power to tax, to regulate land use, or to condemn and purchase land.

EC § 317

"District elections official," for the purposes of initiative and referendum, includes the County Clerk/Registrar of Voters or other officer or board charged with performing the duties required of the clerk of the district by Chapter 4 of Division 9 of the Elections Code (commencing with EC § 9300).

EC § 308



Publication of Notice of Intention



Before circulating an initiative petition in any district, the proponents of that measure must publish a Notice of Intention.

The Notice of Intention must be accompanied by a printed statement stating the reasons for the proposed petition. The printed statement shall not exceed 500 words. The Notice of Intention must be signed by at least one, but not more than five, proponents.



An example Notice of Intention is available in Exhibit B on page 33 of this handbook.

The Notice of Intention shall be in substantially the following form:

"Notice of Intention to Circulate Initiative Petition

Notice is hereby given of the intention of the persons whose names appear hereon of their intention to circulate the petition within the __ district for the purpose of ______. A statement of the reasons for the proposed action as contemplated in the petition is as follows:

(Insert statement of reasons here)"

EC § 9302

A Notice of Intention and statement of reasons must be published at least once in an adjudicated newspaper of general circulation within the district. If there are no adjudicated newspapers in the district, the Notice of Intention and statement of reasons must be published in an adjudicated newspaper of general circulation in Fresno County and posted in at least three public locations within the district.

EC § 9303



Filing of Notice of Intention and Statement of Reasons

Within 10 days after the date of publication of the Notice of Intention and statement of reasons, the proponents shall file a copy of the Notice of Intention and statement of reasons as published, together with an affidavit made by a representative of the newspaper in which the Notice was published, certifying to the fact of publication. If the Notice of Intention and statement of reasons were posted in public places within the district, an affidavit by a voter of the district attesting to the postings is also required. The affidavit(s), together with a copy of the Notice of Intention, statement of reasons, and the full text of the measure, shall be filed with the district elections official. If the County Clerk/Registrar of Voters is the district elections official, our office requests photographic evidence of the postings, if posting is required.

EC §§ 9304, 9305

Along with the Notice of Intention and affidavit(s) of publication/posting, the proponents of the district initiative must submit a signed Statement of Acknowledgement (please see Exhibit D on page 36 of this handbook).

EC § 9304

Form of the Petition

Initiative proponents are responsible for the preparation and printing of the petition. The basic form of the petition includes the following:

Notice of Intention;

Statement of Reasons;

Text of the Measure;

Notice to the Public:

Official Top Funders sheet;

Signature Section; and

Declaration of Circulator.

EC §§ 100, 101, 104, 107, 9020, 9022, 9301, 9305, 9307



An example district initiative petition form can be found in Exhibit I on page 42 of this handbook.

Petition Notice to the Public

A Notice to the Public, in 11 point type, will appear prior to all sections of the petition for voters' signatures, printed names, and residence addresses. The Notice to the Public must use the following language:

"NOTICE TO THE PUBLIC (This text must be in boldface type.)

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. (This text cannot be in boldface type.)"

If the petition includes the disclosure statement described by subdivision (b) of Section 107, the text "SIGN ONLY IF IT IS THE SAME MONTH SHOWN IN THE OFFICIAL TOP FUNDERS OR YOU SAW AN "OFFICIAL TOP FUNDERS" SHEET FOR THIS MONTH." This text shall be in a boldface type.

EC §§ 101, 101(a)(2)

Design of the Signature Section

The part of a petition for the voters' signatures, printed names, and residence addresses will be numbered consecutively starting with one and continuing through the number of signature spaces allotted to each section. Proponents of the initiative decide the number of signatures attached to each section.

EC §§ 100, 9020, 9301

A space at least one inch wide shall be left blank after each name for the use of the district elections official in verifying the petition.

EC § 100(b)



The signature section shall be substantially in the following form:

			Only
	(Print Name)	(Residence Address ONLY)	
1.			
	(Signature)	(City)	
	(Print Name)	(Residence Address ONLY)	
2.			
	(Signature)	(City)	

EC § 100

Official Lise

Residence Address Includes Street Number and Street Name. City should Include Zip Code. If there is no street or number for the place of residence, then a designation of the place of residence that will enable the location to be readily ascertained.

Declaration of Circulator

Each section of the petition must have a declaration, completed and signed by the circulator, which includes the following:

- 1. The printed name of the circulator.
- The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- 3. The dates all the signatures on this petition section were obtained.

EC §§ 104(a), 104(a)(2)

Each declaration submitted pursuant to this section shall also set forth the following:

- 1. That the circulator witnessed each signature being written.
- 2. That, to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
- 3. That the circulator is at least 18 years old.
- 4. If the petition does not include the disclosure statement described by subdivision (b) of Section 107, that the circulator showed each signer a valid and unfalsified "Official Top Funders" sheet, as required by Section 107



The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, by signing the declaration and appending the date and place of the execution of the declaration.

EC §§ 104, 9307

When to Circulate the Petition



The proponents may begin to circulate the petition after filing a copy of the Notice of Intention and statement of reasons, the affidavit(s) of publication/posting, and the full text of the measure with the district elections official.

EC § 9305

Who May Circulate the Petition?

The circulators of the petition forms must be at least 18 years old.

EC § 102

Who May Sign the Petition?

Notwithstanding any other provision of law, whenever any initiative is required to be signed by voters of any district subject to petitioning, only a person who is an eligible registered voter at the time of signing the petition is entitled to sign it.

EC § 100

Each voter must personally sign their name, write out their printed name, and write their residence address and city or unincorporated community of residence. The residence address must include the street name and number and the city should be accompanied by the residence zip code. If no street or number for the place of residence exists, then a designation of the place of residence that will enable the location to be readily ascertained.

EC § 100



A voter may complete a voter registration card at the same time as they sign the petition. Any completed voter registration cards should be turned in within three days, excluding Saturdays, Sundays, and state holidays or when the completed petitions are submitted, whichever is sooner.

EC §§ 2102(b), 2138

The circulator may sign the section he or she is circulating, if they are otherwise qualified to sign the petition. The signature of the circulator shall be given the same effect as that of any other qualified signer.

EC §§ 106(b)

A voter who is unable to personally sign the petition must place their mark in the appropriate space on the petition. The mark must be witnessed by one person, who will sign next to the mark. The voter may request the assistance of another person to print the voter's name and place of residence on the appropriate spaces of the petition.

EC § 100.5

Filing the Petition



Completed petitions must be filed with the district elections official no later than 180 days from the date of filing of the materials required in EC § 9304. If the petitions are not filed within the time permitted, the petition and its sections shall be void for all purposes.

EC § 9306

Examination of Signatures

Within 30 days from the date of filing the completed petition, excluding Saturdays, Sundays, and holidays, the district elections official shall examine the petition, and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. A certificate showing the results of this examination shall be attached to the petition, and the proponents shall be notified of the sufficiency or insufficiency of the petition.

EC § 9308



If the petition contains more than 500 signatures, the district elections official may use a random sampling technique for verification of signatures. The random sampling shall include an examination of at least 500 signatures, or 3 percent of the signatures, whichever is greater.

If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the district elections official, within 60 days from the date of the filing of the petition, excluding Saturdays, Sundays, and holidays, shall examine and verify each signature filed.

EC §§ 9309, 9309(b)

For district initiatives, the number of signatures required for sufficiency is based on the total number of registered voters within the district. To be sufficient, the petition must be signed by at least ten percent (10%) of the number of voters in the last report of registration made by the County Clerk/Registrar of Voters to the Secretary of State's office prior to the publication/posting of the Notice of Intention to circulate an initiative petition.

If the petition is found insufficient, no action shall be taken on the petition. The failure to secure sufficient signatures does not preclude the filing of a new petition on the same subject at a later date.

If the petition is found sufficient, the district elections official shall certify the results of the examination to the governing board of the district at their next regular meeting.





Disposition of Sufficient Petition for District Initiatives

If the petition has been deemed sufficient, the district board shall do one of the following:

- a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
- b) Submit the ordinance, without alteration, to the voters pursuant to EC § 1405.

EC § 9310

A flowchart describing the district initiative process can be found in Exhibit J on page 43 of this handbook.

REFERENDUM

A referendum is the submission of an ordinance, proposed or already in effect, to a direct vote of the people. By using referendum powers, the legislative board of a jurisdiction (e.g., Board of Supervisors, city council) may ask registered voters to decide on the enactment, repeal, or amendment of any ordinance. Additionally, voters may independently circulate a petition protesting the adoption of an ordinance and request that the issue be put up for a popular vote.



COUNTY REFERENDA

Submission by Board of Supervisors

The Board of Supervisors may submit to the voters, without a petition, an ordinance for the repeal, amendment, or enactment of any ordinance. The ordinance shall be voted upon at any succeeding regular or special election and, if it receives a majority of the votes cast, the ordinance shall be repealed, amended, or enacted accordingly.

EC § 9140

Petition Protesting Adoption of an Ordinance

If a petition protesting the adoption of an ordinance is presented to the County Clerk/Registrar of Voters prior to the effective date of the ordinance, the ordinance shall be suspended and the Board of Supervisors shall reconsider the ordinance.

EC § 9144

Form of Petition

The provisions of the Elections Code relating to the form of petitions, the duties of the County Clerk/Registrar of Voters, and the manner of holding elections, when an ordinance is proposed by initiative petition, govern the procedure on ordinances against which a protest is filed.

Please see the County Initiatives section of this handbook, pages 4 – 13, for further information on petition format and other procedural processes.

EC § 9146

The following requirements are specific to referendum petitions protesting the adoption of an ordinance:

The heading of a proposed referendum measure shall be in substantially the following form:



"Referendum Against an Ordinance Passed by the Board of Supervisors"

EC § 9147

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

EC § 9147

The petition shall be signed by voters of Fresno County equal in number to at least 10 percent of the entire vote cast within the County for all candidates for Governor at the last gubernatorial election.

EC § 9144

Protest of Ordinance Submitted to Voters

For referendum petitions found to be sufficient, the Board of Supervisors must do one of the following:

- a) repeal the ordinance against which the petition is filed;
- b) submit the ordinance to the voters at the next regularly scheduled County election occurring not less than 88 days after the date of the order; or
- c) or submit the ordinance to the voters at a special election called for that purpose 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 the ordinance vote in favor of it.

EC § 9145

A flowchart describing the County referendum process can be found in Exhibit J on page 43 of this handbook.



DISTRICT REFERENDA

Submission by Governing Board

The governing board of any district to which Elections Code § 9340 applies may refer legislative questions to the voters of the district in the same manner as the Board of Supervisors may refer County questions pursuant to EC § 9140.



See the County Referenda section of this handbook, pages 25 – 26.

EC § 9342

Petition Protesting Adoption

The voters of any district that is a local public entity as defined by GC § 900.4, and to which EC § 9300 applies, shall have the right to petition for referendum on legislative acts of the district in the same manner and subject to the same rules as are set forth in EC § 9141 through EC § 9147, except that all computations referred to in those sections and officers of the County mentioned in those sections shall be construed to refer to comparable computations and officers of the district.



See the County Referenda section of this handbook, pages 25 – 26.

EC § 9340

Form of Petition

The provisions of the Elections Code relating to the form of petitions, the duties of the County Clerk/Registrar of Voters, and the manner of holding elections, when an ordinance is proposed by initiative petition, govern the procedure on ordinances against which a protest is filed.



Please see the County Initiatives section of this handbook, pages 4 – 13, for further information on petition format and other procedural processes.

EC § 9340

Protest of Ordinance Submitted to Voters

For referendum petitions found sufficient, the district governing board has the following options:

- a) repeal the ordinance against which the petition is filed;
- b) submit the ordinance to the voters at the next regularly scheduled district election occurring not less than 88 days after the date of the order; or
- c) or submit the ordinance to the voters at a special election called for that purpose 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 the ordinance vote in favor of it.

EC § 9340

A flowchart describing the District Referendum process can be found in Exhibit J on page 43 of this handbook.



MUNICIPAL INITIATIVES AND REFERENDA

Any proposed municipal ordinance may be submitted to the legislative body of a city by a petition filed with the elections official of the city. Petitions protesting the adoption of a municipal ordinance may be filed with the elections official of the city.

While the general function and requirements of a municipal initiative or referendum is the same as those for a County initiative or referendum, the specifics may vary based upon the jurisdiction. It is the responsibility of initiative and referendum proponents to contact the proper municipal elections official to determine the proper instructions and procedures to successfully complete a municipal measure.

Contact numbers for the 15 incorporated cities in Fresno County:

City	Contact Number	City	Contact Number
City of Clovis	(559) 324-2060	City of Mendota	(559) 655-4298
City of Coalinga	(559) 935-1533	City of Orange Cove	(559) 626-4488
City of Firebaugh	(559) 659-5904	City of Parlier	(559) 646-3545
City of Fowler	(559) 834-3113	City of Reedley	(559) 637-4200
City of Fresno	(559) 621-7650	City of San Joaquin	(559) 693-4311
City of Huron	(559) 945-2241	City of Sanger	(559) 876-6300
City of Kerman	(559) 846-9380	City of Selma	(559) 891-2200
City of Kingsburg	(559) 897-5821		

Municipal initiatives and referenda are covered in Elections Code Sections 9200 through 9295.



CAMPAIGN DISCLOSURE REQUIREMENTS

Political Reform Act



Proponents of initiative or referendum petitions may have campaign disclosure requirements under the Political Reform Act.

GC § 81000 et seq.

If You Plan to Raise or Spend Money

- Obtain a copy of Campaign Disclosure Manual 3 Ballot Measure Committees. Campaign
 Disclosure Manuals can be downloaded from the Fair Political Practices Commission
 (FPPC) website: fppc.ca.gov. Questions regarding the manual can be directed to the
 FPPC at 1-866-275-3772 or via email at advice@fppc.ca.gov.
- File a Form 410 Statement of Organization with the Secretary of State Political Reform
 Division and a copy of the Form 410 with your local filing officer. Campaign Disclosure
 Forms are available online at fppc.ca.gov or by calling your local filing officer at (559) 6008683 and making a request.

Any person or a combination of persons, who 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 a copy with your local filing officer.

A Form 410 may be filed prior to qualifying. Upon receipt of the Form 410, the Secretary of State will issue an identification number, which must be included on all campaign disclosure forms.



 Once qualified, be prepared to file Form 450 (short form) or Form 460 (long form) Pre-Election Statements and Semi-Annual statements (according to the filing schedule for your committee).

These statements detailing your committee(s) contributions and expenditures are filed at specified times prior to and following the election. Know the deadlines and the type of forms you must file. Forms 450 and 460 are filed with the local filing officer.

Elections Department staff will provide you with a filing schedule. For technical advice on completing the forms, call the Fair Political Practices Commission toll free at 1-866-275-3772, visit their website at fppc.ca.gov, or call the Fresno County Elections Department at (559) 600-8683.

4. File a Form 410 termination with the Secretary of State Political Reform Division to terminate the committee upon completion of your initiative efforts and the committee must have a zero balance. You must also file a copy of the Form 410 termination and a Form 460 or Form 450 termination with your local filing officer to terminate the committee upon completion of your initiative efforts.

NOTE:

Most campaign finance forms can be electronically filed with the Secretary of State and the local filing officer. Contact the FPPC or local filing officer for assistance in completing any of these forms.

- The County Clerk/Registrar of Voters is the filing officer for County initiatives and referenda campaign finance forms. Electronic filing is available and encouraged.
- Campaign finance forms for municipal initiatives and referenda should be filed with the appropriate city clerk. Contact the appropriate city clerk to see if electronic filing is available.
- Campaign finance forms for district initiatives and referenda will primarily be filed with the County Clerk/Registrar of Voters. Some forms may be filed in other locations. Please contact the County Clerk/Registrar of Voters for specifics.



Exhibit A – Glossary of Terms

Certification The documenting and guaranteeing the results of an election, verification

of signatures, and other acts by the elections official.

Circulator A person (either paid or a volunteer), at least 18 years of age, responsible

for acquiring signatures on a section of a petition.

Declaration of Circulator

A statement signed by the circulator of a petition in which he/she declares

specific information about the petition and its signatures.

District For the purposes of district initiatives and referenda, "district" includes any

regional agency that has the power to tax, regulate land use, or to

condemn and purchase land.

Elections Official

The County Clerk/Registrar of Voters or other officer or board charged

with performing the duties required of the clerk of a district.

Governing Board For countywide actions, the Board of Supervisors. For district actions, the

elected board of the district.

Notice of Intention Statement of a proponents' desire to circulate an initiative petition, potentially including the statement of reasons for the proposed measure.

A statement of reasons is required for district initiatives.

Proponent(s) The person or persons who are responsible for the Notice of Intention and

creation, circulation, and filing of the petition with the election official.

Residence "Residence" for voting purposes means a person's domicile, which is the

place in which his/her habitation is fixed, wherein they have the intention of remaining, and to which they intend to return whenever they leave. At

any given time, a person may only have one domicile.

Statement of Reasons

A printed statement which accompanies the Notice of Intention, stating

why the proponents are circulating the petition.

Verification of Signatures

Comparing a person's signature on a petition with the signature on file in

the person's voter registration records to determine if they match.



Exhibit B – Example Notice of Intention EC § 9104

Notice of Intention to Circulate Petition

Notice is hereby given by the persons whose na	mes appear hereon of their intention to
circulate the petition within the County of	(County of Fresno)
for the purpose of	itle of Measure)
A statement of the reasons of the proposed actifullows:	ion as contemplated in the petition is as
(Insert statement of reasons here, no more than 5	500 words, optional for County initiatives)
1	
(Printed Name of Proponent)	(Signature of Proponent)
(Business or Residence Address)	(City/State/Zip Code)
2. (Printed Name of Proponent)	(Signature of Proponent)
(Business or Residence Address)	(City/State/Zip Code)
3. (Printed Name of Proponent)	(Signature of Proponent)
(Business or Residence Address)	(City/State/Zip Code)
4. (Printed Name of Proponent)	(Signature of Proponent)
(Business or Residence Address)	(City/State/Zip Code)
5. (Printed Name of Proponent)	(Signature of Proponent)
(Business or Residence Address)	(City/State/7in Code)



Please Note: The Notice of Intention must be signed by at least one (1) proponent and no more than five (5) proponents.

For County initiatives, the Notice of Intention must be accompanied by:

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

For district initiatives, the Notice of Intention <u>must</u> include a statement of reasons (EC § 9302) and be accompanied by a Statement of Acknowledgement (Exhibit D).



Type

Exhibit C – How to Count Words

The following guidelines are used by the County Clerk/Registrar of Voters for counting words on the Notice of Intention (i.e., statement of reasons). If the text exceeds the specified word limit, the author will be asked to delete words or change text until the document conforms to requirements.

Description

EC § 9

Example

rype	Description	Example
PUNCTUATION MARKS	Punctuation marks are not counted. However, symbols such as "&" (and), and "#" (number/pound) are not considered punctuation and each symbol is counted as one (1) word.	(1 3) (6 3) (6,2) - , , , ,
ALL PROPER NOUNS	All proper nouns, including the names of individuals and geographical names (requiring a defined jurisdiction) are counted as one (1) word.	"City of San Joaquin", "City and County of San Francisco", "George Washington"
ABBREVIATIONS and ACRONYMS	Acronyms or abbreviations for a word, phrase, or expression are counted as one (1) word.	CSUF, PTA, UCSF, U.S.M.C.
HYPHENATED WORDS	Hyphenated words that appear in any generally available standard reference dictionary published in the U.S. at any time within the last 10 calendar years immediately preceding the election are counted as one (1) word. Be aware that many word processing programs will count a hyphenated word as one word even if it does not fit these criteria.	Attorney-at-law, full-time (as an adjective), in-law
NUMERIC COMBINATIONS	Numeric combinations will be counted as one (1) word, including dates.	15000, 13 1/2, 5%, 06/01/1995, \$200,000
	Numeric combinations consisting of a combination of words and digits are counted as multiple words.	Six %, July 4, 2012, December Twenty-Fifth, \$15 million
TELEPHONE and FAX NUMBERS	Telephone and fax numbers are counted as (1) word.	(559)600-8683, 1-800-345- VOTE
EMAIL ADDRESSES and WEBSITES	Email addresses and websites are counted as (1) word.	www.co.fresno.ca.us/elections, myemail@co.fresno.ca.us



Exhibit D – Proponent Statement of Acknowledgement

l,(Printed N	Name of Proponent)	, acknowledge	that it is a n	nisdemean	or unde	er
•	18650 of the Electi	ons Code) to	knowingly	or willfully	allow	the
signatures on an ini	itiative petition to be ı	used for any p	urpose othe	r than qual	ificatior	n of
the proposed meas	ure for the ballot.					
•	l will not knowingly or pose other than quali	•	J		nitiative	e to
-			(Signature of F	Proponent)		
Dated this	_day of	, 20 (Year)				
					EC § 9	608



Exhibit E

List of Adjudicated Newspapers in Fresno County

(Adjudicated by Fresno County Superior Court)

PUBLICATION DEADLINES VARY FOR EACH NEWSPAPER - PLEASE CONTACT NEWSPAPERS IN ADVANCE!

Fresno Business Journal

legals@thebusinessjournal.com (559) 490-3400

Enterprise Recorder

P.O. Box 9 Hanford, CA 93232 slegals@hanfordsentinel.com (559) 582-0471

The Mid-Valley Times

Sanger Office 740 N Street Sanger, CA 93657 (559) 875-2511

Reedley Office P.O. Box 432 Reedley, CA 93654 (559) 638-2244 The Kerman News
The Firebaugh-Mendota Journal
The San Joaquin-Tranquility West Side
Advance

652 S. Madera Ave. Kerman, CA 93630 kerwest@msn.com (559) 846-6689

Mountain Press

P.O. Box 97 Prather, CA 93651 mountainpress.weebly.com (559) 855-8100

The Fresno Bee

<u>placelegal.mcclatchy.com/legals/fresno/</u> (559) 441-662

Note: This office makes no representations to the current status of any newspaper nor does the County Clerk/Registrar of Voters' office make any determination of the proper newspaper to be utilized for legal publications.

Exhibit F – Example County Petition

(Excluding Official Top Funders)

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS 1

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)

Notice of Intention to Circulate Petition 2

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of Fresno for the purpose of (Insert title or purpose of measure). A statement of the reasons of the proposed action as contemplated in the petition is as follows:

(Insert the statement of reasons, optional)

(Insert the text of the measure, minimum of 8 point font, required only once per section)

NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. 3

This column for official use only Print Your Residence Address ONLY: DO NOT SIGN UNLESS you have seen Official Top Funders sheet To Vote: Print Your Address ONLY: DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid. Residence Address ONLY: DO NOT SIGN UNLESS you have seen Official Top Funders sheet City:_ Sign As To Vote Address ONLY: DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid Sign As Registered To Vote:_ 5. Print Your Residence Address ONLY:_ DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid Zip: Registered To Vote:_

DECLARATION OF CIRCULATOR 4

	(to be comp	leted after above signat	ures have been obtained)
I,	` .	, am 18 years of a	ge or older. My residence address
(circul	lator's name, printed)		5
is			. I circulated this section of the
	(address, cit	ty, state, zip)	
petition and with	nessed each of the appea	nded signatures being w	ritten. Each signature on this petition is, to the best
of my informatic	on and belief, the genuir	ne signature of the perso	on whose name it purports to be. All signatures on
•	ere obtained between th		and(month/day/year)
		the laws of the State of falsified "Official Top I	California that the foregoing is true and correct and Funders" sheet.
Executed on		at	
	(month/day)	(year)	(place of signing)
		(complete signature indicating full name of circulator)

¹ For County initiatives, this heading is required at the start of each section in boldface type (above the Notice of Intention and text of the measure). The Ballot Title and Summary are required at the top of each page of the petition on which signatures are to appear, in roman type not smaller than 11 point (EC § 9105(e)).

² The Notice of Intention must be included within each section of the petition and must include a list of the proponents who signed the filed copy of the Notice of Intention, along with their printed name, address, city, state, zip code). The Notice of Intention should be at least 8 point font and clearly separated from the Ballot Title and Summary.

^{3 11-}point non-boldface type (§ 101)

⁴ Dates of circulation, printed name, and residence address must be in circulator's own hand.



Exhibit G – Example County Petition

(Including Official Top Funders)

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS 1

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)

OFFICIAL TOP FUNDERS. Valid only for [Month, Year 2] [at least 10-point boldface type (§ 107(b)(2)] Petition circulation paid for by [name of the committee as it appears on the most recent Statement of Organization filed pursuant to Government Code section 84101]

Committee major funding from: [Largest contributor] [Second largest contributor] [Third largest contributor]

[OPTIONAL] Endorsed by:
[First endorser]
[Second endorser] [Third
endorser]

Latest info: [link to Secretary of State Top Funders website or committee website]

Notice of Intention to Circulate Petition 3

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of Fresno for the purpose of (*Insert title or purpose of measure*). A statement of the reasons of the proposed action as contemplated in the petition is as follows:

(Insert the statement of reasons, optional)

(Insert the text of the measure, minimum of 8 point font, required only once per section)

NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. 4

Residence Address ONLY:

	DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid.			
	Sign As Registered To Vote:	City:	Zip:	
	2. Print Your Name:	Residence Address ONLY:		
	DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid. Sign As	City:	Zip:	
	Registered To Vote:			
	3. Print Your Name:	Residence Address ONLY:		
	DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid.	City:	Zip:	
	Sign As Registered To Vote:			
		ION OF CIRCUI		
I,	(to be completed after a, am 1,			
is	(address, city, state, zip)		I circulated this section of the	
of my	on and witnessed each of the appended signature information and belief, the genuine signature ocument were obtained between the dates of	of the nergen who	sa nama it numarta ta ha. All signaturas	
	fy under penalty of perjury under the laws of the showed each signer a valid and unfalsified "O			t and

(complete signature indicating full name of circulator)

(place of signing)

(year)

Executed on

Print Your

¹ For County initiatives, this heading is required at the start of each section in boldface type (above the Notice of Intention and text of the measure). The Ballot Title and Summary are required at the top of each page of the petition on which signatures are to appear, in roman type not smaller than 11 point (EC § 9105(e)).

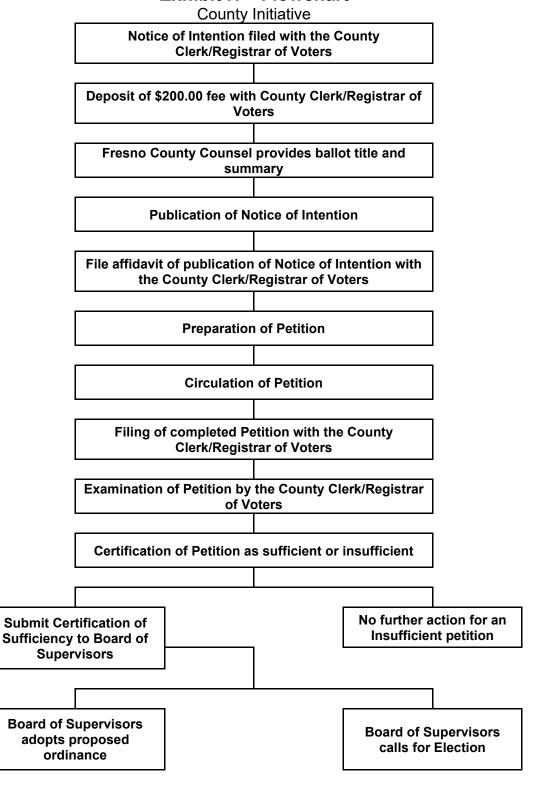
² The month and year must start at most seven days after the date the top contributors as defined in Government Code § 84501(c) were last confirmed.

³ The Notice of Intention must be included within each section of the petition and must include a list of the proponents who signed the filed copy of the Notice of Intention, along with their printed name, address, city, state, zip code). The Notice of Intention should be at least 8 point font and clearly separated from the Ballot Title and Summary.

^{4 11-}point non-boldface type (§ 101)

 $^{5\} Dates\ of\ circulation,\ printed\ name,\ and\ residence\ address\ must\ be\ in\ circulator's\ own\ hand.$

Exhibit H - Flowchart





Print Your

DO NOT SIGN UNLESS you have seen Official Top Funders sheet

Exhibit I – Example District Petition

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

Notice of Intention to Circulate Petition

Notice is hereby given of the intention of the persons whose names appear hereon of their intention to circulate the petition within the (Insert name of *district*) for the purpose of (*Insert title or purpose of measure*). A statement of the reasons of the proposed action as contemplated in the petition is as follows:

(Insert the statement of reasons, REQUIRED for district initiatives)

(Insert the text of the measure, minimum of 8 point font, required only once per section)

NOTICE TO THE PUBLIC

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

Residence

	Sign As Registered To Vote:	City:	Zip:	
	2. Print Your Name:	Residence Address ONLY:		
	DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid.	City:	Zip:	
	Sign As Registered To Vote:			
	3. Print Your Name:	Residence Address ONLY:		
	DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid.	C'.	77	
	Sign As Registered To Vote:	City:	Zip:	
	4. Print Your Name:	Residence Address ONLY:		
	DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid.			
	Sign As Registered To Vote:	City:	Zip:	
	5. Print Your Name:	Residence Address ONLY:		
	DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid.			
	Sign As Registered To Vote:	City:	Zip:	
		ATION OF CIRC		
I,	(to be completed after, am		r older. My residence address	
is	(circulator's name, printed)		. I circulated this section of the	
	(address, city, state, z			1 4
of m	ion and witnessed each of the appended signary information and belief, the genuine signature document were obtained between the dates of	re of the person w		
tilis	occurrent were commed services are dutes of	(month/day/year)	(month/day/year)	
	tify under penalty of perjury under the laws of showed each signer a valid and unfalsified "			et and
Exec	uted on,	at		
	(month/day) (ye	ear) ———	(place of signing)	
		(complete sig	gnature indicating full name of circulator)	_



Exhibit J - Other Flowcharts

District Initiative

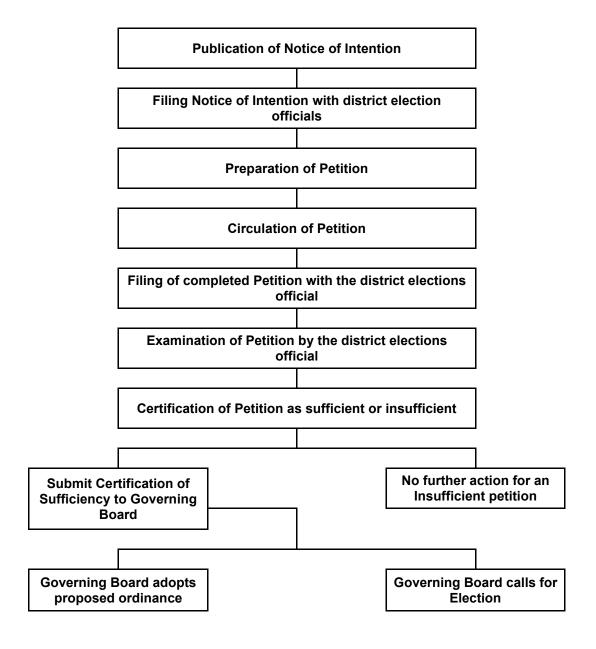




Exhibit J – Other Flowcharts (Cont.)

County Referendum

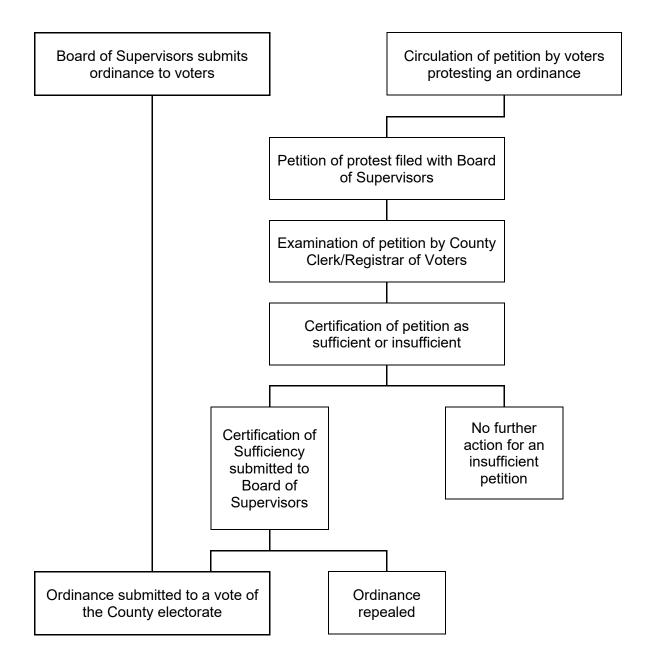




Exhibit J – Other Flowcharts (Cont.)

District Referendum

