

How to do a City Initiative

A Guide for Citizens to Place a City Initiative on the Ballot



PREPARED BY:

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This manual is for general information purpose 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. Persons using this guide must bear full responsibility to make their own determinations as to all legal standards and duties.

Charter Cities may have charter amendments regarding the city initiative process that must be followed. Contact the City Clerk / Elections Official to determine if any charter amendments exist on this subject.

Sample Calendar

The following provides an example of the amount of time and deadlines associated with proposing a city initiative.

E = Election Day, followed by the number of days prior to or following the Election Day when the various steps should be taken. Please note that these time frames are approximate. The calendar is subject to change depending on the actual dates when events happen and in the event the Ballot Title & Summary are challenged and need to be changed. Once a Notice of Intention is filed, the City Clerk / Elections Official 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. **All codes refer to the Elections Code** unless otherwise stated.

E-383	City Clerk / Elections Official receives Notice of Intention that includes the written text of the Initiative and may be accompanied by a written statement not exceeding 500 words, setting forth the reasons for the proposed petition. The notice shall be signed by at least one, but not more than three, proponents, and shall include their addresses. The proponent(s) shall at this time in his/her/their notice also request that a Ballot Title & Summary be prepared.
E-383	City Clerk / Elections official delivers Notice of Intention to the City Attorney. (§9203(a))
E-368	Within 15 days, the City Attorney delivers Ballot Title & Summary in 500 words or less to the City Clerk / Elections Official, who then delivers a copy of the Ballot Title & Summary to Proponents. (§9203(a))
E-367	Proponents shall, <u>prior to circulation of the petition</u> , publish the Notice of Intention with Ballot Title & Summary, and file a proof of publication with the City Clerk / Elections Official. (§9205, 9206)
E-363	Proponents submit petition with signatures within 180 days after proponents publish the Ballot Title & Summary from the City Clerk / Elections Official or after termination of any action for a writ of mandate pursuant to §9204 and, if applicable, after receipt of an amended Ballot Title or Summary or both, whichever occurs later. (§9208)
E-183	City Clerk / Elections Official will do a prima facie count of the signatures before submitting to the County Elections Official, who has 30 working days (Saturdays, Sundays and holidays excluded) to certify results to the City Council. (§9114, 9115, 9211)

Sample Calendar (continued)

E-142	<p>If the City Clerk / Elections Official deems the petition pages to have a sufficient number of valid signatures to qualify to be placed on a ballot he/she determines a specified date and places an item on a City Council agenda for action.</p> <p>In addition to the 30 working day allowance, the calendar will also include no less than 10 days to prepare, submit to the City Manager for approval, and add as an agenda item to a specified City Council meeting, a staff report that will be posted publicly no less than 5 days in advance of the meeting for City Council to take action on certification of the results of the petition.</p>
E-128	<p>The City Council has three options to exercise at its meeting where the City Clerk / Elections Official will present his/her findings that an initiative petition is sufficient:</p> <ol style="list-style-type: none"> 1. Adopt the ordinance, without alteration; OR 2. Call an election for an ordinance or Charter Amendment (date to be determined by the percentage of voters who signed the petition); OR 3. Order a report pursuant to §9212¹.
E-98	<p>City Council to call the election for an ordinance or Charter Amendment or adopt the ordinance without alteration. (§9215)</p>
E-88	<p>Last day for the City Council to consolidate a measure with a regular election. (§10403) The City Council may direct the City Clerk / Elections Official to transmit a copy of the measure to the City Attorney to prepare an impartial analysis not to exceed 500 words. (§9280)</p>

¹ **§9212. (a)** During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9215, the legislative body may refer the proposed initiative measure to a city agency or agencies for a report on any or all of the following:

- (1) Its fiscal impact.
 - (2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
 - (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
 - (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
 - (5) Its impact on the community's ability to attract and retain business and employment.
 - (6) Its impact on the uses of vacant parcels of land.
 - (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
 - (8) Any other matters the legislative body requests to be in the report.
- (b) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

Sample Calendar (continued)

10-day public inspection of ordinance	The City Clerk / Elections Official shall make a copy of the ordinance available for public examination in the City Manager's Department / Clerk Clerk's Division for a period of 10 calendar days immediately following the filing deadline for submission of those materials. During this time any voter of the jurisdiction may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. (§9295)
E-88	City Clerk / Elections Official to publish once in a newspaper of local circulation the deadline for submitting arguments. (§9286 & Gov. Code §6061)
E-78	Last day to submit direct arguments to the County Elections Department (§9219, 9286) Submittal to City Clerk / Elections Official is suggested to be the day prior to this deadline.
E-77 to E-67	10-day public inspection period of arguments. (§9295)
E-68	Last day to submit rebuttal arguments. (§9220) Last day for City Attorney to submit impartial analysis. (§9280)
E-67 to E-57	10-day public inspection of arguments/analyses. (§9295)
E-56	County Elections Department to finalize election materials for printer.
E-40 to E-21	County Elections Department to mail sample ballots. (§13303, 13304)
E-36	County Elections Department to receive materials from printer. (suggested date)
E-29	Last day to register to vote in order to have election materials mailed to voters. Vote-by-Mail period begins. (§2102, 2107, 3001, 3003)
E-15	Last day to register to vote.
E-7	Last day to request a Vote-by-Mail ballot by mail. (§3001)
E	ELECTION DAY
E+1 To E+28	Official Canvass.

A Look at the Process

Notice of Intention	<p>File Notice of Intention with the City Clerk / Elections Official with the printed name(s), signature(s), and business or residence address(es) of at least one but no more than three proponents. Includes written text of initiative and a request that a Ballot Title & Summary be prepared.</p> <p>The Notice of Intention may contain a statement not exceeding 500 words, stating the reasons for the petition. (§9202)</p>
Ballot Title & Summary	<p>The City Clerk / Elections Official will immediately transmit a copy of any proposed measure to the City Attorney. The City Attorney prepares a Ballot Title & Summary not to exceed 500 words. (§9203(a))</p> <p>The City Clerk / Elections Official will provide a copy of the Ballot Title & Summary to the proponents. (§9203(b))</p>
Appeal	Any elector of the City may seek a writ of mandate requiring the Ballot Title or Summary to be amended. (§9204)
Publication	As described in Government Code §6000-6008, proponents shall publish for one day the Notice of Intention and the Ballot Title & Summary in a newspaper of general circulation (<i>Good Times</i> , <i>Santa Cruz Record</i> , or <i>Sentinel</i>).
File Proof	Proponent to file a proof of publication of the Notice of Intention and Ballot Title & Summary with the City Clerk / Elections Official. Proof of publication is obtained from the newspaper. (§9206)
Circulation	<p>Proponents may begin to circulate the petition(s) for voter signatures after publication of the Notice of Intention and Ballot Title & Summary. Each section of the petition shall include a copy of the Notice of Intention and Ballot Title & Summary. (§9207)</p> <p>Each section shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in §9022, except that the declaration shall declare that the circulator is at least 18 years of age or older.</p> <p>Proponents have 180 days from date of the receipt of the Ballot Title & Summary, or after conclusion of any legal action, to circulate the petition(s). (§9208)</p>
Reports Ordered	During the circulation of the petition, the City Council may refer the proposed initiative to any City Agency for a report. The report shall be presented to the City Council no later than 30 days after the City Clerk / Elections Official certifies the sufficiency of the petition(s). (§9212)

A Look at the Process (continued)

Signature Requirement (Regular Election)	<p>If proponent(s) collect:</p> <ul style="list-style-type: none"> ➤ ORDINANCE: 10% of the voters of the City... ➤ CHARTER AMENDMENT: 15% of the voters of the City... <p>...according to the last report of registration by the County Elections Department official to the Secretary of State effective at the time the Notice of Intention was published, the City Council shall do one of the following:</p> <ol style="list-style-type: none"> 1. Adopt the ordinance without alteration at the meeting at which certification is presented or within 10 days after it is presented; OR 2. Call the election to place the measure for an ordinance and/or charter amendment on the ballot at the City's next election occurring not less than 88 days after the date of the order, unless the ordinance petitioned for is required to be, or for some reason is, submitted to the voters at a special election pursuant to §1405(a); OR 3. Order a report pursuant to §9212 and once the report is presented, the City Council shall either adopt the ordinance within 10 days or call an election for the ordinance and/or charter amendment. (§9215)
Verification of Signatures	<p>Within 30 days from the date of filing of the petition, excluding weekends and holidays, the City Clerk / Elections Official shall verify signatures. If the petition is found insufficient, no action shall be taken. If the petition is found to be sufficient, the City Clerk / Elections Official shall certify the results to the City Council at its next regular meeting.</p> <p>In addition to the 30 working day allowance, the calendar will also include no less than 10 days to prepare, submit to the City Manager for approval, and add as an agenda item to a specified City Council meeting, a staff report that will be posted publicly no less than 5 days in advance of the meeting for City Council to take action on to certifying the results of the election.</p>
Enactment of Ordinance	<p>Ordinances are passed with a majority vote of the voters voting in favor and shall be considered adopted upon the date the vote is declared by the City Council. The ordinance shall go into effect 10 days after that date. (§9217)</p>

How to Raise or Spend Money

First...	Review the Fair Political Practices Commission (FPPC) Campaign Disclosure Manual 3 – Information for Ballot Measure Committees .
Second...	<p>File a FPPC Form 410 – Statement of Organization with the City Clerk / Elections Official.</p> <p>Any person, 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 an additional FPPC Form 410 with the Secretary of State and the City Clerk / Elections Official. Upon receipt of the 410, the Secretary of State will issue an identification number, which must be included on all campaign disclosure forms.</p> <p>A Form 410 may be filed prior to qualifying (\$2,000 threshold).</p>
Third...	<p>Be prepared to File an FPPC Form 460 (long form) or FPPC Form 450 (short form) Pre-Election Statements and Semi-Annual Statements.</p> <p>These reports detailing your committee’s contributions and expenditures are filed at specified times prior to and following the election. There are also various special reports that must be filed to amend forms or to provide supplemental information. Know the deadlines and the type of forms you must file. The City requires electronic filing of these statements.</p> <p>The City Clerk / Elections Official will provide you with a calendar of filing deadlines. For technical advice on completing the forms or questions regarding reporting requirements, please contact the Fair Political Practices Commission:</p> <p>General Information: (916) 322-5660</p> <p>Advice: 1-866-ASK-FPPC (866) 275-3772 *2 (Telephone Advice is available Monday - Thursday 9am-11:30am) www.fppc.ca.gov</p>
Fourth...	<p>If you decide to terminate your Committee, file FPPC Form 410 with the Secretary of State; and</p> <p>A copy of FPPC Form 410 with the City Clerk / Elections Official and a Form 460 electronically, checking the termination box upon completion of your initiative efforts and closing of bank account.</p>

If the Initiative goes to Election

Calendar	The City Clerk / Elections Official will develop a calendar for the election, including dates when arguments, rebuttals, and campaign statements need to be filed.
Arguments & Rebuttals	<p>Obtain a copy of the “Guide to Writing Arguments, Rebuttals, and Analyses for City Measures,” prepared by the City Clerk. This guide provides general deadlines and outlines procedures for filing arguments, rebuttals, and analyses for City initiatives.</p> <p>The proponent(s) filing an initiative petition may file a written argument in favor of the ordinance and the City Council may submit an argument against the ordinance.</p> <p>All arguments shall be accompanied by a signature statement to be signed by each proponent and by each author of the argument. (§9600)</p> <p>Rebuttal arguments are limited to 250 words and must also be accompanied by a signature statement.</p> <p>Article 4 (commencing with §9290) shall govern the procedures for submitting arguments for City initiatives.</p>
Analyses	<p>The City Attorney shall 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. (§9280)</p> <p>The City Finance Director may be directed by the City Council to prepare a fiscal analysis of the affect on City revenues or expenditures. (§9212)</p>
Conflicting Ordinances	If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control. (§9221)
Enacting Clause	<p>The enacting clause of an ordinance submitted to the voters of the City of Santa Cruz shall be substantially in the following form:</p> <p>“The people of the City of Santa Cruz do ordain as follows.” (§9224)</p>
Assigning a Letter	<p>Letters designating measures will be assigned by the County Elections Official pursuant to §13116. Measures 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.</p> <p>Measures will appear on the ballot in the following order: Schools, County, Cities, Districts. §13109</p>

If the Initiative goes to Election (continued)

City Council Action	<p>The City Council will adopt a resolution calling the election and consolidating it with other elections being conducted in the same jurisdiction on the same day. §10400, 10401</p> <p>The resolution will include the 75-word ballot question that is printed on the ballot.</p>
Ballot Question	<p>The statement of all measures submitted to the voters shall be abbreviated on the ballot. The statement shall not contain more than 75 words of each measure to be voted on, followed by the words, "Yes" and "No". (§13247)</p> <p>All local measures proposed by a local governing board or submitted to voters as an initiative or referendum, including measures authorizing the issuance of bonds or the incurrence of debt, shall have printed on them the words "Shall the measure (stating the nature thereof) be adopted?" If the proposed measure imposes a tax or raises the rate of a tax, the ballot shall include in the statement of the measure to be voted on the amount of money to be raised annually and the rate and duration of the tax to be levied. (§13119)</p>
Form of Ballot Question on Ballot	<p>The ballots used when voting upon a City measure or submitted to the voters as an initiative or referendum measure pursuant to Division 9 (commencing with Section 9000), including a measure authorizing the issuance of bonds or the incurrence of debt, shall have printed on them the words "Shall the measure (stating the nature thereof) be adopted?" To the right or below the statement of the measure to be voted on, the words "Yes" and "No" shall be printed on separate lines, with voting targets. If a voter marks the voting target next to the printed word "Yes," the voter's vote shall be counted in favor of the adoption of the measure. If the voter marks the voting target next to the printed word "No," the voter's vote shall be counted against its adoption. (§13119)</p>

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 City of Santa Cruz 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:

A 500-word optional statement outlining the reasons for the proposed petition may be printed here.

(The notice shall contain the printed name, signature, and business or residence address of at least one, but not more than five, proponents.) The printed names, signatures, and business or residence addresses of the proponents are as follows:

Name	Residence or Business Address	Signature

Include here the written text of the initiative and a request that a ballot title and summary be prepared.

Statement of Petition Proponent

Must be submitted with Notice of Intent Elections Code §9608

The proponents of an initiative measure shall ensure that any person, company, or other organization that is paid, or who volunteers, to solicit signatures to qualify the proposed measure for the ballot shall receive instruction on the requirements and prohibitions imposed by state law with respect to circulation of the petition and signature gathering thereon, with an emphasis on the prohibition on the use of signatures on an initiative petition for a purpose other than qualification of the proposed measure for the ballot.

I, _____, acknowledge that it is a misdemeanor under state law (Section 18650 of the 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 of Proponent) Dated: _____, 20____

This certification shall be kept on file by the City of Santa Cruz for not less than eight months after the certification of the results of the election for which the measure qualified, or if the measure, for any reason, is not submitted to the voters, eight months after the deadline for submission of the petition to the elections official.

Failure to comply with this section shall not invalidate any signatures on a state or local initiative petition.

Statement of Petition Company

Must be kept by Proponents

Prior to allowing a person to circulate an initiative petition for signatures, the person, company official, or other organizational officer who is in charge of signature gathering shall execute and submit to the proponents a signed statement that reads as follows:

I, _____, acknowledge that it is a misdemeanor under state law (Section 18650 of the 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 of Official) Dated: _____, 20__

This certification shall be kept on file by the proponents of the proposed initiative measure for not less than eight months after the certification of the results of the election for which the measure qualified, or if the measure, for any reason, is not submitted to the voters, eight months after the deadline for submission of the petition to the elections official.

Failure to comply with this section shall not invalidate any signatures on a City initiative petition.

Statement of Petition Circulator

Must be kept by Person, Company, or Organization who is gathering signatures

Prior to soliciting signatures on an initiative petition, a circulator shall execute and submit to the person, company official, or other organizational officer who is in charge of signature gathering a signed statement that reads as follows:

I, _____, acknowledge that it is a misdemeanor under state law (Section 18650 of the 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.

_____ Dated: _____, 20__
(Signature of Circulator)

This certification shall be kept on file by the person, company official, or other organizational officer who is in charge of signature gathering for the proposed initiative measure for not less than eight months after the certification of the results of the election for which the measure qualified, or if the measure, for any reason, is not submitted to the voters, eight months after the deadline for submission of the petition to the elections official.

This certification does not apply to unpaid circulators of state or local initiative petitions.

Failure to comply with this section shall not invalidate any signatures on a state or local initiative petition.