

PRESENTING AN INITIATIVE

A Guide to Placing an Initiative on the Ballot re: Proposed City Legislation



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This reference publication is intended for general guidance only and does not address every issue or legal requirement that may be applicable to an initiative. The City Clerk Department does not provide legal advice to the public on matters relating to elections. Individuals with questions relating to the subject matter of this material should refer to a current copy of the California Elections Code and consult legal counsel.

THE PROCESS

Notice of Intention	File Notice of Intent with the City Clerk with the printed names, signatures and addresses of at least one, but not more than three proponents. Include the written text of initiative, which must qualify as legislation, and a request that a ballot title and summary be prepared. Proponents must pay a fee not to exceed \$200 to be refunded within one year of the date of filing the Notice of Intent if the City Clerk certifies the sufficiency of the petition. (EC §9202)
Title & Summary	Upon receiving the Notice of Intent and payment of fee, the City Clerk will immediately transmit a copy of the proposed measure to the City Attorney. The City Attorney prepares a ballot title and summary not to exceed 500 words. (EC §9203) The City Clerk furnishes a copy of the ballot title and summary to the proponents. (EC §9203)
Writ Petition	Any elector of the City may petition the Superior Court to issue a writ of mandate requiring the Ballot Title or Summary to be amended. (EC §9204)
Publication	Proponents must publish at least once the Notice of Intent and the Ballot Title and Summary in a newspaper of general circulation. (EC §9205)
File Proof	Proponents file the proof of publication and associated materials with the City Clerk prior to circulation of petition. (EC §9206)
Circulation	Proponents may begin circulation of the petition for voter signatures after publication of the Ballot Title and Summary. Each section of the petition must include a copy of the Notice of Intent and Ballot Title and Summary. (EC §9207) Proponents have 180 days from the receipt of the Ballot Title and Summary to circulate the petition. (EC §9208)
Reports Ordered	During the circulation of the petition, the City Council may refer the proposed initiative to any City department for a report. The report shall be presented to the City Council no later than 30 days after the City Clerk certifies the sufficiency of the petition. (EC §9212) The report may contain any 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 and 4.3 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

	<p>housing needs.</p> <p>(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.</p> <p>(5) Its impact on the community's ability to attract and retain businesses and employment.</p> <p>(6) Its impact on the uses of vacant parcels of land.</p> <p>(7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.</p> <p>(8) Any other matters the legislative body requests to be in the report. (EC §9212 (a)(1-8))</p>
<p>Signature Requirement</p>	<p>If proponents collect 10% of the registered voter registration as of the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187, effective at the time the notice specified in Section 9202 was published, the City Council shall do one of the following:</p> <p>(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.</p> <p>(b) Submit the ordinance, without alteration, to the voters pursuant to Section 1405.</p> <p>(c) Order a report pursuant to Section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b) of Section 9215. (EC §9215)</p>
<p>Verification of Signatures</p>	<p>Within 30 days from the date of filing of the petition, excluding weekends and holidays, the elections official shall verify the signatures. If the petition is found insufficient, no action shall be taken. If the petition is found to be sufficient, the City Clerk shall certify the results to the City Council at the next regular City Council meeting. (EC §§9211, 9114, 9115)</p>
<p>Enactment of Ordinance</p>	<p>Ordinances are passed with a majority vote of the voters 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 (EC §9217)</p>

INITIATIVE PROCESS TIMELINE

The following is an example of the timelines associated with proposing an initiative. Once a Notice of Intent is filed with the City Clerk’s Office, the City Clerk will develop an actual calendar specific to the initiative.

When the Notice of Intent is filed, the timeline begins.

Notice of Intent Filed	Notice shall include the names and business or residence addresses of at least one but more than three proponents of the petition and shall be accompanied by the written text of the initiative and a request that a ballot title and summary be prepared. (EC §§ 9202, 9203.)
Within 15 Days	From the date the proposed measure is filed, the City Attorney will provide the Ballot Title and Summary to the City Clerk.
Within 180 Days	From the date of the receipt of the Ballot Title and Summary, signatures shall be secured, and the petition shall be presented to the City Clerk. Prior to the circulation of the petition, the Notice of Intention must be published with the Title and Summary, and a Proof of Publication must be filed with the City Clerk.
Within 30 Days	(Excluding weekends and holidays), from the date the petition is filed, the elections official will verify signatures.
Within 10 Days	<p>After the certification of a qualified petition is presented at a regular meeting, the City Council shall adopt the ordinance, issue an order stating that an election will be held, or order a report, and after that report is presented to the Council, adopt the ordinance within 10 days or order an election.</p> <p>If the proposed measure goes to election, there are additional deadlines, including submission of direct and rebuttal arguments, submission of impartial analysis by the City Attorney, public examination of arguments and impartial analysis, and mailing of sample ballot pamphlets. A separate election calendar would be provided with these dates.</p>

IF THE INITIATIVE GOES TO ELECTION

<p>CALENDAR The City Clerk will provide a calendar for the election, including dates when arguments, rebuttals and campaign statements need to be filed.</p>	<p>BALLOT QUESTION The statement of all measures submitted to the voters shall be abbreviated on the ballot. The statement (ballot question or label) shall contain not more than 75 words of each measure to be voted on, followed by the words “Yes” and “No”. (EC §13247)</p>
<p>ARGUMENTS, ETC. EC §§9280-9287 shall govern the procedures for submitting arguments for initiatives.</p>	<p>FORM OF BALLOT QUESTION The ballots used when voting upon a proposed ordinance as an initiative measure shall have printed on them the words “Shall the ordinance (stating the nature thereof) be adopted?” Opposite the statement of the ordinance to be voted on, and to its right, the words “Yes” and “No” shall be printed on separate lines, with voting squares. A yes vote is in favor of the adoption of the ordinance; a no vote shall be counted against its adoption. (EC §13119)</p>
<p>CONFLICTING MEASURES If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control. (EC §9221)</p>	<p>ANALYSES The City Attorney shall prepare a 500-word or less impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure. (EC §9280)</p>
<p>ENACTING CLAUSE The enacting clause of an ordinance submitted to the voters of a city shall be substantially in the following form: “The people of the City of Los Altos ordain as follows...” (EC §9224)</p>	<p>ASSIGNING A LETTER Letters designating measures will be assigned by the elections official pursuant to EC §13116. Measures will be assigned in alphabetical order. Measures will appear on the ballot following candidates for office.</p>
<p>COUNCIL ACTION The City Council will adopt a resolution calling the election. The resolution will include the 75-word or less ballot question (ballot label) that will be printed on the ballot.</p>	

HOW TO RAISE OR SPEND MONEY

For information and requirements:

1. Obtain a copy of the Campaign Disclosure Information Manual D for Ballot Measure Committees from the Fair Political Practices Commission. (www.fppc.ca.gov)
2. File a 410 – Statement of Organization with the Secretary of State and the City Clerk (also available on the FPPC website).

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 a Form 410 with the Secretary of State and the City Clerk.

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

The City Clerk does not issue advice regarding FPPC forms or inquiries. For assistance with FPPC-related topics, please call the FPPC advice line at 866-ASK-FPPC (866-275-3772), or by email at advice@fppc.ca.gov.

SANTA CLARA COUNTY REGISTRAR OF VOTERS

To learn more about elections held within Santa Clara County, please visit:

<https://sccvote.sccgov.org/home>