

A Guide to Placing an Initiative on the Ballot



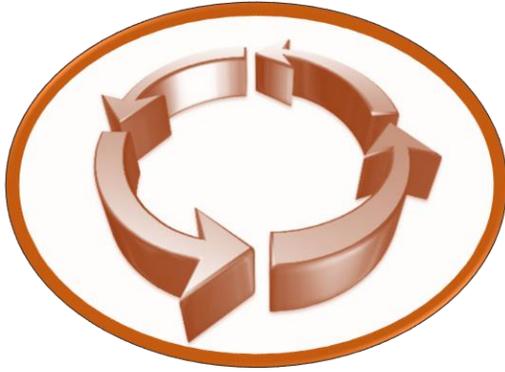
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This guide is offered for general information only. The City Clerk's Office strongly recommends that proponents consult with independent counsel on the initiative process, including technical requirements for the format of initiative petitions. The filing of an initiative petition is not an indication that the petition meets all legal requirements. **In the event of conflict, applicable law, rule or regulation will apply.**

Preface



The initiative petition process empowers voters to propose, amend or repeal City Ordinances and the Charter of the City of San Leandro. A successful petition places the issue in question before a vote of the people. The rules governing the initiative process are set forth in the California Elections Code (*Elec. Code*), San Leandro City Charter as well as applicable provisions of the California Government Code.

Initiatives require considerable planning to ensure all steps are completed according to legal requirements. The general process requires completion of numerous essential tasks including: development of the proposed ordinance, filing and posting a notice of intent to circulate a petition, preparation of petitions, gathering of petition signatures, verification of the petitions/signatures, signature count certification, and coordination and submittal of the petitions to the County for certification. Initiative petitions proposing amendment of the City Charter require additional steps under the Elections Code to qualify to go before voters.

Referenda and recalls follow similar processes.

To calculate deadlines for the aforementioned tasks, proponents should select a target election date. Proponents should also bear in mind that all required actions to place the initiative on the ballot must be taken by the **88th day** before the election.

The information provided in this booklet serves to provide general information only and should not be solely relied upon in lieu of independent counsel.

The city elections official is the City Clerk, and the county elections official is the Alameda County Registrar of Voters.

CITY CLERK'S OFFICE CONTACT INFORMATION

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INITIATIVES (ORDINANCES OR CHARTER AMENDMENTS)

I. Notice of Intent to Circulate a Petition

Proponents must file an official notice of intent to circulate a petition. The notice of intent must be accompanied by the written text of the initiative and may include a written statement of 500 words or less, stating the reasons for the proposed petition. The notice shall be signed by at least one (1), but not more than three (3), proponents. *[Elec. Code §9202 (a)]*

Notices of intent should be in substantially the following form:

Notice of Intent 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 San Leandro for the purpose of _____ . A statement of the reasons of the proposed action as contemplated in the petition is as follows:

(Set forth text here)

Any person filing a notice of intent with the City Clerk shall pay a filing fee to be established by the legislative body not to exceed two hundred dollars (\$200) to be refunded to the filer if, within one year of the date of filing the notice of intent, the City Clerk certifies the sufficiency of the petition. *[Elec. Code § 9202 (b)]*

II. Title and Summary

Any person who is interested in any proposed measure shall file a copy of the proposed measure with the City Clerk with a request that a ballot title and summary be prepared. The request shall be accompanied by the address of the person proposing the measure. The City Clerk shall immediately transmit a copy of the proposed measure to the City Attorney. Within 15 days after the proposed measure is filed, the City Attorney shall provide and return the City Clerk a ballot title for the summary of the proposed measure. *[Elec. Code §9203 (a)]*

The City Clerk shall furnish a copy of the ballot title and summary to the person filing the proposed measure. *[Elec. Code §9203 (b)]*

III. Publication and Filing of Publication Affidavit

The proponents shall publish (at least once) the notice of intention and the title and summary of the proposed measure in a newspaper "of general circulation." The City's official paper for legal notices is *The Daily Review*. *[Elec. Code § 9205(a), 9256]*

If there is no adjudicated newspaper of general circulation, the notice and the title and summary shall be published at least once, in a newspaper circulated within the city and adjudicated as being of general circulation within the county in which the city is located and the notice, title, and summary shall be posted in three (3) public places within the city, which places shall be those utilized for the purpose of posting ordinances¹. *[Elec. Code § 9205(b), 9256]*

¹ If the proponents request the City's site for posting, they must submit a formal request for posting.

Within ten (10) days after the date of publication or posting, or both, of the notice of intention and title and summary, the proponents shall file a copy of the notice and title and summary as published or posted together with an affidavit made by a representative of the newspaper which the notice was published with the City Clerk. [Elec. Code § 9206. 9256]

VI. Form of Petition

The person proposing the measure shall, prior to its circulation, place upon each section of the petition, above the text of the proposed measure and across the top of each page² of the petition on which signatures are to appear, in roman boldface type not smaller than 11 point, the ballot title prepared by the City Attorney. The text of the measure shall be printed in type not smaller than 8 point. [Elec. Code § 9203 (b)]

The heading of the proposed measure must be in boldface type in substantially the following format:

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the city attorney. This title and summary must also be printed across the top of each page of the petition where signatures are to appear.)

A Note on Charter Amendment Proposals

Petitions for Charter amendments must adhere to applicable sections of the California Elections Code.

The heading for Charter amendment proposals must be in the following format [Elec. Code §9260]:

Petition for Submission to Voters of Proposed Amendment to the Charter of the City of San Leandro

To the city council of the City of San Leandro:

We, the undersigned, registered and qualified voters of the State of California, residents of the City of San Leandro, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 of the Government Code, present to the city council of the City of San Leandro this petition and request that the following proposed amendment to the Charter of the City of San Leandro be submitted to the registered and qualified voters of the city for their adoption or rejection at the next statewide general, statewide primary, or regularly scheduled municipal election pursuant to California Elections Code § 1200, 1201, or 1301.

The proposed charter amendment reads as follows:

² Please refer to the Elections Code for required font specifications.

(Set forth the text of the amendment text here)

Full Text of Petition

The petition signed by the registered voters of the City of San Leandro proposing an amendment to a charter shall set forth in full the text of the proposed amendment³, in no less than a 10-point type. *[Elec. Code §9257]*

IV. Circulation of Petition

The proponents may commence to circulate the petition among the voters of the city for signatures by any registered voter of the city after publication or posting, or both, as required by Election Code Section 9205, of the title and summary prepared by the City Attorney. Each section of the petition shall bear a copy of the notice of intention and the title and summary prepared by the City Attorney. *[Elec. Code § 9207]⁴*

Signature Requirement

In order to qualify for adoption or submittal to the voters of the proposed measure, the proponents must obtain signatures of 10% of the voters of the City according of the last report of registration by the county elections official to the Secretary of State, pursuant to Elections Code Section 2187, effective at the time the notice specified in Elections Code Section 9202 was published. *[Elec. Code §9215]*

A Note on Charter Amendment Proposals

Signature Requirement

In order to qualify for submittal to the voters of a proposed amendment or repeal of a city charter, the petition must be signed by 15% of the registered voters of the city. *[Elec. Code § 9255 (c)(1)]*

Correct Text of Amendment

The petition may be circulated in sections, but each section shall contain a correct copy of the text of the proposed amendment. *[Elec. Code §9258]*

V. Filing of Petitions

Proponents, or any person or persons authorized in writing by the proponents, have 180 days from the date they receive the title and summary to file the petition with the city election official. The filing must be done during normal business hours as posted. All sections of the petition must be filed at one time. The petition shall be filed by the proponents or by any person or persons authorized in writing by the proponents. Once filed, no petition sections can be amended except by order of the court. *[Elec. Code § 9208, 9210]*

³ Please see Elections Code for specific font requirements.

⁴ During the circulation of the petition or before taking the action to adopt the ordinance to call an election, the City Council may request a report on the proposed initiative. Once requested, the report shall be submitted no later than 30 days after the City Clerk certifies the sufficiency of the petition *[Elec. Code §9212]*.

After the petition has been filed, the elections official shall examine the petition in the same manner as our county petitions in accordance with Elections Code Sections 9114 and 9115. *[Elec. Code §9211]*

VI. Report on Effect of Proposed Initiative

(a) During the circulation of the petition, or before taking action to adopt the proposed measure or place the measure for voter consideration after the City Clerk certifies the sufficiency of the petition, the City Council may refer the proposed initiative measure to any 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 City's general and specific plans
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
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 council requests to be in the report

(b) The report shall be presented to the City Council within the time prescribed by the Council but no later than 30 days after the elections official certifies the sufficiency of the petition. *[Elec. Code §9212].*

VII. Council Action

If the initiative petition is signed by not less than 10% of the voters of the City according to the last report of registration by the county elections official to the Secretary of State, the City Council shall do one of the following: *[Elec. Code §9215]*

- a. Adopt the ordinance without alteration
- b. Submit the ordinance without alteration to the voters
- c. Order a report pursuant to Elec. Code §9212

A Note on Charter Amendment Proposals

A proposed amendment or repeal of a city charter proposed by a petition signed by 15% of the registered voters of the city shall be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election pursuant to Elec. Code §1200, 1201, or 1301 occurring not less than 88 days after the date of the order of election.

[Elec. Code §9255(c)]

⁵ Established Election Dates: The statewide general election is held on the 1st Tuesday after the 1st Monday in November of each even-numbered year.

VII. **Legal and Financial Impartial Analysis**

Whenever a city measure qualifies for placement on the ballot the City Council may direct the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall be printed preceding the arguments for and against the measure and shall not exceed 500 words in length. *[Elec. Code §9280]*

VIII. **Written Arguments**⁶

For measures placed on the ballot by petition, the person(s) filing an initiative petition may file an argument in favor of the ordinance and the City Council may submit an argument against the ordinance. *[Elec. Code §9282(a)]*

Arguments shall not exceed 300 words in length. *[Elec. Code §9282(c)]*

IX. **Rebuttal Arguments**

The author or majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing another other person or persons to prepare, submit, or sign the rebuttal argument. *[Elec. Code §9285(a)(2)]*

Rebuttal arguments shall not exceed 250 words. *[Elec. Code §9285(a)(3)]*

Rebuttal arguments shall not be signed by more than five (5) persons, shall be printed in the same manner as a direct argument, and shall immediately follow the direct argument which it seeks to rebut. *[Elec. Code §9285(a)(5)]*

VIII. **10-day Public Inspection of All Materials**

The Office of the City Clerk will make all materials available for public inspection in our office for a period of ten (10) calendar days immediately following the filing deadline for submission of all materials. Anyone may request a copy of the materials. *[Elec. Code § 9295]*

The statewide direct primary election is held on the 1st Tuesday after the first Monday in March of each even-numbered year. *[Elec. Code §1201]* The general municipal election is consolidated with the statewide general election on the 1st Tuesday after the 1st Monday in November of each even-numbered year. *[San Leandro Municipal Code §1-11-100]*

⁶ See **Arguments and Rebuttals** page 10

General Steps And Timeline Snapshot For Initiative Petitions

Step 1	Develop The Written Text Of The Proposed Initiative Proponents are encouraged to meet with an attorney to discuss details of the proposed measure.
Step 2	File Notice Of Intent To Circulate Initiative With The Clerk's Office Schedule an appointment with the Office of the City Clerk to file notice of intent and pay \$200.00 fee.
Step 3	City Attorney Drafts Language Of The Proposed Initiative (15 Days) The City Attorney will draft the full text of the proposed initiative as well as the title and summary to be used for circulating the petitions and to go on the ballot.
Step 4	Proponents Publish Notice Of Intent To Circulate The Petition Proponents must publish and/or post notice of intent to circulate a petition prior to gathering signatures and must file the affidavit of the published notice/posting within 10 days of publication/posting.
Step 5	Circulation Of Petitions – Gathering Of Signatures Proponents may begin circulating the petitions for signature after publication/posting of the title and summary..
Step 6	Submission Of Petitions To The City Clerk – Prima Facie Count Proponents must file signatures with the City Clerk no later than 180 days from the date the proponents received the title and summary.
Step 7	County Verification (30 business days) Alameda County Registrar of Voters verifies the petition.
Step 8	City Council Action City Council exercises one of three options.
Step 9	Coordination Of Other Required Elections Activities Legal Analysis Call of election Post notice of the election & deadlines for arguments and rebuttals Receipt and selection of arguments Receipt of rebuttals
Step 10	Submission Of Required Elections Documents To Alameda County Registrar Of Voters

FREQUENTLY ASKED QUESTIONS

How long will it take to get my initiative on the ballot for the upcoming election? The ballot initiative process can be lengthy. It is best to be prepared at least 9-12 months before an election.

When can I begin circulating my petition?

You may circulate your petition after publication of the title and summary as required by California Elections Code Section 9205. Keep in mind that all materials have to be filed with the City Clerk no later than 180 days from the date of receipt of the title and summary.

How many signatures should I gather?

The Office of the City Clerk suggests that proponents consult with a private political consultant to develop a signature gathering strategy.

I will be unavailable to file the petition. May I send someone in my place?

Petitions can be filed by the proponents or persons authorized in writing by the proponents. Please provide a letter bearing the written signature(s) and address(es) of the proponents who are authorizing a specific person to serve as the agent of the group.

I have some of my petitions with me but left some at home. May I return later with the rest?

No. All petitions must be filed at one time.

Who are the proponents of a petition?

The proponents consist of up to 3 San Leandro registered voters 3 who submit the initiative petition.

Who may sign a petition?

Any registered voter of the City may sign a petition. Signatures from individuals that are not registered voters of the City will not count towards meeting the required threshold for further action.

I just noticed there is error on my filed petition. May I come in and fix it?

No amendments, changes, alteration or corrections of any kind, clerical or otherwise, shall be permitted in any petition after it has been filed with and approved for proceeding to the signature examination phase by the City Clerk.

ARGUMENTS AND REBUTTALS

Direct Arguments

Direct arguments for or against measures will be submitted to the City Clerk at a date no later than 14 days from the calling of the election. Direct Arguments shall not exceed three hundred **(300)** words. [*Elec. Code § 9282 (b, c), 9286*]

Rebuttal Arguments

When the arguments for and against the measure have been selected, the City Clerk shall provide a copy of the argument in favor to the author of the argument against and a copy of the argument against to the author of the argument in favor. The authors may then prepare rebuttal arguments. A rebuttal argument relating to a City measure shall be filed with the City Clerk no later than 10 days after the final filing date for primary arguments. Rebuttal arguments shall not exceed two hundred and fifty (250) words. [*Elec. Code §9285*]

Argument/Rebuttal Signatures

Each argument and rebuttal must be accompanied by the printed name and signature of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers on the form provided by the City Clerk. No more than 5 signatures/names will be printed with the argument or rebuttal. [*Elec. Code §9283*]

WORD COUNT STANDARDS

Punctuation	Not Counted
Dictionary Words	One
Abbreviation/Acronyms	One
Geographical Names ⁷	One
Streets, Bridges	One for each word
Names of Areas (Bay Area, East Bay)	One for each word
Names of School Districts and Special Districts	One
All Other Proper Names	One
Telephone Numbers	One
Email/Website Addresses	One
Whole Numbers:	
Digits	One
Spelled out	One for each word
Dates:	
Digits	One
Words + Digits	Two
Hyphenated Words in Dictionary ⁸	One
Hyphenated Words not Hyphenated in Dictionary	One for each part

⁷ Example – City and County of San Francisco (One Word)

⁸ Generally available standard dictionary published in the United States within the last 10 years