

HOW TO PLACE AN INITIATIVE ON A CITY BALLOT

1. Prepare the Text of the Initiative. (Below you will find a *sample* initiative. Do not merely copy the sample. The Text of your initiative must be tailored to reflect (1) your city's tax ordinance, and (2) your objectives. **You should seek the advice of an attorney for this step.**)

NOTE: Be reasonable. Proposing an unjustifiable initiative that arbitrarily reduces revenue necessary for the city to provide essential governmental services usually results in the city suing the initiative proponents, and the court invalidating the initiative. HJTA attorneys will not provide free representation for the proponents of unreasonable initiatives. Defending an initiative with private counsel can be very expensive!

2. Fill in the Notice of Intent to Circulate Petition. The initiative proponent must sign it as he or she is registered to vote (no more than three proponents are allowed). Note: You do not need three reasons. One or two is sufficient. *This is important:* Do *not* include in your reasons any statements about the law or the legality of the city's tax. Such a statement might, in itself, be legal grounds for invalidating your initiative.

3. Complete the Certification Regarding Use of Signatures and sign it as the initiative proponent(s) are registered to vote.

4. Reproduce the Letter to City Clerk on your letterhead, and sign it as the initiative proponent(s) are registered to vote. Make sure it includes your residence address, not a P.O. box.

5. Submit the Letter, the Notice of Intent, the Certification, and the Text of the Initiative to the City Clerk (the City may charge a refundable filing fee) and request that (1) a Ballot Title, and (2) an Impartial Summary be prepared. Within 15 days the City Attorney is required to prepare and return to the City Clerk a Ballot Title and Impartial Summary of the measure.

6. Upon receipt of the Title and Summary, insert them into the Notice of Intent to Circulate Petition where indicated. Publish the Notice of Intent in the legal notices section of the newspaper for at least two days. Use the newspaper that has been "adjudicated" (the newspaper will know what this means) as a paper of general circulation in the city. If there isn't one, then you must post the Notice in three public places used by the City Council to post proposed ordinances *and* publish the Notice in a newspaper that reaches the city and has been adjudicated as a paper of general circulation for the *county*. Obtain a Proof of Publication from the newspaper. File both a newspaper clipping of the Notice of Intent and the Proof of Publication with the City Clerk within 10 days of publication. *You cannot begin circulating petitions until you have published the Notice of Intent and filed*

proof of publication with the City Clerk.

7. The Petition that you will use to gather signatures should be prepared as follows (the instructions enclosed within brackets are *not* to be included in the Petition):

[Below a one inch top margin, in 12 point roman boldface type, the heading of the petition must read:]

“INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS”

[Below the heading, type:]

“The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

Title”

[Here you will copy the Ballot Title in 12 point roman boldface type, exactly as the City Attorney wrote it. Below the Ballot Title, type:]

“Impartial Summary”

[Here you will copy the Impartial Summary exactly as the City Attorney wrote it. Below the Impartial Summary, type:]

“Notice of Intent to Circulate Petition”

[Here you will insert the Notice of Intent (including the Proponent’s name and address) exactly as you published it. Below the Notice of Intent, type:]

“Text of Initiative”

[Here you will insert the Text of the initiative exactly as you submitted it to the City Clerk, including the first line that says, “The People of the City of _____ do ordain as follows:”. The Text must appear on the first page. The Text must be at least 8 point type. If it is too long to fit on the first page, you may continue onto subsequent pages, but each subsequent page must have as its heading the City Attorney’s Ballot Title in 12 point roman boldface type. If the subsequent page will contain the signature table, then, besides reprinting the Title at the top of the page, you must also reprint the City Attorney’s Summary after the end of the Text. Below this, in 12 point roman capital letters, type:]

“NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER. YOU HAVE THE RIGHT TO ASK.”

[Now insert the following, replacing the blank with the name of your city:]

“All signers must be registered to vote in the City of _____”

[Below this will appear a signature table. See Elections Code § 100 for the rules and a sample of the signature table.

Below the table will appear a Declaration of Circulator. See Elections Code § 104 for the wording of the Declaration of Circulator.]

8. NOTE: If the entire petition cannot fit on one side of a sheet of legal size paper, the pages must, at a minimum, be stapled together. We recommend instead that you use 17x11" paper and fold it in half so that it creates four integrated 8½x11" pages. That way the City cannot accuse you of presenting less than the whole package to prospective signers. Instruct your signature gatherers to present the petition to voters with Page One on top. You may even want to videotape yourself giving these instructions. We've had problems with cities rejecting petitions on the grounds that signature gatherers folded petitions open to the signature page and clipped them to a clipboard so that voters could not easily read the text of the initiative.

9. This is very important! You are allowed to have as many signature gatherers as you want, so that several petitions are circulating at once, but each signature gatherer *must be a registered voter of your city and every petition must be identical*, containing all of the contents as listed above.

10. Collect your signatures. Every signer must be a resident registered to vote in the City. You should gather at least 25% more than the required number of signatures so that when some signatures are rejected by the Registrar, you still have enough to qualify your measure for the ballot. NOTE: Many signatures *will be* rejected because they are not residents, signed more than once, are not registered to vote, are registered with a maiden name, are registered with an old address, etc. In fact, it is not uncommon for opponents of an initiative to sabotage it by signing repeatedly with phony names.

NOTE: The number of signatures you need depends on the nature of your initiative. If the initiative does no more than reduce or repeal an existing tax, assessment or fee, then you need only 5% of the number of voters who participated in the last gubernatorial election. (If an elections official tells you that you need more than five percent, contact Howard Jarvis Taxpayers Association lawyers.) If your initiative proposes something other than the reduction or repeal of an existing tax, assessment or fee, then you need signatures equal to 10% of the total number of registered voters. If you are requiring the city to call a special election (because your initiative is time sensitive and cannot wait until the next regularly scheduled election), then you need signatures equal to 15% of the total number of registered voters. To determine the required number of signatures, ask the County Registrar of Voters.

11. You have 180 days from the date the City Attorney provides the Title and Summary to the City Clerk within which to gather the required number of signatures, collect the individual petitions and assemble them into one package, and submit the package to the City Clerk. All of the petitions must be submitted at the same time, in one package, *by the Proponent who signed the Notice of Intent.*

12. Good luck!

CERTIFICATION REGARDING USE OF SIGNATURES

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 this _____ day of _____, 20____

[LETTER TO CITY CLERK]

Date

City Clerk
City of _____
Address

Re: Initiative Measure to be Submitted to Voters

Dear _____,

Please find enclosed an Initiative Measure, Notice of Intent to Circulate Petition, Certification Regarding Use of Signatures, and a check for the filing fee. Please transmit the measure to the City Attorney for Title and Summary pursuant to Elections Code section 9203.

I am the proponent of the measure and am a registered voter in the City of _____ . If you have any questions, please call me at _____ .

Sincerely,

Name
Street Address
City, CA, Zip

NOTICE OF INTENT TO CIRCULATE PETITION

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

- 1)
- 2)
- 3)

Proponent's name (sign above)

Address (not P.O. box)

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE

AN INITIATIVE ORDINANCE TO REPEAL THE SEWER RATE INCREASES ENACTED IN 2012 BY THE MUNIVILLE CITY COUNCIL, AND TO ENACT NEW RATES WITH AUTOMATIC ANNUAL ADJUSTMENTS.

IMPARTIAL SUMMARY

This initiative proposes an ordinance that would repeal certain sections of the City Municipal Code that set sewer user fees. The repeal would affect all categories of users. The sections to be repealed were originally adopted by the City Council in 2012 to cover increased and anticipated costs in providing sewer service.

The initiative ordinance also would enact the rate schedule stated in Section 1 of the ordinance itself, and authorize automatic annual adjustments to reflect changes in the Consumer Price Index. If passed, the initiative will take effect immediately. The initiative would not retroactively reduce sewer fees and therefore would not cause a refund of sewer fees previously levied.

NOTICE OF INTENTION TO CIRCULATE INITIATIVE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate a petition within the City of Muniville for the purpose of reducing the City's sewer rates. A statement of the reasons of the proposed action as contemplated in the petition is as follows: 1. Proponents believe the City can save the ratepayers money by choosing a less expensive design for the waste water treatment plant, or by re-bidding the project (since only one company responded to the first request for bids), or by requiring developers to bear a greater share of the cost of plant expansion (since new development is causing the need for more capacity). 2. In this economy, ratepayers cannot afford the new rate increases. Many private employees have been laid off or furloughed. Many small business owners are making fewer sales, or have closed altogether. For seniors on fixed incomes, Social Security has not kept pace with the City's rate increases. Jane Doe, 123 Main Street, Muniville, CA 95531 John Doe, 555 Maple Avenue, Muniville, CA 95531

TEXT OF PROPOSED INITIATIVE

The People of the City of Muniville do ordain as follows:

Section 1. Muniville Municipal Code section 13.5 is hereby repealed:

~~13.5 – Sewer charges on and after July 1, 2012:~~

~~Effective July 1, 2012, the schedule of charges for sewer use is as follows:~~

City - Single Family Residential	\$48.70
County - Single Family Residential	\$39.95
City - Light Commercial	\$6.16/100 cubic feet
County - Light Commercial	\$5.16/100 cubic feet
City - Heavy Commercial	\$9.21/100 cubic feet
County - Heavy Commercial	\$8.21/100 cubic feet
City - Multi Family Residential	\$5.65/100 cubic feet
County - Multi Family Residential	\$4.65/100 cubic feet

Section 2. From and after the effective date hereof, the schedule of charges for sewer use, including collection charges, is as follows:

City - Single Family Residential	\$40.95/month
County - Single Family Residential	\$33.95/month
City - Light Commercial	\$4.70/100 cubic feet
County - Light Commercial	\$4.35/100 cubic feet
City - Heavy Commercial	\$7.10/100 cubic feet
County - Heavy Commercial	\$6.36/100 cubic feet
City - Multi Family Residential	\$4.32/100 cubic feet
County - Multi Family Residential	\$3.92/100 cubic feet

Section 3. Notwithstanding California Elections Code section 9217, beginning July 1, 2013, and for each fiscal year thereafter, the City may adjust the sewer rates above by the percentage increase, if any, in the Consumer Price Index published by the federal Bureau of Labor Statistics for the region applicable to the City of Muniville.

VOTER SIGNATURES

NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER. YOU HAVE THE RIGHT TO ASK.

All signers must be registered to vote in the City of Muniville.

1. Print Your Name	Residence Address Only	
Sign as Registered to Vote	City	Zip

TITLE

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1. Print Your Name	Residence Address Only	
Sign as Registered to Vote	City	Zip
2. Print Your Name	Residence Address Only	
Sign as Registered to Vote	City	Zip
3. Print Your Name	Residence Address Only	
Sign as Registered to Vote	City	Zip
4. Print Your Name	Residence Address Only	
Sign as Registered to Vote	City	Zip
5. Print Your Name	Residence Address Only	
Sign as Registered to Vote	City	Zip
6. Print Your Name	Residence Address Only	
Sign as Registered to Vote	City	Zip

DECLARATION OF CIRCULATOR

(To be completed in circulator's own hand after obtaining the above signatures. Please print clearly.)

I, _____, am eligible to vote in the City of Muniville. My residence address is:

I circulated this and the previous page of the petition and witnessed each of the appended signatures being written. Each signature is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this and the previous page were obtained between the dates of: _____ and _____. I declare upon penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on _____, at (city): _____, California.

Signature of Circulator (full name including middle initial): _____