

HOW TO FILE AN INITIATIVE

A Guide to Placing a City Initiative on the Ballot



PREPARED BY THE CITY OF HALF MOON BAY

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This reference publication is intended for general guidance only. 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 consult legal counsel.

INITIATIVE PROCESS TIMELINE

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

The clock starts ticking when the Notice of Intention is filed with the City Clerk.

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|-----------------|---|
| 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 receipt of the Ballot Title and Summary, signatures shall be secured, and the petition shall be presented to the City Clerk.
Remember: Prior to the circulation of the petition, the Notice of Intention must be published with Title and Summary, and Proof of Publication must be filed with the City Clerk. |
| Within 30 days | (excluding Saturday, Sunday, and holidays), from the date the petition is filed, the City Clerk will verify and certify the signatures. * |
| Within 10 days | after the certification of the petition is presented at a regular meeting, the City Council shall adopt the ordinance, or issue an order stating that an election will be held. They may also order a report, and after that report is presented to the Council, adopt the ordinance within 10 days or order an election. |

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.

If proposed ordinance is approved by voters, the ordinance shall be considered as adopted upon the date the vote is declared by the City Council and shall go into effect 10 days after that date.

*After the random sampling has been conducted, if it is determined a 100% signature verification is needed, the City Clerk shall, within 60 days from the filing of the petition, excluding Saturday, Sunday, and holidays, examine and verify each signature.

THE PROCESS

Notice of Intention	<p>File Notice of Intent with the City Clerk with the printed name(s), signature(s), and business or residence addresses of at least one but not more than five proponents. Include written text of initiative and a request that a ballot title and summary be prepared.</p> <p>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 (§9202).</p>
Title and Summary	<p>The City Clerk immediately transmits a copy of any proposed measure to the City Attorney. The City Attorney prepares a ballot title and summary not to exceed 500 words (§9203).</p> <p>The City Clerk furnishes a copy of the ballot title and summary to the proponent(s) (§9203).</p>
Appeal	<p>Any elector of the City may seek a writ of mandate requiring the ballot title or summary to be amended (§9204).</p>
Publication	<p>Proponents publish at least once the Notice of Intent and the ballot title and summary in a newspaper of general circulation (§9205).</p>
File Proof	<p>Proponents file proof of publication with the City Clerk prior to circulation of petition (§9206).</p>
Circulation	<p>Proponent(s) may begin circulation of petition for voter signatures after publication of the title and summary. Each section of the petition must include a copy of the Notice of Intent and ballot title and summary (§9207).</p> <p>For any petition for which the circulation is paid for by a committee formed pursuant to Government Code 82013, an Official Top Funders disclosure shall be included on the petition or in a separate document presented to a prospective signer of the petition (§107).</p> <p>Proponent(s) have 180 days from the receipt of the Ballot Title and Summary to circulate the petition (§9208).</p>
Reports Ordered	<p>During the circulation of the petition or prior to taking either action under section 9215(a) and (b), 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 (§9212).</p>

Signature
Requirement

(E.C. 9215) If proponent(s) collect 10% of the 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:

(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 subdivision (b) of Section 1405.

(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).

Verification of
Signatures

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 (§9211, 9114, 9115).

Enactment of
Ordinance

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 (§9217).

HOW TO RAISE OR SPEND MONEY

1. Obtain a copy 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 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.

IF THE INITIATIVE GOES TO ELECTION

CALENDAR

The City Clerk will develop a calendar for the election, including dates when arguments, rebuttals, and campaign statements need to be filed.

ARGUMENTS, ETC.

E.C. 9280-9287 shall govern the procedures for submitting arguments for city initiatives.

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 (§9221).

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 Half Moon Bay ordain as follows" (§9224).

ASSIGNING A LETTER

Letters designating measures will be assigned by the elections official pursuant to California Elections Code §13116. Measures will be assigned in alphabetical order.

Measures will appear on the ballot following candidates for office.

COUNCIL ACTION

The City Council will adopt a resolution calling the election. The resolution will include the 75-word or less ballot question that will be printed on the ballot.

BALLOT QUESTION

The statement of all measures submitted to the voters shall be abbreviated on the ballot. The statement shall contain not more than 75 words of each measure to be voted on, followed by the words, "Yes" and "No" (§13247).

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 (§13119).

ANALYSES

The City Council may direct the City Attorney to 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 (E.C. 9280).