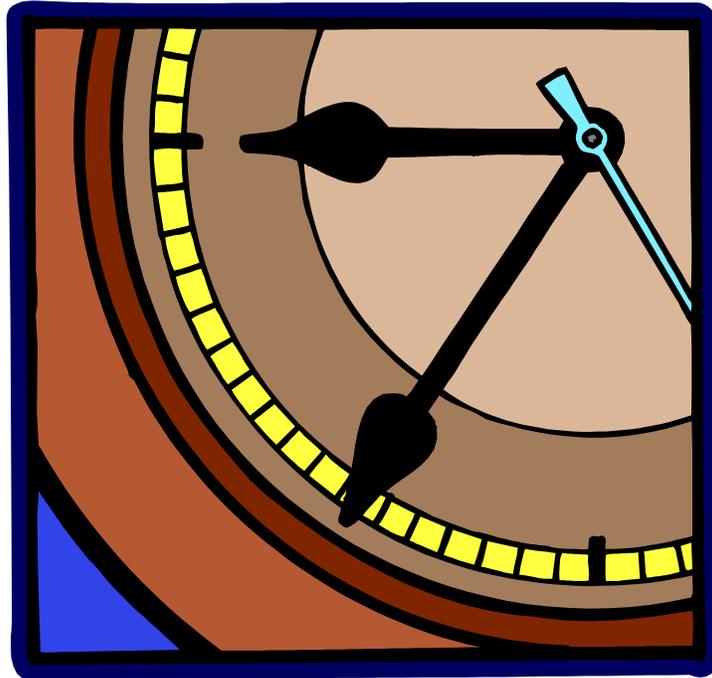# How to do a County Referendum
A Guide to Placing a County Referendum on the Ballot

Prepared by
The Santa Cruz County Clerk/Elections Department
701 Ocean St., Room 310
Santa Cruz, CA 95060
831-454-2060
831-454-2445 (FAX)
Website: www.votescount.com
E-Mail: gail.pellerin@santacruzcounty.us
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This guide was developed in an effort to provide answers to questions frequently asked the Santa Cruz County Elections Department concerning a county referendum. It is for general information 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. For information on a city referendum, please contact your City Clerk.

Difference between Initiative and Referendum

"The initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them. (Cal. Const. art. II, sec. 8(a).)

"The referendum is the power of the electors to approve or reject statutes or parts of statutes except urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for usual current expenses of the State." (Cal. Const. art. II, sec. 9(a).)

In general, an initiative is a proposal by the people, a legislative act placed on the ballot by voters to be decided by voters. In contrast, a referendum is generally a political challenge by voters to an enactment already made by the legislative body. Both types of measures qualify for the ballot through submission of a petition signed by a designated percentage of the electorate.

And, to help avoid any confusion, referendum is singular. Referenda is used for plural as well as referendums.

The Referendum Process

The referendum process provides citizens with a vehicle to refer an ordinance passed by the Board of Supervisors to a vote of the people. The very nature of the referendum process is that it must be accomplished in a very condensed timeframe. Therefore, there are no requirements for proponents to file notices, or publish intent, or obtain any document or input from the elections official or government official. It is truly a process of the people. It is advised that proponents obtain legal counsel to confirm that they are complying with the law. California Elections Code Division 9, Sections 9140 through 9147 provide the procedures for the county referendum process. All code sections referred to in this document are the Elections Code unless otherwise noted.

County ordinances become effective 30 days after the date of its final passage, except:

1.   An ordinance calling or otherwise relating to an election;

2.   Those specifically required by law to take immediate effect.

3.   Those fixing the amount of money to be raised by taxation or the rate of taxes to be levied.

4.   Those for the immediate preservation of the public peace, health, or safety. The ordinances referred to in this subdivision shall contain a declaration of the facts constituting the necessity and shall be passed by a four-fifths vote of the board of supervisors. (§9141)

5.   That portion of any ordinance that changes supervisorial salaries shall become effective 60 days from the date of its final passage. (§9143)

Referendum Circulation & Format	Proponents may begin to circulate petitions to reconsider a county ordinance for voter signatures after the Board of Supervisors takes final action on adoption of an ordinance. The petition must be filed prior to the effective date of the ordinance, which in most cases is 30 days after the date of final passage. (§9141, 9144)
	Across the top of each page of the referendum petition there shall be printed the following:
	"Referendum Against an Ordinance Passed by the Board of Supervisors"
	Each section of the referendum petition shall contain:
	1. The identifying number or title; and
	2. The text of the ordinance or the portion of the ordinance that is subject to referendum. (§9147)
Petition Signature Section	The petition sections shall be designed so that each signer shall personally affix all of the following:
	a. His or her signature.
	b. His or her printed name.
	c. His or her residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
	d. The name of his or her incorporated city or unincorporated community.
	Only a person who is a qualified registered voter at the time of signing the petition is entitled to sign it. The address must be the same on the petition and the voter registration record. A voter may register to vote and sign a petition at the same time. It is up to the signature gatherer to turn in the voter registration cards prior to turning in the petitions.
	The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures. (§9020)

Affidavit of Circulator	Each section of the petition must have attached to it a declaration signed by the circulator (person soliciting signatures) of that section of the petition, setting forth in the circulator's own hand, all of the following: • printed name of the circulator; • residence address of the circulator, giving street and number, or if no street exists, adequate designation of residence so that the location may be readily determined; and • dates between which all signatures to the petition were obtained. The declaration must also include: • that the circulator circulated that section and witnessed the appended signatures being written; • that according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be; • that the circulator certifies to the content of the declaration as to its truth and correctness, under penalty of perjury. The circulator shall state the date and the place of execution on the declaration along with the signature of his or her name at length, including given name and middle name or initial; • There is no statute requiring that the circulator be a voter or an eligible voter of the county, and similar laws governing city referendum have been declared unconstitutional by the courts. (§102, 104, 9022)
Signature Requirement	If a petition protesting the adoption of an ordinance is presented to the board of supervisors prior to the effective date of the ordinance, the ordinance shall be suspended and the supervisors shall reconsider the ordinance. The petition shall be signed by voters of the county equal in number to at least **10 percent** of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election. (§9144)
Verification of Signatures	Within 30 days from the date of filing of the petition, excluding weekends and holidays, the 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 county elections official shall certify the results to the Board of Supervisors at the next regular meeting. (§§9114, 9115)

Ordinance Submitted to Voters	If the board of supervisors does not entirely repeal the ordinance against which a petition is filed, the board shall submit the ordinance to the voters either at the next regularly scheduled county election occurring not less than 88 days after the date of the order, or at a special election called for that purpose not less than 88 days after the date of the order. The ordinance shall not become effective unless and until a majority of the voters voting on the ordinance vote in favor of it. (§9145)

A special election may be held on any Tuesday, as long as it is not the day before, of, or after a state holiday. (§§1003(e), 1100) |

Referendum Against Revenue Bonds

Ordinances authorizing the issuance of revenue bonds by a county as part of a joint powers entity pursuant to Section 6547 of the Government Code shall not take effect for 60 days. Follow procedures for above, except for the following variations:

Signature Requirement	The number of signatures required is based on the total number of votes cast for all candidates for Governor at the last gubernatorial election.

1. When that number exceeds 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 5 percent of the entire vote cast within the boundaries of the county for all candidates for Governor at the last gubernatorial election.
2. When that number is less than 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 10 percent of the entire vote cast within the boundaries of the county for all candidates for Governor at the last gubernatorial election. (§9142) |
| **Format of Ballot Question** | The ballot wording for a referendum against revenue bonds shall approximate the following:

"Shall the, (county name) as a member of the, (joint powers entity name) authorize the issuance of revenue bonds by the joint powers entity in the amount of $____ pursuant to ordinance number ____, dated ____, the bonds to be used for the following purposes and to be redeemed in the following manner: _____?" |

Information	Obtain a copy of Fair Political Practices Commission's Manual 3 – for Ballot Measure Committees online at www.fppc.ca.gov
Form 410	File a 410 – Statement of Organization - with the county elections official.
	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 county.
	A Form 410 may be filed prior to qualifying. Upon receipt of the 410, the Secretary of State will issue an identification number, which must be included on all campaign disclosure forms.
Form 497	Once a person or group qualifies as a committee, reporting obligations are triggered, including the 24-hour contribution reports. If the committee qualifies in the 90 days before the election, or on the date of the election, it must file the Form 497 (24-hour Contribution Report) to report contributions received of $1,000 or more within 24 hours.
Form 460	The Form 460 is the main campaign disclosure report and provides the public with an overview of the committee's activity, including money coming in and money going out, during a specified reporting period established by law. The report must include all activity during the specified reporting period, even if it was previously reported.
	County elections officials will provide you with a calendar. For technical advice on completing the forms, call the Fair Political Practices Commission at 1-866-275-3772 (1-866-ASK-FPPC); FAX: 916-322-0886; or visit their website at www.fppc.ca.gov
Termination	File Forms 410 and 460 to terminate the committee upon completion of your referendum efforts.

Calendar

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

Arguments, Rebuttals, Analyses

Obtain a copy of the "Guide to Writing Arguments, Rebuttals, and Analyses for County Measures," prepared by the Santa Cruz County Elections Department.   This guide provides deadlines and outlines procedures for filing arguments, rebuttals, and analyses for county measures.

Article 3 (commencing with §9160) shall govern the procedures for submitting arguments for county initiatives. §9120

Assigning a Letter

Letters designating measures will be assigned by the elections official pursuant to Elections Code §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.

Measures will appear on the ballot in the following order: Schools, County, Cities, and Districts. §13109

Board Action

The Board of Supervisors 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

The resolution will include the 75-word ballot question that is 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 county ordinance as a referendum measure shall have printed on them the words "Shall the ordinance (stating the nature thereof including any identifying number or title) 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 appropriate voting target area. A yes vote is in favor of the adoption of the ordinance; a no vote shall be counted against its adoption. §13120

Analysis

The county counsel 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.

The county auditor may prepare a fiscal analysis of the affect on county revenues or expenditures. §9160

A Chart of the Referendum Process

Board of Supervisors adopts ordinance.

Circulation of petition protesting ordinance

Petition of protest filed with County Elections Official

Examination of petition by County Elections Official

Certification of petition as sufficient or insufficient.

If sufficient, certification of sufficiency submitted to the Board of Supervisors.

If insufficient, no further action is taken.

Ordinance submitted to a vote of the county electorate at the next regular election for the county or at a special election called at least 88 days from the date of the order.

Ordinance repealed by the Board of Supervisors.