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**THIS MATERIAL IS NOT INTENDED TO BE A COMPLETE STATEMENT OF THE  
LAW GOVERNING INITIATIVE ELECTIONS. BEFORE PROCEEDING,  
PROponents OF AN INITIATIVE PETITION ARE ADVISED TO REVIEW THE  
ATTACHED MATERIALS WITH AN ATTORNEY.**

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**INITIATIVE  
2010**

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Palo Alto, CA 94301  
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# **INITIATIVE**

## **EXCERPTS OF THE PALO ALTO CITY CHARTER, THE CALIFORNIA ELECTIONS CODE, AND THE CALIFORNIA GOVERNMENT CODE**

This material is made available by the City Clerk to assist proponents of an Initiative Petition. **This material is not intended to be a complete statement of the law governing initiative elections. Before proceeding, proponents of an initiative petition are advised to review the attached materials with an attorney.** Palo Alto is a chartered city. Whenever the California Elections Code (CEC) requirements differ, the Charter provisions take precedence. If the Charter is silent, the CEC requirements apply. Effort has been made to note the differences between the Charter and the CEC; however, particular attention should be paid to Article VI, Section 2, of the Palo Alto City Charter, which is Attachment A. For the government code sections referenced but not listed, please refer to the Government Code. **THIS MATERIAL IS VALID AS OF THIS DATE March 2010.** After this date, the various codes are subject to change as a result of enacted legislation.

The City Clerk (329-2226) is available to assist and should be consulted as early as possible about election dates, the procedure for notice of intention to circulate, and the number of signatures required to qualify an initiative petition.

The following information is attached:

- A. Palo Alto City Charter, Article VI, Section 2, Initiative
- B. California Elections Code, Division 9, Chapter 3, Article 1, Initiative, Sections 9200-9226; and Division 17, Chapter 3, Section 17200
- C. California Elections Code, Division 9, Chapter 3, Article 4, Arguments Concerning City Measures, Sections 9280-9283 and 9285-9287; and Chapter 7, General Provisions, Sections 9600-9610
- D. California Elections Code, Division 18, Penal Provisions, Chapter 7, Articles 1-9, Sections 18600-18680; and Chapter 8, Section 18700
- E. California Elections Code, Division 0.5, Chapter 1, General Provisions, Section 9; Chapter 2, Petitions and Petition Signers, Sections 100-106; and Chapter 4, Definitions, Sections 306, 319, 320, 329, 339, 342, and 343
- F. California Elections Code, Division 9, Chapter 3, Article 5, Mailings, Section 9290; and Article 6, Public Examination, Section 9295
- G. California Government Code, Title 9, Political Reform, Sections 82041.5, 84305-84305.5 and 89001
- H. Palo Alto Municipal Code, Title 2, Chapter 2.40

**PALO ALTO CITY CHARTER**

**Article VI. THE RECALL, INITIATIVE AND REFERENDUM**

**Section 2. Initiative.** Any proposed ordinance may be submitted to the council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The petition shall set forth a copy of the proposed ordinance.

An initiative petition, in order to be valid, must meet the following requirements:

(a) A notice of intention to circulate an initiative petition must be published in a newspaper of general circulation in the city once prior to the affixing of any signature to any petition and shall be substantially in the following form:

Notice of Intent to Circulate Initiative Petition

Notice is hereby given of the intention of the persons whose names appear hereon to circulate an initiative petition within the city of Palo Alto for the purpose of \_\_\_\_\_. A statement of the reasons of the proposed action as contemplated in said petition is as follows:

(b) A copy of the notice of intention, together with an affidavit of publication, shall be filed with the clerk prior to the affixing of any signatures to any petition.

(c) Immediately after the publication and filing of the notice of intention to circulate, the initiative petition may be circulated and filed.

The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. Each section of the petition shall contain a copy of the notice of intention to circulate and a copy of the proposed ordinance. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter of the municipality shall be competent to solicit said signatures. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters.

Each signer of said petition shall at the time of signing the petition include his printed name and place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained and the name of the city. A place of at least one-inch wide shall be left blank after each name for the use of the clerk in verifying the petition.

In addition to the requirements specified above, each section shall have attached thereto the affidavit of the person soliciting the signatures stating:

(1) The name and address of the circulator and a statement that he or she is a qualified registered voter.

(2) That all the signatures affixed to the section were made in his or her presence.

(3) That to the best of his or her knowledge and belief, each signature is the genuine signature of the person whose name it purports to be.

(4) The dates between which all signatures were obtained.

(5) The signature of the circulator. No other affidavit thereto shall be required.

Within fifteen business days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination.

If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number of six percentum of the number of registered voters at the last general municipal election the council must either pass such ordinance without alteration or submit the same to the electorate at the next general municipal election that shall occur at any time not less than eighty-eight days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to twelve percentum of said number of registered voters at the last general municipal election and contains a request that such ordinance be submitted to a vote of the people at a special election, then the council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within the period provided by the general laws of the state of California.

If the clerk's certification shows that the petition is insufficient by reason of the failure to obtain sufficient valid signatures thereon, a supplemental petition, in form a duplicate of the original petition, bearing new additional signatures may be filed within ten days of the mailing of the certificate of insufficiency to the proponents of the initiative. Supplemental petitions shall be processed by the clerk in the same manner as set forth herein with respect to original petitions.

The ballots used when voting upon such proposed ordinance shall contain the words "For the Ordinance," and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall become a valid and binding ordinance of the city. The council may at such election submit any amendment thereto that it may deem proper, and the ballots used at such election shall contain the words "For the Amendment," or "Against the Amendment," or ordinance (naming the ordinance), and also stating the nature of the proposed amendment. If a majority of the qualified electors voting on said proposed amendment shall vote in favor thereof, such ordinance shall thereupon be deemed amended in accordance therewith. The council may also propose and submit any ordinance to the electors, and such ordinance, upon receiving a majority of the votes of the electors voting thereon, shall be deemed to have been adopted and shall be a valid and binding ordinance of the city. Such ordinances shall be considered as adopted upon the date the council conducts the official canvass of the election and shall go into effect ten days after that date. Any ordinance adopted by the electors under the provisions of this section cannot be repealed or amended, except by a vote of the people obtained in the manner hereinabove stated, unless such ordinance shall otherwise provide.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; provided, that there shall not be held under this section of the charter more than one special election in any period of twelve months.

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**CALIFORNIA ELECTIONS CODE**  
**DIVISION 9. MEASURES SUBMITTED TO THE VOTERS**  
**Chapter 3. Municipal Elections**  
**Article 1. Initiative**

**9200. Scope of article.**

Ordinances may be enacted by and for any incorporated city pursuant to this article.  
 (Added by Stats. 1994, c. 920, Sect. § 2)

**9201. Proposed ordinance may be submitted by petition.**

Any proposed ordinance may be submitted to the legislative body of the city by a petition filed with the elections official of the legislative body, in the manner hereinafter prescribed, after being signed by not less than the number of voters specified in this article. The petition may be in separate sections, providing that the petition complies with this article. The first page of each section shall contain the title of the petition and the text of the measure. The petition sections shall be designated in the manner set forth in Section 9020.

(Added by Stats. 1994, c. 920, Sect. § 2)

**9020. Form of petition; signature and address.**

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 number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.

(Added by Stats. 1994, c. 920, § 2)

**9202. Notice of intent to circulate; filing, form.**

(a) Before circulating an initiative petition in any city, the proponents of the matter shall file with the elections official a notice of intention to do so, which shall be accompanied by the written text of the initiative and may be accompanied by a written statement not in excess of 500 words, setting forth the reasons for the proposed petition. The notice shall be signed by at least one, but not more than three, proponents and shall 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 Palo Alto for the purpose of \_\_\_\_\_. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

(b) Any person filing a notice of intent with the elections official shall pay a 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 elections official certifies the sufficiency of the petition.

(Added by Stats. 1994, c. 920, § 2)

*The City Attorney has determined that Palo Alto, as a chartered city, is exempt (as stated in Elections Code Section 9247) from compliance with Subsection (b).*

**9203. Proposed measure; title and summary.**

(a) Any person who is interested in any proposed measure shall file a copy of the proposed measure with the elections official with a request that a ballot title and summary be prepared. This request shall be accompanied by the address of the person proposing the measure. The elections official 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 to the city elections official a ballot title for and summary of the proposed measure. The ballot title may differ from any other title of the proposed measure and shall express in 500 words or less the purpose of the proposed measure. In providing the ballot title, the city attorney shall give a true and impartial statement of the purpose of the proposed measure in such language that the ballot title shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.

(b) The elections official shall furnish a copy of the ballot title and summary to the person filing the proposed measure. 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 page of the petition on which signatures are to appear, in roman boldface type not smaller than 12 point, the ballot title prepared by the city attorney. The text of the measure shall be printed in type not smaller than 8 point.

The heading of the proposed measure shall be in substantially the following form:

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:

(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 whereon signatures are to appear.)

(Amended by Stats. 1999, c. 312, § 21)

*The City Attorney has determined that Palo Alto, as a chartered city, is exempt (as stated in Elections Code Section 9247) from compliance with this section.*

**9204. Title or summary; writ of mandate.**

Any elector of the city may seek a writ of mandate requiring the ballot title or summary prepared by the city attorney to be amended. The court shall expedite hearing on the writ. A peremptory writ of mandate shall be issued only upon clear and convincing proof that the ballot title or summary is false, misleading, or inconsistent with the requirements of Section 9203.

(Amended by Stats. 2002, c. 237, § 2)

*The City Attorney has determined that Palo Alto, as a charter city, is exempt (as stated in Elections Code Section 9247) from compliance with this section.*

**9205. Where notice is published or posted.**

A notice of intention and the title and summary of the proposed measure shall be published or posted or both as follows:

(a) If there is a newspaper of general circulation, as described in Chapter 1 (commencing with Section 6000) of Division 7 of Title 1 of the Government Code, adjudicated as such, the notice, title, and summary shall be published therein at least once.

(b) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, the notice, 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 public places shall be those

utilized for the purpose of posting ordinances as required in Section 36933 of the Government Code.

(c) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, and there is no newspaper of general circulation adjudicated as such within the county, circulated within the city, then the notice, title, and summary shall be posted in the manner described in subdivision (b).

(Added by Stats. 1994, c. 920, § 2)

*Palo Alto City Charter does not provide for an alternative method and requires that prior to filing with the clerk, a notice of intention ". . . must be published in a newspaper of general circulation in the city once prior to the affixing of any signature to any petition . . . ."*

*Publication of title and summary do not apply; see notes under Sections 9203 and 9204.*

#### **9206. Filing of publication affidavit.**

Within 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 in which the notice was published or, if the notice was posted, by a voter of the city, certifying to the fact of publication or posting.

If the notice and title and summary are both published and posted pursuant to subdivision (b) of Section 9205, the proponents shall file affidavits as required by this section made by a representative of the newspaper in which the notice was published certifying to the fact that the notice was published and by a voter of the city certifying to the fact that the notice was posted.

These affidavits, together with a copy of the notice of intention and title and summary, shall be filed with the elections official of the legislative body of the city in his or her office during normal office hours as posted.

(Added by Stats. 1994, c. 920, § 2)

*Palo Alto City Charter requires publication rather than posting; refer to note under Section 9205.*

#### **9207. When petition may be circulated.**

The proponents may commence to circulate the petitions among the voters of the city for signatures by any registered voter of the city after publication or posting or both, as required by 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.

(Added by Stats. 1994, c. 920, § 2)

*Publication of the title and summary do not apply, but rather the Palo Alto City Charter states: "Immediately after the publication and filing of the notice of intention to circulate, the initiative petition may be circulated and filed."*

#### **9208. Securing of signatures and petition filing time.**

Signatures upon petitions and sections of petitions shall be secured, and the petition, together with all sections of the petition, shall be filed within 180 days from the date of receipt of the title and summary, or after termination of any action for a writ of mandate pursuant to Section 9204, and, if applicable, after receipt of an amended title or summary or both, whichever occurs later. Petitions and sections thereof shall be filed in the office of the elections official during normal office hours as posted. If the petitions are not filed within the time permitted by this section, the petitions shall be void for all purposes.

(Added by Stats. 1994, c. 920, § 2)

*Since the receipt of title and summary are not applicable, the time period is from the filing of the notice and statement as published together with the publication affidavit.*

**9209. Affidavit attached to petition.**

Each section shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in Section 9022, except that the declaration shall declare that the circulator is a voter or is qualified to register as a voter of the city, and shall state the his or her residence address at the time of the execution of the declaration.

(Amended by Stats. 2001, c.105, § 4)

**9022. Declaration of circulator.**

(a) Each section shall have attached thereto the declaration of the person soliciting the signatures setting forth the information required by Section 104 (*see Attachment E*) and stating that the circulator is a voter or is qualified to register to vote in the state.

(b) The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty or perjury under the laws of the State of California, with the signature of his or her name at length, including given name, middle name or initial. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

Another declaration thereto may not be required.

Petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing are qualified voters. Unless and until otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters.

(Amended by Stats. 2001, c 105, § 3)

**9210. Filing of petition.**

The petition shall be filed by the proponents or by any person or persons authorized in writing by the proponents. All sections of the petition shall be filed at one time. Once filed, no petition section shall be amended except by order of a court of competent jurisdiction.

When the petition is presented for filing, the elections official shall do all of the following:

(a) Ascertain the number of registered voters of the city last reported 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.

**2187. Statement of Registration.**

(a) Each county elections official shall send to the Secretary of State, in a format described by the Secretary of State, a summary statement of the number of voters in the county. The statement shall show the total number of voters in the county, the number registered as affiliated with each qualified political party, the number registered in nonqualified parties, and the number who declined to state any party affiliation. The statement shall also show the number of voters, by political affiliations, in each city, supervisorial district, Assembly district, Senate district, and congressional district, located in whole or in part within the county.

(b) The Secretary of State, on the basis of the statements sent by the county elections officials and within 30 days after receiving those statements, shall compile a statewide list showing the number of voters, by party affiliations, in the state and in each county, city, supervisorial district, Assembly district, Senate district, and congressional district, in the state. A copy of this list shall be made available, upon request, to any elector in this state.

(c) Each county that uses data processing equipment to store

the information set forth in the affidavit of registration shall send to the Secretary of State one copy of the magnetic tape file with the information requested by the Secretary of State. Each county that does not use data processing storage shall send to the Secretary of State one copy of the index setting forth that information.

(d) The summary statements and the magnetic tape file copy or the index shall be sent at the following times:

(1) On the 135th day before each presidential primary and before each direct primary, with respect to voters registered on the 154th day before the primary election.

(2) Not less than 50 days prior to the primary election, with respect to voters registered on the 60th day before the primary election.

(3) Not less than 7 days prior to the primary election, with respect to voters registered before the 14th day prior to the primary election.

(4) Not less than 50 days prior to the general election, with respect to voters registered on the 60th day before the general election.

(5) Not less than 7 days prior to the general election, with respect to voters registered before the 14th day prior to the general election.

(6) On or before March 1 of each odd-numbered year, with respect to voters registered as of February 10.

(e) The Secretary of State may adopt regulations prescribing the content and format of the magnetic tape file or index referred to in subdivision (c) and containing the registered voter information from the affidavits of registration.

(f) The Secretary of State may adopt regulations prescribing additional regular reporting times, except that the total number of reporting times in any one calendar year shall not exceed 12.

(g) The Secretary of State shall make the information from the magnetic tape files or the printed indexes available, under conditions prescribed by the Secretary of State, to any candidate for federal, state, or local office, to any committee for or against any proposed ballot measure, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly or political research, or governmental purposes as determined by the Secretary of State.

(Amended by Stats. 2003, c. 810, § 5)

(b) Determine the total number of signatures affixed to the petition. If, from this examination, the elections official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, he or she shall accept the petition for filing. The petition shall be deemed as filed on that date. Any petition not accepted for filing shall be returned to the proponents.

(Added by Stats. 1994, c. 920, § 2)

*Palo Alto City Charter provides for the consideration of the number of voters in the last general municipal election.*

**9211. Examination of signatures.**

After the petition has been filed, as herein provided, the elections official shall examine the petition in the same manner as are county petitions in accordance with Sections 9114 and 9115, except that for the purposes of this section, references to the board of supervisors shall be treated as references to the legislative body of the city.

(Added by Stats. 1994, c. 920, § 2)

**9114. Examination of signatures.**

Except as provided in Section 9115, within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, the elections official shall examine the petition, and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. A certificate showing the results of this examination shall be attached to the petition.

In determining the number of valid signatures, the elections official may use the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

The elections official shall notify the proponents of the petition as to the sufficiency or insufficiency of the petition.

If the petition is found insufficient, no further action shall be taken. However, the failure to secure sufficient signatures, shall not preclude the filing of a new petition on the same subject, at a later date.

If the petition is found sufficient, the elections official shall certify the results of the examination to the board of supervisors at the next regular meeting of the board.

(Added by Stats. 1994, c. 920, § 2)

*Palo Alto City Charter states: "Within fifteen (15) business days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors to vote . . . ."*

*The Charter also states: "If the clerk's certification shows that the petition is insufficient by reason of failure to obtain sufficient valid signatures thereon, a supplemental petition, in form of a duplicate of the original petition, bearing new additional signatures may be filed within ten (10) days of mailing of the certificate of insufficiency to the proponents of the initiative. Supplemental petitions shall be processed by the clerk in the same manner as set forth herein with respect to original petitions."*

**9115. Sample examination of signatures.**

(a) Within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if, from the examination of petitions pursuant to Section 9114 shows that more than 500 signatures have been signed on the petition, the elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn so that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500, or 3 percent of the signatures, whichever is greater.

(b) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the elections official shall, within 60 days from the date of the filing of the petition, excluding Saturdays, Sundays, and holidays, examine and verify each signature

filed.

(c) In determining from the records of registration, what number of valid signatures are signed on the petition, the elections official may use the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(d) The elections official shall attach to the petition, a certificate showing the result of this examination, and shall notify the proponents of either the sufficiency or insufficiency of the petition.

(e) If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the filing later of an entirely new petition to the same effect.

(f) If the petition is found to be sufficient, the elections official shall certify the results of the examination to the board of supervisors at the next regular meeting of the board.

(Added by Stats. 2001, c. 70, § 1)

*Refer to note under Section 9114.*

#### **9212. Report on effect of proposed initiative to legislative body.**

(a) During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9214, or Section 9215, the legislative body 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 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 (commencing with Section 65913) and 4.3 (commencing with Section 65915) 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 housing needs.
- (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.
- (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 legislative body requests to be in the report.

(b) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

(Amended by Stats. 2000, c. 496, § 2)

*The City Attorney has determined that Palo Alto, as a chartered city, is exempt (as stated in Elections Code Section 9247) from compliance with this section.*

**9213. Report on municipal initiatives submitted to Secretary of State; time.**

On or before April 1 of each odd-numbered year, the elections official of each legislative body shall file a report with the Secretary of State containing the following information:

(a) The number of municipal initiative petitions circulated during the preceding two calendar years which did not qualify for the ballot, and the number of these proposed initiatives for which reports were prepared pursuant to Section 9212.

(b) With respect to municipal initiative measures that qualified for the ballot in the preceding two calendar years, the number that were approved by the voters, and the number of these ballot measures for which reports were prepared pursuant to Section 9212.

(c) With respect to municipal initiative measures that qualified for the ballot in the preceding two calendar years, the number that were not approved by the voters, and the number of these ballot measures for which reports were prepared pursuant to Section 9212.

(Added by Stats. 1994, c. 920, § 2)

*The City Attorney has determined that Palo Alto, as a chartered city, is exempt (as stated in Elections Code Section 9247) from compliance with this section.*

**9214. Petition signatures; adopt ordinance or order special election.**

If the initiative petition is signed by not less than 15 percent of the voters of the city according to the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187 (see reference under Section 9210), effective at the time the notice specified in Section 9202 was published, or, in a city with 1,000 or less registered voters, by 25 percent of the voters or 100 voters of the city, whichever is the lesser number, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the legislative body 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) Immediately order a special election, to be held pursuant to subdivision (a) of Section 1405, at which the ordinance, without alteration, shall be submitted to a vote of the voters of the city.

(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).

(Amended by Stats. 2000, c. 55, § 17)

*Palo Alto City Charter states: ". . . signed by qualified and registered electors equal in number to twelve (12) percentum of said number of registered voters at the last general municipal election . . ."*

*The City Attorney has determined that Palo Alto, as a chartered city, is exempt (as stated in Elections Code Section 9247) from compliance with Section 9212.*

**9215. Petition signatures; ordinance submitted at next regular municipal election.**

If the initiative petition is signed by not less than 10 percent of the voters of the city, according to the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187 (see reference under Section 9210), effective at the time the notice specified in Section 9202 was published, or, in a city with 1,000 or less registered voters, by 25 percent of the voters or 100 voters of the city, whichever is the lesser number, the legislative body 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, unless the ordinance petitioned for is required to be, or for some reason is, submitted to the voters at a special election pursuant to subdivision (a) 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).

(Amended by Stats. 2000, c. 55, § 18)

*Palo Alto City Charter states: ". . . signed by qualified and registered electors equal in number of six (6) percentum of the number of registered voters at the last general municipal election . . . ."*

*The City Attorney has determined that Palo Alto, as a chartered city, is exempt (as stated in Elections Code Section 9247) from compliance with Section 9212.*

#### **9216. Mayor may veto.**

In cities having a mayor, or like officer, with the veto power, when the passage of an ordinance petitioned for by the voters is vetoed, the failure of the legislative body to pass the ordinance over the veto shall be deemed a refusal of the legislative body to pass the ordinance within the meaning of this article.

(Added by Stats. 1994, c. 920, § 2)

*Palo Alto City Charter states: "The mayor shall vote as other members of the council, but shall have no power of veto."*

#### **9217. Valid ordinance if majority.**

If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the city. The ordinance shall be considered as adopted upon the date that the vote is declared by the legislative body, and shall go into effect 10 days after that date. No ordinance that is either proposed by initiative petition and adopted by the vote of the legislative body of the city without submission to the voters, or adopted by the voters, shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance.

(Added by Stats. 1994, c. 920, § 2)

#### **9218. More than one ordinance at same election.**

Any number of proposed ordinances may be voted upon at the same election, but the same subject matter shall not be voted upon twice within any 12-month period at a special election under the provisions of this article.

(Added by Stats. 1994, c. 920, § 2)

#### **9221. Conflicting ordinances.**

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.

(Added by Stats. 1994, c. 920, § 2)

#### **9222. Legislative body may submit proposed ordinance to voters.**

The legislative body of the city may submit to the voters, without a petition therefor, a proposition for the repeal, amendment, or enactment of any ordinance, to be voted upon at any succeeding regular or special city election, and if the proposition submitted receives a majority of the votes cast on it at the election, the ordinance shall be repealed, amended, or enacted accordingly. A proposition may be submitted, or a special election may be called for the purpose of voting on a proposition, by ordinance or resolution. The election shall be held not less than 88 days after the date of the order of election.

(Added by Stats. 2002, c. 371, § 1)

#### **9223. Copy of ordinance made available to voter.**

Whenever any ordinance or measure is required by this article to be submitted to the voters of a city at any election, the elections official of the legislative body shall cause the ordinance or measure to be printed. A

copy of the ordinance or measure shall be made available to any voter upon request.

(Added by Stats. 1994, c. 920, § 2)

*Palo Alto Municipal Code Section 2.40.035 states: "Whenever any ordinance or measure is to be submitted to the electors at any municipal election, the city clerk shall cause the full text of the ordinance or measure to be printed in the sample ballot."*

**9224. Enacting clause of ordinance.**

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 \_\_\_\_\_ do ordain as follows:".

(Added by Stats. 1994, c. 920, § 2)

**9226. Scope of article.**

This article does not apply to any statewide initiative measure.

(Added by Stats. 1994, c. 920, § 2)

**DIVISION 17. RETENTION AND PRESERVATION OF ELECTION RECORDS**  
**Chapter 3. Initiative and Referendum Petitions**

**17200. Preservation of initiative or referendum petitions.**

(a) Elections officials required by law to receive or file in their offices any initiative or referendum petition shall preserve the petition until eight months after the certification of the results of the election for which the petition qualified or, if the measure, for any reason, is not submitted to the voters, eight months after the final examination of the petition by the elections official.

(b) Thereafter, the petition shall be destroyed as soon as practicable unless it is evidence in some action or proceeding then pending or unless the elections official has received a written request from the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot, or in a pending or ongoing investigation into a violation of the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(c) Public access to any such petition shall be restricted in accordance with Section 6253.5 of the Government Code.

(d) This section shall apply to the following petitions:

- (1) Statewide initiative and referendum petitions.
- (2) County initiative and referendum petitions.
- (3) Municipal initiative and referendum petitions.
- (4) Municipal city charter amendment petitions.
- (5) District initiative and referendum petitions.

(Added by Stats. 1994, c. 920, § 2)

**CALIFORNIA ELECTIONS CODE**  
**DIVISION 9. MEASURES SUBMITTED TO THE VOTERS**  
**Chapter 3. Municipal Elections**  
**Article 4. Arguments Concerning City Measures**

**9280. City attorney to prepare impartial analysis.**

Whenever any city measure qualifies for a place on the ballot, the governing body may direct the city elections official to transmit a copy of the measure to the city attorney, unless the organization or salaries of the office of the city attorney are affected. 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. If the measure affects the organization or salaries of the office of the city attorney, the governing board may direct the city elections official to prepare the impartial analysis. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

"The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the elections official's office at (insert telephone number) and a copy will be mailed at no cost to you."

(Added by Stats. 1994, c. 920, § 2)

*Palo Alto Municipal Code Section 2.40.035 states: (a) "Whenever any ordinance or measure is to be submitted to the electors at any municipal election, the city clerk shall cause a ballot question and the full text of the ordinance or measure to be printed in the sample ballot. The city clerk shall refer the ordinance or measure to the city attorney for preparation of the ballot question. The ballot question may differ from any other title of the ordinance or measure, and shall express the purpose of the ordinance or measure. (b) If the ordinance or measure exceeds fifty pages when printed or typed single-spaced with not less than 12-point type, the city clerk shall cause a summary of the full text of the ordinance or measure to be prepared and printed in the sample ballot. The city clerk shall refer the ordinance or measure to the city attorney who shall prepare a true and impartial summary of the full text of the ordinance or measure in such language that the summary shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure. (c) In the event the full text of the ordinance or measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the summary, in no less than 10-point type, a legend substantially as follows: The above statement is an impartial summary of the [ordinance or measure title]. If you desire a copy of the ordinance or measure, please call the Palo Alto City Clerk's Office at 329-2571 and a copy will be mailed at no cost to you.*

(Ord. 4434, § 2, 1997; Ord. 3748, § 1, 1987)

**9281. If not otherwise provided, voters may submit arguments.**

If no other method is provided by general law, or, in the case of a chartered city, by the charter or by city ordinance, arguments for and against any city measure may be submitted to the qualified voters of the city pursuant to this article. If a method is otherwise provided by general law, or, in the case of a chartered city, by charter or city ordinance, for submitting arguments as to a particular kind of city measure that method shall control.

(Added by Stats. 1994, c. 920, § 2)

**9282. Written arguments.**

- (a) For measures placed on the ballot by petition, the persons filing an initiative petition pursuant to this article may file a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance.
- (b) For measures placed on the ballot by the legislative body, the legislative body, or any member of members of the legislative body authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associates, may file a written argument for or against any city measure.
- (c) No argument shall exceed 300 words in length.
- (d) The city elections official shall include the following statement on the front cover, or if none, on the heading of the first page, of the printed arguments: "Arguments in support or opposition of the proposed laws are the opinions of the authors."
- (e) The city elections official shall enclose a printed copy of both arguments with each sample ballot provided that only those arguments filed pursuant to this section shall be printed and enclosed with the sample ballot. The printed arguments are "official matter" within the meaning of Section 13303.

13303. Preparation and mailing of sample ballots; notice of polling place location.

- (a) For each election, each appropriate elections official shall cause to be printed, on plain white paper or tinted paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there are voters in the precinct. These copies shall be designated "sample ballot" upon their face and shall be identical to the official ballots used in the election, except as otherwise provided by law. A sample ballot shall be mailed, postage prepaid, not more than 40 nor less than 21 days before the election to each voter who is registered at least 29 days prior to the election.
- (b) The elections official shall send notice of the polling place to each voter with the sample ballot. Only official matter shall be sent out with the sample ballot as provided by law.
- (c) The elections officer shall send notice of the polling place to each voter who registered after the 29<sup>th</sup> day prior to the election and is eligible to participate in the election. The notice shall also include information as to where the voter can obtain a sample ballot and a ballot pamphlet prior to the election, a statement indicating that those documents available at the polling place at the time of the election, and the address of the Secretary of State's website and, if applicable, of the county website where a sample ballot may be viewed. (Amended by Stats. 2000, c.899, § 12)
- (f) Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor Of Measure \_\_\_\_" or "Argument Against Measure \_\_\_\_\_," accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the elections official, the word "Proposition" may be substituted for the word "Measure" in these titles.

(Amended by Stats. 2006, c.508, § 4)

**9283. Argument not accepted without names.**

A ballot argument may not be accepted under this article unless accompanied by the printed name and signature or printed names and signatures of the author or authors 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, who is the author of the argument.

No more than five signatures shall appear with any argument submitted under this article. In case any argument is signed by more than five authors, the signatures of the first five shall be printed.

(Amended by Stats. 2004, c. 785, § 2)

**9285. Rebuttal arguments.**

(a) (1) When an elections official receives an argument relating to a city measure that will be printed in the ballot pamphlet, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

(2) The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

(3) No rebuttal argument may exceed 250 words.

(4) A rebuttal argument relating to a city measure shall be filed with the elections official no later than 10 days after the final filing date for primary arguments.

(5) A rebuttal argument relating to a city measure may not be signed by more than five persons and shall be printed in the same manner as a direct argument and shall immediately follow the direct argument, which it seeks to rebut.

(b) Subdivision (a) applies only if, not later than the day on which the legislative body calls an election, the legislative body adopts its provisions by majority vote, in which case subdivision (a) applies at the next ensuing municipal election and at each municipal election thereafter, unless later repealed by the legislative body in accordance with the procedures of this subdivision.

(Added by Stats. 2006, c.508, § 5)

**9286. Deadline after which no arguments may be submitted.**

(a) Based on the time reasonably necessary to prepare and print the arguments and sample ballots and to permit the 10-calendar-day public examination as provided in Article 6 (commencing with Section 9295) for the particular election, the city elections official shall fix a date 14 days from the calling of the election as a deadline, after which no arguments for or against any city measure may be submitted for printing and distribution to the voters, as provided in this article. Arguments may be changed or withdrawn by their proponents until and including the date fixed by the city elections official during the normal business hours of the elections official's office, as posted.

(b) The requirement in subdivision (a) that the period for submitting arguments for inclusion with the sample ballot materials must be 14 days from the calling of the election is not applicable when the election is consolidated with another election pursuant to Part 3 (commencing with Section 10400) of Division 10.

(Amended by Stats. 2009, c.549, § 2)

**9287. Elections official to select if more than one argument.**

If more than one argument for or more than one argument against any city measure is submitted to the city elections official within the time prescribed, he or she shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument the city elections official shall give preference and priority, in the order named, to the arguments of the following:

(a) The legislative body, or member or members of the legislative body authorized by that body.

(b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.

(c) Bona fide associations of citizens.

(d) Individual voters who are eligible to vote on the measure.

(Added by Stats. 1994, c. 920, § 2)

**Chapter 7. General Provisions**

**9600. Form of statement to be filed by author.**

All arguments concerning measures filed pursuant to this division shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument:

The undersigned proponent(s) or author(s) of the

\_\_\_\_\_

argument \_\_\_\_\_ (primary/rebuttal)

\_\_\_\_\_

ballot proposition \_\_\_\_\_ (in favor of/against)

\_\_\_\_\_

at the \_\_\_\_\_ (name or number)

\_\_\_\_\_

election for the \_\_\_\_\_ (title of election)

\_\_\_\_\_

to be held on \_\_\_\_\_ (date) \_\_\_\_\_ hereby state

that such argument is true and correct to the best of \_\_\_\_\_ knowledge and belief.

(his/her/their)

Signed \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Added by Stats. 1994, c. 920, § 2)

**9601. Arguments may be withdrawn.**

Notwithstanding any other provisions of this code, whenever any ballot arguments for or against any measure submitted to the voters for approval are authorized, these arguments may be withdrawn by their proponents at any time prior to and including the final date fixed for filing arguments. .

(Added by Stats. 1994, c. 920, § 2)

**9602. Voter may withdraw signature from petition.**

Any voter who has signed any initiative or referendum petition, and who subsequently wishes his or her name withdrawn, may do so by filing a written request for the withdrawal with the appropriate elections official. This request shall be filed in the elections official's office prior to the date the petition is filed. A written request made under this section shall not constitute a petition or paper for purposes of Section 104.

(Added by Stats. 2009, c. 510, § 2)

**9603. Advisory election; consolidation with regular election.**

(a) Each city, county, school district, community college district, county board of education, and special district may hold, at its discretion, an advisory election on any date on which that jurisdiction is currently permitted to hold a regular or special election for the purpose of allowing voters within the jurisdiction, or a portion thereof, to voice their opinions on substantive issues, or to indicate to the local legislative body approval or disapproval of the ballot proposal.

(b) An advisory vote will be indicated as a ballot heading, above the ballot proposal, and by only the following description: "Advisory Vote Only."

(c) As used in this section, "advisory vote" means an indication of general voter opinion regarding the ballot proposal. The results of the advisory vote will in no manner be controlling on the sponsoring legislative body.

(d) An advisory election may be held in territory outside of the jurisdiction of the local entity calling the advisory election if the ballot proposal affects the residents of the territory. The sponsoring legislative body shall determine the territory in which the advisory election shall be held. However, the conduct of an advisory election in territory outside of the jurisdiction of the local entity shall only be held if all of the following conditions are met:

- (1) A regular election or special election is to be held in that territory.
- (2) The advisory election can be consolidated with it.
- (3) The board of supervisors of the county in which the outside territory is located approves the consolidation.

(e) An advisory election shall not be consolidated with an election if the ballot's capacity will be exceeded because of the addition of the advisory election.

(Added by Stats. 1994, c. 920, § 2)

**9604. Withdrawal of measure.**

(a) Notwithstanding any other provision of law, any person may engage in good faith bargaining between competing interests to secure legislative approval of matters embraced in a statewide or local initiative or referendum measure, and the proponents may, as a result of these negotiations, withdraw the measure at any time before filing the petition with the appropriate elections official.

(b) Withdrawal of statewide initiative or referendum measures shall be effective upon receipt by the Secretary of State of a written notice of withdrawal, signed by all proponents of the measure.

(c) Withdrawal of local initiative or referendum measures shall be effective upon receipt by the appropriate local elections official of a written notice of withdrawal, signed by all proponents of the measure.

(Added by Stats. 1994, c. 920, § 2)

**9605. Timeframe for amendment or withdrawal of measure.**

Notwithstanding any other provision of law, whenever a legislative body has ordered that a measure or proposal be submitted to the voters of any jurisdiction at a special election, the order of election shall not be amended or withdrawn after the 83rd day prior to the election.

The order of election shall be amended or withdrawn upon the filing of a resolution by the legislative body stating the specifics concerning the amendment or withdrawal. The resolution shall be filed with the election official not later than the 83rd day prior to the election.

(Added by Stats. 1994, c. 920, § 2)

**9606. Use of temporary personnel for examination of signatures.**

A county elections official who is required, pursuant to this division, to examine signatures on an initiative, referendum, recall, nomination, or other election petition, may employ temporary assistants, as required, to complete the necessary procedure. The costs for the temporary assistants shall be paid by the jurisdiction in which the election on the proposition is intended to be held.

(Added by Stats. 1994, c. 920, § 2)

**9607. Instructions on requirements and prohibitions of state law.**

The proponents of an initiative measure shall ensure that any person, company, or other organization that is paid, or who volunteers, to solicit signatures to qualify the proposed measure for the ballot shall receive instructions on the requirements and prohibitions imposed by state law with respect to circulation of the petition and signature gathering thereon, with an emphasis on the prohibition on the use of signatures on an initiative petition for a purpose other than qualification of the proposed measure for the ballot.

(Added by Stats. 2005, c. 726, § 9)

**9608. Signed Statement of Proponent**

(a) A proponent of an initiative measure shall execute and submit, along with the request for a title and summary for the proposed measure, a signed statement that reads as follows:

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\_\_

(b) The certification required by subdivision (a) shall be kept on file by the agency authorized to prepare the title and summary for the proposed initiative measure for not less than eight months after the certification of the results of the election for which the measure qualified or if the measure, for any reason, is not submitted to the voters, eight months after the deadline for submission of the petition to the elections official.

(c) Failure to comply with this section shall not invalidate any signatures on a state or local initiative petition

(Added by Stats. 2005, c. 726, § 10)

**9609. Signed Statement of Circulator**

- (a) Prior to allowing a person to circulate an initiative petition for signatures, the person, company official, or other organizational officer who is in charge of signature gathering shall execute and submit to the proponents, a signed statement that reads as follows:

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 Official)  
 Dated this \_\_\_\_ day of \_\_\_\_ 20\_\_

- (b) The certification required by subdivision (a) shall be kept on file by the proponents of the proposed initiative measure for not less than eight months after the certification of the results of the election for which the measure qualified, or if the measure, for any reason, is not submitted to the voters, eight months after the deadline for submission of the petition to the elections official.

- (c) Failure to comply with this section shall not invalidate any signatures on a state or local initiative petition.

(Added by Stats. 2005, c. 726, § 11)

**9610. Signed Statement of Circulator**

- (a) Prior to soliciting signatures on an initiative petition, a circulator shall execute and submit to the person, company official, or other organizational officer who is in charge of signature gathering a signed statement that reads as follows:

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 Circulator)  
 Dated this \_\_\_\_ day of \_\_\_\_ 20\_\_

- (b) The certification required by subdivision (a) shall be kept on file by the person, company official, or other organizational officer who is in charge of signature gathering for the proposed initiative measure for not less than eight months after the certification of the results of the election for which the measure qualified, or in the measure, for any reason, is not submitted to the voters, eight months after the deadline for submission of the petition to the elections official.

- (c) This section shall not apply to unpaid circulators of state or local initiative petitions.

- (d) Failure to comply with this section shall not invalidate any signatures on a state or local initiative petition.

(Added by Stats. 2005, c. 726, § 12)

**CALIFORNIA ELECTIONS CODE  
DIVISION 18. PENAL PROVISIONS  
Chapter 7. Initiative, Referendum, and Recall**

**Article 1. Improper Signature-Gathering Tactics**

**18600. Misrepresentation by circulator.**

Every person is guilty of a misdemeanor who:

(a) Circulating, as principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any state or local initiative, referendum or recall petition, intentionally misrepresents or intentionally makes any false statement concerning the contents, purport or effect of the petition to any person who signs, or who desires to sign, or who is requested to sign, or who makes inquiries with reference to it, or to whom it is presented for his or her signature.

(b) Willfully and knowingly circulates, publishes, or exhibits any false statement or misrepresentation concerning the contents, purport or effect of any state or local initiative, referendum, or recall petition for the purpose of obtaining any signature to, or persuading or influencing any person to sign, that petition.

(c) Circulating, as principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any state or local initiative, intentionally makes any false statement in response to any inquiry by any voter as to whether he or she is a paid signature gatherer or a volunteer.

(Added by Stats. 1994, c. 920, § 2)

**18601. Refusal to allow signer to read measure.**

Any person working for the proponent or proponents of an initiative or referendum measure or recall petition who refuses to allow a prospective signer to read the measure or petition is guilty of a misdemeanor.

An arrest or conviction pursuant to this section shall not invalidate or otherwise affect the validity of any signature obtained by the person arrested or convicted.

(Added by Stats. 1994, c. 920, § 2)

**18602. Obscuring the summary of the measure.**

Any person working for the proponent or proponents of a statewide initiative or referendum measure who covers or otherwise obscures the summary of the measure prepared by the Attorney General from the view of a prospective signer is guilty of a misdemeanor.

(Added by Stats. 1994, c. 920, § 2)

**18603. Payment for signatures.**

Every person who offers or gives money or other valuable consideration to another in exchange for his or her signature on a state, county, municipal, or district initiative, referendum, or recall petition is guilty of a misdemeanor.

(Amended by Stats. 1996, c. 714, § 26)

**Article 2. False or Ineligible Signatures on Petition**

**18610. False or forged signatures.**

Every person who solicits any circulator to affix to any initiative, referendum, or recall petition any false or forged signature, or to cause or permit a false or forged signature to be affixed, is guilty of a misdemeanor.  
(Added by Stats. 1994, c. 920, § 2)

**18611. False, forged or fictitious names.**

Every person is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment, who circulates or causes to be circulated any initiative, referendum, or recall petition, knowing it to contain false, forged, or fictitious names.  
(Added by Stats. 1994, c. 920, § 2)

**18612. Signing more than once.**

Every person is guilty of a misdemeanor who knowingly signs his or her own name more than once to any initiative, referendum, or recall petition, or signs his or her name to that petition knowing himself or herself at the time of signing not to be qualified to sign it.  
(Added by Stats. 1994, c. 920, § 2)

**18613. Subscribing fictitious names.**

Every person who subscribes to any initiative, referendum, or recall petition a fictitious name, or who subscribes thereto the name of another, or who causes another to subscribe such a name to that petition, is guilty of a felony and is punishable by imprisonment in the state prison for two, three, or four years.  
(Added by Stats. 1994, c. 920, § 2)

**18614. False or fraudulent signatures.**

Every person is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment, who files in the office of the elections official or other officer designated by law to receive the filing, any initiative, referendum, or recall petition to which is attached, appended or subscribed any signature which the person filing the petition knows to be false or fraudulent or not the genuine signature of the person whose name it purports to be.  
(Added by Stats. 1994, c. 920, § 2)

**Article 3. Improper Payments to Prevent Petition Circulation and Filing**

**18620. Payment for stopping circulation of petition.**

Every person who seeks, solicits, bargains for, or obtains any money, thing of value, or advantage of or from any person, firm, or corporation for the purpose or represented purpose of fraudulently inducing, persuading, or seeking the proponent or proponents of any initiative or referendum measure or recall petition to (a) abandon the measure or petition, (b) fail, neglect, or refuse to file in the office of the elections official or other officer designated by law, within the time required by law, the initiative or referendum measure or recall petition after securing the number of signatures required to qualify the measure or petition, (c) stop the circulation of the initiative or referendum measure or recall petition, or (d) perform any act that will prevent or aid in preventing the initiative or referendum measure or recall petition from qualifying as an initiative or referendum measure, or the recall petition from resulting in a recall election, is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison 16 months or two or three

years or in a county jail not exceeding one year, or by both the fine and imprisonment.  
(Added by Stats. 1994, c. 920, § 2)

**18621. Payment for stopping circulation of petition.**

Any proponent of an initiative or referendum measure or recall petition who seeks, solicits, bargains for, or obtains any money or thing of value of or from any person, firm, or corporation for the purpose of abandoning the same or stopping the circulation of petitions concerning the same, or failing or neglecting or refusing to file the measure or petition in the office of the elections official or other officer designated by law within the time required by law after obtaining the number of signatures required under the law to qualify the measure or petition, or performing any act that will prevent or aid in preventing the initiative, referendum or recall proposed from qualifying as an initiative or referendum measure, or resulting in a recall election is punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment.  
(Added by Stats. 1994, c. 920, § 2)

**18622. Buying petition.**

Every person who offers to buy or does buy from a circulator any referendum, initiative, or recall petition on which one or more persons have affixed their signatures is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one year, or by a fine not exceeding one thousand dollars (\$1,000), or both. This section is not intended to prohibit compensation of a circulator, for his or her services, by a proponent of the petition or his or her agent.  
(Added by Stats. 1994, c. 920, § 2)

**Article 4. Threats and Theft to Prevent Petition Circulation and Filing**

**18630. Threats to a circulator.**

Every person who threatens to commit an assault or battery on a person circulating a referendum, initiative, or recall petition or on a relative of a person circulating a referendum, initiative, or recall petition or to inflict damage on the property of the circulator or the relative, with the intent to dissuade the circulator from circulating the petition or in retribution for the circulation, is guilty of a misdemeanor.  
(Added by Stats. 1994, c. 920, § 2)

**18631. Taking petition from circulator.**

Every person who forcibly or by stealth takes from the possession of a circulator any initiative, referendum, or recall petition on which one or more persons have affixed their signatures is guilty of a misdemeanor.  
(Added by Stats. 1994, c. 920, § 2)

**Article 5. Refusal of Circulators to Turn in Petitions**

**18640. Failure to surrender petition.**

Any person working for the proponent or proponents of an initiative or referendum measure or recall petition who solicits signatures to qualify the measure or petition and accepts any payment therefor and who fails to surrender the measure or petition to the proponents thereof for filing is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment.  
(Added by Stats. 1994, c. 920, § 2)

**Article 6. Misuse of Signatures on Petition**

**18650. Signatures used for no other purpose.**

No one shall knowingly or willfully permit the list of signatures on an initiative, referendum, or recall petition to be used for any purpose other than qualification of the initiative or referendum measure or recall question for the ballot, except as provided in Section 6253.5 of the Government Code. Violation of this section is a misdemeanor.

(Added by Stats. 1994, c. 920, § 2)

**Article 7. False Affidavits Concerning Petitions**

**18660. False affidavit.**

Every person is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment, who makes any false affidavit concerning any initiative, referendum, or recall petition or the signatures appended thereto.

(Added by Stats. 1994, c. 920, § 2)

**18661. False certification or affidavit.**

Every public official or employee is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment, who knowingly makes any false return, certification or affidavit concerning any initiative, referendum, or recall petition or the signatures appended thereto.

(Added by Stats. 1994, c. 920, § 2)

**Article 8. Filing Petitions to Defeat an Initiative or Referendum**

**18670. Filing petition with intention to defeat another petition.**

Every person is guilty of a misdemeanor who, either as principal or agent, files in the office of the Secretary of State, county elections official, or in the office of any other officer designated by law to receive the filing, a petition or any section of a petition relating to the Constitution or the laws of this state, authorized by the Constitution or laws of this state regulating the statewide initiative or referendum, with the intention of thereby defeating that initiative or referendum measure that is embraced in the petition. Nothing in this section applies to any person who, in good faith, files a petition embracing an initiative or referendum measure that conflicts with a similar measure already on file.

(Added by Stats. 1994, c. 920, § 2)

**18671. Intention of defeating the public will.**

Any petition, or any section of a petition, filed by any person other than the proponents of an initiative or referendum measure and with an intention of defeating an expression of the public will is null and void.

(Added by Stats. 1994, c. 920, § 2)

**Article 9. Misuse of Campaign Funds**

**18680. Wrongful appropriation of money.**

Every person who is entrusted with money or things of value, for the purpose of promoting or defeating any initiative, referendum, or recall petition or any measure that has qualified for the ballot is a trustee of the money or things of value. If a person wrongfully appropriates the money or things of value to

any use or purpose not in the due and lawful execution of the trust, the person shall be punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment. The following expenses are within the due and lawful execution of the trust:

- (a) Securing signatures to initiative, referendum, or recall petitions.
- (b) Circulating initiative, referendum, or recall petitions.
- (c) Holding and conducting public meetings.
- (d) Printing and circulating prior to an election:
  - (1) Specimen ballots.
  - (2) Handbills.
  - (3) Cards.
  - (4) Other Papers.
- (e) Advertising.
- (f) Postage.
- (g) Expressage.
- (h) Telegraphing.
- (i) Telephoning.
- (j) All salaries and expenses of:
  - (1) Campaign managers.
  - (2) Lecturers.
  - (3) Solicitors.
  - (4) Agents.
  - (5) All persons employed in transacting business at headquarters or branch offices, if the business transacted is related to promoting or defeating an initiative, referendum, or recall petition or any measure which has qualified for the ballot.
- (k) Maintaining headquarters and branch offices.
- (l) Renting of rooms for the transaction of the business of an association.
- (m) Attorney's fees and other costs in connection with litigation where the litigation arises directly out of any of the following:
  - (1) Activities related to promoting or defeating an initiative, referendum, or recall petition or any measure that has qualified for the ballot.
  - (2) The enactment, by the initiative process, of any ordinance, charter amendment, statute, or constitutional amendment.
  - (3) An election contest or recount.
  - (4) A violation of state or local campaign, disclosure, or election laws.

The amendment of this section by adding subdivision (m) thereto, made at the 1991-92 Regular Session of the Legislature, does not constitute a change in, but is declaratory of, the existing law.

Expenses for food, clothing, shelter and other personal needs of the trustee are not within the due and lawful execution of the trust. However, expenses for travel and necessary accommodations for the trustee are within the due and lawful execution of the trust, if the travel and accommodations are related to promoting or defeating an initiative, referendum, or recall petition or any measure that has qualified for the ballot.

(Added by Stats. 1994, c. 920, § 2)

## **Chapter 8. Obligations of Precinct Board**

### **18700. Appointed precinct board member failing to act as such.**

Any voter who has filed an application for the position of, and been appointed as a precinct board member and who, without being excused by the county elections official, knowingly fails to act as a precinct board member, is guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100).

(Added by Stats. 1994, c. 920, § 2)

**CALIFORNIA ELECTIONS CODE  
DIVISION 0.5. PRELIMINARY PROVISIONS**

**Chapter 1. General Provisions**

**9. Counting of words.**

- (a) Counting of words, for purposes of this code, shall be as follows:
- (1) Punctuation is not counted.
  - (2) Each word shall be counted as one word except as specified in this section.
  - (3) All geographical names shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.
  - (4) Each abbreviation for a word, phrase, or expression shall be counted as one word.
  - (5) Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
  - (6) Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting only of a combination of digits shall be counted as one word.
  - (7) Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word.
  - (8) Telephone numbers shall be counted as one word.
  - (9) Internet web site addresses shall be counted as one word.
- (b) This section shall not apply to counting words for ballot designations under Section 13107. (Amended by Stats. 1999, c. 312, § 2.)

***The City of Palo Alto does not have ballot designations.***

**Chapter 2. Petitions and Petition Signers**

**100. Only registered voter entitled to sign petition; printed name and place of residence; form of petition.**

(a) Notwithstanding any other provision of law, whenever an initiative, referendum, recall, nominating petition or paper, or any other petition or paper, is required to be signed by voters of a county, city, school district, or special district subject to petitioning, only a person who is an eligible registered voter at the time of signing the petition or paper is entitled to sign the petition or paper. A person who submits his or her affidavit of registration pursuant to subdivision (d) of Section 2102 is not eligible to sign a petition or paper unless at the time of the signing of the petition or paper he or she is 18 years of age.

(b) Each signer shall at the time of signing the petition or paper personally affix his or her signature, printed name, and place of residence, including the street and number of the place of residence, and if no

street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained. A space at least one inch wide shall be left blank after each name for the use of the elections official in verifying the petition or paper.

(c) The part of a petition for the signatures, printed names, and residence addresses of the voters and for the blank spaces for verification purposes shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. The petition format shall be substantially in the following form::

Official Use Only		
1. _____ (Print Name) _____ (Signature)	(Residence Address ONLY) _____ (City)	
2. _____ (Print Name) _____ (Signature)	(Residence Address ONLY) _____ (City)	

(Added by Stats. 2009, c. 364, § 1)

**100.5. Allow another person to print name and residence for those unable to do so.**

Notwithstanding Section 100, a voter who is unable to personally affix on a petition or paper the information required by Section 100 may request another person to print the voter's name and place of residence on the appropriate spaces of the petition or paper, but the voter shall personally affix his or her mark or signature on the appropriate space of the petition or paper, which shall be witnessed by one person by subscribing his or her name thereon.

(Amended by Stats. 2001, c.922. § 2)

**101. Petition notice to the public.**

Notwithstanding any other provision of law, any state or local initiative petition required to be signed by voters shall contain in 12-point type, prior to that portion of the petition for voters' signatures, printed names, and residence addresses, the following language:

"NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK."

(Added by Stats. 1994, c. 920, § 2)

**102. Voter may circulate petition.**

Any person who is a voter or who is qualified to register to vote in this state may circulate an initiative or referendum petition in accordance with this code. A person who is a voter may circulate a recall petition in accordance with this code.

(Amended by Stats. 2001, c. 105, § 1)

**103. Signature withdrawn from petition.**

A voter who has signed an initiative, referendum or recall petition pursuant to the Constitution or laws of this state shall have his or her signature withdrawn from the petition upon filing a written request therefor

with the appropriate county elections official or city elections official prior to the day the petition is filed. A written request made under this section shall not constitute a petition or paper for purposes of Section 104. (Added by Stats. 2009, c. 510, § 1)

**104. Declaration of circulator attached to petition; form.**

(a) Wherever any petition or paper is submitted to the elections official, each section of the petition or paper shall have attached to it a declaration signed by the circulator of the petition or paper, setting forth, in the circulator's own hand, the following:

(1) The printed name of the circulator.

(2) The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.

(3) The dates between which all the signatures to the petition or paper were obtained.

(b) Each declaration submitted pursuant to this section shall also set forth the following:

(1) That the circulator circulated that section and witnessed the appended signatures being written.

(2) 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.

(c) The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name at length, including given name, middle name or initial, or initial and middle name. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

(Added by Stats. 1994, c. 920, § 2)

**105. Examination of petitions; residence address verification.**

For purposes of verifying signatures on any initiative, referendum, recall, nomination, or other election petition or paper, the elections official shall determine that the residence address on the petition or paper is the same as the residence address on the affidavit of registration. If the addresses are different, or if the petition or paper does not specify the residence address, or, in the case of an initiative or referendum petition, if the information specified in Section 9020 is not contained in the petition, the affected signature shall not be counted as valid.

**9020. Form of petition; signature and address.**

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 number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.  
(Added by Stats. 1994, c. 920, § 2)

Any signature invalidated pursuant to this section shall not affect the validity of other valid signatures on the particular petition or paper.  
(Added by Stats. 1994, c. 920, § 2)

**106. Nomination Papers' signatures.**

Notwithstanding any other provision of law:

- (a) Any registered voter who is a candidate for any office may obtain signatures to and sign his or her own nomination papers. The candidate's signature shall be given the same effect as that of any other qualified signer.
- (b) Any person engaged in obtaining signatures to the nomination papers of a candidate for any office or to any recall, initiative or referendum petition may, if otherwise qualified to sign the papers or petition, sign the papers or petition. The signature of the person shall be given the same effect as that of any other qualified signer.

(Added by Stats. 1994, c. 920, § 2.)

**Chapter 4. Definitions**

**306. "City measure" definition.**

"City measure" includes any proposed city charter, any proposed amendment to a city charter, any proposition for the issuance of bonds by the city, any advisory question, or any other question or proposition submitted to the voters of a city.

(Added by Stats. 1994, c. 920, § 2)

**319. "Election board" definition.**

"Election board" means the board of supervisors of each county, the city council or other governing body of a city, or any board or officer to whom similar powers and duties are given by any charter.

(Added by Stats. 1994, c. 920, § 2)

**320. "Elections official" definition.**

"Elections official" means any of the following:

- (a) A clerk or any person who is charged with the duty of conducting an election.
- (b) A county clerk, city clerk, registrar of voters, or elections supervisor having jurisdiction over elections within any county, city, or district within the state.

(Amended by Stats. 2007, c. 125, § 1)

**329. "Measure" definition.**

"Measure" means any constitutional amendment or other proposition submitted to a popular vote at any election.

(Added by Stats. 1994, c. 920, § 2)

**339. "Precinct board" definition.**

(a) "Precinct board" is the board appointed by the elections official to serve at a single precinct or a consolidated precinct.

(b) "Precinct board," when used in relation to proceedings taking place after the polls have closed, likewise includes any substitutive canvassing and counting board that may have been appointed to take the place of the board theretofore serving.

(Added by Stats. 1994, c. 920, § 2)

**342. "Proponent" definition.**

"Proponent or proponents of an initiative or referendum measure" means, for statewide initiative and referendum measures, the elector or electors who submit the text of a proposed initiative or referendum to the Attorney General with a request that he or she prepare a circulating title and summary of the chief purpose and points of the proposed measure; or for other initiative and referendum measures, the person or persons who publish a notice or intention to circulate petitions, or, where publication is not required, who file petitions with the elections official or legislative body.

(Added by Stats. 2009, c. 373, § 4)

**343. "Proponent" definition.**

"Proponent or proponents of a recall petition" means the person or persons who have charge or control of the circulation of, or obtaining signatures, to such petitions.

(Added by Stats. 1994, c. 920, § 2)

**CALIFORNIA ELECTIONS CODE**  
**DIVISION 9. MEASURES SUBMITTED TO THE VOTERS**  
**Chapter 3. Municipal Elections**  
**Article 5. Mailings**

**9290. One copy of official material per household.**

Whenever the elections official is required to mail official matter, as provided in Sections 9223, 9280, 9281, 9282, and 9285, only one copy of each piece of official matter shall be mailed to a postal address where two or more registered voters have the same surname and the same postal address.

This section shall only apply if the legislative body of the city adopts this section and the election official conducting the election approves of the procedure.

(Amended by Stats. 2007, c. 286, § 2)

**9223. Copy of ordinance made available to voter.**

Whenever any ordinance or measure is required by this article to be submitted to the voters of a city at any election, the elections official of the legislative body shall cause the ordinance or measure to be printed. A copy of the ordinance or measure shall be made available to any voter upon request.

(Added by Stats. 1994, c. 920, § 2)

**9280. City attorney to prepare impartial analysis.**

Whenever any city measure qualifies for a place on the ballot, the governing body may direct the city elections official to transmit a copy of the measure to the city attorney, unless the organization or salaries of the office of the city attorney are affected. 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. If the measure affects the organization or salaries of the office of the city attorney, the governing board may direct the city elections official to prepare the impartial analysis. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

“The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the elections official’s office at (insert telephone number) and a copy will be mailed at no cost to you.”

(Added by Stats. 1994, c. 920, § 2)

**9281. If not otherwise provided, voters may submit arguments.**

If no other method is provided by general law, or, in the case of a chartered city, by the charter or by city ordinance, arguments for and against any city measure may be submitted to the qualified voters of the city

pursuant to this article. If a method is otherwise provided by general law, or, in the case of a chartered city, by charter or city ordinance, for submitting arguments as to a particular kind of city measure, that method shall control.

(Added by Stats. 1994, c. 920, § 2)

**9282. Written arguments.**

- (a) For measures placed on the ballot by petition, the persons filing an initiative petition pursuant to this article may file a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance.
- (b) For measures placed on the ballot by the legislative body, the legislative body, or any member of members of the legislative body authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associates, may file a written argument for or against any city measure.
- (c) No argument shall exceed 300 words in length.
- (d) The city elections official shall include the following statement on the front cover, or if none, on the heading of the first page, of the printed arguments: "Arguments in support or opposition of the proposed laws are the opinions of the authors."
- (e) The city elections official shall enclose a printed copy of both arguments with each sample ballot provided that only those arguments filed pursuant to this Section shall be printed and enclosed with the sample ballot. The printed arguments are "official matter" within the meaning of § 13303.

**13303. Preparation and mailing of sample ballots; notice of polling place location.**

- (a) For each election, each appropriate elections official shall cause to be printed, on plain white paper or tinted paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there are voters in the precinct. These copies shall be designated "sample ballot" upon their face and shall be identical to the official ballots used in the election, except as otherwise provided by law. A sample ballot shall be mailed, postage prepaid, not more than 40 nor less than 21 days before the election to each voter who is registered at least 29 days prior to the election.
- (b) The elections official shall send notice of the polling place to each voter with the sample ballot. Only official matter shall be sent out with the sample ballot as provided by law.
- (c) The elections officer shall send notice of the polling place to each voter who registered after the 29<sup>th</sup> day prior to the election and is eligible to participate in the election. The notice shall also include information as to where the voter can obtain a sample ballot and a ballot pamphlet prior to the election, a statement indicating that those documents will be available at the polling place at the time of the election, and the address of the Secretary of State's website and, if applicable, of the county website where a sample ballot may be viewed.

(Amended by Stats. 2000, c.899, § 12)

- (f) Printed arguments submitted to voters in accordance with this Section shall be titled either “Argument In Favor Of Measure \_\_\_\_\_” or “Argument Against Measure \_\_\_\_\_,” accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the elections official, the word “Proposition” may be substituted for the word “Measure” in these titles.

(Amended by Stats. 2006, c.508, § 4)

**9285. Rebuttal arguments.**

- (a) (1) When an elections official receives an argument relating to a city measure that will be printed in the ballot pamphlet, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

(2) The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

(3) No rebuttal argument may exceed 250 words.

(4) A rebuttal argument relating to a city measure shall be filed with the elections official no later than 10 days after the final filing date for primary arguments.

(5) A rebuttal argument relating to a city measure may not be signed by more than five persons and shall be printed in the same manner as a direct argument and shall immediately follow the direct argument, which it seeks to rebut.

(b) Subdivision (a) applies only if, not later than the day on which the legislative body calls an election, the legislative body adopts its provisions by majority vote, in which case subdivision (a) applies at the next ensuing municipal election and at each municipal election thereafter, unless later repealed by the legislative body in accordance with the procedures of this subdivision.

(Added by Stats. 2006, c.508, § 5)

**Article 6. Public Examination**

**9295. Public examination of arguments, ordinance and analysis.**

(a) The elections official shall make a copy of the material referred to in Sections 9223, 9280, 9281, 9282, and 9285 available for public examination in the elections official’s office for a period of 10 calendar days immediately following the filing deadline for submission of those materials. Any person may obtain a copy of the materials from the elections official for use outside of the elections official’s office. The elections official may charge a fee to any person obtaining a copy of the material. The fee may not exceed the actual cost incurred by the elections official in providing the copy.

(b) (1) During the 10-calendar-day public examination period provided by this Section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. The writ of mandate or an injunction shall be filed no later than the end of the 10-calendar-day public examination period.

(2) A peremptory writ of mandate or an injunction shall be issued only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this chapter, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.

(3) The elections official shall be named as respondent, and the person or official who authored

the material in question shall be named as real parties in interest. In the case of the elections official bringing the mandamus or injunctive action, the board of supervisors of the county shall be named as the respondent and the person or official who authored the material in question shall be named as the real party in interest.  
(Amended by Stats. 2007, c. 286, § 3)

**CALIFORNIA GOVERNMENT CODE  
TITLE 9. POLITICAL REFORM**

**82041.5. Mass Mailing.**

"Mass mailing" means over two hundred substantially similar pieces of mail, but does not include a form letter or other mail, which is sent in response to an unsolicited request, letter or other inquiry.

**84305. Mass Mailings; Requirements.**

(a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

**84305.5 Slate Mailers; Requirements.**

(a) No slate mailer organization or committee primarily formed to support or oppose one or more ballot measures shall send a slate mailer unless:

(1) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures are shown on the outside of each piece of slate mail and on at least one of the inserts included with each piece of slate mail in no less than 8-point roman type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the street address of the slate mailer organization or the committee primarily formed to support or oppose one or more ballot measure is a matter of public record with the Secretary of State's Political Reform Division.

(2) At the top or bottom of the front side or surface of at least one insert or at the top or bottom of one side or surface of a postcard or other self-mailer, there is a notice in at least 8-point roman boldface type, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter The notice shall consist of the following statement:

<p>NOTICE TO VOTERS</p> <p>THIS DOCUMENT WAS PREPARED BY (name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. Appearance in this mailer does not necessarily imply endorsement of others appearing in this mailer, nor does it imply endorsement of, or opposition to, any issues set forth in this mailer. Appearance is paid for and authorized by each candidate and ballot measure which is designated by an *.</p>
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(3) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures as required by paragraph (1) and the notice required by paragraph (2) may appear on the same side or surface of an insert.

(4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by an \*. Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by an \*.

The \* required by this subdivision shall be of the same type size, type style, color or contrast, and legibility as is used for the name of the candidate or the ballot measure name or number and position advocated to which the \* designation applies except that in no case shall the \* be required to be larger than 10-point boldface type. The designation shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

(5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point roman type which shall be in a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.

(b) For purposes of the designations required by paragraph (4) of subdivision (a), the payment of any sum made reportable by subdivision (c) of Section 84219 by or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the \* designation. The payment shall also be deemed to constitute authorization to appear in the mailer.

**89001. Newsletter or Mass Mailing.**

No newsletter or other mass mailing shall be sent at public expense.

**PALO ALTO MUNICIPAL CODE**  
**Title 2. Administrative Code**  
**Chapter 2.40. Municipal Elections**

**2.40.040 Contributions and contributors.**

The city clerk shall post online on the city's public website within five days of the date on which campaign statements are required to be filed in accordance with applicable California and local laws, rules and regulations, including the rules and regulations of the California Fair Political Practices Commission, the name of each person and committee from whom a contribution or contributions totaling \$50.00 or more have been received, the amounts each person or committee contributed, and the candidates or committees which received such amounts, as such information appear on the campaign statements filed within the six-month period prior to the election pursuant to Article 2, (commencing with Section 84200) of the Government Code.

For the purposes of this section, the definitions contained in Chapter 2 (commencing with Section 82000) of the Government Code apply.

(Ord. 5045 § 1, 2009; Ord. 3189 § 1, 1980; Ord. 2843 § 1, 1975)

**2.40.050 Anonymous contributions.**

No person shall make an anonymous contribution or contributions to a candidate, committee, or any other person totaling \$50.00 or more in a calendar year. An anonymous contribution between \$50.00 and \$100.00 shall not be kept by the intended recipient, but instead shall be promptly paid to the city clerk for deposit in the general fund of this city.

(Ord. 3189 § 2, 1980)

**2.40.060 Disclosure in campaign statements.**

Each campaign statement required to be filed by Article 2 of Chapter 4 of the Political Reform Act of 1974, shall contain, in addition to any other required information:

(a) The total amount of contributions received during the period covered by the campaign statement from persons who have given less than \$50.00.

(b) The full name of each person from whom a contribution or contributions totaling between fifty and \$100.00 has been received, together with the contributor's street address, occupation, and the name of the contributor's employer, if any, or the principal place of business if the contributor is self-employed, the amount of the contribution, and the date the contribution was received.

(Ord. 3189 § 3, 1980)

**2.40.080 No use of board or commission titles in ballot arguments.**

No city board or commission member may use his or her board or commission title when signing a ballot argument for or against an ordinance or measure. If an argument is submitted to the city clerk with such a title in the signature, the title shall be omitted from the ballot argument signature.

(Ord. 4837 § 2, 2004)

In compliance with the Americans with Disabilities Act (ADA) for 1990, this document may be provided in other accessible formats. For information contact:

City of Palo Alto  
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