


Local Ballot Initiatives

A hand is shown from the right, holding a white ballot and inserting it into the top of a brown cardboard ballot box. The ballot is tilted, showing the text 'Measure N' in a large, bold, serif font. Below this, the words 'Yes' and 'No' are printed in a smaller serif font, each followed by a horizontal line for marking a choice.

Measure N
Yes — No —

How citizens change laws with
clipboards, conversations, and campaigns

Leslie Graves

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Leslie Graves



LUCY BURNS
INSTITUTE
connecting people to politics

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An Interview with Glenn Vodhanel

Accountability in Brea, California

Geoff Pallay, an elections editor at Ballotpedia.org, interviewed Mr. Vodhanel for this article in October 2012, prior to the November 6th, 2012 election on Mr. Vodhanel's ballot measures. To find out how his measures fared in that election, consult Ballotpedia.org.

Glenn Vodhanel is not a candidate for office.

In his own words,

"I'm just a person who believed what my teachers taught me – we're supposed to be able to impact our society and petition our government for redress."

But he believes in effecting positive change in his community not through the election of congressional or legislative officials, but rather via the local ballot initiative.

In the small town of Brea, California, where Vodhanel lives, the city manager is paid \$341,000 per year. That compensation is quite a bit higher than the national average for city managers. Vodhanel and other Brea residents thought this salary was unnecessary and even extravagant.

Meanwhile, the city was imposing new fees and penalties for services. Vodhanel and others wondered if these new costs resulted from the city's need to pay very high salaries to some city employees.

According to Vodhanel, his first step into activism was just asking elected officials in the city to explain the city's fees and salaries. Sometimes, it took months before he could get an answer. After trying to work with local elected officials on improving government transparency and government efficiency, Vodhanel felt like he reached a dead end. He

said he had "discovered a culture of disdain for residents, an environment of condescension and a severe reluctance to consider what residents had to say." At this point in the process, he could have given up on his quest to effect positive change in his town of Brea.

Instead, he chose to turn to another tool at his disposal -- the ballot initiative.

"People have only so much energy and so much time. When you stand up in front of council for a year and recognize that they don't hear you, you ask yourself, is there a way to make change? When you ask that question, you arrive at only one conclusion, and that conclusion is the ballot measure. If city council staff would just listen to people, there would be no reason to have ballot measures."

Vodhanel read about ballot measures in the nearby city of Murrieta. He contacted the authors of a recent successful ballot initiative in Murrieta to learn from them about the process. After reviewing their petitions and struggles, he felt ready to tackle his own ballot measures.

The result of months of work from that point forward was that Vodhanel and other engaged citizens in his community collected enough signatures on petitions to place two significant reform measures on the November 2012 ballot. One measure set forth new provisions ensuring local government transparency, and the other set a lid on salaries for some city officials.

“The thing I learned years and years ago is that local government is probably the easiest to have an impact on,” Vodhanel said.

The ballot initiative provides regular citizens a chance to be part of the checks and balances of government. Vodhanel cautioned that for anyone interested in attempting initiatives that may restrain power from those who have it, obstacles should be expected. He believes that this is especially likely in cases where the measure pushes for transparency or compensation limits, since in these cases, local officials have something to lose. “It’s not stacked in people’s favor; special interests run the show,” he said.

“The difference between thieves and politicians is that thieves go to jail. Politicians figure out how to steal it legally,” Vodhanel said.



The thing I learned years and years ago is that local government is probably the easiest to have an impact on.

- Glenn Vodhanel





Leslie Graves

This booklet was written by Leslie Graves. She is the president of the Lucy Burns Institute and the executive editor of Ballotpedia.org

INTRODUCTION

This booklet is about how people use the ballot initiative process at the local level.

It particularly focuses on the use of ballot initiatives in cities. Many of the points below also apply to the use of ballot initiatives at other municipal levels.

This manual answers the following questions:

- What is a “local ballot initiative”?
- Why do people use the local ballot initiative process?
- What do you need to know in order to make a difference through the local ballot initiative process?
- Which cities, counties, and municipalities allow this form of local legislation?
- How can you identify whether a particular city allows the use of local I&R?
- What are the specific laws in my city?

“ You can make a big difference nationally by acting locally. Most cities have a citizen initiative process allowing any serious individual to organize people to petition a needed reform on the ballot for a vote. If the voters agree, you’ve changed your town and the world. That’s why they call it “direct democracy.” ”

– Paul Jacob

Paul Jacob is the president of Citizens in Charge. He is nationally recognized for his work in term limits and for his tireless, decades-long support of direct democracy at the state and local levels.

Nebraska is the first state in the country to have granted the right of city initiatives to its citizens. This happened in 1897 when the Nebraska state legislature passed the statute allowing city electors to use the initiative process to legislate on city-wide issues.



What is a “local ballot initiative”?

A local ballot initiative is a form of **direct democracy**. It is a procedure under which local voters directly propose (“initiate”) laws. It bypasses the governing body of the local unit of government – whether that is a county, city, village or other local unit of government – by directly voting on the proposed law at the ballot box.

While 24 states allow statewide Initiative and Referendum, there are 48 states with some cities that allow ballot initiatives to decide city issues and laws. **Indiana and Wyoming are the two exceptions.**

Typically, the initiative process begins with the circulation of a petition that sets forth the text of the desired new law. Often, those who are planning to circulate a petition must have their petition form approved by local election officials before they are allowed to begin collecting signatures.

Petition circulators ask residents of the city for their signature on the petition. In most areas, the person who signs the petition must be a registered voter for his or her signature to count.

Petition sponsors typically aim to collect about **30% more** signatures than the minimum number of signatures required. This is because when election officials check the signatures, some of them may turn out to be invalid.

Cities nearly always have a defined time during which signatures can be collected. For example, in California, the rule in all general law cities is that petition sponsors are allowed six months for collecting signatures.

In some cities there are rules about who is allowed to circulate petitions. Once petition sponsors collect the required number of signatures (and a “cushion” of extra signatures), they are submitted to election officials for review. Officials will typically examine each signature for validity. Once they have determined that sufficient signatures have been submitted, they are then obligated to either call a special election to vote on the ballot initiative, or put the ballot initiative for a vote in the city’s next general election. In some cases, the local governing body has the option to simply pass the proposed law themselves, in which case, it does not go to a vote of the people. In some localities, if petition sponsors collect a certain threshold of signatures, the city is required to call a special election to vote on the initiative, rather than waiting for a vote on the ballot measure during the city’s next general election.



Ballot measure - An item on a ballot that asks voters to vote on a specific proposal. Some ballot measures are initiatives, some are referendums, and some are referred measures.

Petition drive - An organized effort to collect the signatures required to qualify an initiative for the ballot.

Circulator - A person who asks people to sign a petition

Referendum - A challenge to a new law passed by a governing body that gets on the ballot through petition signatures.



Photo credit: Office of the Secretary of State of the State of Washington

Initiative - A proposal for a new law that qualifies for the ballot through petition signatures.

I&R - An abbreviation for "Initiative & Referendum"

Petition - A paper document people sign to qualify an initiative for the ballot

Referred measure - A measure that appears on the ballot because a governing body voted to put it there, rather than by citizens collecting signatures (Most local ballot measures are referred measures.)

Sponsor - The group or individual organizing an effort to get a measure on the ballot

Why do people use the local ballot initiative process?

1. To change a law in the city.

Activists turn to the ballot initiative process primarily when they strongly support a particular law change and, at the same time, do not believe that the local governing body itself will enact the change they seek.

- Examples of the use of city-wide ballot initiatives to change laws include setting term limits on city council members, zoning laws, plastic bag taxes, elimination of red light speed limit cameras at intersections, smoking bans and pension reform.
- Some of the more unusual political topics addressed in local ballot measures include whether to allow chickens in backyards and whether “In God We Trust” should be a city’s motto.

2. To increase public awareness of an issue.

Often, the hope is that by increasing public awareness of a situation, in future years, the change they desire is more likely to come about.

3. To build an effective local grassroots organization.

The experience of many local activists is that one good way to build a grassroots organization is by organizing around a ballot initiative campaign. Ballot initiative campaigns, in many cities, can be conducted at times of the year when they will not be drowned out by larger national or state elections.

4. To boost their own political career by associating themselves with a particular issue.

Up-and-coming politicians can impress voters in a city with their leadership qualities by running a successful ballot initiative campaign. An example of this is Carl DeMaio in San Diego, California, who ran a successful ballot initiative campaign to pass a local pension reform initiative in June 2012. He went on to run for Mayor of San Diego with the advantages in name recognition and reputation that came about as a result of his initiative campaign leadership.



Ballotpedia.org has identified over 80 political topics that have been addressed using local ballot measures.

- *Alcohol sales on Sunday*
- *Benefits and pay for local officials*
- *Gambling rules*
- *Land/open space*
- *LGBT issues*



- A city-wide initiative promotes awareness of an issue because typically, when an initiative is scheduled to appear on the ballot, the local media will cover it, giving campaign spokespeople an opportunity to present their case.
- In some areas, election officials produce voter guides that include pro and con arguments for any local initiatives. This means that every voter will be presented with the opportunity to learn about the issue.
- Some activists use the local initiative process to promote awareness even when it is impossible to bring about much real legal change. An example of this is the use of local ballot initiatives to de-criminalize marijuana. No matter what laws a local city passes by initiative, federal law still says that marijuana is illegal. But supporters of legal marijuana believe that using the initiative process keeps the issue at the forefront of voter attention and helps promote their views, with an eye toward an eventual change in the federal law.

• Business regulations • City mottos • Definition of a corporation • Election and voting rules • Electrical aggregation • Fireworks • Fluoridation
• Marijuana dispensaries • Red light cameras • Rent control • Signage rules • Smoking bans • Term limits • Zoning issues

Charter cities and general law cities

There are over 19,000 cities in the United States. This includes approximately 7,000 cities with a population of more than 2,500.

One fundamental distinction between cities is whether they are a “general law” city or a “charter city”. Charter cities (also known as “home rule” cities) have their own city charter. About 38 states allow cities to become home rule cities under certain conditions, which vary from state to state.

A city charter typically addresses issues such as how many city council members there are, what the length of their term is, whether they are elected “at large” or “by district” and what the roles of the mayor and other executive officials are. Just as with state constitutions, a city charter may also lay out policies in certain areas. For example, the city charter in Oceanside, California was amended by popular vote in 2010 to forbid the city to use “project labor agreements” in city construction projects.

- 48 states have at least one city that allows the use of city-wide ballot initiatives. The two states with no cities that allow ballot initiatives are Indiana and Wyoming.
- 39 states have mandates requiring a form of city-wide I&R in at least some cities. Some of these statewide mandates apply just to the state’s “general law” cities, some of the mandates apply just to the state’s “charter cities”, and in twenty or more states, the statewide mandate requiring a form of city I&R applies to both.
- There are 4,816 general law cities in the states with a mandate requiring city-wide I&R in general law cities.
- There are 4,423 charter cities in the states with a mandate requiring city-wide I&R in charter cities.

Ballotpedia.org has detailed information for each state covering these areas:

- How many cities are there in each state?
- Of those cities, how many are general law cities and how many are charter cities?
- Lists of the charter cities and general law cities in each state.

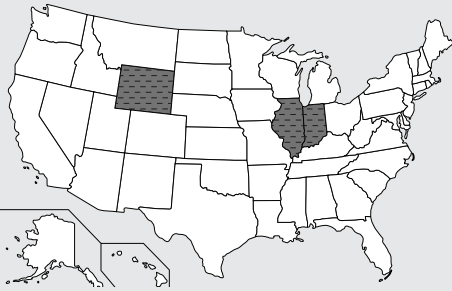


City charter - The governing document of a city. It is analogous to a state constitution. Some cities with charters adopt a very brief charter that relates only to areas of governance where the city wants to distinguish itself from the state’s general laws, but is in every other way content to abide by the general law.

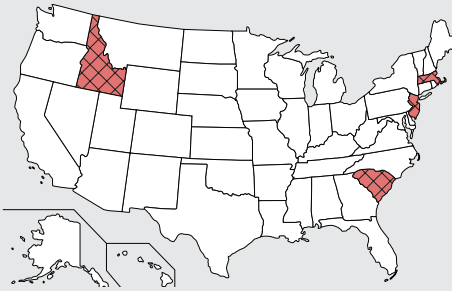
Charter city - A city that has its own city charter. Charter cities are also sometimes called “home rule cities”.

General law city - A city that does not have its own city charter. It is governed by the “general laws” for cities that are laid out by the state.

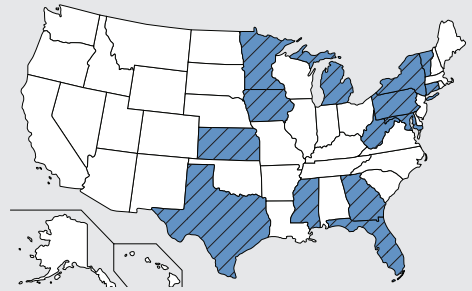
Maps of Local I&R Laws



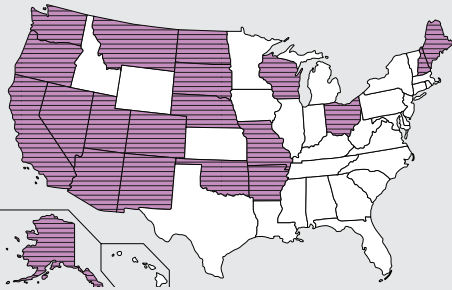
In these three states, there are no municipalities which allow initiative.*



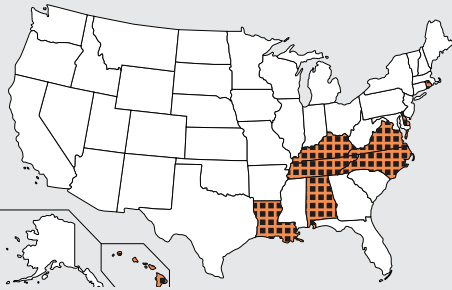
In these four states, all or certain classes of general law municipalities are subject to a state requirement to allow initiated ordinances.



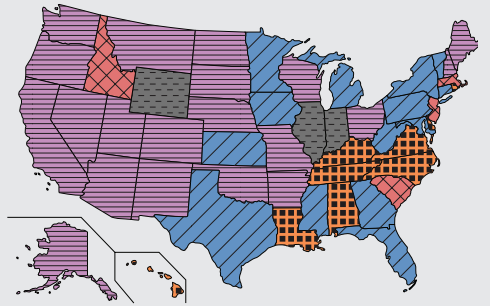
In these 14 states, charter municipalities are subject to a state requirement to allow initiated charter amendments.*





In these 20 states, general law municipalities are subject to a state requirement to allow initiated ordinances, and charter municipalities are subject to a state requirement to allow initiated charter amendments.*



In these nine states, there are no classes of municipalities subject to a state requirement to allow initiative, but some municipalities have it anyway, for ordinances and/or charter amendments, either on their own authority or by special state legislation.*




 * In Illinois, every municipality is required to allow initiative for very limited subject matters: initiative can be used to institute or repeal home rule status, to change the form of municipal government, and to implement, amend, or repeal term limits on municipal elected officials. For the sake of consistency from state to state, each state is considered as having initiative only if it has subject matter restrictions (or no limitations) as opposed to subject matter allowances.

 * In Wyoming, a certain class of general law city is required to allow initiative, but no cities fall under this class as of October 2012.

 * Kansas law uses the term "charter ordinances", but these have an authority and significance similar to that of "charter amendments" in other states.

 * In Arkansas, no charter municipalities have been formed as of October 2012.

 * In Maine and New Hampshire, the process used in general law municipalities is not actually initiative, but is another, more powerful form of direct democracy, which is available in towns using the "town meeting" form of government.

 * In Alabama, there is a state requirement for a certain class of general law cities to allow initiative, but no cities fall under this class as of October 2012.

Is my city a general law city or a charter city?

- Call your city clerk and ask.
- If the clerk says you are in a charter city, be sure to ask where you can obtain a copy of the charter.
- Check with Ballotpedia.org
- Email: colin.o'keefe@lucyburns.org



Do other types of government offer I&R?

Other forms of local government include:

- Counties
- Townships
- Villages
- Towns
- Public school districts
- Special districts, such as Parks & Recreation Districts, Water Districts and Fire Protection Districts.

These are considered a separate unit of government when they have taxing authority and an elected governing body.

Not every state has all of these forms of local government. For example, in Alaska, aside from public school districts, the only two forms of local government subdivision are boroughs (similar to a county) and cities.

In California, every form of local government except public school districts is required by state law to offer local I&R.



If you want to know which types of local government in your state offer the local I&R option, go to Ballotpedia and search for the article: "[Laws governing local ballot measures in _____](#)"; replacing the blank with the name of your state.

What do local activists need to know about city-wide initiatives?

If you want to use the city-wide initiative process to achieve your group's goals, you must become familiar with exactly how the initiative process works in your city.

When you are researching the laws governing local ballot initiatives in your city, here are some questions to ask:

- How many signatures must be collected?
- How many days do we have for the signature-collection period?
- Must we submit our proposed law to election officials before we can circulate our petitions?
- Which agency or office is in charge of administering local ballot initiative procedures?
- Are there any laws governing who can legally circulate petitions in our city?
- Once we submit our signatures, when does the city have to schedule an election on our measure?



A great way to learn how the process will work in your city is to find someone who has previously used the city's ballot initiative process. Make that person your new best friend.





*"Many groups turn to an attorney when the time comes to draft the exact language for their ballot initiative. If you do, make sure your attorney has experience in this area. For many political issues, there are national groups that advocate one way or another. **If there is a national group that advocates for the same position your local group wants to take, that group will often be able to provide you with sample ballot language that will achieve your goals.** The national group may also be able to recommend an attorney with the right kind of experience in your state. The national group may also be able to inform you about similar measures in other cities. Studying what other groups have done is a great way to think through what you might want to do."*

Understanding the steps in the ballot initiative process

The key steps in the process of a local ballot measure campaign are:


1. Research the laws that govern local ballot measures in your city, to make sure you understand them.
2. Decide exactly what you want the new law to do or say.
3. Draft the text of the new law.
4. Submit your proposed new law to the appropriate official of your city.
5. Wait for the city official to return the ballot text back to you, with their instructions on exactly how the proposed new law is to be represented on the petition form you will use for signature-gathering.
6. Using the city-approved petition form, print as many sheets as you think you will need to collect the required number of signatures, plus a cushion.
7. Distribute your petition forms to the petition circulators.
8. Train your petition circulators so that all signatures are collected in a legal, appropriate and professional manner.
9. As signatures are collected, periodically gather them into one central location, in order to ensure that you always have an accurate count of how many signatures you have.



It is important not to begin collecting signatures until you are absolutely sure that the petition form you plan to circulate is **100% accurate** and legally correct.

Even small typos that you might regard as trivial or insignificant have been used to throw a petition off the ballot, after tens of thousands of signatures have been collected. You don't want to put yourself in the position where a judge is deciding whether your measure stays on or gets thrown off the ballot because the petitions you circulated had one or more small flaws.



- 
10. Monitor the progress of the petition drive, and recruit more petition circulators as needed.
 11. If funds are raised or expended during this process, register as a campaign finance entity with the relevant campaign finance authority for your city, and file required campaign finance reports on an ongoing basis.
 12. Submit your signatures to the correct election officials on time, by the specified deadline.
 13. Wait for election officials to determine whether you submitted enough valid signatures.
 14. Once you are notified that your measure has qualified for the ballot, your campaign will then begin in earnest, as you engage in a variety of activities to persuade the voters in your city to vote for your measure.



Working with paid circulators : Across the country, at any one time there are between 15-20 so-called “petition drive management companies” in existence. These are for-profit companies with which campaigns contract. The petition drive management company agrees to take on all the burden of hiring, training and supervising paid petition circulators. The campaign simply needs to provide a check to cover all of the work. If you decide to work with a petition drive management company, it is very important that you seek expert guidance on how to work best with this kind of vendor, how much you should expect to pay, how to avoid getting ripped off, and how to make sure that with your money, the company is hiring circulators who are collecting actual valid signatures...which are the only kind you should be paying for.

Details on the steps in the process



Photo credit: Office of the Secretary of State of the State of Washington

Calculating the number of signatures you will need

In most areas, the law that tells you how many signatures you must collect expresses that requirement as a percentage. It is important to be very clear on what the signature requirement is a percent of.

- Is it a percentage of the registered voters in the city? If it is a percentage of the registered voters in the city, you also need to know “as of what day?”.
- Is it a percentage of the eligible voters in the city? If so, how is that calculated in detail?
- Is it a percentage of the number of people who voted in the last mayoral, or gubernatorial, or presidential election in the city? Pay close attention to the specific details.

Calculating how many additional signatures you will need

Petition drive coordinators nearly always plan to collect a number of signatures over-and-above the legal minimum required. This is because in nearly all jurisdictions, once you submit your signatures, election officials will examine the signatures to make sure that there are enough valid signatures. During this process, they are likely to disqualify some of the signatures that were submitted.

“The whole process of getting something on the ballot is a lot of work to figure out what you want and figure out legal resources.”

– Glenn Vodhanel
Brea, California

An election official might invalidate a particular signature if:

- A name on the petition does not correspond to any name on their list of registered voters.
- The signature is illegible and they cannot therefore definitively determine whether it belongs to a registered voter.
- They determine that the signature is a duplicate; that is, the same person signed the petition more than once.
- They have reason to believe that the signature was not written by the individual in question; for example, if a husband signs his own signature, and then in the same apparent handwriting, signs his wife's name.
- The address of the signer indicates that they do not live in the city.
- The petition signer does not fill out all the required pieces of information, such as their address or the date of signing.

Sometimes, entire petition sheets with 10 or 20 signatures are invalidated. One reason for this is if the person who circulated the petition failed to meet the requirements that apply to circulators.

For example, in some areas, a petition circulator must sign a statement on the petition form stating that he or she personally collected and witnessed each signature. Often, the circulator must sign this statement in front of a notary public. In such situations, if the circulator fails to properly fill out the affidavit, or fails to get it notarized, or gets it notarized but by someone whose notary public license has expired, all the signatures on the sheet may be declared invalid.

For all the above reasons, it is important to plan to collect a cushion of signatures above the minimum requirement. It is common to collect approximately 30% more than the basic minimum. For example, if your city requires 10,000 signatures, you would instead collect 13,000 signatures.

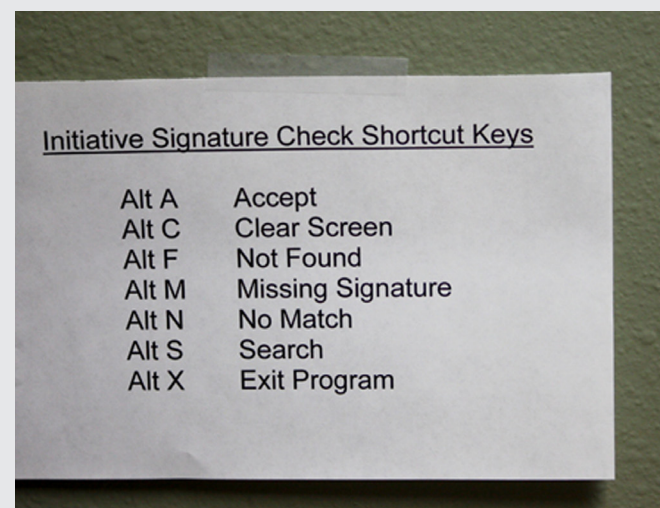


Photo credit: Office of the Secretary of State of the State of Washington

Calculating if the number of signatures gathered changes the election date

Note that in some areas, if you collect a specified higher number of signatures, the city will be required to schedule a special election just for a vote on your ballot measure. California is a good example of this. In California's general law cities, if you submit signatures equal to 10% of the city's registered voters, your measure will go on the city's next general election ballot, but if you submit signatures equal to 15% of the city's registered voters, the city will be required to schedule a special election within a specific time of you submitting those signatures. Obtaining these additional signatures can significantly reduce the amount of time until your measure goes to a vote.

Determining the petition circulation period

Your city or state will define a specific petition circulation period. Make sure you understand it in detail.

- When does the clock start ticking on your petition drive deadline?
 - In many jurisdictions, the clock starts ticking the day that election officials provide you with the approved ballot title and summary.
 - In some jurisdictions, the clock starts ticking the day you collect your first signature.
- How many days or months are you allowed for signature collection?
 - Does the law in your city define this as a matter of days, weeks or months?
 - If your law gives you, say, 6 months to collect the signatures, and that day falls on a weekend, are you required to submit the signatures on the last business day before that weekend, or can you wait until the following Monday? Also, keep holidays in mind. They may have a similar impact.



Official ballot title - Short summary of the intent and impact of the ballot measure, provided to you by election officials, after you give them the text of your proposed new law.

Official ballot summary - Longer summary that provides, generally in 50-150 words, a longer but still brief overview of the impact of your proposed new law.

Understanding the official ballot text

Once you've decided what you want your new law to say, and you've had an attorney draft it in the appropriate format, your next step is to take the text of the proposed new law to city hall, and submit it to the city clerk for approval.

If the task of processing ballot initiatives has been delegated to someone other than the city clerk, the city clerk should be able to tell you who that is.

Note that in some cities, no one has ever done a ballot initiative, even though it is allowed under the laws of the city. In that case, it might take you some effort to find the right person in your city to work with, and the city's attorney may need to explain the law in detail to that person. This could be a good time to get your city council representative or other city politician involved.

However, once the right person has your proposed new law in hand, this person must then provide it with an official ballot title and summary. In some cities, a "fiscal note" or "estimated fiscal impact statement" must also be provided. Typically, it is the city attorney who drafts this official language. Their objective – and in most cases, their legal obligation – is to provide a short, neutral and fair summary of the proposed measure.



Lawsuits do get filed over ballot titles that ballot measure proponents believe are biased or misleading. In 2012, Ballotpedia tracked 23 such lawsuits in 15 states. Getting a "good ballot title" is important for the success of a measure, since many voters will cast their "yes" or "no" vote based on no more information than the title that appears on the ballot.



Understanding the proper format for the petition itself

Your jurisdiction will typically specify in some detail the physical appearance that the petition form itself must take.

Specifications may include:

- The size of the paper.
- The color of the paper.
- The number of signature lines on each petition sheet.
- The location on the petition of the official ballot title and summary, and the size of font that must be used for them.
- A circulator's affidavit.
- A statement of the intent that the signer is asserting he or she had in mind when he or she signed the petition.

Additionally, in some states, if a person is circulating the petition for pay, their petition form must contain the words "PAID CIRCULATOR."

In states with this requirement, it is also often required that those words appear in a certain size font and a particular color.

LOCAL PROPOSITIONS in the COUNTY OF SAN DIEGO		
JURISDICTION	Letter	PROPOSITION
City of San Diego	<u>A</u>	<u>Prohibits the City from Requiring Project Labor Agreements on City Construction Projects.</u> Should the City of San Diego be prohibited from requiring contractors to use Project Labor Agreements for City construction projects, except where required by law, and should the Mayor be required to post online all construction contracts over \$25,000?
	<u>B</u>	<u>Amends City Charter Regarding Retirements Benefits.</u> Should the Charter be amended to: direct City negotiators to seek limits on a City employee's compensation used to calculate pension benefits; eliminate defined benefit pensions for all new City Officials and employees, except police officers, substituting a defined contribution 401 (k)-type plan; require substantially equal pension contributions from the City and employees; and eliminate, if permissible, a vote of employees or retirees to change their benefits?
City of Chula Vista	<u>C</u>	<u>Shall the Charter of the City of Chula Vista</u> be amended to limit the authority and compensation of the elected City Attorney, to establish term limits for the City Attorney, and to authorize the City Council to establish the office of Legislative Counsel to advise the City Council on its legislative duties and on conflict of interest issues?
City of El Cajon	<u>D</u>	<u>Shall the City of El Cajon be changed</u> from a general law city to a charter city through the adoption of the charter proposed by Resolution No. 22-12 of the El Cajon City Council?
City of Oceanside	<u>E</u>	<u>Shall Ordinance No. 11-OR0427-1, adding Section 16B16(e) to the Oceanside City Code for the purpose of implementing vacancy decontrol allowing space rents to increase following the sale or conveyance of a manufactured home, be adopted?</u>
		<u>Shall the proposed amendment to the Charter of the City of Oceanside,</u> to establish numbered, elected at-large seats; establish a June first-round election, and a November runoff election for any June election where no candidate receives over

Training your circulators

It is important that anyone who will be circulating the petition is trained in the basics of how to do so in an appropriate, professional and legal manner.

If there are any specific legal requirements that circulators must abide by in your city, it is advisable to work through a checklist of those requirements when you train your circulators.

If petition signers are required to personally write the date of signing on the petition, make sure your circulators know this. You don't want a situation where a circulator gives you a sheet with 20 signatures, and you can see that all the dates are in the circulator's handwriting, because the circulator decided to help lessen the writing burden of people signing the petition.

If only the signatures of registered voters who live in the city will count as valid signatures, make sure your circulators know that they must screen potential signers to ensure that they live in the city, and they are registered to vote.



"You need patience and fortitude. You have to be persistent."

– Glenn Vodhanel
Brea, California

Be aware of circulator requirements

Some jurisdictions have rules governing who can legally circulate a petition. These laws can include:

- The circulator must be a registered voter.
- The circulator must be at least 18.
- The circulator must be a resident of the political jurisdiction within which the signatures are being gathered. This is known as a “residency requirement” and several federal courts since 2009 have held that residency requirements are unconstitutional. However, your city may still have one on the books.

Another kind of circulator requirement applies in some jurisdictions if you are paying circulators to collect signatures. Some jurisdictions impose a ban on paying circulators a set amount for each signature they collect. Oregon is one state that imposes such a ban. In jurisdictions with bans on paying by the signature, you can still pay circulators, but you must pay them in some way other than by the signature. For example, you could pay by the hour or by the day.

“Building consensus and building a team to get signatures is a fair amount of effort. Deciding when you might need a bit of help and learning how to present the signatures to the city clerk or the elections official will optimize the process.”

– Glenn Vodhanel
Brea, California

Collecting signature sheets during the petition drive

During the petition circulation period, you will want to keep close track of how many signatures have been collected. The safest way – and the standard way – to keep track is to make sure that all signature sheets flow into one central location on a regular basis.

Experienced petition drive managers often insist on weekly turn-ins. If it is the last week of the petition drive, a daily turn-in might become appropriate.



Photo credit: Office of the Secretary of State of the State of Washington

Submitting your signatures

As the petition drive deadline approaches – or when you have determined that you have met your signature goal – it is time to plan to turn in the signatures to the appropriate election officials.

Here's what you want to have in mind:

- Identify exactly which agency or official is in charge of receiving the signatures.
- Identify the address and specific office where you are expected to deliver the signatures.
- Make sure you know the office hours and know whether or not the office will be open at the time you want to submit the signatures. It is very common to call ahead and make a specific appointment for the signature-delivery event.
- Expect to be given a receipt.
- If the signatures are numerous, do not expect the official to perform a raw count of the signatures on the day you submit them. Many officials prefer that you provide them with this raw count estimate when you submit the signatures.
- Ask the official in charge of signature submission to walk you through the exact steps you must follow. Some jurisdictions

have additional requirements. For example, you may be required to number each petition sheet, and place them in the numbered order, before you are allowed to submit them.

Many experienced petition drive managers take the precautionary step of making a copy of every petition sheet they are going to submit. This gives you something to fall back on, if there are any unusual irregularities in the signature verification phase.

Finally, make sure you have a photographer on hand from your campaign! Most ballot measure campaigns treat the signature submission event as a publicity opportunity, and invite the local press to attend.



What you can find on Ballotpedia

On Ballotpedia.org you can find these great resources:

Honoring your campaign finance filing and reporting obligations

Throughout your effort, you will need to be aware of – and comply with – a number of campaign finance regulations. Campaign finance regulations vary from state to state, and locality to locality.

Your city clerk should be able to point out all the codes and laws you must be aware of, and tell you which office or agency is the reporting and disclosure agency where you will file any required reports.

Campaign finance laws typically govern:

- What level of donation or expenditure triggers the requirement that you must officially register as a campaign organization.
- How often and when you must file reports about your campaign finance activity.
- Where and how reports must be filed.
- The bookkeeping and cash management procedures that must be followed.
- What information you must collect and report about donors.
- What information you must collect and report about expenditures.

Additionally, in some areas, there are limits on how much money an individual donor can give your campaign. There may also be rules in your area about whether organizations, such as unions or corporations, are allowed to donate to ballot measure campaigns.

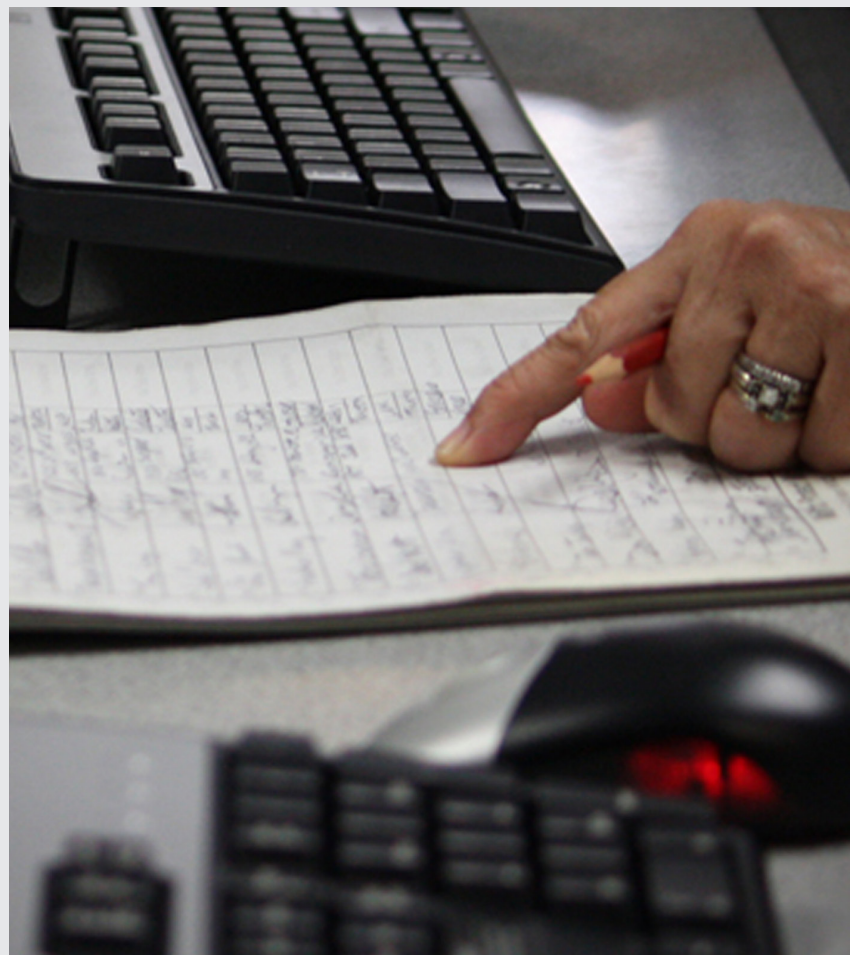
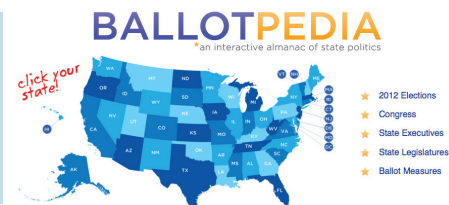


Photo credit: Office of the Secretary of State of the State of Washington

- The specific laws that govern the local ballot initiative process in every state.
- Lists of which cities are general law cities and which cities are charter cities.



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:

LIMITS ON CITY ADMINISTRATIVE AND LEGISLATIVE COMPENSATION

The initiative petition would prohibit the City Manager, and any other administrative official who is deemed to be a classified city employee, from having either an annual salary with benefits, or a combined hourly rate with overtime and benefits, that exceeds 2.5 times the median household income of the City of Brea, based on United States Census Bureau or a successor entity's statistics. For purposes of the initiative, benefits include, but are not limited to, car, fuel, life insurance, medical insurance, and any other personal usage benefits. Benefits do not include mandated state or federal employer contributions or expenses, or salaries of fire, police and other emergency public safety personnel.

The initiative petition would prohibit the term of any City Manager employment agreement to exceed 3 years unless it is extended at the discretion of the City Council. The petition initiative would require the City Manager to live within 4 miles of Brea City Hall, unless a limited, one-time waiver is exercised by the City Council.

The initiative petition would limit total compensation of the City Council, excluding benefits and reimbursements, to no more than is provided in California Government Code Section 36516(a). Council members may receive the same kinds of benefits made available to regular part time City employees including medical insurance, life insurance and pension contributions. No compensation or benefits shall be paid after a member's term has expired. City Council members would be precluded from receiving any other personal benefits. The limit on City Council compensation would be exclusive of any amounts payable to each Council member as reimbursement for actual and necessary expenses incurred in the performance of his or her official duties for the City, as provided by California Government Code Section 36514.5. Any expense reimbursement would require submission of a request for reimbursement in accord with an adopted policy resolution of the City Council. The initiative petition prohibits the City Council from enacting legislation that would encourage relocation of lower income Brea residents outside of the City in order to increase the median income of the City for purposes of increasing Council compensation or reimbursement amounts.

NOTICE OF INTENT TO CIRCULATE PETITION (Elections Code Section 9202.9207)

Notice is hereby given by the persons whose names appear hereon of their intention to circulate a petition within the City of Brea for the purpose of passing the **"BREA ACCOUNTABILITY ACT"**. A statement of the reasons of the proposed action as contemplated in the petition is to **improve accountability** to Brea citizens by: a. **Reducing the City Manager's salary** to one more in line with those for whom he works; This measure would put the maximum allowed salary, with benefits for our city manager at or around \$200,000 per year. Today, Brea's City Manager makes approximately \$270,000 (salary with benefits) annually which is excessive when compared with similar positions. **THE CITY MANAGER ALSO RECEIVES A GOLDEN PARACHUTE EQUAL TO ONE FULL YEAR SALARY SHOULD HE BE TERMINATED FOR ANY REASON.** Brea exceeds the maximum for a city manager for a city of our size by almost a factor of two (payscale.com). The U.S. Vice President makes \$212,100/yr, the U.S. Chief Justice makes \$212,100/yr, and a U.S. Senator or Representative makes \$165,200. The average VP of Human Resources for a non-profit organization makes about \$93,000. General Petraeus, head of the Iraq and Afghan American forces, makes roughly \$180,000 a year plus or minus ten or twenty thousand dollars of combat pay; b. **Reviewing and renewing the City Manager employment contract** more frequently, not more than every three years; The 3 year contract renewal provision would allow council majority allow a City Manager's agreement to expire **without a termination penalty** or to renew his agreement for 3 more years; c. **Minimize rewards for length of service and instead reward based upon performance** as measured by the general economic conditions of Brea households; d. **Encouraging the City Manager to live within the geographic and economic area** of the citizens; The City Attorney indicated that the current Brea residency requirement is unenforceable. However the new distance requirement is allowed by the California Constitution; e. **Reigning in other compensation excesses;** Excluding public safety, the city manager or his/her department heads should not have a salary schedule and/or hourly rate **plus benefits** that exceed 2.5 times the Brea annual median household income; State law never intended to provide city council members with pensions, country club memberships or medical care that continues after completion of their service, etc. This law would bar city council from benefits that far exceed the intention of State Code §36516. However, without this measure, this code section may be misconstrued to allow city council members even greater benefits that are not representative of the people they govern; By providing council members with benefits equal to those regular part time employees, perhaps our representatives may discover empathy for those they govern in similar part-time employment situations; f. **Better reminding** City Staff and Council that their job is to serve the people rather than campaign contributors; insurance, pension or other benefits should not be a consideration; g. **Encouraging city management** to attract higher end jobs and businesses that allow increased city staff pay and provide City Council with an incentive to improve the local economic base. California pension liabilities are unfunded over **half a trillion dollars**. Payment for Brea's 50 highest compensated employees runs almost \$10 million each year. **Run away government, salaries and pensions must be controlled!** Please direct any questions to the proponent: Glenn R. Vodhanel; PO BOX 811 Brea, CA 92822 or Email: glenn@breawaste.info

THE PEOPLE OF THE CITY OF BREA DO ORDAIN:

SECTION 0: This initiative shall be known and referred to as the, **"BREA ACCOUNTABILITY ACT"**.
SECTION 1: Those whose total compensation *including benefits* may be affected should take note of this initiative and read the text to explore any potential adverse impact on their salaries and benefits. After November 7, 2012, a) Provisions contrary to those in this initiative included with any city agreements created, modified or renewed **shall be replaced** with voter approved provisions; b) Voter approved compensation adjustments **shall be calculated and take effect** on the first day of the first full payroll period where a new, modified or renewed agreement becomes effective; c) Voter approved provisions **shall be incorporated into all employment and contracting agreements as they are entered into, modified or extended**.
SECTION 2: ADD TO BREA MUNICIPAL CODE 2.04.050: D. Salaries of public safety personnel reporting to the City Manager **may exceed** the salary of the City Manager.
SECTION 3: ADD TO BREA MUNICIPAL CODE 2.08.020: F. In December of each year the Personnel Officer shall obtain the **median household income** (in inflation adjusted dollars) for Brea **as published and updated by the US Census Bureau** (or other successor organization which offers very similar data that is published via the internet that is of equal or higher quality). Effective November 6, 2012, with the exception of Fire, police, and other emergency public safety personnel, no Personnel Officer shall present to council for authorization or approval a pay schedule for a city manager, city administrative official, department director and hourly contract labor, **an annual salary excluding benefits** (or a combined hourly rate with overtime excluding benefits *when annualized*) that exceeds **2.0 times** the most current estimate of **median household income**. Further no benefits package shall exceed **0.5 times** the most current estimate of **median household income**. In the alternative total staff compensation (salary and benefits) shall be limited to **2.5 times** the median income. Any modification to salary or benefit schedules shall be effective and implemented immediately **prior to the effective date** of modification or renewal of any existing agreement and prior to any new agreement. Benefits **shall include**, but are not limited to: car, gas, life insurance, gym membership, country club membership, health/medical insurance, **housing incentives** and any other personal benefits. However, benefits **shall not include** any mandated state or federal employer contributions or expenses. No staff member shall be compensated for travel time to *any destination outside the country* or "work" time that originates *outside the United States* unless the trip and compensation are approved during open council with the requirement that a staff report which clearly documents the value received by the City shall be presented at an open City Council Meeting.
SECTION 4: APPEND TO BREA MUNICIPAL CODE 2.04.010: "MANAGER'S TERM OF EMPLOYMENT" No new, modified or extended City Manager employment/services agreement shall be for a term of more than 3 years with options to extend exercisable at the discretion of council majority. Effective November 6, 2012, this provision shall be incorporated **within** any modification or renewal of any existing City Manager agreement or incorporated into any new agreement. Any termination of the City Manager prior to expiration of any 3 year term shall be subject to Brea Municipal Codes §2.04.050C and §2.04.080.
SECTION 5: REPLACE BREA MUNICIPAL CODE 2.04.020 WITH "COMMONALITY WITH BREA VOTERS; ELIGIBILITY" A. **Residence in the city at the time of appointment of a City Manager shall not be required as a condition of the appointment; however, within the time specified in any employment agreement or resolution affecting such appointment, the City Manager shall become a resident of the city, unless residence outside the city is approved by the City Council.** Unless waived by City Council on a one-time per person basis with no waiver granted in excess of 3 years, a City Manager hired after passage of this measure shall be required to live within a 4 mile radius of Brea City Hall. The City Manager should be readily available for any emergency and reside near other Brea residents to better appreciate their plight *(per Article XI of the California Constitution §10b)*.
SECTION 6: ADD BREA MUNICIPAL CODE 2.00.130 "CITY COUNCIL SALARIES" As allowed by Government Code §36516b, Brea electors may set the salary *(excluding benefits and reimbursements)* for Brea City Council members. Council salary shall be **no more than** stated in Government Code §36516a. Salary and benefit changes shall go into effect immediately upon each new council term. Actual and necessary expenses incurred in the performance of their official City duties may be reimbursed per Government Code §36514.5. Council Service is a part time position and council may avail themselves to the same benefits normally made available to **regular part time city employees** such as medical insurance, life insurance and city contributions to their pension plans. Council members are however prohibited from receiving any other personal paid benefits including, but not limited to gym and club memberships. Upon completion of council service, no further city payments including pension contributions shall be made on their behalf. Any expense reimbursement shall require a) full compliance with Government §36516; b) establishment of a resolution adopted by City Council for such reimbursement; and c) submission of a request for reimbursement in accord with the approved resolution.
SECTION 7: IMPLEMENTATION-If City Council and staff wish to receive higher pay, they must improve the local economic base. Under no circumstances shall council adopt legislation that encourages relocation of lower income Brea residents outside the city to increase the median income for the purpose of increasing their stipends/salaries. Pertinent salary ranges shall be revised prior to issuance of any payroll which remunerates staff or council for the first full pay period after the earliest legally permitted effective date. All subsequent paychecks shall reflect such adjustments.
SECTION 8: If any provision of this measure or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or application, and to this end the provisions of this measure are severable.

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:

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

ALL SIGNERS MUST BE REGISTERED TO VOTE IN THE CITY OF BREA.

1	<div style="border-bottom: 1px solid black; margin-bottom: 2px;">Print Your Name</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px; text-align: right;">Residence Address Only</div> <div style="margin-bottom: 2px;">X</div> <div style="display: flex; justify-content: space-between;"> SIGNATURE as Registered to Vote City/Zip(No PO Boxes, abbreviations or ditto marks) </div>	1: Clearly print your name, address and sign as you are registered to vote.
2	<div style="border-bottom: 1px solid black; margin-bottom: 2px;">Print Your Name</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px; text-align: right;">Residence Address Only</div> <div style="margin-bottom: 2px;">X</div> <div style="display: flex; justify-content: space-between;"> SIGNATURE as Registered to Vote City/Zip(No PO Boxes, abbreviations or ditto marks) </div>	2. Ask family, friends, employees, & customers who are <u>registered voters in Brea</u> to sign TODAY!
3	<div style="border-bottom: 1px solid black; margin-bottom: 2px;">Print Your Name</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px; text-align: right;">Residence Address Only</div> <div style="margin-bottom: 2px;">X</div> <div style="display: flex; justify-content: space-between;"> SIGNATURE as Registered to Vote City/Zip(No PO Boxes, abbreviations or ditto marks) </div>	3. Complete all information in the "Declaration of Circulator" at the bottom of this page!
4	<div style="border-bottom: 1px solid black; margin-bottom: 2px;">Print Your Name</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px; text-align: right;">Residence Address Only</div> <div style="margin-bottom: 2px;">X</div> <div style="display: flex; justify-content: space-between;"> SIGNATURE as Registered to Vote City/Zip(No PO Boxes, abbreviations or ditto marks) </div>	
5	<div style="border-bottom: 1px solid black; margin-bottom: 2px;">Print Your Name</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px; text-align: right;">Residence Address Only</div> <div style="margin-bottom: 2px;">X</div> <div style="display: flex; justify-content: space-between;"> SIGNATURE as Registered to Vote City/Zip(No PO Boxes, abbreviations or ditto marks) </div>	
6	<div style="border-bottom: 1px solid black; margin-bottom: 2px;">Print Your Name</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px; text-align: right;">Residence Address Only</div> <div style="margin-bottom: 2px;">X</div> <div style="display: flex; justify-content: space-between;"> SIGNATURE as Registered to Vote City/Zip(No PO Boxes, abbreviations or ditto marks) </div>	
7	<div style="border-bottom: 1px solid black; margin-bottom: 2px;">Print Your Name</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px; text-align: right;">Residence Address Only</div> <div style="margin-bottom: 2px;">X</div> <div style="display: flex; justify-content: space-between;"> SIGNATURE as Registered to Vote City/Zip(No PO Boxes, abbreviations or ditto marks) </div>	
8	<div style="border-bottom: 1px solid black; margin-bottom: 2px;">Print Your Name</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px; text-align: right;">Residence Address Only</div> <div style="margin-bottom: 2px;">X</div> <div style="display: flex; justify-content: space-between;"> SIGNATURE as Registered to Vote City/Zip(No PO Boxes, abbreviations or ditto marks) </div>	All 8 boxes need not be completed for petition to be valid.

DECLARATION OF CIRCULATOR *(to be completed after above signatures have been obtained)*

I, _____, am registered to vote or qualified to vote in the state of California. I circulated this section of the petition and saw each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. My residence street address is _____, _____, CA. All signatures on this document were obtained between the dates of _____ and _____, 2011. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this _____ day of _____, 2011 at _____, California.

Complete Signature of Petition Circulator (May be a repeat of name on petition)

Return Completed Petitions To: **"BREA ACCOUNTABILITY ACT"**; PO BOX 811; BREA, CA 92822

For more petitions, questions, or to help with the repeal effort, please email: glenn@breawaste.info

Closing note

The local initiative process works. Many laws that are on the books today started out with one signature on a petition. But the process won't work unless people like you understand the system and know how to navigate the rules and regulations that govern the process. If you have questions about anything you read here, if you need more copies of this guide, or if you are looking for more resources to help guide you, please let us know.

To arrange an interview with one of the researchers, or to ask a question about local I&R, please contact Lauren Warden Rodgers at lauren.rodgers@lucyburns.org.

If you would like to order additional copies of this guide, please send an email to Colin O'Keefe at colin.o'keefe@lucyburns.org.

To learn more about how you can help support Ballotpedia's work, contact Kelly O'Keefe at Kelly.O'Keefe@lucyburns.org.

Acknowledgements

Our thanks to Kent Bernbeck, Tim Eyman, Paul Jacob and Glenn Vodhanel for sharing their insights on working with local ballot measures. Thank you also to Sara Key, Bailey Ludlam and Lauren Warden Rodgers for making many improvements to the text.

Our gratitude also goes to Josh Altic, Steven Ellis, Tyler Millhouse, Colin O’Keefe, Matthew Schmidgall, Luke Seeley and Joshua Williams for their countless hours of research on the laws governing local ballot initiatives.

And finally, special thanks to Heidi Straka for her design insights.

Photo credits

The photographs on pages 8, 17, 18, 24 and 26 were taken by the staff of the Office of the Secretary of State of the State of Washington. They were originally published on “From Our Corner,” a blog published by the Washington Secretary of State that illuminates many aspects of how direct democracy is practiced. Our thanks for their permission to republish these photos.

Lucy Burns Institute

Founded in 2007, the Lucy Burns Institute is a non-profit organization dedicated to connecting people to politics through its projects, Ballotpedia.org and Judgepedia.org.

Ballotpedia provides extensive information about elections, laws, politicians and candidates at all levels of government, while Judgepedia provides information about judges, courts and judicial appointments and elections at the federal, state and local levels.

The Institute is named in honor of Lucy Burns, a suffragette who helped to organize the National Woman's Party in 1916. In her work to advocate the cause of "votes for women," she organized, lobbied, wrote, edited, traveled, marched, spoke, rallied and picketed. When she was eventually arrested for her activities, she led a hunger strike in prison and was ultimately force-fed. She knew that being able to participate in a democracy by voting was an essential way to express our human dignity. For this goal, she was willing to fight and suffer.

In a small way, we like to think our work carries on the spirit of Lucy Burns. In modern America, the barriers to full participation in our democracy aren't as concrete as the ability to cast a vote. The things that prevent people from engaging in today's political process – on many levels – include the difficulty of access to accurate, comprehensive information about election laws, politicians, candidates and elections covering all three branches of government and all three levels of government. It is the mission of the Lucy Burns Institute to improve access to the information people need in order to successfully participate in the American political system.

LUCY BURNS INSTITUTE
301 S. Bedford Street, Suite 6
Madison, WI 53703
www.lucyburns.org



Hear what everyone is saying about

BALLOTPEDIA

★ an interactive almanac of state politics



joshbinder

I just discovered this, its really great. #GETINFORMED about the other 98% of your ballot. <http://t.co/BytyTvzk> <http://t.co/CUQeOtSI>

👉 an hour ago 📌 Save 🔗 Permalink



ScienceofGood

Trying to research candidates I never heard of for #DownBallotRaces on my sample ballot & I find Ballotpedia! <http://t.co/Yxyb6Nij>

👉 2 hours ago



Beth Carlson Hughes

For all the Michiganders, this is in depth information on the Proposals that will be on our ballot. I was so confused on what to believe from TV ads. This totally helped!

http://ballotpedia.org/wiki/index.php/Michigan_2012_ballot_measures

f 2 hours ago 📌 Save 🔗 Permalink



TuxedoCat

VOTING IS EASY IF YOU HAVE THE FACTS;; State by State Voter ID information

<http://t.co/ajF0NHX4> #GOTV #Students #seniors #Vets #VoteREADY

👉 2 hours ago



TylerReedMiller

Great website to learn about the things we will all be voting on... <http://t.co/M5cY7atk>

👉 4 hours ago



Franchesca Ramsey @chescaleigh

YESSSS! just discovered Ballot Pedia, which breaks down each state's ballot! bit.ly/odYnM



YogiBabaPrem

If you are voting in the U.S., you might enjoy this site that covers what is on your ballot locally <http://t.co/1SphSANv>

👉 17 hours ago 📌 Save 🔗 Permalink



Sophia Hammett

CA ballots are about 10x more complicated than those I've cast in any other state. Luckily, the internet.



f 18 hours ago 📌 Save 🔗 Permalink



uabaxidgirl

Wondering what else will be on your AL ballot next month (yes there is more than just the presidency), check this out: <http://t.co/LTZRT2Ds>

👉 19 hours ago



cdsmukler

Citizens, What to do about "down-ballot" issues? Be confused no more.

<http://t.co/FJ8lvt5F>

👉 19 hours ago 📌 Save 🔗 Permalink



TownPAC

What's the point of voting if you're not educated on the issues? Inform yourself on the Alameda County ballot measures <http://t.co/DMfvynsQ>

👉 21 hours ago



VoteNoU

Read pro/con statements on Measure U - proposed Yucca Valley sales tax increase

<http://t.co/o4h7iQiz> #yuccavalley #ievote #VoteNoU

👉 a day ago



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INSTITUTE
connecting people to politics

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