

CITY OF BERKELEY
CITY CLERK'S DEPARTMENT

PETITION REFERENDUM REQUIREMENTS

1. Signatures necessary: 10% of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected. The votes cast for all candidates for the Office of Mayor at the November 2020 Election was 57,885. Therefore, a minimum of 5,789 (10%) valid signatures are required.
2. Proponents have two methods for formatting referendum petitions. Each method has a different timeline.
 - A. For petitions including the text of the ordinance or the portion of the ordinance that is the subject of the referendum, the proponents have 30 days from the date the ordinance is attested by the City Clerk to collect signatures and file the petition sections.
 - B. For petitions where the proponents wish to include an impartial summary of the referendum not to exceed 5,000 words, proponents must file a copy of the proposed summary with the City Clerk within 3 business days of the final passage of the ordinance. Within 10 business days, the City Attorney shall issue an approved summary. If the City Attorney fails to issue an approved summary within 10 business days, the proposed summary submitted by the proponents shall be considered approved. The City Attorney may edit the summary. The City Attorney may add the full text of the ordinance, or the portion of the ordinance that is the subject of the referendum, if doing so would not exceed the 5,000-word limit. Proponents who circulate a petition pursuant to this option shall have thirty days from the date the summary is approved to collect signatures and file the petition sections.

After proponents begin circulating a referendum petition using either method, the proponents shall not circulate another version of the referendum petition using the other method.

3. All petition sections must be filed at the same time by one of the designated proponents.
4. The person or persons who are the proponent(s) must be designated at the time that the petition is submitted for review by the City Clerk.

PETITION REFERENDUM – CITY POLICIES

1. Proponents are encouraged to obtain a certified copy of the ordinance subject to referendum from the City Clerk following adoption by the City Council.
2. Any addition or removal of proponents must be authorized in writing by one of the original proponents.
3. The City Clerk will accept the petition for official review only after the ordinance has been adopted by the City Council.
4. Petitions submitted for review must be filed during regular business hours. If a petition is submitted after 5:00 p.m. for review, it will be considered as filed the next business day.

CONTENTS

- A. Berkeley Charter – Article XIV, Sections 93, 94 and 95
- B. State Elections Code – Relevant Sections
- C. Berkeley Municipal Code Chapter 2.90
- D. Berkeley Election Reform Act Section 2.12.405
- E. Sample Petitions
- F. Sample “Official Top Funders” Sheet

IMPORTANT NOTE

The following information is intended to be a preliminary guide for those interested in circulating a referendum petition. You are cautioned that it is the ultimate responsibility of the petition proponent(s) to ensure that all legal and procedural steps are taken and that all requirements as to form are met. It is advisable to personally check all relevant sections of the Charter, Municipal Code, and Elections Code, and to submit your petition for City Clerk review per Ordinance No. 5729-N.S. It may also be prudent to seek legal advice.

CHARTER OF THE CITY OF BERKELEY
Article XIV, Sections 93, 94 and 95

ARTICLE XIV
THE REFERENDUM

Section 93. Mode of protesting against ordinances.

No ordinance passed by the Council shall go into effect before thirty days from the time of its final passage except when otherwise required by the general laws of the State or by the provisions of this Charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a seven-ninths (7/9) vote of the Council, provided, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by qualified electors of the City equal in number to at least ten percent of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation and it shall be the duty of the Council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance, as is provided in Article XIII of the Charter, to the vote of the electors of the city, at the next occurring regular statewide or general or special municipal election providing no posting, publication or other legal deadline as set forth in the California Elections Code and Government Code, has expired at the time the City Clerk reports verification of the petition to the City Council, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Article III respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed with such modification as the nature of the case requires.

Section 94. Reference of measures to popular vote.

Any ordinance or measure that the Council or the qualified electors of the City shall have authority to enact, the Council may of its own motion submit to the electors for adoption or rejection at a regular statewide or general or special municipal election, in the same manner and with the same force and effect as is provided in this Charter for ordinances or measures submitted on petition. At any such election there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinance or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict then the measure receiving the highest affirmative vote shall control.

Section 95. Further regulations.

The Council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this Article, and to adapt the provisions of Article III thereto.

ELECTIONS CODE
Division 9, Chapter 3. Municipal Elections
Article 2. Referendum

9237. Petition Protesting adoption of an ordinance.

If a petition protesting the adoption of an ordinance, and circulated by a person who meets the requirements of Section 102, is submitted to the elections official of the legislative body of the city in his or her office during normal office hours, as posted, within 30 days of the date the adopted ordinance is attested by the city clerk or secretary to the legislative body, and is signed by not less than 10 percent of the voters of the city according to the county elections official's last official report of registration to the Secretary of State, or, in a city with 1,000 or less registered voters, is signed by not less than 25 percent of the voters or 100 voters of the city, whichever is the lesser, the effective date of the ordinance shall be suspended and the legislative body shall reconsider the ordinance.

(Amended by Stats. 2013, Ch. 278, Sec. 21. Effective January 1, 2014.)

9237.2. Time to withdraw referendum.

The proponent of a referendum may withdraw the referendum at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official.

(Added by Stats. 2019, Ch. 569, Sec. 2. (SB 681) Effective October 8, 2019.)

9237.5. Form of petition, duties and procedures for referendum same as for initiative.

The provisions of this code relating to the form of petitions, the duties of the county elections official, and the manner of holding elections shall govern the petition procedure and submission of the ordinance to the voters.

(Enacted by Stats. 1999, Ch. 312, Sec. 23. Effective January 1, 2000.)

9238. Form of referendum; heading, title and text of ordinance on each petition section.

(a) Across the top of each page of the referendum petition there shall be printed the following:

"Referendum Against an Ordinance Passed by the City Council"

(b) Each section of the referendum petition shall contain all of the following:

(1) The identifying number or title of the ordinance.

(2) Either of the following:

(A) The text of the ordinance or the portion of the ordinance that is the subject of the referendum.

(B) An impartial summary of the referendum not to exceed 5,000 words prepared pursuant to the following procedure:

(i) Within three business days of the final passage of the ordinance, the referendum's proponents shall file a copy of the proposed summary with

the local elections official, who shall immediately transmit a copy of the proposed summary to the city attorney.

(ii) Within 10 business days the city attorney shall issue an approved summary to the local elections official and the referendum's proponents for circulation. The city attorney may edit the summary prior to approval. All edits made to the summary shall be true and impartial and shall not contain argument or any matter likely to cause prejudice for or against the referendum. The city attorney may add the full text of the ordinance, or the portion of the ordinance that is the subject of the referendum, to the summary if doing so would not exceed the 5,000-word limit.

(iii) The summary shall include a link to a public website containing the text of the ordinance or the portion of the ordinance that is the subject of the referendum.

(iv) The 5,000 word limit imposed by this subparagraph shall include all attachments, exhibits, and other supplements to the summary.

(v) If the city attorney fails to issue an approved summary within 10 business days, the proposed summary submitted by the proponents shall be considered approved.

(vi) Notwithstanding Section 9235, proponents who circulate a referendum petition pursuant to this subparagraph shall have 30 days from the date the summary is approved to submit a petition with the required number of signatures to the local elections official. The ordinance subject to the referendum petition shall not become effective until this period has expired.

(C) After the proponents begin circulating a referendum petition prepared pursuant to subparagraph (A) or (B), the proponents shall not circulate another version of the referendum petition prepared using the other method.

(c) The petition sections shall be designed in the same form as specified in Section 9020.

(d) Each section of the referendum petition 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.

(Amended by Stats. 2019, Ch. 567, Sec. 1. (SB 359) Effective January 1, 2020.)

9239. Filing of petition.

Petitions shall be accepted for filing by the elections official and the determination of the number of signatures thereon shall be made by the elections official in accordance with Section 9210. Petitions 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.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

9240. Examination of Signatures.

After the petition has been filed as herein provided, the elections official shall examine the petition and certify the results in the same manner as are county petitions in 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.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

9241. Ordinance submitted to voters.

If the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the legislative body, or at a special election called for the purpose, not less than 88 days after the order of the legislative body. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. If the legislative body repeals the ordinance or submits the ordinance to the voters, and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

9242. Filing of petition; when petition sections are void.

Signatures upon petitions, and sections thereof, shall be secured, and the petition, together with all sections thereof, shall be filed, **within 30 days from the date of the adoption of the ordinance to which it relates.*** Petitions and sections thereof 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. Petitions which are not filed within the time permitted by this section shall be void for all purposes.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

**This provision is superseded by the provisions of Sections 9237 and 9238 above.*

9243. Election regulations.

Elections pursuant to this article shall be held in accordance with Sections 9217 to 9225, inclusive.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

9245. Date of approval.

If approval of an ordinance by the mayor or like officer is necessary, the date of approval shall be deemed the date of its final passage by the legislative body within the meaning of this article.

If an ordinance becomes law when the time for approval or veto has expired, and no action has been taken, the date of the expiration of that time shall be deemed the date of its final passage by the legislative body within the meaning of this article.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

9246. Duty imposed upon the legislative body is likewise imposed upon any officer having any duty to perform.

Any duty imposed in this chapter upon the legislative body of a city with regard to calling a municipal election, or in connection with an election called pursuant to this chapter, is likewise imposed upon any officer having any duty to perform connected with the election, so far as may be necessary to carry out this chapter.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

9247. Application of chapter.

Article 1 (commencing with Section 9200) and this article do not apply to cities having a charter adopted under Section 3 of Article XI of the California Constitution, and having in their charters any provision for the direct initiation of ordinances by the voters; nor to proceedings had for the improvement of streets in or rights-of-way owned by cities, the opening or closing of streets, the changing of grades or the doing of other work, the cost of which, or any portion of the cost which is to be borne by special assessments upon real property.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

ELECTIONS CODE
Division 0.5, Chapter 2. Petitions and Petition Signers

100. Petitions and Petition Signers; Form of Petition; 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) A 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 for the place of residence exists, then a designation of the place of residence that will enable the location to be readily ascertained. An incomplete or inaccurate apartment or unit number in the signer's residence address shall not invalidate his or her signature pursuant to Section 105. 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	
(Print Name) 1. _____	(Residence Address ONLY) _____	
(Signature)	(City)	
(Print Name) 2. _____	(Residence Address ONLY) _____	
(Signature)	(City)	

(Amended (as amended by Stats. 2009, Ch. 364) by Stats. 2014, Ch. 909, Sec. 3. Effective January 1, 2015. Amendment by Stats. 2009, Ch. 364, with text revised by this amendment, became operative on September 26, 2016, when the Secretary of State issued the certification prescribed by Sec. 7 of Ch. 364.)

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, Ch. 922, Sec. 2. Effective January 1, 2002.)

101. Petition notice to the public.

(a) Notwithstanding any other law, a state or local initiative petition required to be signed by voters shall contain in 11-point type, before that portion of the petition for voters' signatures, printed names, and residence addresses, the following language, in order:

(1) "NOTICE TO THE PUBLIC:". This text shall be in a boldface font.

(2) If the petition does not include the disclosure statement described by subdivision (b) of Section 107, the text "YOU HAVE THE RIGHT TO SEE AN "OFFICIAL TOP FUNDERS" SHEET." This text shall be in a boldface font.

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

(b) A state initiative petition shall contain, in the same location and type size described in subdivision (a), the following language:

"THE PROPONENTS OF THIS PROPOSED INITIATIVE MEASURE HAVE THE RIGHT TO WITHDRAW THIS PETITION AT ANY TIME BEFORE THE MEASURE QUALIFIES FOR THE BALLOT."

(Amended by Stats. 2019, Ch. 563, Sec. 1. (SB 47) Effective January 1, 2020.)

102. Voter may circulate petition. Age of circulator.

A person shall not circulate a state or local initiative, referendum, or recall petition or nominating paper unless the person is 18 years of age or older.

(Amended by Stats. 2013, Ch. 278, Sec. 1. Effective January 1, 2014.)

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 that includes the voter's name, residence address, and signature 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.

(Amended by Stats. 2015, Ch. 731, Sec. 1. Effective January 1, 2016.)

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.
 - (3) That the circulator is 18 years of age or older.
 - (4) If the petition does not include the disclosure statement described by subdivision (b) of Section 107, that the circulator showed each signer a valid and unfalsified "Official Top Funders" sheet, as required by Section 107.
- (c) The circulator shall certify 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 the circulator's name. The circulator shall state the date and the place of execution on the declaration immediately preceding the circulator's signature.

(Amended by Stats. 2019, Ch. 563, Sec. 2. (SB 47) Effective January 1, 2020.)

105. Examination of petitions; residence address verification.

(a) (1) For purposes of verifying a signature on an 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, the information specified in Section 9020 is not contained in the petition, the affected signature shall not be counted as valid.

(2) Notwithstanding paragraph (1), the elections official shall not invalidate a signature for an incomplete or inaccurate apartment or unit number in the signer's residence address.

(b) A signature invalidated pursuant to this section shall not affect the validity of another valid signature on the particular petition or paper.

(Amended by Stats. 2014, Ch. 909, Sec. 4. Effective January 1, 2015.)

106. Petitions and Petition Signers.

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.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

107. Official Top Funders sheet.

(a) (1) A committee formed pursuant to Section 82013 of the Government Code that pays for the circulation of a state or local initiative, referendum, or recall petition shall create an Official Top Funders sheet as follows, with all text in a black roman type with a type size of 14 point on a plain, contrasting background, and centered horizontally, except as described below. None of the text shall have its type condensed or have the spacing between characters reduced to be narrower than a normal roman type.

(2) At the top of the sheet shall appear the text "OFFICIAL TOP FUNDERS. Valid only for", followed by a month and year that starts at most seven days after the date the top contributors as defined in subdivision (c) of Section 84501 of the Government Code were last confirmed. This text shall be boldface and with a type size of at least 16 point.

(3) Next, separated by a blank horizontal line from the text in paragraph (2), shall appear the title of the initiative, referendum, or recall as it appears on the petition, in all capital letters.

4) (A) Next, separated by a blank horizontal line from the text in paragraph (3), shall appear a disclosure statement in a printed or drawn box with a black border.

(B) At the top of the disclosure statement shall appear the text "Petition circulation paid for by" in boldface text.

(C) Next, on a separate horizontal line, shall appear the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101 of the Government Code. If the committee has any top contributors as defined in subdivision (c) of Section 84501 of the Government Code, it shall be followed by a blank horizontal line and then the underlined text "Committee major funding from:".

(D) The top contributors as defined in subdivision (c) of Section 84501 of the Government Code, if any, shall each be disclosed in boldface text on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions, as defined in subdivision (b) of Section 84501 of the Government Code, on the first line.

(E) The committee, in its discretion, may include the underlined text "Endorsed by:", followed by a list, not underlined, of up to three endorsers. The text pursuant to this subparagraph shall be separated from the text above and below it by a blank horizontal line.

(F) The following line shall include the text "Latest Official Top Funders:" followed by either (i) the internet web page on the Secretary of State's internet

website that lists the “Official Top Funders” statements that are reported pursuant to subdivision (f), or (ii) the internet website described in subdivision (c).

(5) If the petition is a state initiative petition, next, separated by at least two blank horizontal lines from the disclosures of paragraph (4) and (5), shall appear the text “OFFICIAL TITLE AND SUMMARY (SAME AS ON PETITION)”, in boldface text in all capital letters.

(6) If the petition is a state initiative petition, next, starting on a separate horizontal line, shall appear the text “The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure:”, in boldface text with a type size of 11 point.

(7) If the petition is a state initiative petition, next, starting on a separate horizontal line, shall appear the Attorney General summary of the initiative as it appears on the initiative petition, in plain text with a type size of 11 point.

(b) Notwithstanding any other law, a state or local initiative, referendum, or recall petition that requires voter signatures and for which the circulation is paid for by a committee formed pursuant to Section 82013 of the Government Code shall either include a disclosure statement on the petition that is displayed as follows or the circulator for the petition shall present as a separate document the Official Top Funders sheet described in subdivision (a) to a prospective signer of the petition.

(1) The disclosure statement shall have a solid white background and shall be in a printed or drawn box with a black border and shall appear before that portion of the petition for voters’ signatures, printed names, and residence addresses. The text in the disclosure area shall be in a black Arial equivalent type with a type size of at least 10 point, with all lines centered horizontally in the disclosure area.

(2) The top of the disclosure shall include the text “OFFICIAL TOP FUNDERS. Valid only for”, followed by a month and year that starts at most seven days after the date the top contributors as defined in subdivision (c) of Section 84501 of the Government Code were last confirmed. The text of this paragraph shall be boldface.

(3) Next shall appear, on a separate horizontal line, the text “Petition circulation paid for by”, followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101 of the Government Code. If the committee has any top contributors as defined in subdivision (c) of Section 84501 of the Government Code, it shall be followed by, on a separate horizontal line, the underlined text “Committee major funding from:”.

(4) The top contributors as defined in subdivision (c) of Section 84501 of the Government Code, if any, shall each be disclosed in boldface text on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions, as defined in subdivision (b) of Section 84501 of the Government Code, on the first line.

(5) The committee, in its discretion, may include the underlined text “Endorsed by:”, followed by a list, not underlined, of up to three endorsers. The text in this paragraph shall be separated from the text above and below it by a blank horizontal line.

(6) The following line shall include the text “Latest info:” followed by the URL for either (A) the internet web page on the Secretary of State’s internet website that lists the “Official Top Funders” statements that are reported pursuant to subdivision (f), or (B) the

internet website described in subdivision (c). The text specified in this paragraph shall be underlined.

(c) Any committee formed pursuant to Section 82013 of the Government Code that pays for the circulation of a state or local initiative, referendum, or recall petition may create a page on an internet website that includes both of the following:

(1) A prominent link to the most recent Official Top Funders sheet as described in subdivision (a). The Official Top Funders sheet that the page links to shall be in a format that allows it to be viewed on an internet website and printed out on a single page of paper.

(2) A prominent link to the full text of the initiative or referendum.

(d) The disclosure of a top contributor or endorser pursuant to this section need not include terms such as “incorporated,” “committee,” “political action committee,” or “corporation,” or abbreviations of these terms, unless the term is part of the contributor’s or endorser’s name in common usage or parlance.

(e) If this section requires the disclosure of the name of a top contributor that is a committee pursuant to subdivision (a) of Section 82013 of the Government Code and is a sponsored committee pursuant to Section 82048.7 of the Government Code with a single sponsor, only the name of the single sponsoring organization shall be disclosed.

(f) A committee that circulates a state initiative, referendum, or recall petition shall submit the Official Top Funders sheet required by subdivision (a), and any updates to that statement, to the Secretary of State, who shall post that statement on the Secretary of State’s internet website along with the previous versions the committee submitted.

(g) This section does not require a local elections official to verify the accuracy of the information required by this section or to re-approve the petition upon any updates the committee makes.

(h) Signatures collected on an initiative, referendum, or recall petition are not invalid solely because the information required by this section was absent or inaccurate.

(i) For purposes of this section, “endorser” means:

(1) A business that has been in existence for at least two years and has had at least one full-time staffer during that period.

(2) A non-profit organization that was not originally created for the purposes of serving as a committee, that has been in existence for at least two years, and either has received contributions from more than 50 donors in that period or has had at least one full-time staffer during that period.

(3) A political party.

(4) An individual, whose name may include their title if they are an elected official or represent one of the organizations described in paragraph (1), (2), or (3).

(Added by Stats. 2019, Ch. 563, Sec. 3. (SB 47) Effective January 1, 2020.)

108. Binding of petition pages.

Notwithstanding any other law, the pages of a petition may be bound together by any reasonable method, including the use of staples.

(Added by Stats. 2019, Ch. 563, Sec. 4. (SB 47) Effective January 1, 2020.)

ELECTIONS CODE
Division 9, Chapter 1. State Elections
Article 2. Petition Signatures

9020. Form of petition; name, signature and address.

(a) The petition sections shall be designed so that each signer shall personally affix all of the following:

(1) His or her signature.

(2) His or her printed name.

(3) 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. An incomplete or inaccurate apartment or unit number in his or her residence address shall not invalidate his or her signature pursuant to Section 105.

(4) The name of his or her incorporated city or unincorporated community.

(b) Only a person who is a qualified registered voter at the time of signing the petition is entitled to sign it.

(c) The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.

(Amended by Stats. 2014, Ch. 909, Sec. 9. Effective January 1, 2015.)

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.

(b) 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. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

(c) Another declaration shall not be required.

(d) Petitions so verified shall be prima facie evidence that the signatures 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. 2013, Ch. 278, Sec. 19. Effective January 1, 2014.)

ELECTIONS CODE
Division 9, Chapter 2. County Elections
Article 1. Initiative

9114. Examination of signatures and certification; full check.

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 check the signatures against facsimiles of voters' signatures provided that the method of preparing and displaying the facsimiles complies with law. A signature shall not be invalidated because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

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.
(Amended by Stats. 2019, Ch. 14, Sec. 3. (AB 698) Effective January 1, 2020.)

9115. Examination of signatures and certification; random sample.

(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. A signature shall not be invalidated because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

(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 the signatures filed. If the elections official determines, prior to completing the examination of each signature filed, that the petition is signed by the requisite number of qualified voters to declare the petition sufficient, the elections official may terminate the verification of the remaining unverified signatures.

(c) In determining from the records of registration, what number of valid signatures are signed on the petition, the elections official 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.

(Amended by Stats. 2019, Ch. 14, Sec. 4. (AB 698) Effective January 1, 2020.)

ELECTIONS CODE
Division 9, Chapter 3. Municipal Elections
Article 1. Initiative

9210. Filing of petition.

The petition shall be filed by the proponents or by a person or persons authorized in writing by the proponents. All sections of the petition shall be filed at one time. Once filed, a petition section shall not 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.~~ **Article XIV, Section 93 of the City Charter dictates the number of signatures required.

(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. If, from this examination, the elections official determines that the number of signatures, prima facie, does not equal or exceed the minimum number of signatures required, the official shall not take further action.

(Amended by Stats. 2018, Ch. 58, Sec. 10. Effective January 1, 2019.)

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.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

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.

(Enacted by Stats. 1994, Ch. 920, Sec. 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.

(Enacted by Stats. 1994, Ch. 920, Sec. 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.

(Enacted by Stats. 1994, Ch. 920, Sec. 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.

(Enacted by Stats. 2002, Ch. 371, Sec. 1. Effective January 1, 2003.)

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.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

9224. Form of enacting clause.

The enacting clause of an ordinance submitted to the voters of a city shall be substantially in the following form:

"The people of the City of _____ do ordain as follows:"

(Enacted by Stats. 1994, Ch. 920, Sec. 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 a member or members of the legislative body authorized by that body, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of voters and associations, may file a written argument for or against any city measure.

(c) An argument shall not 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 voter information guide, but only those arguments filed pursuant to this section shall be

printed and enclosed with the voter information guide. The printed arguments are “official matter” within the meaning of Section 13303.

(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. 2016, Ch. 422, Sec. 46. Effective January 1, 2017.)

**Berkeley Municipal Code
Chapter 2.90**

**BINDING REVIEW OF INITIATIVE AND REFERENDUM PETITIONS BY THE CITY
CLERK AS TO FORM**

Sections:

- 2.90.010 Findings.**
- 2.90.020 City Clerk review.**
- 2.90.030 Time of review.**
- 2.90.040 City Clerk review binding.**
- 2.90.050 Retention of copies of petitions and City Clerk's determination.**

Section 2.90.010 Findings.

The council finds as follows:

A. The initiative and referendum process provides an important method for citizens of Berkeley to propose legislation and review council enacted legislation.

B. The initiative and referendum provisions of the California Election Code specify certain requirements as to form that each petition must meet prior to acceptance of the petition by the City Clerk.

C. The California Election Code provisions are complex and difficult to interpret.

D. In order to facilitate the circulation of citizen initiatives and referenda, it is necessary for the City Clerk to provide some guidance to citizens regarding the petition requirements of the California Election Code.

E. City Charter Section 92(10) authorizes the council to enact by ordinance appropriate legislation necessary to implement Charter Section 92 regarding initiatives; Charter Section 95 authorizes the council to enact appropriate legislation to implement Article XIV of the Charter regarding referendum and Charter Section 118 authorizes the council to enact legislation which may be necessary and proper to carry out any of the provisions of the Charter.

F. Enactment of legislation providing for review of initiative or referendum petitions by the City Clerk is necessary and proper for the reasons set forth above. (Ord. 5729-NS Sec. 1, 1986)

Section 2.90.020 City Clerk review.

The City Clerk, at the request of proponents of an initiative or referendum, shall review any referendum or initiative petition prior to circulation and advise proponents, in writing, of any violation of the California Election Code apparent on the face of the petition. (Ord. 5729-NS Sec. 2, 1986)

Section 2.90.030 Time of review.

A. The City Clerk shall complete any requested review of an initiative petition within three working days after a review is requested.

B. The City Clerk will complete any review of a referendum petition within one working day of submission. (Ord. 5729-NS Sec. 3, 1986)

Section 2.90.040 City Clerk review binding.

No initiative or referendum petition shall thereafter be deemed insufficient as to form by the City Clerk if the alleged defect was present at the time of the City Clerk's review and the City Clerk failed to advise the proponents of such defect in writing. In such event, the initiative or referendum shall be deemed to have substantially followed the applicable legal requirements notwithstanding any such pre-existing defect. (Ord. 5729-NS Sec. 4, 1986)

Section 2.90.050 Retention of copies of petitions and City Clerk's determination.

The City Clerk shall retain a copy of all petitions reviewed as well as the Clerk's written determination as to the legal sufficiency of such petitions for six months subsequent to such review. (Ord. 5729-NS Sec. 5, 1986)

BERKELEY ELECTION REFORM ACT*

Chapter 2.12

2.12.405 Measures--Compensation for petition circulation--Disclosure.

If compensation is received by any person for obtaining signatures or for the circulation of petitions to place a measure on the ballot, the terms of such compensation shall be clear and visible on the signature sheet of the petition. (Ord. 5895-NS Sec. 1, 1988; Ord. 4700-NS Sec. 517, 1974)

(Berkeley Election Reform Act Sec. 2.12.405)

SAMPLE REFERENDUM PETITION (WITH TOP FUNDERS DISCLOSURE)

Leave a 1" margin at the top, and a 1/2" margin at the bottom, left and right of the petition section.

Either: A) The text of the ordinance, or the portion subject to the referendum; or B) An impartial summary of the referendum not to exceed 5,000 words subject to referendum, must be attached to each petition section. (EC 9238)

Referendum Against an Ordinance Passed by the City Council (EC 9238)

We, the undersigned registered voters of the City of Berkeley seek the repeal of ordinance _____, _____, adopted on _____.
(Ordinance number) (Ordinance name) (Date adopted by council)

NOTICE TO THE PUBLIC: (EC 101)

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. If compensation is received by any person for obtaining signatures or for the circulation of petitions to place a measure on the ballot, the terms of such compensation shall be clear and visible on the signature sheet of the petition. (Berkeley Election Reform Act Sec. 2.12.405)

OFFICIAL TOP FUNDERS. Valid only for [Month] [Year]. (EC 107(b)(1) & (2))
 Petition circulation paid for by [followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Government Code Section 84101]. (EC 107(b)(3))

Committee major funding from: (EC 107(b)(3))
Largest Contributor
Second Largest Contributor
Third Largest Contributor

Endorsed by: Endorser 1, Endorser 2, Endorser 3. (Optional - EC 107(b)(5))

Latest info: [URL to committee's website]. (EC 107(b)(6), 107(c)(1), 107(c)(2))

1" space
(EC 100)

			Official Use Only
1.	Print Name _____ Signature _____	Residence _____ Address _____ City _____	
2.	Print Name _____ Signature _____	Residence _____ Address _____ City _____	
3.	Print Name _____ Signature _____	Residence _____ Address _____ City _____	
4.	Print Name _____ Signature _____	Residence _____ Address _____ City _____	
5.	Print Name _____ Signature _____	Residence _____ Address _____ City _____	

Referendum Against an Ordinance Passed by the City Council (EC 9238)

OFFICIAL TOP FUNDERS. Valid only for [Month] [Year]. (EC 107(b)(1) & (2))

Petition circulation paid for by [followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Government Code Section 84101]. (EC 107(b)(3))

Committee major funding from: (EC 107(b)(3))

Largest Contributor
Second Largest Contributor
Third Largest Contributor

Endorsed by: Endorser 1, Endorser 2, Endorser 3. (Optional - EC 107(b)(5))

Latest info: [URL to committee's website]. (EC 107(b)(6), 107(c)(1), 107(c)(2))

6.	Print Name _____ Signature _____	Residence Address _____ City _____	
7.	Print Name _____ Signature _____	Residence Address _____ City _____	
8.	Print Name _____ Signature _____	Residence Address _____ City _____	
9.	Print Name _____ Signature _____	Residence Address _____ City _____	
10.	Print Name _____ Signature _____	Residence Address _____ City _____	
11.	Print Name _____ Signature _____	Residence Address _____ City _____	

DECLARATION OF PERSON CIRCULATING PETITION SECTION (EC 104, 9238c)

(To be completed in circulator's own hand)

I, _____, declare:
 (Print Your Full Name)

My residence address is _____ and
 (Number, Street and City)

I am 18 years of age or older.

I personally circulated this petition section and witnessed each of the appended signatures being written on the petition and to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be and the appended signatures were obtained between the dates of: _____ and _____, inclusive.
 (Month, Day, Year) (Month, Day, Year)

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on _____ at _____
 (Month, Day, Year) (Place of Signing)

Signed _____
 (Signature of Petition Circulator - First Name, Middle Name or Initial, Last Name)

SAMPLE REFERENDUM PETITION (WITHOUT TOP FUNDERS DISCLOSURE)

Please leave a 1" margin at the top, and a 1/2" margin at the bottom, left and right of the petition section.

Either: A) The text of the ordinance, or the portion of the ordinance that is the subject of the referendum must be attached to each petition section; or B) An impartial summary of the referendum not to exceed 5,000 words subject to referendum must be attached to each petition section. (EC 9238)

Referendum Against an Ordinance Passed by the City Council (EC 9238)

We, the undersigned registered voters of the City of Berkeley seek the repeal of ordinance _____, _____, adopted on _____.
 (Ordinance number) (Ordinance name) (Date adopted by council)

NOTICE TO THE PUBLIC: (EC 101)

YOU HAVE THE RIGHT TO SEE AN OFFICIAL TOP FUNDERS SHEET.

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. If compensation is received by any person for obtaining signatures or for the circulation of petitions to place a measure on the ballot, the terms of such compensation shall be clear and visible on the signature sheet of the petition. (Berkeley Election Reform Act Sec. 2.12.405)

1" space
(EC 100)

			Official Use Only
1.	Print Name _____ Signature _____	Residence Address _____ City _____	
2.	Print Name _____ Signature _____	Residence Address _____ City _____	
3.	Print Name _____ Signature _____	Residence Address _____ City _____	
4.	Print Name _____ Signature _____	Residence Address _____ City _____	
5.	Print Name _____ Signature _____	Residence Address _____ City _____	
6.	Print Name _____ Signature _____	Residence Address _____ City _____	
7.	Print Name _____ Signature _____	Residence Address _____ City _____	
8.	Print Name _____ Signature _____	Residence Address _____ City _____	
9.	Print Name _____ Signature _____	Residence Address _____ City _____	

Referendum Against an Ordinance Passed by the City Council (EC 9238)

10.	Print Name _____ Signature _____	Residence Address _____ City _____	
11.	Print Name _____ Signature _____	Residence Address _____ City _____	
12.	Print Name _____ Signature _____	Residence Address _____ City _____	
13.	Print Name _____ Signature _____	Residence Address _____ City _____	
14.	Print Name _____ Signature _____	Residence Address _____ City _____	
15.	Print Name _____ Signature _____	Residence Address _____ City _____	

DECLARATION OF PERSON CIRCULATING PETITION SECTION (EC 104, 9238c)

(To be completed in circulator's own hand)

I, _____, declare:

(Print Your Full Name)

My residence address is _____ and
(Number, Street and City)

I am 18 years of age or older.

I personally circulated this petition section and witnessed each of the appended signatures being written on the petition and to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be and the appended signatures were obtained between the dates of: _____ and _____, inclusive.
(Month, Day, Year) (Month, Day Year)

I showed each signer a valid and unfalsified "Official Top Funders" sheet as required by Elections Code Section 107.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on _____ at _____
(Month, Day, Year) (Place of Signing)

Signed _____
(Signature of Petition Circulator - First Name, Middle Name or Initial, Last Name)

**SAMPLE “OFFICIAL TOP FUNDERS” SHEET. FOR PETITIONS
WITHOUT TOP FUNDERS DISCLOSURE PRINTED ON THEM.**

[Black roman type, contrasting background, centered horizontally; EC § 107]

OFFICIAL TOP FUNDERS. Valid only for Month Year.

[16-point font; EC § 107(a)(2)]

TITLE OF THE REFERENDUM AS IT APPEARS ON THE PETITION

[CAPS, 14-point font; EC § 107(a)(3)]

Petition circulation paid for by *[Bold; EC § 107(a)(4)(A) & (B)]*

Name of the Committee as it Appears on the most recent
Statement of Organization (Form 410) Filed Pursuant to
Government Code § 84101 *[EC § 107(a)(4)(C)]*

Committee major funding from: *[EC § 107(a)(4)(C) & (D)]*

[Largest Cumulative Contributor]

[Second Largest Contributor]

[Third Largest Contributor]

[OPTIONAL; EC § 107(a)(4)(E)]

Endorsed by:

First Endorser

Second Endorser

Third Endorser

Latest Official Top Funders: www.webpage.com *[EC § 107(a)(4)(F)]*

[link to Secretary of State Top Funders Website or committee webpage]