



TOWN OF FAIRFAX
STAFF REPORT
July 2, 2014

TO: Mayor and Town Council

FROM: Michele Gardner, Town Clerk/Elections Official

SUBJECT: Certification of the Petition for a Referendum against Ordinance No. 778

RECOMMENDATION

Accept report

DISCUSSION

On April 2, 2014, a Petition for a Referendum against Ordinance No. 778 was filed with the Town Clerk /Elections Official. Due to the Circulator Declarations' lack of compliance with California Elections Code section 9022 104 (b)(3), the petition could not be certified to the Town Council.

On July 2, 2014, proponents of the referendum petition filed affidavits of circulators, to cure the flawed Circulators Declaration. After reviewing the affidavits and finding them substantially in order, the Elections Official is now certifying the petition to the Council.

ATTACHMENT

Certificate

AGENDA ITEM # 3



TOWN OF FAIRFAX

Certificate of Sufficiency of Petition (California Elections Code §9240)

I, Michele Gardner, Town Clerk of the Town of Fairfax, State of California, hereby certify that my examination of the **Petition for a Referendum against Ordinance No. 778** filed April 2, 2014, together with the **Affidavits of Circulators** filed June 2, 2014, is complete and I find the Petition to be sufficient as follows:

The verification of signatures of the Town of Fairfax Referendum Petition against Ordinance No. 778 was completed and certified on April 10, 2014 as sufficient by the Marin County Registrar, which certificate is attached hereto as Exhibit 1;

I examined all 96 sections of the Petition and found they substantially complied with the requirements of the Elections Code, with the exception of the Elections Code §9022 104 (b)(3) requirement that Circulators' Declarations include a statement that the Circulator is eighteen years of age or older;

I examined each of the forty-three subsequently filed Affidavits of Circulators declaring the Circulator to be 18 years of age or older and found forty-one to be sufficient to cure the defective Circulators' Declarations attached to the Petition.

In witness whereof I set my hand and official seal this 2nd day of July 2014.

Michele Gardner, Town Clerk

**MARIN COUNTY REGISTRAR OF VOTERS
CERTIFICATE OF PETITION VERIFICATION**
(Elections Code Sec., 9115, 20530-33)

I, Elaine Ginnold, Registrar of voters, County of Marin, hereby certify that on April 10, 2014, the verification of signatures on the Town of Fairfax Referendum Petition against Ordinance No. 778 was completed and I find the petition to be sufficient as follows.

Each section of the petition contains signatures purporting to be signatures of qualified voters of the Town of Fairfax.

Attached to this petition was an affidavit of circulator that he/she had collected the signatures upon that section; that the signatures were collected in his/her presence, and that to the best of his/her own knowledge and belief, each signature on that section was the genuine signature of the person whose name it purports to be.

That after the proponent filed the petition, I verified the required number of signatures by examining the records of registration in effect at the dates of such signing and from that examination I have determined the following facts regarding this petition:

Signatures required	524
Raw Count	1015
Sample size	500
# Valid signatures in sample	427
# Invalid signatures in sample (5 duplicate signatures)	73

Based on the formula in Section 20530-33 of the California Elections Code, the raw count of 1015 and a random sample of 500 signatures, with 427 valid signatures and 73 invalid signatures, including 5 duplicate signatures, the estimated number of valid signatures on this petition is 856 or 163.4% of the number of signatures required for the petition to be valid. (See attached report of the petition check).

IN WITNESS WHEREOF, I have set my hand and affixed by official seal on the 10th day of April 2014.

Elaine Ginnold

Elaine Ginnold
Registrar of Voters

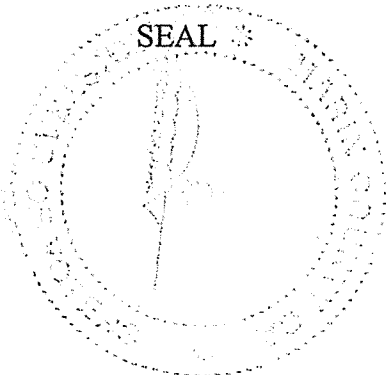


EXHIBIT # 1