

## [Blogs](#)

March 05, 2017

Initiative petition must include full text of every provision enacted into law

The Court of Appeal has held that because the proponents of an initiative failed to include the full text of the proposed initiative in the petition, the petition violated Elections Code section 9101 and was therefore invalid. [Wilson v. County of Napa](#), 9 Cal.App.5th 178 (2017) Proponents filed an initiative petition with the Napa County registrar entitled "Water, Forest and Oak Woodland Protection Initiative of 2016." The petition was 18 pages long and consisted of ten sections. Among the sections was a provision to be added to the Napa County Code establishing an "Oak Removal Permit Program." The new code section would have required a permit for the removal of certain oak trees. The permit application had to include a remediation plan that "at a minimum" was in compliance with the best management practices set forth in an appendix to the Napa County Voluntary Oak Woodland Management Plan. The initiative petition did not contain the referenced appendix or provide its relevant text. After seeking advice from counsel for the County, the registrar of voters rejected the petition on the ground that it did not comply with the full text requirement of Elections Code section 9101. The measure's proponents sought a writ of mandate in superior court to compel the registrar to place the measure on the ballot. The superior court denied the writ petition on the ground that the initiative would enact into binding law the best management practices in the appendix to the Napa County Voluntary Oak Woodland Management Plan. Accordingly, the initiative did not contain "the full and complete text of everything that will be enacted if the voters approve it as required by Elections Code section 9101." The Court of Appeal affirmed, holding that the petition was defective because the initiative's incorporation by reference of the management plan was not merely a cross-reference to an existing law, but rather the conversion of what were voluntary or recommended management practices into mandatory and legally binding obligations. The omission of the management practices that would be compelled therefore frustrated the purpose of the full-text requirement, which is to "provide sufficient information so that voters can intelligently evaluate whether to sign the initiative petition and avoid confusion." While the general rule requires substantial compliance with the Code, and technical deficiencies will not invalidate a petition, substantial compliance is not sufficient where the defect frustrates the purpose of the full text requirement. Here, the obligation of a permit applicants to comply with management practices that were not spelled out in the petition or attached to it frustrated the purpose of the full text requirement.