



How to Prepare and Submit a Voter-Initiated Territory Transfer Petition

When all or part of an existing school district is transferred to another existing school district, the reorganization is commonly referred to as a “territory transfer.” (Ed. Code, § 35511.) This is one of the most common types of school district reorganization and can be initiated in multiple ways. California law allows voters to initiate a territory transfer petition. The two most common voter-initiated petitions are known as the 25% Petition and a 10% Petition:

- **25% Petition:** A territory transfer can be initiated if 25% of the registered voters in the inhabited territory proposed to be reorganized sign a petition requesting the territory transfer. This petition is known as a 25% petition. (If the territory proposed for reorganization is located within two or more school districts, the signatures of at least 25% of the registered voters from that territory in each school district are required.) (Ed. Code, § 35700 et seq.)
- **10% Petition:** A territory transfer can also be initiated if 10% of the registered voters in the entire school district sign a petition requesting the transfer. This petition is known as a 10% petition. (Ed. Code, §§ 35720, 35721.)

This document provides a general overview of the steps a registered voter may take to begin the process for a 25% Petition and a 10% Petition.¹

WHERE TO BEGIN

(1) Draft the Petition

To initiate either a 25% Petition or a 10% Petition, the chief petitioner(s) must draft a proposal (“Petition”) for territory transfer. The Petition must include certain substantive information including but not limited to:

¹ Note: this is intended to provide general guidance on the territory transfer petitioning process. A detailed description of all possible reorganization processes can be found in the California Department of Education School District Organization Handbook, available at <https://www.cde.ca.gov/re/lr/do/sdohandbook.asp>. Chapter 5 of the CDE Handbook focuses on the step-by-step legal requirements for school district reorganization. The flowcharts included in this document are derived from Chapter 5.

- A reasonable description of the territory to be transferred and a list of school districts that will be affected. References to streets or prominent geographic features should suffice as a reasonable description. (Ed. Code, § 35700.3.) Although legal descriptions or plat maps are not required, the more comprehensive the information provided, the better.
- The rationale for the proposed territory transfer.
- A designation of the chief petitioner(s) (no more than three) to receive notifications during the review period.
- An affidavit that all signatures on the petition are genuine and were obtained in the presence of the petition circulator.

The Petition should also meet certain formatting requirements, including but not limited to:

- At least one inch space must be left blank after each name.
- The spaces for signatures must be numbered consecutively, beginning with number one.
- The spaces for signatures should include space for a signatories (1) signature, (2) printed name, and (3) place of residence (street and number of one exists.)

The California Department of Education has prepared a sample petition template for 25% petition. This template is included in this packet for ease of reference.

(2) Determine How Many Signatures Are Required

The chief petitioner(s) should determine the total number of registered voters needed to meet the 25% Petition or 10% Petition thresholds for each Petition. This determination will generally be made in collaboration with the county registrar of voters.

(3) Circulate The Petition to Gather Signatures

The chief petitioner(s) must then gather the requisite number of signatures. Only individuals over 18 who are registered to vote and reside in the territory to be transferred (if 25% Petition) or in the respective school district (if 10% Petition) qualify to sign the Petition. Each signatory must include their printed name and place of residence, giving street address, city, and zip code.

In addition, the individual(s) circulating the Petition to gather signatures must attach a declaration setting forth:

- Their printed name;
- Their residential address;
- The dates between which all signatures reflected on the Petition were obtained.
- That the circulator witnessed each signature being written;
- That each signature is genuine; and
- That the circulator is 18 years of age or older.

The circulator(s) must sign this declaration, certifying its truth and correctness under penalty of perjury, and state the date and place of execution immediately before their signature.

It would be worthwhile to consult the county committee secretary and/or county clerk, recorder, or registrar of votes to ascertain applicable regional requirements before gathering signatures.

(4) Submit the Petition

Once complete, the chief petitioner(s) should submit the Petition for review and verification. In any reorganization action which involves territory located in two or more counties and under the jurisdiction of different County Superintendents, the chief petitioner(s) should submit the Petition to each County Office of Education. For territory located in Santa Cruz County, deliver a completed Petition to:

**Santa Cruz County Office of Education
400 Encinal Street,
Santa Cruz, CA 95060**

The mailing address for other county offices of education should be easily accessible on their respective websites.

WHAT HAPPENS NEXT

The processes followed for review of a 25% Petition versus a 10% Petition differs slightly. In either case, the County Superintendent, together with the County Clerk, will examine the Petition to determine its sufficiency (e.g., whether all legal requirements for the Petition are met and signatures are adequate). When a Petition affects school districts in more than one county and under the jurisdiction of different County Superintendents, the sufficiency of any Petition must be determined jointly by the respective County Superintendents, and the review process may occur in both counties. If a Petition is found sufficient, the next step depends upon whether it is a 25% Petition or a 10% Petition – this is where the processes diverge. The attached flowcharts provide a visual rendering of each petition process; Flowchart A describes the 25% Petition process while Flowchart B covers the 10% Petition process.

25% PETITION – TEMPLATE²

To the Superintendent of School of [blank] County

Pursuant to Education Code Section 35700, subdivision (a), the undersigned, constituting at least 25 percent of the registered electors residing in the territory proposed to be transferred, now within the boundaries of the [blank] School District, [blank] County, petition that the boundaries of the [blank] School District be changed to eliminate from it the territory hereinafter described.

The undersigned persons petition that the territory be transferred to and included within the [blank] School District of [blank] County.

The property to be transferred is described as follows:

(Insert reasonable identification of territory [Education Code Section 35700.3].)

The undersigned request the changes in the respective boundaries of the school districts for the following reasons:

(List reasons for proposed boundary change)

The Chief Petitioners for the purpose of receiving notices and so forth are:

(List names and addresses of a maximum of three petitioners)

Petition format for signature collection

Number	Name	Residence Address	For office use only
Petitioner 1, line 1	Signature	Number and street	(leave blank)
Petitioner 1, line 2	Print name	City and zip code	(leave blank)
Petitioner 2, line 1	Signature	Number and street	(leave blank)
Petitioner 2, line 2	Print name	City and zip code	(leave blank)
Petitioner 3, line 1	Signature	Number and street	(leave blank)
Petitioner 3, line 2	Print name	City and zip code	(leave blank)

This petition may be circulated by a paid signature gatherer or a volunteer. You have the right to ask.

² Note: this sample was created by the CDE in September 2019, and therefore may not contain up to date legal requirements. This sample is for illustrative purposes only. Each new petition must be drafted to conform to the requirements and directions of the county superintendent of schools and the county election department in the county (or counties) in which the petition will be circulated.

DECLARATION OF PETITION CIRCULATOR

I, *(Print name)*, state as follows:

- (1) That my residence address is: *(Number and Street) (City and Zip Code)*
- (2) That I circulated the foregoing petition and saw the appended signatures being written.
- (3) That according to my best information and belief, each signature is the genuine signature of the person whose name it purports to be.
- (4) That the dates between which all signatures to the petition were obtained are:
(beginning date) to (ending date).

I certify, under penalty of perjury, that this declaration is true and correct.

(Signature of Circulator): Include first name and middle initial or first initial and middle name.

Executed on *(date)* at *(location)*.