



# ***AGENDA REPORT***

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**TO: THE HONORABLE MEMBERS  
OF THE RULES AND LEGISLATION  
COMMITTEE AND DEANNA J SANTANA  
CITY ADMINISTRATOR**

**FROM: LATONDA SIMMONS  
CITY CLERK**

**SUBJECT: Ballot Measure Deadlines  
For the November 4, 2014 Election**

**DATE: January 23, 2014**

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**COUNCIL DISTRICT: City-Wide**

## **RECOMMENDATION**

This is an Informational Report Staff requests the Rules and Legislation Committee receive and file this report

## **EXECUTIVE SUMMARY**

At the request of the January 23, 2014 Rules and Legislation Committee the Office of the City Clerk was requested to provide information regarding the deadlines for the City Council and/or citizens to place a measure on the ballot for the November 4, 2014 election

## **OUTCOME**

This informational report responds to the request to present information on deadlines for placing City Council and citizen based initiatives on the ballot of the November 4, 2014 election

## **BACKGROUND/LEGISLATIVE HISTORY**

Initiatives in the City of Oakland are governed by section 3 08 of the Oakland municipal code and in great part Division 9 of the California elections code The relevant governing codes provide that initiatives may be put forward by the governing body or by a citizen based signature gathering effort The relevant codes provide significantly different procedures and timelines for each approach Nonetheless, under each approach, the citizens, governing body, City Attorney, City Auditor and City Clerk, respectively, must complete many additional statutory requirements by the 88<sup>th</sup> day before the election, to deliver ballot information to the county elections official

Item \_\_\_\_\_  
Rules and Legislation Committee  
February 6, 2014

### **Initiatives by the Governing Body**

Measures may be placed on ballot by the governing body in accordance with section 9222 of the California elections code and must also comply with the noticing requirements of the City of Oakland's Sunshine Ordinance. While section 9222 permits the approval of measures up to the 88<sup>th</sup> day before the election by the governing body, consideration must also be given to the full requirements of the 88<sup>th</sup> day pre-elections deadline including the additional steps listed below (See "Additional Steps on page 3)

In accordance with the relevant provisions of the California State elections code, Oakland municipal code, and also utilizing the approved schedule of Council meetings for calendar year 2014, the final date for the City Council to approve a measure to be placed on ballot would be Tuesday, July 29, 2014. Please refer to "**Attachment A – Deadline for Council Approval of Ballot Measures**".

### **Initiatives by a Citizen Based Signature Gathering Effort**

Measures placed on ballot as a result of a citizen based signature gathering effort requires completion of many steps outlined in the California elections code and the Oakland municipal code. In general, to successfully meet all requirements, citizens should commence activities many months in advance of the 88<sup>th</sup> day elections deadline to allow completion of the proponent's obligations and allow City officials time to process and produce materials required by law. Please refer to "**Attachment B - Quick Guide to Ballot Initiatives**".

In summary, the citizen based initiative process is elongated to allow for the following key tasks associated with a petition effort

- 1) File a Notice of intent to Circulate an Initiative
- 2) Receive the Title and Summary to be used to circulate the petition
- 3) Publish the full Notice of Intent (NOI) and the Title and Summary
- 4) File proof of publication of NOI, Title and Summary with the City Clerk prior to gathering any signatures
- 5) Commence signature gathering
- 6) Return the signed petitions by the deadline provided by the City Clerk
- 7) Allow the City Clerk to verify the number of signatures are sufficient
- 8) Allow the County to verify the signatures are sufficient
- 9) Allow the City Council to place on agenda and certify the sufficiency of the signatures and call for an election
- 10) Allow the City Attorney, Auditor, and Clerk to prepare documents and complete processing of remaining elections documents

### Additional Steps

While the 88<sup>th</sup> day is the permitted final day of action for the governing body, the 88<sup>th</sup> day also is the deadline the City must deliver all necessary materials to the county elections official for printing of the sample ballot book. Accordingly, the City must allot sufficient time for the development of legally required ballot materials prepared by the City Attorney, City Auditor, and elections processing by the City Clerk. These additional steps prescribed by the governing codes must be completed whether the initiative is citizen based or put forward by the governing body. The additional steps include:

- 1) Resolution calling for an election
- 2) Resolution approving the placing a measure on the elections ballot, to include the question to go before voters
- 3) Ordinance approving the consolidation of a City's municipal election with the scheduled Statewide election (when applicable)
- 4) Full text of the measure prepared by the City Attorney
- 5) Title and Summary prepared by the City Attorney
- 6) Impartial Legal Analysis prepared by the City Attorney
- 7) Impartial Financial Analysis prepared by the City Auditor

Accordingly, Council actions should occur as early as possible to afford proper development and review of all ballot materials prior to the 88<sup>th</sup> day submission deadline.

For questions regarding this report, you may contact LaTonda Simmons or Tamika Thomas in the Office of the City Clerk at (510) 238-3122.

Respectfully submitted,



LATONDA SIMMONS

City Clerk, Office of the City Clerk

### Attachments

*Attachment A – Deadline for Council Approval of Ballot Measures*

*Attachment B - Quick Guide to Ballot Initiatives*

## SUGGESTED TIMELINE FOR COUNCIL APPROVAL OF MEASURES

The City Council may submit a measure to the voters on its own motion by the adoption of a Resolution placing the item on the ballot

Elections Code §10403 requires that all material for the ballot be submitted to the Board of Supervisors and the County Elections Official not later than the 88<sup>th</sup> day before the election. All materials includes, the resolution calling for the election, the resolution approving the measure, the independent legal and financial analysis, the question to go before the voters, and the full text of the measure

The 88<sup>th</sup> day deadline for the upcoming November 4, 2014 election is **Friday, August 8, 2014**. The City Council is in recess the month of August. Therefore, the following would apply

**Action** Council adopts Resolutions calling the election and placing measures on the ballot at a Council meeting between now and **July 31, 2014**.

**July 29, 2014** is the last Tuesday before the summer recess and therefore, the last scheduled meeting held before the **August 8<sup>th</sup>** deadline. Please note that after City Council approves any measure, the City Attorney and City Auditor must have sufficient time to prepare the legal and financial analyses, and the full text of the proposed measure to submit to by the **August 8<sup>th</sup>** deadline

Additionally, based upon approval of measures on **July 29, 2014**, the following suggested dates would apply

**August 12, 2014\*** Suggested last day for submission of direct arguments to the City Clerk (EC 9286)

**August 19, 2014** Suggested last day for submission of rebuttal arguments to City Clerk

Please note deadlines for arguments and rebuttals must be advertised according to the State Elections code and may be adjusted, however, the 88<sup>th</sup> day deadline is not adjustable and is **Friday, August 8, 2014**

\* *The August 12 deadline assumes the Council's approval of measures on July 29, 2014. If the Council approves measures on different dates then this date will change*

# ***Quick Guide to Ballot Initiatives***

## **Elections Code 9200-9226**

The initiative is the power of the people to propose statutes or amendments to the Charter of the City of Oakland and/or the Oakland Municipal Code. An initiative may be placed on the ballot after the proponents successfully meet a series of requirements mandated by the California Elections Code.

### **General Initiative Process:**

Proponents must file a Notice of Intent along with a \$200.00 filing fee. The Notice of Intent must include the written text of the initiative and a request that a title and summary be prepared by the City Attorney. The Notice of Intent must be signed by at least one of the proponents.

The City Attorney has fifteen days from the date of the filing of the Notice of Intent to prepare the Title and Summary.

Upon receipt of the Title and Summary from the City Attorney, proponents must publish the Notice of Intent and the Title and Summary prior to circulating the petition.

Proponents have 180 days from the date they received the Title and Summary to file the petition with the Office of the City Clerk. The filing must be done during normal business hours as posted.

After the petition has been filed, the law allows 30 business days for the raw count and signature verification process.

### **Signature requirement for a Regular Election and Proposed Ordinances:**

10% of the registered voters of the city according to the last report of registration by the county elections official to the Secretary of State, effective at the time the Notice of Intent was published.

### **Signature requirement for a Special Election and Charter Amendments:**

15% of the registered voters of the city according to the last report of registration by the county elections official to the Secretary of State, effective at the time the Notice of Intent was published.<sup>1</sup>

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<sup>1</sup> Please refer to the Elections Code § 9214 for specific guidelines on calling a Special Election.

Timeline Snapshot for Initiative Petitions

It is suggested that petitions be submitted a minimum of 134 days before the election to provide for processing require by State law . All requisite processing of the initiative petitions must occur no later than the 88<sup>th</sup> day before the election to appear on the ballot This includes verification of signatures, Council action, additional publication, etc

Step 1	Proponents Meet With The Office Of The City Clerk Discuss Initiative Process, Identify An Election Date, Discuss Timeline And Deadlines For Filings
Step 2	Develop The Written Text Of The Proposed Initiative Proponents Are Encouraged To Meet With The City Attorney To Discuss The Proposed Measure
Step 3	File Notice Of Intent To Circulate Initiative With The Clerk's Office Schedule And Appointment With The Clerk's Office To File <u>Notice Of Intent</u> To Circulate A Petition And Pay \$200 00 Fee Proponents Will Also Receive Report Of Registered Voters And Minimum Number/Percentage Of Registered Voters Needed To Qualify For A Ballot, And Deadline To File Petitions With The City Clerk
Step 4	City Attorney Drafts Language Of The Proposed Ordinance (15 Days) The City Attorney Will Draft The Full Text Of The Proposed Ordinance As Well As The <u>Title And Summary</u> To Be Used For Circulating The Petitions And To Go On The Ballot The Law Allows 15 Days For This Process
Step 5	Proponents Publish Notice Of Intent & Title and Summary and files with City Clerk (5-10 Days) Proponents Must Publish Both The <u>Notice Of Intent</u> To Circulate A Petition And <u>Title And Summary</u> Prior To Gathering Signatures Proponents Must Also File Proof Of Publication With The City Clerk During Regular Business Hours Withm 10 Days Of Publication Date
Step 6	Circulation Of Petitions – Gathering Of Signatures (180 Days) Proponents Have 180 Days To Gather The Necessary Signatures To Qualify The Measure's Placement On Ballot
Step 7	Submission Of Petitions To The City Clerk – Prima Facie Count Proponents Must File Signatures With The City Clerk No Later Than 180 Days from the date petitioner is in receipt of <u>Title and Summary</u>
Step 8	County Verification (30 days) The County Of Alameda Venfies Each Signature
Step 9	City Council Certification (14 Days) Clerk Schedules Certification Through The Rules Committee
Step 10	Coordination Of Other Required Elections Activities Call Of Election Legal And Financial Analyses Post Notice Of The Election & Deadlines For Arguments And Rebuttals Receipt And Selection Of Arguments Receipt of Rebuttals
Step 11	Submission of Required Elections Documents to Alameda County Registrar of Voters (88 Days)

6  
RULES & LEGISLATION CMTTE  
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*\*Please note that this fact sheet is intended to be advisory only. The Elections Division strongly recommends that proponents consult with an attorney on the initiative process including technical requirements for the format of initiative petitions. The Division's receipt of an initiative petition is not an indication that the petition meets all legal requirements.*