

Approved as to Form and Legality

City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT [REBECCA KAPLAN](#)
[AND COUNCIL PRESIDENT PRO TEMPORE DAN KALB](#)

RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO THE VOTERS AT THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION, AN AMENDMENT TO ARTICLE XI (ELECTIONS) OF THE CHARTER OF THE CITY OF OAKLAND TO ADD SECTION 1106 TO PROVIDE FOR VOTING BY PERSONS AGED 16 AND ABOVE [AND NONCITIZEN RESIDENTS OF THE CITY OF OAKLAND WHO ARE THE PARENT, LEGAL GUARDIAN OR LEGALLY RECOGNIZED CAREGIVER OF A CHILD LIVING IN THE OAKLAND UNIFIED SCHOOL DISTRICT](#) FOR THE OFFICE OF OAKLAND UNIFIED SCHOOL BOARD DIRECTOR, AND DIRECTING THE CITY CLERK TO TAKE ALL ACTIONS NECESSARY UNDER LAW TO SUBMIT THIS ITEM TO THE NOVEMBER 3, 2020 GENERAL ELECTION

WHEREAS, research published in the American Political Science review suggests that younger first-time voters are more likely to become habitual voters, more likely to become life-long voters, strengthen participation in our democracy, and makes their parents more likely to vote as well; and

WHEREAS, California currently allows 16-year-olds to pre-register to vote in efforts to boost turn-out; and

WHEREAS, many countries where the minimum voting age is 16 have higher voter turnout than the United States, for example: in Austria, voter turnout is 72.45%, in Brazil voter turnout is 79.54%, in Germany voter turnout is 84.11%, and in Cuba voter turnout is 86.19% compared to 51.46% in the United States; and

WHEREAS, at age 16, young people in California can drive, work without restrictions, and pay taxes on their employment, as well as take care of their siblings, translate for their parents, and contribute to the family income; and

WHEREAS, youth under the age of 18 are making vital contributions to society every day, including leading with solutions and bold action on global climate change, gun violence, and improving their schools; and

WHEREAS, the Oakland Unified School District ([OUSD](#)) Board is comprised of seven (7) School Board Directors who are elected by Oakland voters in the City's municipal general election held in November in even years; and

WHEREAS, in Oakland, the voters must be 18 years of age to vote in School Board elections, therefore, persons who are 16 and 17 years old cannot vote for School Board Directors despite the impact School Board Directors' decision have on students; and

WHEREAS, Oakland students are the primary recipients of the services that schools provide, and their experiences, needs and concerns should inform district policy and School Board members' priorities; and

WHEREAS, Oakland students have demonstrated the civic capacity to participate in the voting process, as evidenced by their successful advocacy and policy initiation efforts that have resulted in protecting critical student supports, such as free supper for high-need children, case managers for foster youth, and restorative justice coordinators; and

WHEREAS, Oakland students receive hundreds of instruction hours on the centrality of democracy and the importance of civic engagement and this will be an opportunity to put these lessons into practice and integrate the students' real voting responsibility into the learning process and their educational experience; and

WHEREAS, recognizing the value of young adults' participation in school board elections, in 2016 70.31% of voters in the neighboring City of Berkeley voted to allow persons aged 16 and 17 years old, who are otherwise eligible to vote under state law, to vote for school board members; and

[**WHEREAS**, an estimated 14,400 OUSD students live in mixed immigration status families; and](#)

Formatted: Indent: First line: 0"

Formatted: Font: Not Bold

[**WHEREAS**, immigrant parents of school-age children in Oakland who are not allowed to participate in democratic elections share the desire that their children have the best education possible; and](#)

Formatted: Font: Not Bold

[**WHEREAS**, when parents are given opportunities to be involved in choices related to their children's educations, they are generally more likely to maintain higher levels of involvement; and](#)

Formatted: Font: Not Bold

[**WHEREAS**, parental involvement in their children's education results in better performance, reduced absenteeism, and improved behavior by the children, and restored confidence among parents; and](#)

Formatted: Font: Not Bold

WHEREAS, allowing immigrant parents who reside in Oakland to vote for OUSD Board Directors may help OUSD build and enhance positive relationships with those parents and their larger communities; and

Formatted: Font: Not Bold

WHEREAS, the Oakland City Council has elected to submit to the voters at the November 3, 2020 election, a measure to add Sections 1106 and 1107, to Article XI of the Oakland Charter to allow persons who are 16 and 17 years old and noncitizen residents of the City of Oakland who are the parent, legal guardian or legally recognized caregiver of a child living in the Oakland Unified School District to vote for the office of Oakland Unified School Board Director; now, therefore be it

Formatted: Font: Not Bold

RESOLVED: That the Oakland City Council finds and determines the foregoing recitals are true and correct and hereby adopts and incorporates them into this Resolution; and be it

FURTHER RESOLVED: That the City Council intends for this proposed amendment to Article XI of the Charter to authorize the City Council, by adoption of an ordinance, to allow persons aged 16 and 17 years old and noncitizen residents of the City of Oakland who are the parent, legal guardian or legally recognized caregiver of a child living in the Oakland Unified School District, who are not otherwise ineligible to vote under Article II, Section 4 of the California Constitution, to vote for the office of School Board Director; and be it

Deleted: state law

FURTHER RESOLVED: That upon approval by the voters, the City Charter will be amended, to add, delete, or modify sections as set forth below (section numbers and titles are indicated in capitalized **bold type**; additions are indicated by underscoring, deletions are indicated by strike-through type; portions of the provisions not cited or not shown in underscoring or strike-through type are not changed);

Deleted: and be it

Section 1. Amendment to the Charter of the City of Oakland.

Deleted: ¶

FURTHER RESOLVED: That upon approval by the voters, the proposed Charter Amendment text shall be added to read as follows:¶

Section 1106. Youth Voting In School Board Elections. Notwithstanding anything to the contrary in this Charter, the City Council may adopt an ordinance allowing persons aged 16 and 17, who are not otherwise ineligible to vote under Article II, Section 4 of the California Constitution, to vote for the Office of School Board Director.

Deleted: , by adoption of an ordinance, may authorize

Deleted: above

Deleted: state law

Section 1107. Noncitizen Voting In School Board Elections. Notwithstanding anything to the contrary in this Charter, the City Council may adopt an ordinance allowing noncitizen residents of the City of Oakland who are the parent, legal guardian or legally recognized caregiver of a child living in the Oakland Unified School District, who are not otherwise ineligible to vote under Article II, Section 4 of the California Constitution, to vote for the Office of School Board Director.

Section 2. Severability. If any section, subsection, sentence, clause or phrase of this Measure is for any reason held to be invalid or unconstitutional by decision of any

court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Measure. The voters hereby declare that they would have passed this Measure and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

; and be it

FURTHER RESOLVED: That each ballot used at said election shall have printed therein, in addition to any other matter required by law, the following:

Deleted: ¶

**PROPOSED CHARTER AMENDMENT
MEASURE ____**

Measure ____ Shall a measure amending the City of Oakland Charter to authorize City Council to adopt an ordinance allowing persons aged 16 and 17, and noncitizen residents of the City of Oakland who are the parent, legal guardian or legally recognized caregiver of a child living in the Oakland Unified School District, who are not otherwise ineligible to vote under Article II, Section 4 of the California Constitution, to vote for members of School Board, be adopted?	YES	
	NO	

Deleted: the

Deleted: , by adoption of an ordinance, to authorize

Deleted: above

Deleted: state

Deleted: and local law

Deleted: the Office

Deleted: Director

; and be it

FURTHER RESOLVED: That the City Council hereby authorizes and directs the City Clerk of the City of Oakland (the "City Clerk") at least 88 days prior to November 3, 2020 General Election, to file with Alameda County certified copies of this resolution; and be it

FURTHER RESOLVED: That the City Council does hereby request that the Board of Supervisors of Alameda County include on the ballots and sample ballots recitals and measure language to be voted on by the voters of the qualified electors of the City of Oakland; and be it

FURTHER RESOLVED: That the City Council does hereby request that Board of Supervisors of Alameda County permit the Registrar of Voters to perform necessary services in connection with said election; and be it

FURTHER RESOLVED: That in accordance with applicable law, the City Clerk shall fix and determine a date for submission of arguments for or against said ballot item and rebuttals and is hereby directed to cause the posting, publication and printing of notices; and be it

FURTHER RESOLVED: That the City Administrator and City Clerk are hereby authorized and directed to take all actions necessary under the law to prepare and submit this item for the November 3, 2020 election; and be it

FURTHER RESOLVED: That this resolution shall be effective immediately upon approval by the City Council.

[2935399v1](#)

Deleted: 2926766v1

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California