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OAKLAND

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City Attorney

INTRODUCED BY COUNCIL MEMBER 11/11/11 2:16

**ORDINANCE NO. \_\_\_\_\_ C.M.S.**

**An Ordinance Adding Section 3.08.015 to Chapter 3.08 of the Oakland Municipal Code, Entitled "Elections," to Authorize the City Council to Call a Special Municipal Election on November 15, 2011**

**WHEREAS**, the California Constitution, Article XI, section 5(b) grants chartered cities the power to provide in their charters for the conduct of city elections; and

**WHEREAS**, Oakland City Charter section 1103 provides that all elections and procedures relating thereto shall be in accordance with the applicable provisions of state law, except as otherwise may be provided by ordinance or the City Charter; and

**WHEREAS**, the Oakland Municipal Code Chapter 3.08 entitled, "Elections," includes provisions that the City Council has adopted to govern municipal elections; and

**WHEREAS**, the City Council desires to amend Chapter 3.08 to add a new section 3.08.015 that will authorize the Council to call a special election on November 15, 2011, provided that such election date is not less than 88 days before the date on which the Council calls the election; and

**WHEREAS**, the City Council further desires to have the option to utilize alternative voting procedures, including but not limited to mail ballot voting, electronic voting, and extended voting periods in conducting special elections in addition to traditional in-person voting at polling places;

Now Therefore the City Council of the City of Oakland does ordain as follows:

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby adopts and incorporates them into this Ordinance.

Section 2. The Municipal Code hereby is amended to add, delete, or modify sections as set forth below (section numbers and titles are indicated in bold type; additions are indicated by underscoring and deletions are indicated by strike through type; portions of Chapter 3.08 what are not cited or shown in underscoring or strike-through type are not changed.

Section 3. New Section 3.08.015 hereby is added to Chapter 3.08 of the Oakland Municipal Code.

ARTICLE 1. General Provisions

Section 3.08.015 2011 Special Municipal Election

The City Council shall have the power to call a special municipal election by resolution for November 15, 2011, provided that the election date must be at least 88 days after the date that the City Council calls the election and, notwithstanding any other provision of the State of California Elections Code. Further, for purposes of the special election, the City Council shall have the power and may exercise the option to utilize alternative voting procedures, including but not limited to mail ballot voting, electronic voting, and extended voting periods and/or traditional in-person voting at polling places.

IN COUNCIL, OAKLAND, CALIFORNIA \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND  
PRESIDENT REID

AYES

NOES

ABSENT

ABSTENTION

ATTEST \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
Of the City of Oakland, California