CITY OF OAKLAND

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Honorable City Council
City Hall
Oakland, California

Re: An Ordinance Adding Section 3.08.040 to Chapter 3.08 of the Oakland Municipal Code, Entitled "Elections," to Authorize the City Council to Call a Special Election at Any Time by Resolution Specifying the Date and Time of the Special Election
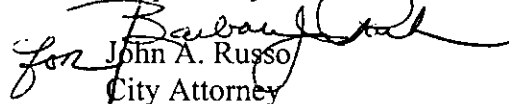
Dear President Brunner and Members of the City Council:

On March 10, 2009 at a special City Council meeting commencing at 3:00 p.m. or at such later time as the Community and Economic Development Committee adjourns its meeting scheduled for 2:00 p.m., the City Council will consider passing a motion to introduce an ordinance that will add a new section 3.08.040 to Chapter 3.08 of the Oakland Municipal Code, entitled "Elections."

The Oakland City Charter, Article XI provides that the City elections will be conducted in accordance with applicable provisions of state law, except to the extent that the Council may provide otherwise by ordinance. (City Charter Section 1103.)

New section 3.08.040 of the Oakland Municipal Code would authorize the City Council to call special municipal elections at any time by resolution specifying the date(s) and time(s) of the special election, provided that the election date is at least 88 days after the date that the Council calls the election. The ordinance further authorizes the City Council to use alternative voting procedures to conduct the election, including mail ballot voting, electronic voting and extended voting periods, in addition to traditional in-person voting at polling places.

Respectfully submitted,

for John A. Russo
City Attorney

Attorneys Assigned
Barbara J. Parker

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DRAFT

INTRODUCED BY COUNCILMEMBER_____   APPROVED AS TO FORM AND LEGALITY

_____
City Attorney

ORDINANCE NO. _____ C.M.S.

An Ordinance Adding Section 3.08.040 to Chapter 3.08 of the Oakland Municipal Code, Entitled "Elections," to Authorize the City Council to Call a Special Election at Any Time By Resolution Specifying the Date and Time of the Special Election

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 may be otherwise provided by ordinance; 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 3.08.040 that will provide for the calling of special elections on any date that the Council in its discretion determines, provided that such election date is not less than 88 days before the date of 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 3.08.040 hereby is added to Chapter 3.08 of the Oakland Municipal Code.

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ARTICLE 1. General Provisions

Section 3.08.040   Special Municipal Elections

The City Council shall have the power to call a special municipal election at any time, provided that the date of the election shall be at least 88 days after the date that the City Council calls the election, notwithstanding any other provision of the State of California Elections Code. Further, the City Council shall have the power to utilize alternative voting procedures, including but not limited to mail ballot voting, electronic voting, and extended voting periods to conduct special elections, in addition to traditional in-person voting at polling places. Special municipal elections shall be called by resolution specifying the date(s) and time(s) of the election.

IN COUNCIL, OAKLAND, CALIFORNIA _____

PASSED BY THE FOLLOWING VOTE:
AYES – BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID
NOES
ABSENT
ABSTENTION

ATTEST_____
LATONDA SIMMONS
City Clerk and Clerk of the Council
Of the City of Oakland, California