

INTRODUCED BY CITY CLERK ASHA REED

  
CITY ATTORNEY'S OFFICE

# OAKLAND CITY COUNCIL

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

**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE SECTIONS:**

**1) 3.08.040 (NOMINATION PETITIONS) TO AUTHORIZE THE CITY CLERK TO EXTEND NORMAL OFFICE HOURS ON THE FINAL DAY OF THE NOMINATION PERIOD FOR AN ELECTION, TO EXPLICITLY ADOPT THE STATE LAW EXTENSION OF TIME TO FILE NOMINATION PETITIONS, AND TO UPDATE THE LANGUAGE TO REQUIRE CANDIDATES TO RETURN NOMINATION MATERIALS IN PERSON CONSISTENT WITH EXISTING PRACTICE; AND**

**2) 3.08.080 (QUALIFICATIONS STATEMENT) TO ADD REQUIREMENT THAT SPONSORS ARE REGISTERED VOTERS CONSISTENT WITH REQUIREMENT FOR NOMINATION PETITION SIGNATURES**

**WHEREAS**, the City of Oakland is a Charter City, entitled under the California Constitution Article XI, Section 5 to enact its own provisions governing the conduct of City elections; and

**WHEREAS**, currently the Oakland Municipal Code provides that nomination paperwork for City elections must be filed by 5:00 p.m.; and

**WHEREAS**, Elections Code section 10220 allows more flexibility for nomination paperwork to be filed “during normal office hours, as posted;” and

**WHEREAS**, it may be appropriate for the City Clerk to extend their normal office hours on the final day for filing as a candidate in a City Election in order to ensure that all candidate paperwork can be processed in a timely manner; and

**WHEREAS**, Elections Code section 10225 provides for an extension of the nomination period where an incumbent that is eligible to run for reelection does not file to run for their position; and

**WHEREAS**, the City wishes to confirm that this extension is also applicable to City Elections; and

**WHEREAS**, the City Clerk has requested that candidates return nomination materials in person and the Oakland Municipal Code contains outdated language that is inconsistent with the City Clerk’s current practice; and

**WHEREAS**, sponsors have previously only been required to be residents of the City and the County Registrar of Voters does not provide such verification if sponsors are not otherwise registered voters; and

**WHEREAS**, the City Clerk wishes to preserve the tradition and requirement that candidates obtain sponsors to support their candidacy independent of the nomination signatures requirement; and

**WHEREAS**, adding the requirement that sponsors be registered voters will allow for the County to verify sponsors and creates consistency with the requirement for nomination signatures; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Title 3 *Municipal Elections*, Chapter 3.08 *Elections*, Article II *Elections for Elected Office*, Sections 3.08.040 *Nomination petitions*, and 3.08.080 *Qualifications statement*, of the Oakland Municipal Code are hereby amended to read as follows (additions are shown in underline; deletions are shown as ~~strikethrough~~):

**3.08.040 - Nomination petitions.**

The City Clerk shall prepare and issue nomination petitions to all candidates for municipal office. Nomination petitions shall be obtained from and issued by the City Clerk or his or her authorized representative.

The period for the filing of nomination documents by candidates in municipal elections consolidated with the regularly scheduled state elections shall commence on the one hundred thirteenth day prior to the election. The nomination document for municipal elections consolidated with regularly scheduled state elections shall be filed in the Office of the City Clerk ~~not later than five p.m.~~ on the eighty-eighth day prior to the election during normal office hours.

Notwithstanding the above, if nomination papers for an incumbent officer of the city are not properly filed by or on the eighty-eighth day before the election, the voters shall have until the eighty-third day before the election during normal office hours to nominate candidates other than the person who was the incumbent on the 88th day, for that incumbent’s elective office. This extension is not applicable where the incumbent is not eligible for the upcoming election.

The City Clerk may, in their discretion, extend normal office hours for the final day of filing. Such hours shall be announced by posting on the City Clerk's website no later than twenty-four hours in advance of the deadline for filing.

The City Clerk shall issue forty (40) nomination petitions to each candidate containing adequate space for five signatures per page, for a total of two hundred (200) signatures and no additional nomination petitions will be issued to any candidate(s). The City Clerk shall accept up to forty (40) nomination petitions from each candidate for verification. Nomination petitions ~~shall~~ may be issued to ~~and returned by~~ the candidate(s) ~~only~~, in person, or ~~by~~ to an authorized representative in possession of a written request of authorization to receive ~~or return~~ the nomination petitions, signed and dated by the candidate(s). Nomination petitions may only be returned by the candidate(s), in person, and must be signed and dated by the candidate(s).

For district offices, nomination petitions shall bear the signatures of not less than fifty (50) nor more than one hundred (100) registered voters of the city who are residents of the district of the office for which the candidate seeks nomination.

For city-wide offices, nomination petitions shall bear the signatures of not less than fifty (50) nor more than one hundred (100) registered voters who are residents of the city.

Candidates must file original nomination petitions issued by the City Clerk, no copies will be accepted by the City Clerk.

### **3.08.080 - Qualifications statement.**

At the time his or her nomination petitions are filed, every candidate shall file with the City Clerk a verified statement of his or her qualifications on a form provided by the City Clerk, setting forth her or his name, the office for which he or she is a candidate, his or her place of residency for the past five years, his or her occupation for the past five years, public offices he or she has held, if any, and a brief description not to exceed one hundred fifty (150) words describing his or her qualifications for the office, including, for example, education and experience. The City Clerk shall reject any statement which includes any of the matters prohibited by general law or which contains any reference whatsoever to any partisan political party or organization including membership or activity therein, or endorsement thereby. Such statement shall also contain the signatures and addresses of not less than ten nor more than twenty (20) registered voters that are residents of the city sponsoring such candidate, who need not have signed such candidate's nomination petition. Such candidate may also file with his or her qualifications statement a true and accurate portrait photograph of such candidate taken within two years prior thereto and suitable for newsprint. The photograph must be at least four by six inches in size. A copy of such qualifications statement and a reproduction of the photograph, if furnished, shall be mailed by the City Clerk to each qualified elector with the sample ballot for said election. The qualifications statement mailed by the City Clerk with the sample ballot shall be printed and distributed without

the inclusion of the addresses of the candidate and his or her sponsors. No qualifications statement shall be filed by candidates at a second or general municipal election following the nominating municipal election or shall any qualifications statement or photograph be distributed to the voters by the City Clerk prior to such second election.

**SECTION 2. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance 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 Chapter. The City Council hereby declares that it would have passed this Ordinance 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

**SECTION 3. Effective Date.** This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –  
ABSENT –  
ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

Date of Attestation: \_\_\_\_\_

## NOTICE AND DIGEST

### ORDINANCE AMENDING OAKLAND MUNICIPAL CODE SECTIONS:

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**2) 3.08.080 (QUALIFICATIONS STATEMENT) TO ADD REQUIREMENT THAT SPONSORS ARE REGISTERED VOTERS CONSISTENT WITH REQUIREMENT FOR NOMINATION PETITION SIGNATURES**

This ordinance grants the City Clerk authority to extend their normal office hours on the final day for filing nomination paperwork in order to ensure that all candidate paperwork can be processed. State law provides for an extension of the nomination period where an incumbent that is eligible to run for reelection does not file to run for their position. This ordinance confirms that this extension is also applicable to City Elections. This ordinance also requires candidates to file their nomination paperwork in person and adds the requirement that sponsors be registered voters.