

  
CITY ATTORNEY'S OFFICE

INTRODUCED BY COUNCIL PRESIDENT NIKKI FORTUNATO BAS,  
COUNCILMEMBER REBECCA KAPLAN, AND  
COUNCILMEMBER TREVA REID

# OAKLAND CITY COUNCIL

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

**ORDINANCE ADDING SECTION 3.08.035 TO THE OAKLAND MUNICIPAL CODE TO AUTHORIZE PERSONS AGED 16 AND 17, WHO ARE OTHERWISE ELIGIBLE TO VOTE UNDER STATE LAW, TO VOTE FOR THE OFFICE OF SCHOOL BOARD DIRECTOR**

**WHEREAS**, on November 3, 2020, Oakland voters passed Measure QQ, which amended the City Charter to allow the City Council to pass an ordinance to allow persons aged 16 and 17, who are otherwise eligible to vote under state law, to vote for the Office of School Board Director; and

**WHEREAS**, in June 2021, the City Council passed Resolution No. 88665 C.M.S., which directed the City Administrator to prepare an ordinance for Council adoption to implement voting procedures, to be consistent with the procedures developed with the Registrar; and

**WHEREAS**, in November 2021, the City Council passed Resolution No. 88907 C.M.S., which requested that the Alameda County Registrar of Voters take all steps necessary, including but not limited to updating its DIMS Election Management System, to allow persons aged 16 and 17 to register to vote and participate in ranked choice voting in the elections of Oakland school board directors; and

**WHEREAS**, the City Clerk and Alameda County Registrar have worked collaboratively, along with the City of Berkeley and Berkeley Unified School District, to develop youth voting procedures in Alameda County, including requirements to update the County's Election Management System; and

**WHEREAS**, Alameda County, the City of Oakland, the City of Berkeley, and Berkeley Unified School District will enter into a Memorandum of Understanding ("MOU") for Alameda County to conduct elections on behalf of the cities and school districts; and

**WHEREAS**, the City of Oakland and Oakland Unified School District are separately negotiating the share of election costs in the city of Oakland, including youth voting, and this action will not preclude the final disposition of costs between the City and Oakland Unified School District but will ensure that there are no delays to implement youth voting; and

**WHEREAS**, this Ordinance will authorize persons aged 16 and 17, who are otherwise eligible to vote under California state law, to vote for the office of School Board Director in School Board Elections, but will not authorize persons aged 16 and 17 to be a candidate for School Board Director, or to sign nomination papers or qualification statements for the office of School Board Director; and

**WHEREAS**, this Ordinance will authorize youth voting in future School Board Elections if so authorized in the ordinance, resolution, and/or any other documentation required by law to call the election; and

**WHEREAS**, pre-registration under state law, pursuant to the procedures developed by the California Secretary of State, shall be the exclusive means by which a person aged 16 or 17 may register to vote in School Board Elections;

**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 makes them part of this Ordinance.

**SECTION 2.** The City Council hereby adopts the addition of Section 3.08.035 of the Oakland Municipal Code, as set forth below (chapter and section numbers indicated in **bold type**) as follows:

**Section 3.08.035 – Youth Voting**

**A. Authorization of Youth Voting in School Board Elections**

Persons aged 16 and 17, who are otherwise eligible to vote under California state law, may vote for the office of School Board Director in School Board Elections in a given election if so authorized in the legislation required by law to call the election. Youth Voting shall be conducted and administered in accordance with City Charter Article XI, Section 1103.

Notwithstanding any other provision of the Charter or Oakland Municipal Code, youth voting will only commence once the Alameda County Registrar of Voters has taken all steps necessary and is able to conduct the election on behalf of the City in accordance with the requirements and procedures of state law and this section.

Notwithstanding any other provision of the Charter or Oakland Municipal Code, youth voting will only be permitted in a given election for School Board Directors if so authorized in the ordinance, resolution, and/or any other documentation required by law to call the election and filed with the Alameda County Registrar of Voters on or before 88 days prior to the election, or as otherwise filed as required by law.

## **B. Definitions**

1. “School Board Election” means an election, including recall election, for the office of School Board Director.
2. “School Board Director” means a District School Director of the Oakland Unified School District Board of Education, pursuant to Charter Section 404.
3. “Youth Voter” means a person aged 16 or 17 who has pre-registered to vote and is eligible to vote for the office of School Board Director in School Board Elections.

## **C. Youth Voting Procedures**

1. Registration. Pre-registration under state law, pursuant to the procedures developed by the California Secretary of State, shall be the exclusive means by which a person aged 16 or 17 may register to vote in a School Board Election. Any person aged 16 or 17 who is pre-registered to vote with the California Secretary of State and otherwise eligible to vote for the office of School Board Director under state law will automatically be registered to vote in School Board Elections.
2. Youth Voter Information. Unless otherwise required by state law, the Alameda County Registrar of Voters may release deidentified Youth Voter information for the purposes of candidate campaigns under California Elections Code section 2194.
3. Voting Procedures and Notice. The City may enter into agreements with the County of Alameda and/or other jurisdictions implementing Youth Voting setting forth the terms by which Youth Voting will be implemented, including by specifying the manner, method, or times in which Youth Voting may be conducted and such votes may be cast. The manner, method or time for Youth Voting need not be the same as for other persons voting in City elections. The Alameda County Registrar of Voters shall provide public notice of the procedures for how Youth Voters may vote in the School Board Election.

## **D. Limitations**

This Section shall apply only to the ability to cast a ballot in School Board Elections for School Board Directors of the Oakland Unified School District. This section shall not authorize Youth Voters to qualify or be a candidate, including a write-in candidate, for the office of School Board Director, pursuant to the Oakland Charter or Oakland Municipal Code Chapter 3.08. This section shall not authorize Youth Voters to sign nominating petitions or qualifications statements for candidates pursuant to Oakland Municipal Code Chapter 3.08. Nothing in this Section shall alter the definition of “voters” or “qualified elector” as generally used in the Oakland Charter or Oakland Municipal Code.

This Section shall only apply to the extent the Alameda County Registrar of Voters and/or its election management system are able to conduct youth voting elections pursuant to state law and pursuant to required Secretary of State certifications.

**SECTION 3. 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 4. 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 –

3324165v4/MJM

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

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

## **NOTICE AND DIGEST**

### **ORDINANCE ADDING SECTION 3.08.035 TO THE OAKLAND MUNICIPAL CODE TO AUTHORIZE PERSONS AGED 16 AND 17, WHO ARE OTHERWISE ELIGIBLE TO VOTE UNDER STATE LAW, TO VOTE FOR THE OFFICE OF SCHOOL BOARD DIRECTOR**

This Ordinance will add Section 3.08.035 to the Oakland Municipal Code to allow persons aged 16 and 17, who are otherwise eligible to vote for the office of School Board Director under state law, to vote for the office of School Board Director in Oakland Unified School Board Elections. This Ordinance will authorize youth voting in School Director Elections for future elections if so authorized in the ordinance, resolution, and/or any other documentation required by law to call the election. Pre-registration under state law, pursuant to the procedures developed by the California Secretary of State, shall be the exclusive means by which a person aged 16 or 17 may register to vote for School Board Elections. Nothing in this Ordinance shall otherwise alter the definition of “voters” or “qualified elector” as generally used in the Oakland Charter or Oakland Municipal Code.