



MEMO

TO: HONORABLE CITY COUNCIL
Oakland, California

FROM: Asha Reed, City Clerk

DATE: May 23, 2024

Honorable Council President Fortunato Bas and Members of The City Council:

RECOMMENDATION

Ordinance Amending Oakland Municipal Code Sections:

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

BACKGROUND / LEGISLATIVE HISTORY

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. Currently, the Oakland Municipal Code provides that nomination paperwork for City elections must be filed by 5:00 p.m. In some cases, the Office of the City Clerk may need to extend their normal office hours on the final day for filing to ensure that all candidate paperwork can be processed in a timely manner and account for late appointments and/or appointments that take longer than the allotted 30 minutes. State law provides for an extension of the nomination period, and the City wishes to confirm that this extension is also applicable to City Elections.

This amendment will also require candidates to return nomination materials in person. The Oakland Municipal Code contains outdated language that is inconsistent with the processing of documents because of the required oath. Additionally, sponsors have previously only been required to be residents of the City and the Alameda County Registrar of Voters does not provide such verification if sponsors were not otherwise registered voters, this amendment would require sponsors to be registered voters in the same manner in which the nomination petitions are filed. There is no current process outside of the County Registrar to determine whether a sponsor is valid.

FISCAL IMPACT

There is no fiscal impact on the implementation of this ordinance. This affirms the work the Office of the City Clerk in partnership with the Alameda County Registrar of Voters are already doing.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That the City Council Adopt an 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, 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.



Asha Reed
City Clerk, Office of The City Clerk
and Clerk of the Council