


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

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

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO (1) EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY OF ALAMEDA, CITY OF BERKELEY, AND BERKELEY UNIFIED SCHOOL DISTRICT TO CONDUCT YOUTH VOTING ELECTIONS, AND (2) AMEND THE MOU AND TAKE ALL ACTIONS NECESSARY TO IMPLEMENT YOUTH VOTING

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 16- and 17-year-olds, 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 16- and 17-year-olds to register to vote and participate in ranked choice voting in the elections of Oakland school board directors; and

WHEREAS, in November 2016, Berkeley voters approved Measure Y1 to authorize the Berkeley City Council to pass an ordinance allowing 16- and 17-year-olds to vote in school board elections if certain conditions are met; and

WHEREAS, the City of Oakland, Alameda County Registrar of Voters (“Registrar”), Berkeley Unified School District, and the City of Berkeley have been working collaboratively to develop youth voting procedures in Alameda County, including requirements to update the DIMS Election Management System with its vendor, Runbeck Election Services (“Runbeck”); and

WHEREAS, on May 21, 2024, the Oakland City Council approved Resolution No. 90253 C.M.S. authorizing the reimbursement of costs required for Runbeck’s system updates,

based on Oakland's proportionate share of pre-registered youth voters, in an amount not to exceed \$84,000; and

WHEREAS, the City of Oakland, the City of Berkeley, and Berkeley Unified School District have drafted a Memorandum of Understanding (MOU) with Alameda County to memorialize the reimbursement of those initial Runbeck costs, as well as future costs associated with youth voting elections; and

WHEREAS, the City of Oakland and Oakland Unified School District are separately negotiating the proportionate share of election costs, including youth voting, and this MOU 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, the MOU authorizes the Registrar to conduct youth voting elections in the City of Oakland once the City Council passes an Ordinance authorizing youth voting per Measure QQ, and following confirmation of the capability of the Registrar's youth voting system requirements, which is still ongoing; and

WHEREAS, the City Council will also be required to order that youth voting occur for specific elections, by including youth voting in the legislation calling elections; and

WHEREAS, the current estimate is that youth voting elections will cost approximately \$19-\$21 per pre-registered youth voter, based on the standalone election rates on the Registrar's main election cost website, but the Registrar will charge the jurisdictions the actual amount of conducting the elections; and

WHEREAS, the costs of maintaining youth voting system software and hardware, including future costs incurred by the Registrar, will be shared between the Berkeley Unified School District and the City of Oakland in an amount proportionate to the number of pre-registered youth voters in each jurisdiction; and

WHEREAS, the MOU requires the City of Oakland to indemnify the County for claims and liabilities arising out of the County's performance of the MOU, and there is currently litigation pending against the County related in part to the constitutionality of youth voting in Oakland; now, therefore, be it

RESOLVED: The City Administrator is hereby authorized to negotiate and execute a Memorandum of Understanding (MOU) with the County of Alameda, City of Berkeley, and Berkeley Unified School District regarding youth voting in school director elections, in a final version substantially similar to the draft agreement attached as Exhibit A hereto; and be it

FURTHER RESOLVED: That the City Council takes this direction with the understanding that the City of Oakland and Oakland Unified School District are separately negotiating for the inter-Oakland allocation of school board director costs, including youth voting costs; and be it

FURTHER RESOLVED: That the City Administrator and City Clerk are authorized to take any and all actions necessary to implement youth voting, consistent with the intent of this Resolution, including amendment of the aforementioned MOU.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

3329831v2/MJM

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