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CITY OF BERKELEY

Office of the City Manager

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Calling for a Special Municipal Election for March 7, 2017 to fill the City Council District 4 Vacancy

RECOMMENDATION
1) Adopt a Resolution: a) Calling for a Special Municipal Election to be held in Berkeley on March 7, 2017 to fill the City Council District 4 vacancy; b) Requesting that the Alameda County Board of Supervisors authorize the Registrar of Voters to provide election administration services for the special election; c) Authorizing certain procedural and contractual actions; and d) Establishing policies for the filing of candidate statements of qualification.

2) Adopt a Resolution providing for an all Vote-by-Mail election for the March 7, 2017 special election.

FISCAL IMPACTS OF RECOMMENDATION
The Alameda County Registrar of voters estimates the cost for election services at $7-$9 per registered voter for an all Vote-by-Mail election. This does not include costs related to Ranked-Choice Voting as well as costs for Sample Ballot printing and translation of voting materials into Spanish, Chinese, Tagalog and Vietnamese. There are approximately 9,000 voters in District 4.

Election Services	$81,000
RCV Costs	$40,000
Printing and Translation	$30,000
Berkeley Administrative Costs	$3,000
Return Postage	$4,500
Total	$158,500

CURRENT SITUATION AND ITS EFFECTS
With the election of Councilmember Arreguin to the Office of Mayor, a vacancy was created in the office of City Councilmember for District 4. The District 4 seat is on the regular rotation to be filled at the 2018 municipal election. According to the City Charter (Article V, Section 12) if there is more than one year remaining on the term of the vacant

seat, the City Council must call a special election to fill the vacancy within 10 days of the occurrence of the vacancy (December 1). Furthermore, the Charter requires that the election to fill the vacancy occur not less than 60 nor more than 90 days from the date the election is called. Calling the election for Tuesday, March 7, 2017 meets the requirements in the Charter.

The March 7, 2017 Special Election will be conducted entirely by mail ballot. The state Elections Code generally provides for all vote-by-mail elections and the City Charter allows for the City of Berkeley to exercise authority over the conduct of municipal elections. The use of vote-by-mail will provide for a smoother election administration process for voters, the City, and the Registrar of Voters. It will also reduce the cost of the election by 40%.

With the compressed timeline enumerated in the City Charter, other election deadlines will be compressed as well. The nomination period for candidates will open on Monday, December 12, 2016 and close on Friday, December 23, 2016. All candidates must pay the filing fee and complete all the paperwork as would be required for a Council candidate in a general election. Candidates may still use signatures-in-lieu to offset the filing fee. The period for signatures-in-lieu is December 12 – December 19. All important dates, including campaign finance reporting are in the calendar in Attachment 1.

BACKGROUND
The City of Berkeley is required under the City's Charter to conduct its general and special municipal elections using Ranked-Choice Voting (RCV). In the March 2017 special election voters will continue to use RCV, thus eliminating the need for any runoff election. The use of RCV does not affect any of the actions stated in the resolution calling the election.

The City Charter, State Elections, and Government Codes require adoption of a resolution requesting consolidation, and authorizing procedural, contractual and organizational actions in connection with the Special Municipal Election to be held on March 7, 2017.

The resolution in Attachment 2: a) calls for a Special Municipal Election to fill the vacancy in the District 4 Council seat; b) requests the Alameda County Board of Supervisors to authorize the Registrar of Voters to provide election administration services for the special election; c) provides authority for the City Clerk to enter into contracts necessary for election supplies and services for the special election; d) makes findings for the use for vote-by-mail; and e) adopts certain administrative policies for the filing of candidate statements.

ENVIRONMENTAL SUSTAINABILITY
There are no identifiable environmental effects or opportunities associated with the subject of this report.

CONTACT PERSON
Mark Numainville, City Clerk, 981-6900

Attachments:
1: Election Calendar for the March 7, 2017 Special Election
2: Resolution Calling the March 7, 2017 Special Municipal Election
3: Resolution Providing for an All Vote-by-Mail Election

March 7, 2017 Election Calendar
Offices to be Elected: City Council District 4

DAYS PRIOR TO ELECTION	DATE	ACTION TAKEN
90	December 7, 2016	Ind. Expenditure Disclosure Enforcement Period Begins ($1000+)
90	December 7, 2016	Late Contribution Disclosure Enforcement Period Begins ($1000+)
89	**December 8, 2016**	**Special Meeting to Adopt Results of General Election, Install Officers, and Call Special Election for March 7 (District 4)**
85 78	December 12, 2016 December 19, 2016	Signature In-Lieu of Filing Fee - Candidates may collect signatures during this period to offset the $150 filing fee. Valid signatures are worth $1 each. Charter Art. III, Sec. 6.5, BMC 2.16.020
85	December 12, 2016	**FILING PERIOD OPENS - CANDIDATE NOMINATION PAPERS**
82	December 15, 2016	Secretary of State to conduct Random Alpha Draw for candidate name order on ballot. EC 13112
74	**December 23, 2016**	**Close of candidate filing period at 5:00 p.m.**
74 63	December 23, 2016 January 3, 2017	Review period for nomination documents - candidate statements, Code of Fair Campaign Practices, and nomination petitions. (Nomination petitions may be viewed only, not copied)
57 14	January 9, 2017 February 21, 2017	Filing Period - Candidate Nomination Papers for Write-in Candidates.
40 21	January 26, 2017 February 14, 2017	Voter Information & Sample Ballot Pamphlet mailing period.
40	January 26, 2017	First Pre-Election Campaign Statement due. Covers 1/1 - 1/21/17
29 0	February 6, 2017 March 7, 2017	Vote-by-Mail Ballot period begins. All voters in District 4 will be sent a ballot in the mail.
16	February 19, 2017	Start of BERA Late Reporting Period - $100-$999 (Form 497s)
15	February 20, 2017	Last Day to Register to Vote. EC §§2102, 2107
12	February 23, 2017	Second Pre-Election Campaign Statement due. Covers 1/22 - 2/18/17
7	February 28, 2017	City Clerk must publish notice of campaign contributions list and make list available as specified. BMC 2.12.065
Election Day	**March 7, 2016**	**Election Day - EC §1000; Charter Art. III, Section 4.**
DAYS AFTER ELECTION	DATE	ACTION TAKEN
28	April 4, 2017	Council to certify election results. EC §9217, 10262, 10263; Charter Art. III
30	April 6, 2017	Last day for County to certify election results to city. EC §15372

RESOLUTION NO.

CALLING FOR A SPECIAL MUNICIPAL ELECTION ON MARCH 7, 2017 TO FILL THE CITY COUNCIL DISTRICT 4 VACANCY

WHEREAS, a Special Municipal Election is required to be held on Tuesday, March 7, 2017, in and for the political subdivision of City of Berkeley, City Council District 4; and

WHEREAS, certain actions are required in connection with said election.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Special Municipal Election to be held in the City of Berkeley in District 4 on March 7, 2017 is hereby called.

BE IT FURTHER RESOLVED as follows:

1. In accordance with the provisions of Section 10002 of the Elections Code of the State of California, the Alameda County Board of Supervisors is requested to permit the county elections official to render specified election services for the City of Berkeley Special Municipal Election to be held March 7, 2017.

2. If any other jurisdiction holds an election on the same date, and with overlapping boundaries, the City of Berkeley requests consolidation of the election pursuant to Elections Section 10403.

3. The Registrar of Voters of Alameda County is requested to perform services in connection with said election at the request of the City Clerk. These services include all necessary services related to signature checking for nomination petitions and signatures-in-lieu of filing fee, official ballot creation, sample ballot and voter information pamphlet preparation, vote-by-mail, voter registration, voting machines, canvass operations, and any and all other services necessary for the conduct of the special election.

4. The City of Berkeley hereby requests that the Registrar of Voters conduct the election for City Council District 4 using ranked choice voting in accordance with the executed Memorandum of Understanding between the City and the Registrar as well as Berkeley Municipal Code Section 2.14.010 et. seq.

5. That the City of Berkeley acknowledges that the election will be held and conducted in the manner prescribed in Elections Code Section 10418, if applicable.

6. The election will be conducted by vote-by-mail only.

7. The City Clerk is hereby directed to cause the posting, publication and printing of all notices or other election materials pursuant to the requirements of the Charter

of the City of Berkeley and the Elections and Government Codes of the State of California.

8. The City Clerk is hereby authorized to enter into any contracts necessary for election consulting services, temporary employment services, printing services, and any such other supplies and services as may be required by the statutes of the State of California and the Charter of the City of Berkeley for the conduct of the March Special Municipal Election.

9. The office to be voted upon at the Special Municipal Election shall be:
    a) One councilmember seat, District 4, term ending November 30, 2018

10. The office of councilmember requires a 50%+1 majority in the ranked choice voting system to be elected.

11. Candidates may file a statement of qualification pursuant to the regulations in the Elections Code, the City Charter, the Municipal Code, and the policies set forth below:

    a. Candidate statements must be filed no later than the last day to file nomination papers.
    b. Candidate statements must be filed at the same time as completed nomination papers are filed.
    c. Statements may not be changed once they are submitted. Statements may be withdrawn until 5:00pm on the next business day after the close for the nomination period.
    d. Statements are confidential until the close of the nomination period. The statements are subject to public review and contest.
    e. There shall be no fee charged by the city for the submission of a candidate statement of qualifications.
    f. Statements shall be submitted in plain text formatting, single paragraph, without any formatting such as underline, bold, italics or all caps.
    g. Candidate statements must be attached to the form provided by the City Clerk when filed.
    h. Statements are limited to 200 words. The Word counting guidelines in Section 9 of the Elections Code shall govern the counting of words.
    i. The candidate statement will be translated into Spanish, Chinese, Vietnamese, and Tagalog pursuant to the requirements of the federal Voting Rights Act.
    j. Signed and completed consent forms are required for each Berkeley resident referenced as an endorser (no less than 5, no more than 20) and for any person mentioned in the text of the statement as an endorser or supporter.
    k. For any discrepancy between the information listed on the hard copy of a candidate statement or candidate statement form and the consent form, the signed consent form will take precedence.

l. The name and title of an endorser will be printed exactly as it is written on the consent form.

m. The total word count for all title(s) of a single endorser shall not exceed 25 words. In the case that there are more than 25 words, the title will be truncated at the 25th word. Words will be counted in accordance with Elections Code Section 9.

n. Any mention of partisan activity or membership is prohibited.

o. Any mention of any opponent or other candidate for the same office is prohibited.

p. A candidate may submit a photograph of himself or herself to be printed with his or her statement. Hard Copy or Electronic photo must be submitted at the same time the candidate statement is filed in order to be included in voter pamphlet.

RESOLUTION NO.

PROVIDING FOR THE USE OF VOTE-BY-MAIL FOR THE SPECIAL MUNICIPAL ELECTION ON MARCH 7, 2017 TO FILL THE CITY COUNCIL DISTRICT 4 VACANCY

WHEREAS, the City Charter of the City of Berkeley provides the right and authority for the City to exercise control over its municipal affairs; and

WHEREAS, the City Charter prescribes certain specific processes and timelines for the conduct of a special election; and

WHEREAS, the processes and timelines for a special election in the City Charter are different and unique from those prescribed for general law cities in the Elections Code.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the special municipal election to fill the vacancy in the office of City Council, District 4 will be held on March 7, 2017.

BE IT FURTHER RESOLVED that the March 7, 2017 special election will be conducted entirely by vote-by-mail for electors in District 4.

BE IT FURTHER RESOLVED that the return postage for vote-by-mail ballots for the special election will be pre-paid and no additional postage will be required by voters.