

TEXT

CHARTER AMENDMENT TO REDUCE THRESHOLD VOTE PERCENTAGE TO DECLARE WINNER FOR MAYOR, AUDITOR, AND COUNCIL RACES TO 40%, DELAY RUNOFF TO THE FEBRUARY AFTER THE NOVEMBER GENERAL MUNICIPAL ELECTION AND PROVIDE THAT THE WINNER IN THE RUNOFF ELECTION ASSUME OFFICE ON MARCH 1, THEREAFTER

The People of the City of Berkeley hereby amend the Charter of the City of Berkeley to read as follows:

Section 1 - Votes to Trigger Runoff

Article V, Section 9, the fourteenth paragraph shall be amended to read as follows:

The candidate receiving the highest number of votes for the offices, respectively, of mayor, auditor, and councilmembers of the City shall be elected to such offices, provided that such candidate receives at least ~~45%~~ 40% of the votes cast for each such office. In the event that no candidate for mayor, auditor, and councilmember for one or more council offices receives at least ~~45%~~ 40% of the votes cast for that office, then there shall be a runoff election between the two candidates receiving the most votes, which runoff election shall be held on the first Tuesday after the first Monday in February of the odd numbered year following ~~four weeks after~~ the initial election. No other issues shall appear on the ballot of any runoff election. The successful candidate in any runoff election shall assume office on March 1, after the election results have been declared by the council.

Section 2 – Declaration of Results

Article III, Section 5(10) shall be amended to read as follows:

(10) Canvass of returns and declaration of results.

The city council shall meet at its usual place of meeting ~~on the first Tuesday~~ as soon as practicable after the election, including any runoff election, to receive the certification of results prepared by the city clerk. The city clerk shall canvass the results of the election in accordance with procedures established in the State of California Elections Code. The persons having the ~~majority~~ number of votes required by this charter for each elective office of the votes given for Mayor, Auditor and for Councilmembers from each Council District, and the persons having the highest number of votes given for each other office, shall be declared elected.

BALLOT TITLE

CHARTER AMENDMENT TO REDUCE THRESHOLD VOTE PERCENTAGE TO DECLARE WINNER FOR MAYOR, AUDITOR, AND COUNCIL RACES TO 40%, DELAY RUNOFF TO THE FEBRUARY AFTER THE NOVEMBER GENERAL MUNICIPAL ELECTION AND PROVIDE THAT THE WINNER IN THE RUNOFF ELECTION ASSUME OFFICE ON MARCH 1 THEREAFTER

Shall the Charter of the City of Berkeley be amended to: require a runoff election for the offices of mayor, auditor, and councilmember only if the leading candidate for such office receives less than 40% of the votes; and delay the runoff to the following February, with the successful candidate assuming office in March?

Financial Implications: Savings, between \$100,000 to \$300,000 if runoff avoided and \$50,000 to \$150,000 if runoff delayed to February.

CITY ATTORNEY’S ANALYSIS

CHARTER AMENDMENT TO REDUCE THRESHOLD VOTE PERCENTAGE TO DECLARE WINNER FOR MAYOR, AUDITOR, AND COUNCIL RACES TO 40%, DELAY THE RUNOFF TO THE FEBRUARY AFTER THE NOVEMBER GENERAL MUNICIPAL ELECTION AND PROVIDE THAT THE WINNER IN THE RUNOFF ELECTION ASSUME OFFICE ON MARCH 1 THEREAFTER

The proposed charter amendment would lower the vote threshold for triggering a runoff election to below 40%. Under current law, a runoff election is required if the candidate with the most votes for the offices of mayor, councilmember or auditor fails to receive at least 45% of the total votes cast for the office. Under the proposed amendment, a runoff election for these offices would only be triggered if the candidate with the most votes for the office fails to receive at least 40% of the votes cast for that office. The proposed charter amendment would make conforming changes to another section of the charter concerning the council’s duty to certify election results. The charter amendment would also delay any runoff election from four weeks immediately after the November general municipal election, to the first Tuesday in February of the next year. The successful candidate in such a runoff would assume office on March 1 after the February runoff election.

Financial Implications: The savings from avoiding a runoff election by lowering the vote threshold to 40% ranges between \$100,000 for a runoff election in a council district, to \$300,000 for a citywide runoff election for mayor or auditor. The cost savings from delaying any runoff election to February ranges between \$50,000 for a council district runoff election to \$150,000 for a citywide runoff election for mayor or auditor.

ARGUMENT IN FAVOR OF MEASURE H

Measure H will prevent an election meltdown, save the City hundreds of thousands of dollars, and bring Berkeley into compliance with State law.

Currently, if no candidate wins more than 45% of the vote in an election for mayor, auditor, or city council, the top two finishers must face each other in a runoff election only 28 days later. Measure H will fix the resulting problems by moving the runoff election to early February and reducing the threshold required to win outright to 40%.

- Measure H prevents an election meltdown. Under the current system, Berkeley must print and mail ballots for a runoff election only a few days after the general election – before final election results are known. In a close race, the City may put the wrong candidates on the runoff ballot or call an election that is not needed. Measure H will prevent this nightmare scenario by providing election officials time to make informed decisions.
- Measure H saves the City money. Under the current system, Berkeley must spend up to \$300,000 on election materials to prepare for a runoff election regardless of whether a runoff is even necessary. By moving the runoff to February and reducing the threshold to win to 40%, Measure H will save taxpayer dollars by eliminating preparations for unnecessary runoff elections and by reducing the total number of runoffs.
- Measure H brings Berkeley into compliance with State election law. With only 28 days between the general election and the runoff, the City is in violation of State requirements for mailing election information to voters. Measure H will fix that problem and provide voters more time to learn about the issues and candidates before casting their ballots.

JOIN A UNANIMOUS CITY COUNCIL IN SUPPORTING MEASURE H

s/TOM BATES, Mayor

s/GORDON WOZNIAK, Councilmember

s/MAXWELL ANDERSON, Chair, Berkeley Rent Stabilization Board

s/DARRYL MOORE, Trustee, Peralta Community College District

s/JANE SCANTLEBURY, Librarian, SEIU 535 Berkeley Chapter

TEXT

CHARTER AMENDMENT ALLOWING CITY COUNCIL TO ESTABLISH A SYSTEM OF INSTANT RUNOFF VOTING UNDER SPECIFIED CONDITIONS

The People of City of Berkeley hereby amend the Charter of the City of Berkeley to read as follows:

Section 1. Article III, Section 5, shall be amended to add subsection (12) to read as follows:

(12) Use of instant runoff voting in lieu of runoff elections

For purposes of this charter “instant runoff voting” shall refer to a voting system which, in a single election, determines the candidate supported by the voters. Notwithstanding any section of this charter to the contrary, upon a determination by the city council of all of the following, that: a) the voting equipment and procedures are technically ready to handle instant runoff voting in municipal elections; b) instant runoff voting will not preclude the City from consolidating its municipal elections with the County; and c) instant runoff elections will not result in additional City election costs, the council may by ordinance establish a system of instant runoff voting for the offices of mayor, city council, and auditor, in any manner permitted by the State of California Elections Code. Once the council institutes a system of instant runoff voting, future elections shall be conducted as instant runoff voting elections, unless the council finds that circumstances have changed such that one or more of the prior council findings required by this section are no longer valid. In such case, the council shall articulate the specific basis therefor in order to suspend an existing system of instant runoff voting. The fourteenth paragraph of Section 9 of Article V relating to the percentage threshold to trigger a runoff election shall have no application to a system of instant runoff voting. The city clerk shall conduct voter and community education to familiarize voters with instant runoff voting.

Section 2

The People find that the passage of a charter amendment on the ballot at the March 2004 election to reduce the threshold for triggering runoff elections and to delay any such election to the February of the year following the general municipal election does not conflict with this amendment.

TITLE

CHARTER AMENDMENT ALLOWING CITY COUNCIL TO ESTABLISH A SYSTEM OF INSTANT RUNOFF VOTING UNDER SPECIFIED CONDITIONS

Shall the Charter of the City of Berkeley be amended to authorize the city council to adopt an instant runoff election system upon finding that acceptable voting systems and equipment make it technically feasible, consolidation of City election with County elections will remain feasible and the City will not incur additional election costs?

Financial Implications: Savings, between \$100,000 to \$300,000 if separate runoff election avoided which may be offset by start up costs for instant runoff voting.

CITY ATTORNEY'S ANALYSIS

CHARTER AMENDMENT ALLOWING CITY COUNCIL TO ESTABLISH A SYSTEM OF INSTANT RUNOFF VOTING UNDER SPECIFIED CONDITIONS

The proposed charter amendment would amend the City Charter to authorize the city council to establish a system of instant runoff voting for the offices of mayor, auditor, and councilmember. In such an instant runoff voting system a single election determines the candidate favored by the voters. Under current law, if the candidate receiving the most votes at the general municipal election in November of even-numbered years fails to receive a required percentage of the votes cast for that office, a subsequent runoff election must be held. (Under the current City Charter, the vote threshold to be declared an outright winner is 45% of the votes cast for the office. That threshold would be lowered to 40% if a different proposed charter amendment that is also on the March 2004 ballot is adopted at the election.) Under this proposed charter amendment, before the council may adopt a system of instant runoff voting it must make three findings: that: 1) voting equipment and procedures are technically capable of handling instant runoff voting; 2) that instant runoff voting will not preclude consolidation of City elections with Alameda County; and 3) that there will be no increase in City election costs as a result of instant runoff voting. Once instant runoff voting is instituted, the council may not suspend it unless the council finds, based upon changed circumstances and articulated bases, that one or more of the findings originally required to establish instant runoff voting are no longer valid. The proposed charter amendment also requires that instant runoff voting must be conducted in accordance with procedures established under the California Elections Code. Finally, the city clerk is required to conduct voter education if a system of instant runoff voting is adopted.

Financial Implications: The savings from avoiding a runoff election ranges between \$100,000 for a runoff election in a council district, to \$300,000 for a citywide runoff election for mayor or auditor. These cost savings may be offset in part by some costs associated with establishing a system of instant runoff voting.

ARGUMENT IN FAVOR OF MEASURE I

STRENGTHEN DEMOCRACY; AVOID COSTLY RUNOFFS: VOTE YES ON MEASURE I TO ALLOW INSTANT RUNOFF VOTING (IRV) WHEN FEASIBLE.

- **IRV STRENGTHENS DEMOCRACY.** It increases the number of citizens who pick the winning candidate. With IRV, you vote in the general election and in the "instant runoff" at the same time. All voters have a chance to participate in selecting the winner. Without IRV, people may have to go back to the polls in the December holiday season. Many don't do it, so turnout is 20-40% lower than in the November general election. This means the winner is selected by fewer people; many people, including working and disabled people, are disenfranchised.
- **IRV SAVES PRECIOUS TAX DOLLARS.** Runoffs are expensive. The City of Berkeley has spent more than \$1,000,000 on runoff elections since 1986 -- money urgently needed in our ailing economy for public safety, public works and youth. IRV also saves city staff time, freeing staff for other useful work.
- **IRV IS CAMPAIGN REFORM.** It shortens campaign time and costs. Runoff elections greatly increase the costs for candidates, discouraging citizens from running for office. A previous mayoral runoff campaign cost the two final candidates an additional \$150,000.
- **IRV IS SIMPLE AND EASY FOR VOTERS.** Voters can rank their first, second and further choices, so no runoff is necessary. Even second graders have used IRV with no problem.
- **THIS MEASURE ENABLES IRV.** IRV will be implemented only when it is technically and legally feasible and financially advantageous to Berkeley.
- **VOTE YES ON INSTANT RUNOFF VOTING—Join the League of Women Voters, Berkeley Common Cause, Californians for Electoral Reform, Sierra Club, Supervisor Keith Carson, School Board President John Selawsky, Mayor Bates and Councilmembers Breland, Maio, Hawley, Spring, Worthington and voters in San Francisco, Oakland, San Leandro and Santa Clara County.**

STRENGTHEN DEMOCRACY! REDUCE THE COST OF ELECTIONS!

More info: <http://www.irv4berkeley.org>.

s/NANCY BICKEL, individually, and on behalf of, President, League of Women Voters of Berkeley, Albany, Emeryville

s/MIRIAM HAWLEY, Councilmember

s/LONI HANCOCK, Assemblywoman

s/HELEN BURKE, Sierra Club

s/DARRYL MOORE, Trustee, Peralta Community College

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE I

VOTE NO ON MEASURE I. Do Not Give City Council a BLANK CHECK To Choose Any Instant Runoff Voting (IRV) System.

- **IRV IS NOT CAMPAIGN REFORM.** The Alameda County Registrar of Voters stated “As an election official with nearly twenty years of experience conducting elections, I can assure you that this type of system would result in very high numbers of disqualified ballots and disenfranchised voters.”
- **IRV IS A STEP BACKWARD.** In the 2000 London mayoral election, of the 581,761 first choice votes for eliminated candidates, only 36% were counted in the second round. If IRV is reform, why were 64% of these second choice votes not counted?
- **IRV IS NOT SIMPLE.** The 2000 Florida fiasco showed that even the “complexity” of a butterfly ballot can be fatal.
- **IRV COSTS MORE.** If IRV was used in the 2004 municipal elections, Berkeley would have to hold a special election at possibly a different date than the general election, at great cost and substantially lower voter turnout.
- **RUNOFFS CAN INCREASE VOTER PARTICIPATION.** In San Francisco’s mayoral elections, more citizens voted in three of the last four runoffs than in the general elections.
- **IRV DOES NOT REQUIRE A MAJORITY.** The 2000 London mayor won with a 45% plurality.
- **VOTE NO ON INSTANT RUNOFF VOTING – Join Senator Don Perata, Vice-Mayor Shirek, Councilmembers Olds and Wozniak, Police Review Commission Chair William White and businesswoman Helen Meyer.**

INSIST THAT ALL VOTES ARE COUNTED! VOTE NO ON MEASURE I!

s/JESSE GABRIEL, ASUC President, 2002 –2003

s/DEAN METZGER, Chair, Transportation Commission/President, Claremont Elmwood Neighborhood Association

s/JANICE THOMAS, President, Panoramic Hill Association

s/SARA MacKUSICK, Chair, Community Environmental Advisory Commission/Vice-Chair, Citizens Budget Review Commission

s/MAUDELLE SHIREK, Vice Mayor

ARGUMENT AGAINST MEASURE I

Voting systems should not be changed without very careful study. The methods used to elect representatives are critical to our democracy. Although our present plurality voting system has many faults, it has one overwhelming advantage. It is simple enough for everyone to understand.

Instant Runoff Voting (IRV) is very complicated and confusing. SPOILED BALLOTS will be more common.

IRV systems are currently NOT LEGAL in California. The California Secretary of State did not allow San Francisco to use IRV in its November 2003 municipal elections.

The Alameda County Registrar of Voters has stated that:

1. He cannot allow Berkeley to consolidate its general municipal election with the statewide election, if it uses an IRV system.
2. Neither current ELECTRONIC VOTING MACHINES nor ABSENTEE BALLOTS can handle both IRV and traditional elections on the same ballot.
3. An election utilizing two methods of voting (traditional and IRV) would result in MASSIVE VOTER CONFUSION.

IRV is MORE EXPENSIVE because Berkeley's municipal election cannot be consolidated with Alameda County.

The recently revealed flaws in electronic voting machines will be magnified with IRV. A paper trail may be impossible with the complicated transfer of votes between candidates.

In most forms of IRV ALL VOTES ARE NOT COUNTED nor IS A MAJORITY REQUIRED TO WIN.

THE SPECIFIC FORM OF IRV SYSTEM IS NOT MENTIONED IN THE BALLOT MEASURE – there are many forms of IRV.

Which one are you voting for? YOU DO NOT KNOW.

Let's wait until we know what works and what we are voting on.

Keep our traditional voting system!

VOTE NO on Instant Runoff Voting!

s/MAUELLE SHIREK, Vice Mayor

s/BETTY OLDS, Councilmember

s/GORDON WOZNIAK, Councilmember

s/WILLIAM WHITE, Chair, Police Review Commission

s/HELEN MEYER, Executive Vice President, Meyer Sound

REBUTTAL TO ARGUMENT AGAINST MEASURE I

- **DON'T BE MISLED BY THE OPPONENTS' ARGUMENTS**—read the measure.
- **INSTANT RUNOFF VOTING IS NOT ILLEGAL IN CALIFORNIA.** The City Attorney analysis shows no legal problems. Approval of IRV voting systems by the Secretary of State is imminent.
- **MEASURE I MAKES SURE IRV WILL BE ADOPTED IN BERKELEY ONLY WHEN IT MEETS ALL LEGAL AND TECHNICAL REQUIREMENTS.** IRV will be implemented only when authorized voting systems can consolidate elections with county and statewide elections. This means costs will not increase.
- **CITIZENS WILL HAVE THE OPPORTUNITY TO STUDY AND DISCUSS THE SPECIFIC IRV SYSTEM THOROUGHLY BEFORE IT'S ADOPTED BY THE CITY COUNCIL.**
- **INSTANT RUNOFF VOTING IS EASY TO UNDERSTAND AND TO DO.** Just mark your first choice, and, if you wish, second and additional choices. Vote for your favorite candidate first, then for one you could live with.
- **ALL VOTES FOR FIRST CHOICES ARE COUNTED**—just like current elections.
- **ALL VOTERS CAN PARTICIPATE IN THE RUNOFF, SO MORE PEOPLE ELECT THE WINNERS.** If there's no immediate majority winner, second and further choices are counted. The winning candidate usually gets more than 50% of the votes in the instant runoff.
- **NO MORE FEARS YOU'LL HELP A CANDIDATE YOU DISLIKE GET ELECTED.** IRV would have made Al Gore president, because Nader voters in Florida would have ranked Gore as their runoff choice.

- **BETTER REPRESENTATION**--Candidates representing your views will have a better chance to win votes—whether neighborhood activists or environmentalists.

- **STRENGTHEN DEMOCRACY! SAVE TAX DOLLARS !**

VOTE YES ON MEASURE I.

s/TOM BATES, Mayor of Berkeley

s/WILLIE HAROLD, Human Welfare and Community Action Commissioner

s/ANURADHA JOSHI, Associated Students of the University of California (ASUC)
External Affairs Vice-President

s/MAX ANDERSON, East Bay League of Conservation Voters, Boardmember

s/NANCY BICKEL, individually, and on behalf of, President of the League of Women
Voters of Berkeley, Albany and Emeryville

TEXT

**CHARTER AMENDMENT REQUIRING NOMINATION OF COUNCILMEMBER
BY REGISTERED VOTERS OF COUNCIL DISTRICT AND IMPOSING FILING
FEE FOR ALL ELECTIVE OFFICES OFFSET BY SIGNATURES OF
REGISTERED CITY VOTERS IN LIEU OF FILING FEE**

The People of the City of Berkeley do hereby amend Article III Section 6-1/2 of the Charter of the City of Berkeley to read as follows:

Section 61/2. Nomination-Filing Fee-Candidate's Statement of Qualifications.

Candidates for council office shall be nominated by registered voters from the council district for which they nominate the council candidate, as further provided in the State of California Elections Code.

At the time of filing his or her nomination papers, each candidate for the office of mayor, councilmember, auditor, rent stabilization board commissioner, and school board director shall pay a filing fee, in the amount of \$150. The filing fee may be offset in whole or in part by the submission of up to 150 signatures of registered voters in the City. Each signature of a registered voter shall offset \$1 of the filing fee. Any such required submission of signatures, in lieu of filing fees, shall be in addition to the signatures otherwise required by the State of California Elections Code to nominate a candidate, but may be of voters registered anywhere in the City.

At the time of filing his or her nomination papers, each candidate for an elective office may file with the city clerk a verified statement showing the name of the candidate, the office for which he or she is a candidate, his or her place of residence, place of birth, present occupation, what public offices he or she has held, whether he or she is a taxpayer in the City of Berkeley, a statement giving information as to his or her experience and qualifications, and a recent photograph, to the end that the electors may be in a position to estimate his or her fitness to fill the office, and the names of not less than five or more than twenty residents of the City of Berkeley, to whom he or she refers. Until otherwise provided by ordinance, such statements shall not exceed two hundred words in length. At the time of filing said statement, each candidate shall also pay to the city clerk a printing fee which, until otherwise provided by ordinance, shall be the sum of \$35.00. The city clerk shall cause said candidates' statements to be printed in some convenient form and shall mail a copy of said statements to each registered voter with the sample ballot, provided that no name to which the candidate refers shall be included in the publication by the clerk unless the written consent of the person named is filed with the city clerk. The provisions of this section are self-executing, but the city council, by ordinance, may more definitely prescribe the form of said candidate's statement. The printing fees so collected by the city clerk shall be paid into the City Treasury, and the expense of printing said candidates' statements shall

be paid from the City Treasury. No refund from printing fees shall be made to candidates, nor shall any extra charge be made, regardless of whether the printing expense is more or less than the amount of the fees received.

TITLE

CHARTER AMENDMENT REQUIRING NOMINATION OF COUNCILMEMBER BY REGISTERED VOTERS OF COUNCIL DISTRICT AND IMPOSING FILING FEE FOR ALL ELECTIVE OFFICES OFFSET BY SIGNATURES OF REGISTERED CITY VOTERS IN LIEU OF FILING FEE

Shall the Charter of the City of Berkeley be amended to require that candidates for council office be nominated by voters registered in the applicable council district and that candidates for the office of mayor, councilmember, auditor, rent stabilization board commissioner and school board director pay a filing fee of \$150 which may be offset, in whole or in part, for each dollar of fee, by submission of the signatures of city registered voters?

Financial Implications: Additional candidate costs, uncertain City cost savings or costs.

CITY ATTORNEY'S ANALYSIS

CHARTER AMENDMENT REQUIRING NOMINATION OF COUNCILMEMBER BY REGISTERED VOTERS OF COUNCIL DISTRICT, AND IMPOSING FILING FEE FOR ALL ELECTIVE OFFICES OFFSET BY SIGNATURES OF REGISTERED CITY VOTERS IN LIEU OF FILING FEE

The proposed charter amendment would require that nomination of candidates for council office under the State of California Elections Code must be by voters registered in the same council district as the district for which they nominate a council candidate. Under current law, the State Elections Code and City Charter have been construed together to permit the nomination of council candidates by registered voters anywhere in the City. The proposed charter amendment would also require candidates for the office of mayor, council, auditor, rent stabilization board commissioner, and school board director to pay a filing fee in the amount of \$150. The filing fee may be offset in whole or in part by the submission of signatures of registered voters, anywhere in the City. Each signature of a registered voter would result in offsetting \$1 of the filing fee. The submission of a total of 150 signatures would result in offsetting the entire \$150 filing fee. A candidate could submit any combination of dollars and signatures of registered voters to achieve the required \$150 fee or 150 signatures. The city clerk's costs in

processing nomination papers will be offset only partially by the fee if it is paid. Under existing law, the amount of fees charged may not exceed City costs.

Financial Implications: There will be additional costs to candidates from paying the filing fee or collecting signatures. The threshold requirement of the payment of a filing fee or the submission of signatures of registered voters may result in costs savings to the extent that they eliminate candidates who file for office but do not actually campaign or otherwise comply with election related campaign disclosure rules. Such fees may partially offset the City's cost of processing candidate nomination papers but may also increase administrative costs, depending on the number of signatures of registered voters submitted in lieu of the filing fee which need to be verified.

ARGUMENT IN FAVOR OF MEASURE J

Measure J is a small, but much-needed, reform of the process by which candidates for office are placed on the ballot.

In past elections candidates have placed their names on the ballot, at the expense of the City, but put forth no effort to campaign, attend public forums, or even file required campaign finance reports. Candidates who are not serious cost the City money and clutter the ballot.

Measure J will make two modest changes to our nomination process – reducing costs and bringing our process in line with most other cities.

Measure J will make the candidate nomination process more representative. Under the current rules, a City Council candidate can get on the ballot with 20 nominating signatures from voters who live anywhere in the City. However, the only people allowed to vote for a City Council candidate are those who live in his or her district. Measure J will close this loophole and require that City Council candidates receive 20 nominating signatures from voters in their own Council district.

Measure J will reduce the number of candidates who have no intention of participating in election activities. The City currently pays all costs associated with placing a candidate on the ballot – including up to \$1,400 for printing a candidate's photo and ballot statement. Many other cities require candidates to pay for some or all of these costs. Measure J will require candidates to pay a modest filing fee (\$150) to cover some of the City's costs. To ensure that no one will be prevented from running for office due to lack of funds, candidates may submit 150 signatures instead of paying the filing fee.

SUPPORT MEASURE J IT'S FAIR, IT'S REPRESENTATIVE, AND IT SAVES MONEY.

s/LONI HANCOCK, Assemblywoman

s/LAURIE CAPITELLI, Realtor/Chair, Zoning Adjustments Board

s/GORDON WOZNIAK, Councilmember

s/TOM BATES, Mayor

s/JOHN SELAWSKY, President, Berkeley Board of Education

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE J

Measure J is an unnecessary response to a non-existing problem. The number of candidates running in City elections is well within reason. It is rare for more than four candidates to run for any office. On several occasions incumbents have run unchallenged. It takes over 10,000 voter signatures to put a Charter Amendment on the ballot. In this case it took eight votes by sitting councilmembers, hardly surprising, considering that Measure J makes it more difficult to use electoral campaigns to criticize their performance. As a practical matter, ensuring enough valid signatures requires gathering substantially more than 150 signatures, and this must be accomplished in a brief period. A working person who has family responsibilities in the evening and chooses to gather signatures on weekends would have even less time. Since candidates backed by either of the City's two political clubs will have support networks to gather their signatures this burden unfairly targets political outsiders. That's no accident - incumbency protection and keeping power in the hands of the City's political establishment is what this measure is all about. This measure is discriminatory. It will be more burdensome for the disabled. Candidates who can't afford \$150.00 or who have new ideas will have to work harder just to get their name on the ballot. At a time when democracy is facing threats from Washington, we here in Berkeley should defend democracy and support open access to the ballot.

s/KRISS WORTHINGTON, Councilmember

s/DIANE WOOLLEY, former Councilmember

s/STEPHANIE MANNING, Publisher, Shellmound News/Co-founder, Berkeley Historical Society/Treasurer, Berkeley Architectural Heritage Association

s/DEAN METZGER, Chair, Transportation Commission

s/ELLIOT COHEN, Commissioner, Peace and Justice Commission

ARGUMENT AGAINST MEASURE J

This Charter Amendment will deprive us of the opportunity to choose the people we want for City Council by requiring a candidate to collect 150 signatures of registered voters before they could run. This will discourage potential candidates and make it more difficult to challenge incumbents. Any benefit it might have is miniscule compared to the value of having choices. Winning against an incumbent is extremely rare, but the ability to campaign against sitting incumbents allows a candidate to call attention to issues at forums that are not usually available, such as invitations to debate and appear before various groups and political clubs where candidates vie for endorsements. Because politicians value the opinion of these groups this factor alone has sometimes forced incumbents to address important issues. By requiring 150 signatures or \$150.00 to run for office this Charter Amendment will prevent potential candidates from participating in the debate and endorsement process. All of Berkeley is worse off if people are deterred from using electoral campaigns to promote solutions or call attention to unresolved problems. Burdening people who may have valid ideas and critiques with a requirement they collect 150 signatures before they could have access to forums where those ideas will have the most impact will limit an important First Amendment right and is undemocratic. There is no good reason to amend the City Charter in a manner that will prevent otherwise qualified people from running for office. I urge you to vote against this measure.

s/ELLIOT COHEN, Commissioner, Peace and Justice Commission

s/MARIE BOWMAN, individually, and on behalf of, President, Council of
Neighborhood Associations (CNA)

s/BUDD DICKINSON, former candidate for City Council, District 1

s/HALI HAMMER, Musician

s/CHARLIE BETCHER, Vice-Chair, Commissions on Aging and Disability

REBUTTAL TO ARGUMENT AGAINST MEASURE J

MEASURE J WILL HELP PROVIDE VOTERS WITH CLEAR CHOICES AND SAVE TAXPAYER DOLLARS.

Measure J will not deprive any serious candidate of the ability to run for office. Any person who is serious about serving as an elected official and representing over 100,000 Berkeley residents should be able to pay a \$150 filing fee or collect 150 signatures.

Oakland requires a \$300 filing fee. San Francisco requires filing fees of as much as \$2000. Almost every city in Alameda County requires that candidates pay for their pro-rata share of the cost of printing their statement in the ballot pamphlet.

For years, Berkeley has permitted a person to get on the ballot and have their statement printed – all completely at taxpayer expense – with only 20 signatures. The \$150 filing fee stipulated in Measure J is a fair and responsible change to our process. With the option of collecting in lieu signatures, no one will be unable to participate for lack of funds.

In every recent election, some people have placed their names on the ballot but done nothing else. The result: Voters get a confusing list of candidates – some serious and some not. City staff spends time and money tracking down these candidates when they fail to file required paperwork. Taxpayers foot the bill for the whole thing.

Join Mayor Tom Bates, Vice Mayor Maudelle Shirek, City Councilmembers Betty Olds, Linda Maio, Gordon Wozniak, Dona Spring, Miriam Hawley, and Margaret Breland in supporting Measure J.

s/LONI HANCOCK, Assemblywoman

s/JANE SCANTLEBURY, Librarian, SEIU 535, Berkeley Chapter

s/JAMES BRYANT, Vice President External Affairs, ASUC '02-'03

s/ JOHN SELAWSKY, President, Berkeley Board of Education

s/ LAURIE CAPITELLI, Realtor/Chair, Zoning Adjustments Board