

ORDINANCE NO. 7,928-N.S.

ADDING BERKELEY MUNICIPAL CODE CHAPTER 2.15 ELECTIONS – YOUTH VOTING

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 2.15 is hereby added:

2.15.010 Definitions.

2.15.020 Findings.

2.15.030 Authorization.

2.15.040 Cost and Terms of Implementation.

2.15.050 Election Procedures if Youth Voting is Not Used.

2.15.060 Severability.

2.15.010 Definitions.

“Youth Voting” means voting for the office of School Director by persons aged 16 or 17 years old who would otherwise be eligible to be voters under the California Elections Code.

“Youth Voter” means a person aged 16 or 17 who is registered to vote for the office of School Director.

2.15.020 Findings.

In 2016, Berkeley voters adopted Measure Y1, which amended the City Charter to enable the City Council to adopt an ordinance providing for voting for the office of School Director by persons ages 16 and 17 years old who otherwise meet the requirements for voting in California.

2.15.030 Authorization.

The City Council hereby authorizes the use of Youth Voting for the office of Berkeley School Director. Youth Voting shall be conducted and administered in accordance with City Charter Article III, Section 5.

2.15.040 Cost and Terms of Implementation.

A. In no event shall the City pay any of the direct or indirect costs for Youth Voting, nor shall City funds be used to replace or reimburse funds used for such purposes by any public agency or private entity.

B. 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.

C. The procedures developed by the California Secretary of State for pre-registration under state law shall be the exclusive means by which a person aged 16 or 17 may register to vote for Berkeley School Director. Any person aged 16 or 17 who is pre-registered to vote with the California Secretary of State and a resident of Berkeley will automatically be registered to vote for the office of Berkeley School Director.

D. Notwithstanding any other provision of the Charter or Berkeley Municipal Code, youth voting will only be permitted in a given election for Berkeley School Director if so authorized via a resolution passed by the City Council 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. No such authorization shall be provided in a particular election if the Berkeley Unified School District Board of Education passes a resolution specifying that Youth Voting shall not be permitted in a given election.

E. Unless otherwise required by state or federal law, the Alameda County Registrar of Voters, in fulfilling a request from the City for election services consistent with the provisions of this chapter, may choose to release only deidentified Youth Voter information for the purposes of candidate campaigns under California Elections Code section 2194.

F. This Chapter shall apply only to the ability to cast a ballot in elections for Berkeley School Director. This chapter shall not authorize Youth Voters to qualify or be a candidate, including a write-in candidate, for the office of Berkeley School Director, pursuant to Article V, Section 10 of the Berkeley City Charter. This section shall not authorize Youth Voters to sign nominating petitions or qualifications statements for candidates pursuant to Article III, Section 6.1 of the Berkeley City Charter. Nothing in this Chapter shall alter the definition of “voters” or “qualified elector” as generally used in the Berkeley Charter or Berkeley Municipal Code.

G. A request for election services submitted to the Alameda County Registrar of Voters for the purposes of implementing this chapter may request that the Registrar provide public notice of the procedures for how Youth Voters may vote in elections for Berkeley School Director.

2.15.050 Election Procedures if Youth Voting is Not Used.

In the event that Youth Voting is not implemented or is suspended at any time, for any reason, including but not limited to administrative, technical, or financial infeasibility, the voting and election for School Director shall be conducted in accordance with standard election procedures as prescribed in the City Charter, Municipal Code, and state law.

2.15.060 Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance, or any application thereof in any circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void,

unconstitutional or invalid, shall remain in full force and effect. The Council of the City of Berkeley hereby declare that they would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a special meeting of the Council of the City of Berkeley held on July 9, 2024, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Hahn, Humbert, Kesarwani, Lunaparra, Taplin, Tregub, and Arreguin.

Noes: None.

Absent: Bartlett, Wengraf.

