

**CITY OF ALBANY  
CITY COUNCIL AGENDA  
STAFF REPORT**

Agenda Date: July 15, 2024  
Reviewed by: NA

**SUBJECT:** Charter Amendment – Youth Voting Measure and Repeal of Older Charter Language About Former Elected Officials

**REPORT BY:** Nicole Almaguer, City Manager  
Anne Hsu, City Clerk  
Mala Subramanian, City Attorney

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**SUMMARY**

The City Council directed staff to move forward with the possible placement of a City Charter amendment on the November 5, 2024 General Municipal Election ballot. The Charter amendment would allow 16- and 17-year old Albany qualified electors to vote in municipal and school district elections for both officers and ballot measures.

Further, this Charter amendment would remove outdated language currently located in section 5.03 of the City Charter. The language dates to the 1920's and pertains to elections for City Attorney, City Judge and City Police Chief. These offices have not been elected or within City government for decades. Staff believes now presents an opportunity to make this technical amendment to update the Charter.

Pursuant to State law, November 5, 2024 is the next legal date upon which to vote on the Charter amendment, and the deadline for the City Council to place a Charter amendment on the November 5, 2024 ballot is August 9, 2024.

At this meeting, the Council may take public testimony and deliberate on the issues. The Council is free to propose additions, deletions or other changes to the text of the measure during this meeting.

If the Council wishes to place the Charter amendment measure on the ballot as written, it may adopt the attached resolution with charter amendment language. If it wishes to continue deliberating on the item and/or make further changes, staff recommends that the Council bring the item back at a future public meeting.

**STAFF RECOMMENDATION**

That the Council adopt Resolution No. 2024-64, placing a ballot measure on the November 5, 2024 General Municipal Election for a City Charter amendment allowing 16- and 17-year-old

qualified electors to vote in municipal and school district elections, for both officers and for ballot measures.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

This action relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a “project” within the meaning of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, section 15378(b)(5).

**BACKGROUND/DISCUSSION**

On May 6, 2024, the City Council directed staff to move forward with the possible placement of a City Charter amendment on the November 5, 2024 General Municipal Election ballot. The Charter amendment would reduce the voting age of Albany residents entitled to vote in municipal and school district elections from 18 years of age to 16 years of age. Under this amendment, youth voters would be permitted to vote for municipal and school district officers as well as on municipal and school district ballot measures, just like adult voters. However, this Charter amendment would not permit qualified electors under the age of 18 to be elected as City or School District officers. That would remain limited to qualified electors 18 years of age and older.

Further, this Charter amendment would remove outdated language currently located in section 5.03 of the City Charter. The language pertains to elections for City Attorney, City Judge and City Police Chief. Staff believes that the Council should now take this opportunity to make this technical amendment to update the Charter.

November 5, 2024 is the next legal election date upon which to place Charter amendments on the ballot under California Government Code section 34458(a) and Elections Code section 1415. The deadline for the City Council to place a Charter amendment on the November 5, 2024 ballot is August 9, 2024 (88 days prior to the election).

Tonight serves as a public meeting whereby the Council may take public testimony and deliberate on the issues. The Council is free to propose additions, deletions or other changes to the text of the measure during this meeting.

If the Council wishes to place the Charter amendment measure on the ballot as written, or with minor amendments, it may adopt the attached resolution with Charter amendment language.

At present, it is unknown exactly how much it will cost Alameda County to include youth voters on the ballot and, therefore, it is unknown how much the School District’s exact share will be. Further, the Alameda County Registrar of Voters (ROV) is just now finalizing its ability to extend voting to 16- and 17-year olds. Given these uncertainties, the proposed Charter amendment requires the City Council, for municipal elections, and the Board of Education, for School District elections, to find that providing 16- and 17-year olds the vote will be cost effective and logistically feasible in order for the franchise to be extended to them.

If placed on the ballot and approved by a majority of Albany voters, the Charter amendment would become legally effective.

### **FINANCIAL CONSIDERATIONS**

Alameda County has contracted for developing a software extension necessary for maintaining a voter roll for registered 16- and 17-year-olds to be ready for use in the upcoming election. The cost of the contract is \$113,000 to be reimbursed by the Berkeley and Oakland School Districts. If the Registrar were to subsequently use this software for Albany, it would likely have to reimburse these two districts a share of the cost. If this followed the precedent set in the memorandum of understanding for the cost of the software extension required to implement ranked choice voting, Albany's share would be proportional to the City's share of registered voters across the three participating jurisdictions. In the November 2022 election, Albany's registered voters constituted 3.6% of this total, which equates to a \$4,050 reimbursement relative to the total cost. This cost would be divided between the City and School District for \$2,025 each.

In addition, there would be regular costs to conduct youth voting for City and School District elections. The Registrar has stated the cost would be that for a special election, which is currently listed as \$19-\$21 per registered voter. Below is an estimate of the number of 16- and 17-year-old residents that would register should they become eligible to vote.

In its 2018-2022 5-year American Community Survey (ACS), the U.S. Census Bureau estimated the average number of Albany residents 15 to 19 years old as 1,223±292, or 931 to 1,515 residents (90% confidence level). Presuming an equal number of 15-, 16-, and 17-, and 18-year-old residents each and half as many 19-year-old residents due to the others having left Albany for various reasons, an estimate of the number of 16- and 17-year-old residents together is 544±130, or 414 to 674 residents.

The Citizen Voting Age Population Special Tabulation from the 2018-2022 5-year ACS estimated the number of adults in Albany as 15,145±254, or 14,891 to 15,399 residents. There were 12,284 and 11,832 registered voters in Albany as of the 2020 and 2022 general elections, respectively. Taking the average relative to the ACS's best estimate of the number of adults, 80% were registered. If 16- and 17-year-old residents register at this same rate, even though only eligible to vote in local elections, there would be 435±104, or 331 to 539 residents, new voters.

Combining the estimated range of 16- and 17-year-old registered voters with the range of costs per registered voter for conducting the election gives a cost range of \$6,290 to \$11,320 with a best estimate of \$8,700. If both the City and School District lowered the voting age to 16 years old, this cost would be split between them. While the split depends on the relative number of contests each has on the ballot, accommodating these additional voters would cost each agency approximately \$3,150 to \$5,660 with a best estimate of \$4,350 additional to conduct their elections.

There would be additional costs for outreach and education, which would be split between the agencies. In 2022, the City contracted Democracy Rising to perform these activities at a cost of \$20,000, a bit less than \$2 per registered voter. With more than 12,000 registered voters that election, that effort benefited from economies of scale. Without that, the cost per registered 16- and 17-year-old voter would presumably be higher. Estimating \$5 per voter gives a cost of about \$2,200, which would be \$1,100 split between the agencies.

In total, the estimated cost of the first election would be approximately \$7,500 per agency and subsequent elections \$4,500 to \$5,500 depending upon whether and how much outreach and education is included. On an annual basis, these costs are \$3,750 per agency per year for the first election and \$2,250 to \$2,750 for subsequent years.

**Attachment**

1. Resolution No. 2024-64 Placing Charter Amendment on November 5, 2024 Ballot

**RESOLUTION NO. 2024-64**

**A RESOLUTION OF THE ALBANY CITY COUNCIL SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY A PROPOSED AMENDMENT TO THE CITY CHARTER TO REDUCE THE VOTING AGE OF RESIDENTS ENTITLED TO VOTE IN MUNICIPAL AND SCHOOL DISTRICT ELECTIONS FROM 18 YEARS OF AGE TO 16 YEARS OF AGE AND TO REPEAL OLDER CHARTER LANGUAGE ABOUT FORMER ELECTED OFFICIALS; AT A GENERAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD NOVEMBER 5, 2024; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE PROPOSED CHARTER AMENDMENT AND PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING THE PROPOSED CHARTER AMENDMENT**

**WHEREAS**, pursuant to City Charter section 2.01, the City of Albany (“City”) is governed by a City Council consisting of five (5) members elected at-large by the resident electors registered to vote and living within the City; and

**WHEREAS**, pursuant to City Charter section 6.01, the Albany Unified School District (“District”) is governed by a Board of Education consisting of five (5) members elected at-large by the resident electors registered to vote and living within the City; and

**WHEREAS**, as authorized by applicable State and local law, the City may, from time to time, place local measures on the election ballot for voter approval; and

**WHEREAS**, pursuant to California Elections Code section 321, an “elector” entitled to vote in State and local elections is defined as “a person who is a United States citizen 18 years of age or older and . . . is a resident of an election precinct in this state on or before the day of an election.”; and

**WHEREAS**, California Elections Code section 2000 provides as follows:

*“(a) Every person who qualifies under Section 2 of Article II of the California Constitution and who complies with this code governing the registration of*

1 *electors may vote at any election held within the territory within which he or*  
2 *she resides and the election is held.*

3 *(b) Any person who will be at least 18 years of age at the time of the next*  
4 *election is eligible to register and vote at that election.*

5 *(c) Pursuant to Section 2102, any person who is at least 16 years of age and*  
6 *otherwise meets all eligibility requirements to vote is eligible to preregister to*  
7 *vote, but is not eligible to vote until he or she is 18 years of age.”; and*

8  
9 **WHEREAS**, pursuant to the “home rule” authority granted to charter cities under  
10 California Constitution Article IX, Section 16 and Article XI, Sections 3 and 5, the City of  
11 Albany is authorized to propose a charter amendment to Albany voters in order to expand the  
12 voting franchise in municipal and school district elections to voters under age of 18,  
13 notwithstanding California Elections Code section 321 and any other applicable State statutes;  
14 and

15 **WHEREAS**, pursuant to authority provided by California Constitution, Articles IX  
16 and XI, California Government Code Sections 34450 et. seq. and California Elections Code  
17 sections 1415 and 9255, the City Council of the City of Albany desires to submit to the voters  
18 a proposed amendment to the City Charter which would reduce the minimum required age of  
19 voters in municipal and school district elections from 18 to 16 years of age, as more  
20 specifically set forth therein (the “Charter Amendment” or “Measure”); and

21 **WHEREAS**, the City Council of the City of Albany desires to also submit to the voters  
22 a proposed amendment to the City Charter which would repeal the language of older Section  
23 5.03, about holding elections for former elective officers and their service into the Year 1930,  
24 such as the City Attorney, City Judge and Chief of Police; and  
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1           **WHEREAS**, California Constitution, Article XI, Section 3, requires that any charter  
2 amendment be approved by a majority of City voters voting at an election called for that  
3 purpose; and

4           **WHEREAS**, pursuant to California Government Code Section 34458(a), this  
5 resolution is being adopted at a City Council meeting which is at least eighty-eight (88) days  
6 prior to next established statewide general election pursuant to Section 1200 of the Elections  
7 Code (November 5, 2024); and

8  
9           **WHEREAS**, pursuant to California Elections Code sections 1415 and 9255, the City  
10 Council is authorized by statute to submit the proposed Charter Amendment to the voters at  
11 the General Municipal Election to be held on November 5, 2024; and

12  
13           **WHEREAS**, the City Council desires to consolidate the General Municipal Election  
14 for the Charter Amendment described herein with the Statewide General Election to be held  
15 on November 5, 2024; and

16           **WHEREAS**, the City Council further desires to set deadlines and rules for primary  
17 and rebuttal arguments for and against the Charter Amendment.

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19           **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE**  
20 **CITY OF ALBANY AS FOLLOWS:**

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22           **SECTION 1. Recitals.** The City Council of the City hereby find and determine that  
23 the foregoing recitals are true and correct, are incorporated herein and by this reference made  
24 an operative part hereof.

25  
26           **SECTION 2. Submission of Charter Amendment.** The City Council of the City,  
27 pursuant to its right and authority as contained in California Constitution Article XI, Section  
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1 3, California Government Code, Sections 34450 et. seq., and California Elections Code,  
2 Sections 1415 and 9255, and any other applicable requirements of the laws of the State of  
3 California relating to charter cities, hereby calls and orders to be held a General Municipal  
4 Election in the City of Albany to be consolidated with the Statewide General Election on  
5 Tuesday, November 5, 2024, for the purpose of submitting to a vote of the qualified electors  
6 of the City of Albany the following proposed Charter Amendment:

“Shall the City Charter of Albany be amended to allow Albany residents to vote for local candidates and ballot measures in municipal and school district elections if they are U.S. citizens, at least 16 years old and registered to vote, once the City Council and School Board, respectively, determine that including 16- and 17-year old voters in such elections will be cost-effective and feasible, and to repeal older Charter language about former elected officers?”	<b>YES</b>
	<b>NO</b>

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12 **SECTION 3. Text of Charter Amendment.** The text of the Charter Amendment to  
13 be submitted to the voters is set forth in Exhibit “A attached hereto and incorporated herein by  
14 this reference.

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16 **SECTION 4. Election Procedures.**

- 17  
18 A. Request for Consolidation. Pursuant to the requirements of §10403 of the Elections  
19 Code, the Board of Supervisors of the County of Alameda is hereby requested to  
20 consent and agree to the consolidation of a General Municipal Election with the  
21 Statewide General Election on Tuesday, November 5, 2024, for the purpose of  
22 submitting to the voters the Charter Amendment.
- 23  
24 B. Necessary Steps. The Board of Supervisors is requested to issue instructions to the  
25 Alameda County Registrar of Voters/Elections Official to take any and all steps  
26 necessary for the holding of the consolidated election.  
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1 C. Canvass of Returns. The Alameda County Registrar of Voters/Elections Official  
2 is authorized to canvass the returns and perform all other proceedings incidental to  
3 and connected with the General Municipal Election for the Charter Amendment.  
4 The Election shall be held in all respects as if there were only one election, and  
5 only one form of ballot shall be used. Pursuant to California Elections Code  
6 Sections 10403 and 10418, the election will be held and conducted in accordance  
7 with the provisions of law regulating the Statewide General Election.

8 D. Costs. The City Council determines and declares that the City will pay to the  
9 County the reasonable and actual expenses incurred by the County by the  
10 consolidation of the General Municipal Election with the Statewide General  
11 Election. The City shall reimburse the County for services performed when the  
12 work is completed and upon presentation to the City of a properly approved bill.

13 E. Form of Ballot. The ballots to be used at the election shall be in the form and  
14 content as required by law.

15  
16 F. City Clerk Authorized to Coordinate with the County. The City Clerk is  
17 authorized, instructed and directed, in coordination with the Alameda County  
18 Registrar of Voters/Elections Official, to procure and furnish any and all official  
19 ballots, notices, printed matter and all supplies, equipment and paraphernalia that  
20 may be necessary in order to properly and lawfully conduct the election.

21  
22 G. Opening and Operation of Polls, Vote Centers, Etc. The polls, vote centers and/or  
23 vote-by-mail drop-off boxes shall be open and the procedures for submitting votes-  
24 by-mail or votes at polls and vote centers shall be in accordance with those times  
25 and procedures established by the County of Alameda, except as otherwise  
26 provided in the Elections Code of the State of California.  
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1 H. Election to Follow Applicable Law. In all particulars not recited in this Resolution,  
2 the election shall be held and conducted as provided by law for holding municipal  
3 elections in the City.

4 I. Notice of Election. Notice of the time and place of holding the election is given  
5 and the City Clerk is authorized, instructed and directed to give further or additional  
6 notice of the election, in time, form, and manner as required by law.

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8 J. Tallying of Ballots. All ballots shall be tallied at a central counting place and not  
9 at the precincts. Said central counting place shall be at a County center as  
10 designated by the Registrar of Voters.

11  
12 K. Receipt of Election Results. The City Clerk of the City of Albany shall receive the  
13 canvass as it pertains to the election on the Charter Amendment measure, and shall  
14 certify the results to the City Council, as required by law.

15 **SECTION 5. Direct Arguments and City Attorney's Analysis.**

16  
17 A. The City Council authorizes (i) the City Council or any member(s) of the City  
18 Council, (ii) any individual voter eligible to vote on the above Charter Amendment,  
19 (iii) a bona fide association of such citizens or (iv) any combination of voters and  
20 associations, to file a written argument in favor of or against the Charter  
21 Amendment, in accordance with Article 4, Chapter 3, Division 9 of the Elections  
22 Code of the State of California and may change the argument according to the  
23 deadlines set by the Alameda County for submittal of primary arguments for or  
24 against the measure after which no arguments for or against the Charter  
25 Amendment may be submitted to the City Clerk. Arguments in favor of or against  
26 the Charter Amendment shall each not exceed 300 words in length. Each argument  
27 shall be filed with the City Clerk, signed, and include the printed name(s) and  
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1 signature(s) of the author(s) submitting it, or if submitted on behalf of an  
2 organization, the name of the organization, and the printed name and signature of  
3 at least one of its principal officers who is the author of the argument.

4 B. The City Clerk shall comply with all provisions of law establishing priority of  
5 arguments for printing and distribution to the voters, and shall take all necessary  
6 actions to cause the selected arguments to be printed and distributed to the voters.

7  
8 C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City  
9 Clerk to transmit a copy of the Charter Amendment to the City Attorney. The City  
10 Attorney shall prepare an impartial analysis of the Charter Amendment, not to  
11 exceed 500 words in length, showing the effect of the Charter Amendment on the  
12 existing law and the operation of the Charter Amendment. The City Attorney shall  
13 transmit such impartial analysis to the City Clerk, who shall cause the analysis to  
14 be published in the voter information guide along with the Charter Amendment as  
15 provided by law. The impartial analysis shall be filed by the deadline set for filing  
16 of primary arguments as set forth in subsection (A) above. The impartial analysis  
17 shall include a statement indicating whether the Charter Amendment was placed  
18 on the ballot by a petition signed by the requisite number of voters or by the City  
19 Council. In the event the entire text of the Charter Amendment is not printed on  
20 the ballot, nor in the voter information portion of the sample ballot, there shall be  
21 printed immediately below the Impartial Analysis, in no less than 10-font bold type,  
22 the following: **“The above statement is an Impartial Analysis of Charter  
23 Amendment/Measure \_\_\_\_\_. If you desire a copy of the Charter  
24 Amendment/Measure, please call the City Clerk’s Office at (510) 528-5710  
25 and a copy will be mailed at no cost to you.”**

26 D. The provisions herein shall apply only to the election to be held on November 5,  
27 2024.  
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EXHIBIT "A"

CHARTER AMENDMENT/MEASURE "\_\_\_"

<p>“Shall the City Charter of Albany be amended to allow Albany residents to vote for local candidates and ballot measures in municipal and school district elections if they are U.S. citizens, at least 16 years old and registered to vote, once the City Council and School Board, respectively, determine that including 16- and 17-year old voters in such elections will be cost-effective and feasible, and to repeal older Charter language about former elected officers?”</p>	<p><b>YES</b></p>
	<p><b>NO</b></p>

THE PEOPLE OF THE CITY OF ALBANY DO HEREBY AMEND THE ALBANY CITY CHARTER AS FOLLOWS:

**SECTION 1. Text of Charter Amendment.** Subject to the approval of a majority of the voters of the City of Albany at the scheduled election so designated by City Council resolution placing the proposal on the ballot for such election, the Albany City Charter is hereby amended to read as follows:

[deletions are shown in ~~strikeout~~ and additions are shown in **bold underline**]

**CHAPTER V: ELECTIONS**

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**~~Section 5.03. PROVIDING FOR ELECTION OF OFFICERS MADE ELECTIVE BY THIS CHARTER.~~**

~~Within thirty (30) days after this Charter takes effect, the City Council shall call an election, to be held within thirty (30) days thereafter, for the election of a City Attorney, a City Judge, and a Chief of Police who shall hold office until the third Monday in April, 1930, and until their successors are elected or appointed and qualify.~~

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**VOTING AGE IN CITY ELECTIONS**

**(a) Notwithstanding anything to the contrary in the State Elections Code or other State or local law, persons 16 years old and above, who otherwise meet all qualifications for voter registration under State law other than those provisions that address age, and who are duly registered to vote with the Alameda County Registrar of Voters, may vote in City of Albany elections for elected officials and ballot measures. Implementation of this Section shall be postponed until the City Council, by ordinance or resolution, finds that the Alameda County Registrar of Voters can feasibly accommodate a City election that includes persons 16 and 17 years old as electors at a cost-effective price for the service. Once the City Council makes such finding, this Section shall be implemented at the next scheduled general or special municipal election and all municipal elections held thereafter shall include electors 16 years old and above as provided in this Section.**

**(b) This Section only authorizes qualifying persons 16 years old and above to vote in municipal elections. Nothing in this Section shall authorize persons under the age of 18 years old at the time of election to be elected to office as a member of the City Council.**

**CHAPTER VI: BOARD OF EDUCATION**

.....

**Section 6.04. VOTING AGE IN SCHOOL DISTRICT ELECTIONS**

**(a) Notwithstanding anything to the contrary in the State Elections Code or other State or local law, persons 16 years old and above, who otherwise meet all qualifications for voter registration under State law other than those provisions that address age, and who are duly registered to vote with the Alameda County Registrar of Voters, may vote in Albany Unified School District elections for elected officials and**

1 **ballot measures. Implementation of this Section shall be postponed until the Board of**  
2 **Education, by ordinance or resolution, finds that the Alameda County Registrar of**  
3 **Voters can feasibly accommodate a School District election that includes persons 16 and**  
4 **17 years old as electors at a cost-effective price for the service. Once the Board of**  
5 **Education makes such finding, this Section shall be implemented at the next scheduled**  
6 **general or special district election and all district elections held thereafter shall include**  
7 **electors 16 years old and above as provided in this Section.**

8 **(b) This Section only authorizes qualifying persons 16 years old and above to**  
9 **vote in school district elections. Nothing in this Section shall authorize persons under**  
10 **the age of 18 years old at the time of election to be elected to office as a member of the**  
11 **Board of Education.”**

12 **SECTION 2. Approval, Filing and Recordation of Charter Amendment.**

13 Pursuant to California Government Code Section 34460, if approved by a majority of voters,  
14 the Mayor and City Clerk shall certify, authenticate and attest to the passage of this Charter  
15 Amendment. The City Clerk shall also (i) record one copy of this Charter Amendment with  
16 the Alameda County Recorder’s Office, (ii) file one copy in the City’s archives and (iii) file  
17 one copy with the California Secretary of State. Each copy recorded with the County Recorder  
18 and filed in the City’s archives shall also be filed with the following documents:

19  
20 A. Certified copies of all publications and notices required of the City by  
21 State law in connection with the calling of an election to propose the Charter  
22 Amendment.

23 B. Certified copies of any arguments for or against the Charter  
24 Amendment that were mailed to voters pursuant to California Elections Code Sections  
25 9281 et. seq.  
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1 C. A certified abstract of the vote at the election at which the Charter  
2 Amendment was approved by the voters.

3 **SECTION 3. Ratification and Effective Date.** Pursuant to California Government  
4 Code Section 34459, this Charter Amendment shall be deemed ratified if approved by a  
5 majority of the eligible voters of the City of Albany voting at the General Municipal Election  
6 of November 5, 2024. However, this Charter Amendment shall not take effect until it has been  
7 accepted and filed by the Secretary of State pursuant to Government Code Section 34460.  
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9 **SECTION 4. Severability.** If any provision of this Charter Amendment or the  
10 application thereof to any person or circumstance is held invalid, the remainder of the Charter  
11 Amendment and the application of such provision to other persons or circumstances shall not  
12 be affected thereby.

13 I hereby certify that the foregoing Charter Amendment was PASSED, APPROVED  
14 AND ADOPTED by the People of the City of Albany at the November 5, 2024 General  
15 Municipal Election.  
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19 \_\_\_\_\_  
JOHN MIKI, MAYOR

20 Attest:

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23 \_\_\_\_\_  
Anne Hsu, City Clerk  
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