

RESOLUTION NO. 2024-64

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**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  
22 **WHEREAS**, the City Council of the City of Albany desires to also submit to the voters  
23 a proposed amendment to the City Charter which would repeal the language of older Section  
24 5.03, about holding elections for former elective officers and their service into the Year 1930,  
25 such as the City Attorney, City Judge and Chief of Police; and

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:**

21  
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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3, California Government Code, Sections 34450 et. seq., and California Elections Code, Sections 1415 and 9255, and any other applicable requirements of the laws of the State of California relating to charter cities, hereby calls and orders to be held a General Municipal Election in the City of Albany to be consolidated with the Statewide General Election on Tuesday, November 5, 2024, for the purpose of submitting to a vote of the qualified electors of the City of Albany the following proposed Charter Amendment:

|  |                   |
|--|-------------------|
| <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>  |

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

**SECTION 4. Election Procedures.**

- A. Request for Consolidation. Pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of Alameda is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 5, 2024, for the purpose of submitting to the voters the Charter Amendment.
- B. Necessary Steps. The Board of Supervisors is requested to issue instructions to the Alameda County Registrar of Voters/Elections Official to take any and all steps necessary for the holding of the consolidated election.

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.

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.

7  
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.**

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17 A. The City Council authorizes (i) less than a quorum of 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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**SECTION 6. Rebuttals.**

- A. That pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the Charter Amendment which will be printed and distributed to the voters, the Clerk shall send copies of the argument in favor of the Charter Amendment to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than the deadline as set by the Alameda County for submittal of rebuttal arguments for or against the measure. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.
  
- B. The provisions herein shall apply only to the election to be held on November 5, 2024.

**SECTION 7. Placement on the Ballot.** The full text of the Charter Amendment shall be printed in the voter information guide. And pursuant to Section 9223 of the Elections Code, voters may obtain a copy of this Charter Amendment/Measure, at no cost, upon request made to the City Clerk.

**SECTION 8. Delivery of Resolution to County.** The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The City Council directs the City Clerk to deliver copies of this Resolution, including the Charter Amendment attached hereto as Exhibit "A", to the Clerk of the Board of Supervisors of Alameda County and to the Registrar of Voters/Elections Official of Alameda County.



1                   **SECTION 9. Public Examination.** Pursuant to Elections Code section 9295, this  
2 Measure will be available for public examination for no fewer than ten (10) calendar days prior  
3 to being submitted for printing in the voter information guide. The City Clerk shall post notice  
4 in the Clerk’s office of the specific dates that the examination period will run.

5                   **SECTION 10. CEQA.** The City Council hereby finds and determines that this  
6 Resolution and the Charter Amendment relates to organizational or administrative activities  
7 of governments that will not result in direct or indirect physical changes in the environment,  
8 and therefore is not a “project” within the meaning of the California Environmental Quality  
9 Act (“CEQA”) and the State CEQA Guidelines, section 15378(b)(5).

10                   **SECTION 11. Severability.** If any provision of this Resolution or the application  
11 thereof to any person or circumstance is held invalid, such invalidity shall not affect other  
12 provisions or applications of the Resolution which can be given effect without the invalid  
13 provision or application, and to this end the provisions of this Resolution are severable. The  
14 City Council hereby declares that it would have adopted this Resolution irrespective of the  
15 invalidity of any particular portion thereof.

16                   **SECTION 12. Effective Date of Resolution.** This Resolution shall take effect  
17 immediately upon its adoption.  
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19                   **APPROVED and ADOPTED** by the City Council of the City of Albany at a  
20 regular meeting this 15<sup>th</sup> day of July, 2024.  
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24                     
25                   \_\_\_\_\_  
26                   JOHN MIKI, MAYOR  
27  
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# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • [www.albanyca.org](http://www.albanyca.org)

## RESOLUTION NO. 2024-64

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 15th day of July, 2024, by the following votes:

AYES: Council Members Jordan, López, and Tiedemann and Mayor Miki

NOES: Council Member Hansen-Romero

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

16th day of July, 2024.

Anne Hsu  
CITY CLERK

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>YES</p> |
|  | <p>NO</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**

....

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

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

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.

8  
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  
14 I hereby certify that the foregoing Charter Amendment was PASSED, APPROVED  
15 AND ADOPTED by the People of the City of Albany at the November 5, 2024 General  
16 Municipal Election.

17  
18  
19 \_\_\_\_\_  
20 JOHN MIKI, MAYOR

21 Attest:

22  
23 \_\_\_\_\_  
24 Anne Hsu, City Clerk

25 Approved as to form:

26  
27 \_\_\_\_\_  
28 Malathy Subramanian, City Attorney