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Re: Title and Summary for Proposed Charter and Municipal Code Amendment Initiative Related to Voting for and against Candidates for Elected City Offices

To All Interested Parties:

Attached is the City Attorney's title and summary for a proposed initiative to amend the El Cerrito Charter and Municipal Code to implement voting for and against candidates for elected City offices. In providing this title and summary, the City Attorney makes no representations regarding the merits or legality of the proposed legislation. Additionally, the City Attorney does not verify or confirm any factual or legal assertion made in the proposed legislation. The title and summary is presented as a "true and impartial statement of the purpose of the proposed measure," as required by Elections Code section 9203.

Sincerely,

A handwritten signature in blue ink, appearing to read "S Woodruff".

Sky Woodruff, City Attorney
City of El Cerrito

SW:SW

VOTE FOR OR AGAINST CANDIDATES FOR CITY COUNCIL

Approved by voters in 2018, the Charter of the City of El Cerrito provides that the City follows California law for elections. Currently, the City's only elected officials are the City Council. Under California law, voters are allowed to cast one vote for each City Council office included in an election. The candidates who receive the most votes will be elected, regardless of the number of votes that each candidate receives. For example, if an El Cerrito election includes voting for three City Council offices, and there are five candidates, voters are allowed to vote for three candidates, and the three candidates who receive the most votes will be elected.

The City Council includes five offices. Each member of the City Council serves a four-year term. City Council elections occur in November of even-numbered years. In November 2020, three City Council offices will be voted upon. In November 2022, two City Council offices will be voted upon. The City Council offices voted upon in 2020 will be voted upon again in 2024. The City Council offices voted upon in 2022 will be voted upon again in 2026. And so on. The City Council may cancel an election and appoint candidates if the number of candidates is equal to or less than the number of offices to be voted upon.

Contra Costa County conducts elections for El Cerrito. The County provides the elections materials, equipment, and personnel.

This proposed initiative would amend the Charter and the El Cerrito Municipal Code to allow voters to cast a vote in favor of or against a candidate for each City Council office. To use the previous example, if an El Cerrito election included voting for three City Council offices, and there were five candidates, voters would be allowed to vote for or against three candidates. The initiative would continue to allow voters to write-in a candidate for City Council and would allow a vote for or against a write-in candidate. The votes against a candidate would be deducted from the votes for a candidate to determine the net votes for each candidate. The three candidates who received the highest number of net votes would be elected. A candidate who received net negative votes could not be elected.

The initiative would not go into effect until (1) the California Secretary of State has certified a voting system that is able to tabulate votes for or against a candidate and (2) the County Registrar of Voters agrees that it can conduct an election for the City in which voters can cast votes for or against a candidate. The initiative recognizes that voting against a candidate is not possible with the voting equipment that the County uses for City elections. It is unknown when or if such equipment will be implemented by the County.

The initiative also purports to require the City to retain an attorney to defend the initiative in court, even if the City Council would prefer to require initiative supporters to defend it.