

ASSOCIATION OF BAY AREA GOVERNMENTS

Celebrating 50 Years of Service to the Region



Date: September 18, 2015

To: All Supervisors, Mayors, Councilmembers, Clerks of County Boards of Supervisors, City and Town Clerks, and Other Officers Having Charge of Elections in Member Jurisdictions

From: Fred Castro
Clerk of the Board

Subject: **NOTICE OF ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE ASSOCIATION OF BAY AREA GOVERNMENTS**

The Bylaws of the Association of Bay Area Governments (Association) provide for the election of the President and Vice President every two years. With the concurrence of the Executive Board, and in accordance with election procedures adopted by the Board, notice is hereby given that an election of the President and Vice President will take place in 2015.

The Bylaws provide that the President and Vice President shall be elected by secret ballot of supervisors, mayors and councilmembers of jurisdictions belonging to the Association. Per the Association's Legal Counsel, the secret ballot provisions of the Association's Bylaws for electing a President and a Vice President do not violate the Brown Act because the electors neither constitute a "body" nor fall within the Brown Act's definition of a "legislative body."

Election Calendar

- The offices to be filled are those of the President and Vice President of the Association. The term of office for these positions begins January 1, 2016 and expires December 31, 2017.
- The period for filing nomination petitions with the Executive Director begins upon approval of the election calendar and ends at noon on Friday, October 9, 2015. Nomination petitions must be obtained from the Executive Director of the Association.
- Ballots will be mailed to county and city clerks and others having charge of elections by Friday, October 16, 2015.
- Completed ballots must be filed with the Executive Director no earlier than Monday, October 19, 2015 and no later than 12 noon on Monday, November 2, 2015.
- Opening and counting of ballots will be conducted on Wednesday, November 4, 2015 at ABAG's offices.

Representing City and County Governments of the San Francisco Bay Area

Mailing Address: P.O. Box 2050 Oakland, California 94604-2050 (510) 464-7900 Fax: (510) 464-7985 info@abag.ca.gov
Location: Joseph P. Bort MetroCenter 101 Eighth Street Oakland, California 94607-4756

Notice of Election

September 18, 2015

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- Pursuant to the election rules, if no election is to be conducted because there is only one candidate for each office, a certification of election notice is to be mailed to county and city clerks and others having charge of elections by Tuesday, October 13, 2015.

Please direct any questions to the Clerk of the Board at (510) 464 7913.

Attachment:

Procedures for Election of the President and Vice President

Cc: Ezra Rapport, Executive Director
Brad Paul, Deputy Executive Director
Kenneth Moy, Legal Counsel

ASSOCIATION OF BAY AREA GOVERNMENTS

PROCEDURES FOR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

The Executive Board of the Association has adopted procedures for election of the President and Vice President of the Association. These rules are intended to govern the filing of Nomination Petitions, mailing and filing of Voter Ballots, and the canvassing of Voter Ballots. The following procedures have been adopted to govern elections of the Association and shall be liberally construed.

DEFINITIONS

"Voting Member" – any one of the following officers: Supervisor, Mayor, or City or Town Councilmember. Any action of a Voting Member taken under these Procedures (e.g., signing or circulating a petition or voting) shall be valid if the Voting Member held such office at the time of his or her acting, notwithstanding any subsequent change of status.

"Member Jurisdiction" – any one of the counties, cities or towns which are members of the Association of Bay Area Governments.

"Clerk" – the Clerk of County Board of Supervisors, City or Town Clerk, or other officer having charge of elections in a Member Jurisdiction.

"Voter Ballot" – ballot which will contain the names of the nominees for the offices of President and Vice President.

"Identification Envelope" – envelope which will contain the Voter Ballot as marked by the Voting Member, with the Declaration and Certification printed on its face.

"Return Envelope" – envelope which will contain signed and unsigned Identification Envelopes.

"Executive Director" – the Executive Director of the Association of Bay Area Governments.

"Legal Counsel" – the Legal Counsel of the Association of Bay Area Governments.

NOMINATION

Section 1 – Basic Reference – The regulations, procedures and forms set forth in the California Election Laws shall be utilized as a basic reference unless otherwise in conflict with the Bylaws or Procedures and approved by the Legal Counsel of the Association.

Section 2 – Notice of Election – On or before the first day for filing Nomination Petitions, the Executive Director shall mail to each Voting Member and Clerk, 1) a Notice of Election and 2) a copy of the approved Procedures. The Notice shall contain a statement of:

- a. The offices to be filled and the term;
- b. The first and last day for filing of Nomination Petitions;
- c. The first and last day for the Executive Director to mail to the Clerks the Voter Ballots;
- d. The last day and time for the Executive Director to receive from the Clerk the Return Envelope containing the individuals Identification Envelopes with the enclosed Voter Ballots; and
- e. The date, time and place for counting Voter Ballots.

Section 3 – Nomination Petition – Nomination Petitions for the offices of President and Vice President shall be substantially in the form set forth in the Elections Code and shall include the verified statement of acceptance. Nomination Petition forms shall be furnished only by the Executive Director.

Section 4 – Signature of Voting Members – Not less than fifteen nor more than twenty Voting Members shall sign the Petition. No Voting Member may sign more than one Petition for the same office, and in the event he or she does so, his or her signature shall count only on the first Petition filed which contains his or her signature.

Section 5 – Nomination for Office – Nominations shall close on the last day for filing of Nomination Petitions. If, at the close of nominations, only one candidate has been nominated for the office of President or for the office of Vice President, then such sole nominee is declared hereby to be elected to such office.

Section 6 – Circulation of Petition – Any Voting Member may circulate a Nomination Petition. The circulator must sign a Certificate of Circulator on the Nomination Petition. The signature to each Petition shall be on the same form, and each signer shall add the date of his or her signing, his or her official title, and his or her member county, city or town. Successive signers may not use ditto marks.

Section 7 – Mailing of Ballots – The Executive Director, within the dates prescribed in the Notice of Election, shall mail to each Clerk one Voter Ballot and Identification Envelope for each Voting Member of his or her county, city or town and one Return Envelope to return the documents to the Executive Director.

Section 8 – Voting of Ballots – Upon receipt of the items referred to in Section 7, the Clerk shall arrange to hand the Voter Ballot to each Voting Member.

Each Voting Member shall mark his or her Ballot in the presence of the Clerk but in a manner that the Clerk does not see how it is being marked. Each Voting Member shall place his or her marked Ballot in the Identification Envelope, seal the Identification Envelope, sign the Declaration printed on the face of the Identification Envelope and hand it sealed to the Clerk before whom the Ballot is marked. The Clerk shall complete the Certification on the face of the Identification Envelope.

The Clerk shall deposit the signed Identification Envelopes in a safe place in his or her office, to be kept by him or her until it is necessary to file the signed and unsigned Identification Envelopes with the Executive Director in accordance with the final date and time for such filing prescribed in the Notice of Election.

Section 9 – Filing of Ballots – The Clerk shall place each signed Identification Envelope which contains a Voter Ballot from a Voting Member in the Return Envelope. The Clerk shall mail to the Executive Director the Return Envelope with enclosures, by the final date and time for such filing prescribed in the Notice of Election.

No Voter Ballot shall be accepted for count by the Counting Board unless received within the time specified in the notice of Election and unless the Declaration by the Voting Member and Certification of the Clerk have been completed.

COUNTING AND CANVASSING OF THE VOTER BALLOTS

Section 10 – Custody of Return Envelopes – The Executive Director shall have custody of all Return Envelopes after they are received from the Clerks and until the date and time for counting of Voter Ballots.

Section 11 – Counting of Voter Ballots – The Executive Director shall commence to count the voter ballots on the date, at the time and in the place specified in the Notice of Election. The Executive Director may appoint a Counting Board to assist him in counting the Voter Ballots. No person who is a Voting Member shall be eligible to be appointed to the Counting Board. The Counting Board shall consist of not less than two and not more than four persons. The Executive Director shall determine the form of tally sheets and shall determine necessary and required procedures to assure an accurate counting of the Voter Ballots.

Section 12 – Canvassing Board – A Canvassing Board shall be appointed by the President, subject to Executive Board confirmation, consisting of three persons who shall be voting members other than candidates for President and Vice President. A majority of this Board shall be present at all times during the counting of Voter Ballots and shall pass upon challenges of Voter Ballots, and all questions relating to the signing and certification of Identification Envelopes and the marking of Voter Ballots. The Canvassing Board further shall receive from the Executive Director the Voter Ballot tally results after completion of count by the Executive Director, and shall thereupon post the results and certify the count to the Executive Board.

Section 13 – Public Attendance – The public shall be permitted to be in attendance during the counting and canvassing of the Voter Ballots, subject only to reasonable restrictions issued by the Executive Director to prevent interference with such counting and canvassing.

Section 14 – Declaration of Election – Legal Counsel shall declare elected the persons having received the highest number of votes given for the offices of President and Vice President, submit a written declaration to the President and the Executive Director, and report the results to the Executive Board at its next regular meeting. In the event of a tie, selection will be by drawing of lots.