

CITY OF OAKLAND

Office of the City Attorney

Legal Opinion

To: City Clerk
From: Office of the City Attorney
Date: May 18, 2006
RE: Sponsor Identification in Candidate's Qualifications Statement

I. Introduction

The Oakland Municipal Code requires that candidates for municipal offices, such as City Council, Mayor, City Attorney and City Auditor, file a "Qualifications Statement" that includes, among other things, the candidate's name and the signatures of not less than 10 and no more than 20 sponsors. The Qualifications Statement appears on the sample ballot.

Questions have been raised about the sponsor identification in a Qualification Statement in the Sample Ballot for the June 2006 Mayoral election.

We have examined the June 2006 Qualifications Statements and a sampling of the Qualification Statements for elections dating back to 1992. The majority of the sponsor identifications on the statements we reviewed included only the sponsor's name. However, it has not been uncommon for the statements to include titles such as "Rev.," "M.D.," "Honorable," "Rabbi," "Esq.," "Councilmember," "Peralta Trustee" and "County Superintendent," before or after some of the sponsors' names.

Of the statements we reviewed, we found two candidates who included a title, profession, occupation, organization or avocation for all of the sponsors: 2006 mayoral candidate Ronald V. Dellums and an unsuccessful 1994 City Council candidate. Descriptions included "community organizer" and "environmental justice advocate" as well as the city in which a sponsor holds a particular office. We also noted that the type style for the descriptions of candidate Dellums' sponsors was different from the type style for the sponsors' names.

II. Question

May the "Qualifications Statement" of a candidate, which appears in the Sample Ballot, include a sponsor's title, occupation, or any other description of what profession, occupation, or position the sponsor holds?

III. Summary Conclusion

No. The Oakland Municipal Code ("OMC") only allows the "signature" of the sponsor. Therefore the Qualifications Statement in the Sample Ballot may include only the name of the sponsor. Although the Clerk has printed titles, occupations, organizations, avocations that have been provided by candidates, the OMC permits inclusion only of the sponsor's name as it appears in the sponsor's signature. Anything else should be excluded from the Qualifications Statement.

IV. Analysis

The Municipal Code sets forth what can be included about a candidate in the Sample Ballot. Among other information, a candidate may include the "signatures" of "not less than ten nor more than twenty (20) residents sponsoring such candidate" (§3.08.080)

Every candidate shall file with the City Clerk a verified statement of his or her qualifications on a form provided by the City Clerk, setting forth her or his name, the office for which he or she is a candidate, his or her place of residency for the past five years, his or her occupation for the past five years, public offices he or she has held, if any, and a brief description not to exceed one hundred fifty (150) words describing his or her qualifications for the office, including, for example, education and experience. The City Clerk shall reject any statement which includes any of the matters prohibited by general law or which contains any reference whatsoever to any partisan political party or organization including membership or activity therein, or endorsement thereby. Such statement shall also contain the signatures and addresses of not less than ten nor more than twenty (20) residents of the city sponsoring such candidate, who need not have signed such candidate's nomination petition.

* * *

A copy of such qualifications statement and a reproduction of the photograph, if furnished, shall be mailed by the City Clerk to each qualified elector with the sample ballot for said election. The qualifications statement mailed by the City Clerk with the sample ballot shall be printed and distributed without the inclusion of the addresses of the candidate and his or her sponsors.

For the candidate's sponsors, the section permits only signatures – not titles, honorifics, ranks, or occupations. The directions handed out by the City Clerk to all candidates reiterate: "No titles will appear next to or below the sponsors names in the sample ballot." See City Clerk's directions to candidates, attached hereto as attachment A.

May 18, 2006

Re: Sponsor Identification in Candidate's Qualifications Statement

Page 3 of 4

A "signature" is the name or other mark of an individual, written by the individual with the intention of authenticating or executing an instrument. (Estate of Black, 30.Cal.3d 880, 888 (1982).) This is consistent with definition of "signature" in Webster's Ninth New Collegiate Dictionary (1990): "1 a. the name of a person written in his own hand b. the act of signing one's name." Put more simply, a signature is the individual's name, e.g. the name an individual uses to execute his or her checks.

The Qualifications Statement for candidate Ronald V. Dellums goes beyond what was printed in almost all past Qualifications Statements. Every sponsor in his Qualifications Statement is followed by a title, profession, occupation or avocation. These descriptions are also set forth in a different type style. The descriptions also go beyond usual titles and include descriptions such as "community organizer" and "environmental justice advocate."

We have examined the original "Verified Statement of Candidate" submitted by candidate Dellums. The "signature" blank for each of the sponsors does not include anything other than the name, not the title or occupation, of the sponsor.

The additional information printed after the sponsors' names in the Dellums Qualifications Statement are not "signatures" and should not have been printed in the Sample Ballot.

Accordingly, only the person's name should be included in the signature. Descriptions such as occupations, advocacy groups, professions, occupations should not be included. Likewise, titles such as "Honorable," "Reverend," "Mayor," "Dr." or "Esq." go beyond a "signature" and should not be permitted unless such titles are indeed part of the individual's legal signature. The City Clerk may consult with the City Attorney's Office with any questions if she is uncertain about any signatures.

V. Conclusion

The Oakland Municipal Code only allows the "signature" of the sponsor to appear in the Sample Ballot. Therefore the Qualifications Statement in the Sample Ballot may include only the name of the sponsor as the sponsor would use in his or her signature.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Russo", written in a cursive style.

John Russo
City Attorney

Attorney Assigned:
Mark Morodomi

May 18, 2006

Re: Sponsor Identification in Candidate's Qualifications Statement

Page 4 of 4

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