



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**ORD-45**

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August 2, 2005

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HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Recommendation to declare ordinance amending Long Beach Municipal Code Chapter 1.21 regarding elections in which no one or only one candidate files nomination papers read the first time and laid over to the next regular meeting of the City Council for final reading

**DISCUSSION**

As the City Council will recall, in the last election a councilmanic district had only one candidate file for nomination during the regular nomination period. When the City Council was asked to invoke an Elections Code provision which calls for the appointment of that sole candidate to the office (thus negating the need for an election in that district), another candidate announced his intention to run a write-in campaign. Unfortunately, state law did not permit a candidate to submit nomination papers for a write-in candidacy until much later in the election period (57 days prior to the election). Therefore, the City Council had no way of knowing with certainty that the additional candidate would qualify for a write-in candidacy.

The proposed ordinance was requested by Councilmember Val Lerch, which permits write-in candidates to circulate and submit papers immediately after the regular close of the nomination period, if no one or only one candidate files within the regular nominating period. If no write-in candidacy is commenced within seven (7) days of the close of the nomination period, the City Council shall then cancel the election and immediately appoint the sole candidate.

**SUGGESTED ACTION:**

Approve recommendation.

Respectfully submitted,

ROBERT E. SHANNON, City Attorney

By

  
HEATHER A. MAHOOD  
Assistant City Attorney

HAM:fl  
Enclosure