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ORDINANCE NO. ORD-05-0023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING SECTION 1.21.070 REGARDING ELECTIONS IN WHICH NO ONE OR ONLY ONE CANDIDATE FILES NOMINATION PAPERS

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 1.21.070 is added to the Long Beach Municipal Code to read as follows:

1.21.070 Elections in which no one or only one candidate files nomination papers.

A. Notwithstanding California Elections Code Sections 10229 and 8601, if by five o'clock (5:00) P.M., on the 88th day prior to the day fixed for a regular or special election (or the 83rd day if an incumbent fails to file), (i) no one or only one candidate has been nominated for any office which is elected on a citywide basis, or (ii) no one or only one candidate has been nominated to be elected from a councilmanic district, a write-in candidate shall be permitted to obtain and submit nomination papers for such office on the first business day after the regular close of filing for nomination papers.

B. In the event that no candidate files nomination papers for a write-in candidacy by five o'clock (5:00) P.M., of the 81st day before such election, the City Clerk shall submit a certificate of these facts to the City Council. At its next regular meeting, the City Council shall do one of the following:

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1. Appoint to the office the person who has been nominated.

2. Appoint to the office any eligible elector if no one has been nominated.

C. Notwithstanding any provision of the California Elections Code to the contrary, if the City Council makes an appointment pursuant to this Section, the City Clerk shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made.

D. If, by the 75th day prior to such election, the City Council has not appointed any person to the office pursuant to this Section, the election for that office will be held.

Sec. 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of August 16, 2005, by the following vote:

Ayes: Councilmembers: Lowenthal, Baker, Colonna,
O'Donnell, Kell, Richardson,
Reyes Uranga, Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Jay Henner
City Clerk

Approved: 8-18-05
(Date)

Donny O'Neil
(Mayor)