




City of Long Beach
Working Together to Serve

Memorandum
~~R-18~~

Date: February 10, 2004
To: Mayor and Members of City Council
From: Val Lerch, Councilmember, District Nine 
Subject: ITEM FOR CITY COUNCIL AGENDA OF FEBRUARY 10, 2004

R-23

As you are all aware, at the January 26, 2004 special meeting of the Long Beach City Council we dealt with the matter of whether or not to cancel the election for the Second District Council seat and to declare Council Member Dan Baker the winner. The reason for the special Council meeting was that Mr. M.L. Bozeman, a potential candidate for the Second District Council seat, was declared ineligible because he had not collected sufficient acceptable signatures.

During the course of the meeting, Mr. Bozeman advised the Council that he felt that he deserved the opportunity to pursue a write-in campaign. Had the Council followed through with confirming Councilmember Baker, a write-in campaign for Mr. Bozeman or any other candidate wishing to do so, would not have been possible. Although write-in campaigns are difficult, recent history in our City proves that it can be done.

Therefore, in the spirit of fairness and to insure that the Council is not presented with this type of circumstance again, I propose that the Council request the City Attorney to prepare an Ordinance. The content of the Ordinance would allow a potential write-in candidate five business days from the final date of filing eligibility, to submit a request to run as a write-in candidate. Should the candidate fail to meet this deadline, the Council would then proceed to confirm the incumbent and thus, negate the need for an election.

It is my understanding that for our local elections, we follow the guidelines of the California Election Code. However, it is also my understanding, that our local ordinances, with regard to local elections, supercede the California Election Code.

I ask that you support this request.

Thank you.



CITY OF LONG BEACH

CITY CLERK

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6101 FAX (562) 570-6789

Date: February 10, 2004

To: Mayor and City Council

From: Larry Herrera, City Clerk, ^{ADD}

Subject: February 10, 2004 -- Council Agenda Item R-18 -- Proposed Write-In Ordinance Amendment

Cc: Jerry Miller, City Manager
Robert Shannon, City Attorney
Heather Mahood, Chief Assistant City Attorney

The purpose of this memo is to provide the City Council with a chart that helps to depict the current elections process related to:

- Candidate nomination (Election Code §10220);
- Non-filing by incumbents (Election Code §10224);
- No candidate or only one candidate nominated (Election Code §10229); and the
- Write-in period (Election Code §10224).

In the attached Chart you will find the current process as provided by the above Election Code and the process proposed by Councilmember Val Lerch.

A table that attempts to provide the pro and con of the current process and the proposed amendment follows on the next page.

<u>Pro</u>	<u>Con</u>
<p data-bbox="241 369 464 400"><u>Current Process</u></p> <ul style="list-style-type: none"> <li data-bbox="288 441 769 502">▪ Provides local control of election matters on a case-by-case basis <li data-bbox="288 523 696 584">▪ Provides opportunity for logistical and fiscal savings <li data-bbox="288 605 754 666">▪ For interested candidates there already is a 20 day filing period <li data-bbox="288 686 769 788">▪ Candidates are provided with nomination rules well in advance of nomination close date 	<ul style="list-style-type: none"> <li data-bbox="843 441 1114 472">▪ Non-participative <li data-bbox="843 492 1318 594">▪ Prevents a candidate who took out papers from running despite in the event there is a filing error <li data-bbox="843 615 1310 778">▪ Prevents non-interested candidates (at time of filing period close) from conducting a campaign as late as 14th day before Election Day
<p data-bbox="241 880 495 911"><u>Proposed Process</u></p> <ul style="list-style-type: none"> <li data-bbox="288 952 715 1044">▪ Seems to make the decision whether to hold an election automatic <li data-bbox="288 1064 715 1095">▪ Allowed by Charter authority <li data-bbox="288 1116 730 1177">▪ Allows for savings at 75th day (approximate) <li data-bbox="288 1197 683 1259">▪ Seem to push forward the statutory write-in period <li data-bbox="288 1279 683 1340">▪ Would apply to future City Council unless amended 	<ul style="list-style-type: none"> <li data-bbox="843 952 1279 1044">▪ Redundant – current process allows for case by case discretion <li data-bbox="843 1064 1295 1167">▪ Affects intent of Election Code §10229 (C) – to provide certainty by 75th day <li data-bbox="843 1187 1326 1320">▪ May defeat intent of Election Code §10229 allowing more time for persons to file as late as 14th day before Election Day <li data-bbox="843 1340 1326 1402">▪ Creates additional administrative constraints (5 to 8 fewer days) <li data-bbox="843 1422 1177 1453">▪ May result in litigation <li data-bbox="843 1473 1326 1535">▪ Need to clarify application to odd numbered districts

If requested, I will do my best to explain the above in further detail at tonight's meeting.

Nomination Period & Write-In Process

ID	Task Name	Duration	Start	Finish	C '03							Jan '04							Feb '04							Mar '04							Apr '04						
					7	14	21	28	4	11	18	25	1	8	15	22	29	7	14	21	28	4	11	18	1	8	15	22	29	7	14	21	28	4	11	18			
1	Current Process	82 days	Mon 12/22/03	Wed 4/14/04	[Redacted]							[Redacted]							[Redacted]							[Redacted]							[Redacted]						
2	Nomination Period S10220	20 days?	Mon 12/22/03	Fri 1/16/04	[Redacted]							[Redacted]							[Redacted]							[Redacted]							[Redacted]						
3	Incumbent Fails to File S10224	4 days?	Thu 1/15/04	Wed 1/21/04	[Redacted]							[Redacted]							[Redacted]							[Redacted]							[Redacted]						
4	75TH Day - No One or Only Candidate Files S10229	10 days?	Thu 1/15/04	Thu 1/29/04	[Redacted]							[Redacted]							[Redacted]							[Redacted]							[Redacted]						
5	Write-In Period S8600	32 days?	Mon 2/16/04	Tue 3/30/04	[Redacted]							[Redacted]							[Redacted]							[Redacted]							[Redacted]						
6					[Redacted]							[Redacted]							[Redacted]							[Redacted]							[Redacted]						
7					[Redacted]							[Redacted]							[Redacted]							[Redacted]							[Redacted]						
8					[Redacted]							[Redacted]							[Redacted]							[Redacted]							[Redacted]						
9					[Redacted]							[Redacted]							[Redacted]							[Redacted]							[Redacted]						
10	Proposed Process	82 days	Fri 12/19/03	Tue 4/13/04	[Redacted]							[Redacted]							[Redacted]							[Redacted]							[Redacted]						
11	Nomination Period S10220	20 days?	Mon 12/22/03	Fri 1/16/04	[Redacted]							[Redacted]							[Redacted]							[Redacted]							[Redacted]						
12	Incumbent Fails to File S10224	4 days?	Fri 1/16/04	Thu 1/22/04	[Redacted]							[Redacted]							[Redacted]							[Redacted]							[Redacted]						
13	75th Day - No One or Only Candidate Files S10229	9 days?	Fri 1/16/04	Thu 1/29/04	[Redacted]							[Redacted]							[Redacted]							[Redacted]							[Redacted]						
14	FIVE BUSINESS DAY RULE IMPACT 1	5 days?	Tue 1/20/04	Mon 1/26/04	[Redacted]							[Redacted]							[Redacted]							[Redacted]							[Redacted]						
15	FIVE DAY BUSINESS RULE IMPACT 2	6 days	Wed 1/21/04	Wed 1/28/04	[Redacted]							[Redacted]							[Redacted]							[Redacted]							[Redacted]						
16	Write-In Period S8600	32 days?	Mon 2/16/04	Tue 3/30/04	[Redacted]							[Redacted]							[Redacted]							[Redacted]							[Redacted]						