



## Legislation Text

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**File #:** 18-1146, **Version:** 2

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Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 1.15, and by repealing Sections 2.01.210(b) and 2.01.1010; all relating to changing the regular election dates of the Primary Nominating and General Municipal Elections to March and November, respectively, to coincide with statewide elections as required by SB 415, read and adopted as read. (Citywide)

On October 10, 2017, the City Council adopted a Resolution setting forth a plan to comply with SB 415, the California Voter Participation Rights Act (California Elections Code section 14050 et seq.), which prohibits political subdivisions from holding an election on other than a statewide election date if turnout for regularly scheduled elections is 25% less than the average turnout in the previous four statewide general elections.

Resolution No. RES-17-0117 approved a plan to change the primary and general municipal election dates to the statewide general election dates, now in March and November of even-numbered years, beginning in 2020, to increase voter turnout and to ensure compliance with SB 415, and to achieve consolidation with statewide election dates no later than November 8, 2022. The Resolution called for the preparation of an ordinance amending the Long Beach Charter and Long Beach Municipal Code to comply with SB 415, consistent with City Council direction. The attached ordinance governs elections dates for all City elected officials, as well as Long Beach Unified School District elected officials. Long Beach City College has already made changes to their election dates to comply with SB 415.

State elections law allows a City to extend or decrease the terms of City elected officials by up to 12 months, in order to match their terms with a changed municipal election date. (Elections Code §10403.5(b)) For school boards moving their election date, the term of office of incumbent Board members "shall be extended accordingly." (Elections Code §10404.5(g).) The proposed ordinance would extend the terms of elected officials by five months (July to December) to match them with the new election cycle.

Normally, amendments to the City Charter must be approved by the voters. However, in this case, the Attorney General's Office has opined that SB 415 prevails over a contrary city charter provision. Because the City and School District are now prohibited by State law from enforcing this provision of the Charter, it is, in effect, void. Therefore, the City Council may move the primary election without a Charter amendment in order to comply with SB 415 and, in effect, disregard the contrary provision in the City's Charter. A notation will be added to City Charter sections 200, 202, 506, 1901, 2205, and 2206 reflecting the change in State law and referencing the adoption of the proposed ordinance.

It should be noted that a recent case has challenged the validity of SB 415 as applied to charter cities. The case is currently on appeal, and we will monitor its progress and any possible effect it may have on Long Beach elections.

This Office has prepared and now submits for your consideration the above-described ordinance. If the ordinance is approved, prior to the commencement of the 2020 election season, the City Clerk will mail the electorate a notice regarding the change of election dates and the one-time extension of terms by five months.

Approve recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 1.15, AND BY REPEALING SECTIONS 2.01.210(B) AND 2.01.1010; ALL RELATING TO CHANGING THE REGULAR ELECTION DATES OF THE PRIMARY NOMINATING AND GENERAL MUNICIPAL ELECTIONS TO MARCH AND NOVEMBER, RESPECTIVELY, TO COINCIDE WITH STATEWIDE ELECTIONS AS REQUIRED BY SB 415

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