



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-33

ROBERT E. SHANNON
City Attorney

HEATHER A. MAHOOD
Chief Assistant City Attorney

MICHAEL J. MAIS
Assistant City Attorney

November 6, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare ordinance amending section 1.22.030 and adding sections 1.21.025, 1.21.090, 1.24.140 and 1.24.150 relating to election procedures read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

Pursuant to the request of the City Council at its meeting of October 16, 2007, this office has prepared and submits for your consideration an ordinance which modifies campaign statement filing requirements, recount procedures, official ballots, and time periods for challenges to election materials.

Also attached is a red-lined version of the ordinance.


SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By


Heather A. Mahood
Assistant City Attorney

HAM:fl

#07-05241

PRINCIPAL DEPUTIES

Barbara D. de Jong
Dominic Holzhaus
Belinda R. Mayes
J. Charles Parkin

DEPUTIES

Gary J. Anderson
Richard E. Anthony
Amy R. Burton
Christina L. Checcl
Lori A. Conway
Randall C. Fudge
Charles M. Gale
Monte H. Machit
Anne C. Lattime
Barry M. Meyers
Cristyl Meyers
Howard D. Russell
Tiffani L. Shin

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RED-LINED VERSION

1.22.030 Campaign statement--filing requirements.

Subsequent to the filing of the statement of organization, each committee shall file campaign statements on the following dates:

A. On January 31 (for the period October 1 to December 31), April 30 (for the period January 1 to March 31), July 31 (for the period April 1 to June 30) and October 31 (for the period July 1 to September 30) each year.

B. Within ninety (90) days of the election:

1. Ninety (90) days prior to the election (for the period from the last reporting period set forth in subsection A of this section to 97 days prior to the election);

2. Seventy five (75) days prior to the election (for the period from 96 to 82 days prior to the election);

3. Sixty (60) days prior to the election (for the period from 81 to 65 days prior to the election);

4. Forty five (45) days prior to the election (for the period from 64 to 52 days prior to the election);

5. Thirty (30) days prior to the election (for the period 51 to 37 days prior to the election);

6. Fifteen (15) days prior to the election (for the period 36 to 22 days prior to the election);

7. Five (5) days prior to the election (for the period 21 to 12 days prior to the election);

8. Seven (7) days after the election (for the period 11 days prior to the election through the election date).

C. Whenever any committee is required by this chapter to file a

1 campaign statement with the city clerk department, the committee shall file
2 at the same time a copy of the statement in electronic format as prescribed
3 by the city clerk.

4 D. In the event that any campaign statement that a committee is
5 required to file by this section falls within seven (7) calendar days of any
6 campaign statement that a committee is required to file by Government
7 Code section 84200 et seq., the City Clerk shall have the authority to move
8 the City deadline in order to consolidate it with the State deadline and to
9 adjust the periods covered by the City statement accordingly.

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11
12 1.21.025 Partial recounts.

13 Notwithstanding any provision of the California Elections Code, any
14 voter may request a partial recount in which the ballots for a selected
15 number of precincts are examined. Notwithstanding the above, any recount
16 which is not completed by counting the votes in each and every precinct in
17 the jurisdiction within which votes were cast on the candidates for the office
18 or on the measure in question shall be null and void.

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21 1.21.090 Minimum number of official ballots for election day.

22 Notwithstanding any provision of the California Elections Code, the
23 City Clerk shall provide a sufficient number of official ballots in each precinct
24 to reasonably meet the needs of the voters in that precinct on election day
25 using the precinct's voter turnout history as the criterion, but in no case shall
26 this number be less than forty percent (40%) of registered voters in the
27 precinct, and for absentee and emergency purposes shall provide the
28 additional number of ballots that may be necessary.

1 1.24.140 Time limits on challenges to ballot materials--general
2 elections.

3 Notwithstanding the provisions of any provision of the California
4 Elections Code, for general elections the City Clerk shall make a copy of the
5 material referred to in California Elections Code Sections 9223, 9280, 9281,
6 9282, 9285, and 13307 available for public inspection in the City Clerk's
7 office for a period of five (5) business days immediately following the filing
8 deadline for submission of those materials. Any person may obtain a copy
9 of the materials from the City Clerk during normal business hours for use
10 outside of the City Clerk's office. The City Clerk may charge a fee to any
11 person obtaining a copy of the material. The fee may not exceed the actual
12 cost incurred by the City Clerk in providing the copy. During the five (5)
13 business day public examination period provided by this Section, any voter
14 of the jurisdiction in which the election is being held, or the elections official,
15 himself or herself, may seek a writ of mandate or an injunction requiring any
16 or all of the materials to be amended or deleted. The writ of mandate or
17 injunction request shall be filed no later than the end of the public
18 examination period.

19
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21 1.24.150 Time limits on challenges to ballot materials--primary and
22 special elections.

23 E. Notwithstanding any provision of the California Elections
24 Code, for primary and special elections the City Clerk shall make a copy of
25 the material referred to in California Elections Code Sections 9223, 9280,
26 9281, 9282, and 9285 available for public inspection in the City Clerk's
27 office for a period of eight (8) business days immediately following the filing
28 deadline for submission of those materials. Any person may obtain a copy

1 of the materials from the city clerk during normal business hours for use
2 outside of the City Clerk's office. The City Clerk may charge a fee to any
3 person obtaining a copy of the material. The fee may not exceed the actual
4 cost incurred by the City Clerk in providing the copy. During the eight (8)
5 business day public examination period provided by this Section, any voter
6 of the jurisdiction in which the election is being held, or the elections official,
7 himself or herself, may seek a writ of mandate or an injunction requiring any
8 or all of the materials to be amended or deleted. The writ of mandate or
9 injunction request shall be filed no later than the end of the public
10 examination period.

11 F. For primary and special elections the City Clerk shall make a
12 copy of the material referred to in section 13307 available for public
13 inspection in the City Clerk's office for a period of ten (10) calendar days
14 immediately following the filing deadline for submission of those materials.
15 Any person may obtain a copy of the materials from the City Clerk during
16 normal business hours for use outside of the City Clerk's office. The City
17 Clerk may charge a fee to any person obtaining a copy of the material. The
18 fee may not exceed the actual cost incurred by the City Clerk in providing
19 the copy. During the ten (10) business day public examination period
20 provided by this section, any voter of the jurisdiction in which the election is
21 being held, or the elections official, himself or herself, may seek a writ of
22 mandate or an injunction requiring any or all of the materials to be amended
23 or deleted. The writ of mandate or injunction request shall be filed no later
24 than the end of the public examination period.

1 ORDINANCE NO.

2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AMENDING SECTION 1.22.030
5 AND ADDING SECTIONS 1.21.025, 1.21.090, 1.24.140 AND
6 1.24.150, RELATING TO ELECTION PROCEDURES
7

8 The City Council of the City of Long Beach ordains as follows:
9

10 Section 1. Section 1.22.030 of the Long Beach Municipal Code is hereby
11 amended to read as follows:

12 1.22.030 Campaign statement--filing requirements.

13 Subsequent to the filing of the statement of organization, each
14 committee shall file campaign statements on the following dates:

15 A. On January 31 (for the period October 1 to December 31),
16 April 30 (for the period January 1 to March 31), July 31 (for the period April
17 1 to June 30) and October 31 (for the period July 1 to September 30) each
18 year.

19 B. Within ninety (90) days of the election:

20 1. Ninety (90) days prior to the election (for the period
21 from the last reporting period set forth in subsection A of this section to 97
22 days prior to the election);

23 2. Seventy five (75) days prior to the election (for the
24 period from 96 to 82 days prior to the election);

25 3. Sixty (60) days prior to the election (for the period from
26 81 to 65 days prior to the election);

27 4. Forty five (45) days prior to the election (for the period
28 from 64 to 52 days prior to the election);

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ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 5. Thirty (30) days prior to the election (for the period 51
2 to 37 days prior to the election);

3 6. Fifteen (15) days prior to the election (for the period 36
4 to 22 days prior to the election);

5 7. Five (5) days prior to the election (for the period 21 to
6 12 days prior to the election);

7 8. Seven (7) days after the election (for the period 11
8 days prior to the election through the election date).

9 C. Whenever any committee is required by this chapter to file a
10 campaign statement with the city clerk department, the committee shall file
11 at the same time a copy of the statement in electronic format as prescribed
12 by the city clerk.

13 D. In the event that any campaign statement that a committee is
14 required to file by this section falls within seven (7) calendar days of any
15 campaign statement that a committee is required to file by Government
16 Code section 84200 et seq., the City Clerk shall have the authority to move
17 the City deadline in order to consolidate it with the State deadline and to
18 adjust the periods covered by the City statement accordingly.

19
20 Section 2. Section 1.21.025 is hereby added to the Long Beach
21 Municipal Code to read as follows:

22 1.21.025 Partial recounts.

23 Notwithstanding any provision of the California Elections Code, any
24 voter may request a partial recount in which the ballots for a selected
25 number of precincts are examined. Notwithstanding the above, any recount
26 which is not completed by counting the votes in each and every precinct in
27 the jurisdiction within which votes were cast on the candidates for the office
28 or on the measure in question shall be null and void.

1 Section 3. Section 1.21.090 is hereby added to the Long Beach
2 Municipal Code to read as follows:

3 1.21.090 Minimum number of official ballots for election day.

4 Notwithstanding any provision of the California Elections Code, the
5 City Clerk shall provide a sufficient number of official ballots in each precinct
6 to reasonably meet the needs of the voters in that precinct on election day
7 using the precinct's voter turnout history as the criterion, but in no case shall
8 this number be less than forty percent (40%) of registered voters in the
9 precinct, and for absentee and emergency purposes shall provide the
10 additional number of ballots that may be necessary.

11
12 Section 4. Section 1.24.140 is hereby added to the Long Beach
13 Municipal Code to read as follows:

14 1.24.140 Time limits on challenges to ballot materials--general
15 elections.

16 Notwithstanding the provisions of any provision of the California
17 Elections Code, for general elections the City Clerk shall make a copy of the
18 material referred to in California Elections Code Sections 9223, 9280, 9281,
19 9282, 9285, and 13307 available for public inspection in the City Clerk's
20 office for a period of five (5) business days immediately following the filing
21 deadline for submission of those materials. Any person may obtain a copy
22 of the materials from the City Clerk during normal business hours for use
23 outside of the City Clerk's office. The City Clerk may charge a fee to any
24 person obtaining a copy of the material. The fee may not exceed the actual
25 cost incurred by the City Clerk in providing the copy. During the five (5)
26 business day public examination period provided by this Section, any voter
27 of the jurisdiction in which the election is being held, or the elections official,
28 himself or herself, may seek a writ of mandate or an injunction requiring any

1 or all of the materials to be amended or deleted. The writ of mandate or
2 injunction request shall be filed no later than the end of the public
3 examination period.

4
5 Section 5. Section 1.24.150 is hereby added to the Long Beach
6 Municipal Code to read as follows:

7 1.24.150 Time limits on challenges to ballot materials--primary and
8 special elections.

9 A. Notwithstanding any provision of the California Elections
10 Code, for primary and special elections the City Clerk shall make a copy of
11 the material referred to in California Elections Code Sections 9223, 9280,
12 9281, 9282, and 9285 available for public inspection in the City Clerk's
13 office for a period of eight (8) business days immediately following the filing
14 deadline for submission of those materials. Any person may obtain a copy
15 of the materials from the city clerk during normal business hours for use
16 outside of the City Clerk's office. The City Clerk may charge a fee to any
17 person obtaining a copy of the material. The fee may not exceed the actual
18 cost incurred by the City Clerk in providing the copy. During the eight (8)
19 business day public examination period provided by this Section, any voter
20 of the jurisdiction in which the election is being held, or the elections official,
21 himself or herself, may seek a writ of mandate or an injunction requiring any
22 or all of the materials to be amended or deleted. The writ of mandate or
23 injunction request shall be filed no later than the end of the public
24 examination period.

25 B. For primary and special elections the City Clerk shall make a
26 copy of the material referred to in section 13307 available for public
27 inspection in the City Clerk's office for a period of ten (10) calendar days
28 immediately following the filing deadline for submission of those materials.

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Any person may obtain a copy of the materials from the City Clerk during normal business hours for use outside of the City Clerk's office. The City Clerk may charge a fee to any person obtaining a copy of the material. The fee may not exceed the actual cost incurred by the City Clerk in providing the copy. During the ten (10) business day public examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the public examination period.

Section 6. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) 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 _____, 2007, by the

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following vote:

Ayes: Councilmembers:

Noes: Councilmembers:

Absent: Councilmembers:

City Clerk

Approved: _____
(Date)

Mayor

HAM:fl
10/29/07
#07-05241