City of Long Beach
Working Together to Serve

Memorandum
R-18 37

UB-22

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

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.

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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,

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.

Pro	Con
Current Process ▪ Provides local control of election matters on a case-by-case basis ▪ Provides opportunity for logistical and fiscal savings ▪ For interested candidates there already is a 20 day filing period ▪ Candidates are provided with nomination rules well in advance of nomination close date	▪ Non-participative ▪ Prevents a candidate who took out papers from running despite in the event there is a filing error ▪ Prevents non-interested candidates (at time of filing period close) from conducting a campaign as late as 14th day before Election Day
Proposed Process ▪ Seems to make the decision whether to hold an election automatic ▪ Allowed by Charter authority ▪ Allows for savings at 75th day (approximate) ▪ Seem to push forward the statutory write-in period ▪ Would apply to future City Council unless amended	▪ Redundant – current process allows for case by case discretion ▪ Affects intent of Election Code §10229 (C) – to provide certainty by 75th day ▪ May defeat intent of Election Code §10229 allowing more time for persons to file as late as 14th day before Election Day ▪ Creates additional administrative constraints (5 to 8 fewer days) ▪ May result in litigation ▪ 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 & Writ-In Process

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