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ORDINANCE NO. ORD-05-0013

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING CHAPTER 1.22 OF THE  
LONG BEACH MUNICIPAL CODE REGARDING  
REFERENDA AND INITIATIVES

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

Section 1. Chapter 1.22 of the Long Beach Municipal Code is hereby  
amended to read as follows:

Chapter 1.22

REFERENDA AND INITIATIVES

1.22.010 Definitions.

For the purposes of this Chapter, the following terms shall have the  
following meanings:

A. "Campaign statement" means an itemized report which is  
prepared on a form prescribed by the City Clerk and which provides the  
information required by Section 1.22.040.

B. "Committee" means any person or combination of persons that  
directly or indirectly receives contributions which total more than two  
hundred fifty dollars (\$250.00) in a calendar year or makes expenditures  
exceeding more than two hundred fifty dollars (\$250.00) in a calendar  
year for the purpose of influencing or attempting to influence the action of  
voters for or against the passage or defeat of any measure.

C. "Contribution" shall have the same meaning as set forth in  
California Government Code Section 82015, and any regulations  
promulgated thereunder.

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D. "Election " means any primary, general, special or runoff election held in the City, including an initiative, referendum or recall election.

E. "Expenditure" means a payment, pledge or promise of payment of money or anything of value or other obligation, whether or not legally enforceable, for goods, materials, services or facilities in aid of or in opposition to the qualification for the ballot or adoption of one or more measures. The term "expenditure" includes any transfer, payment, gift, loan, advance, deposit, pledge, contract, agreement or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly by one committee to another committee.

"Expenditure" also includes the forgiving of a loan or the repayment of a loan by a third party.

F. "Measure" means any City Charter amendment, ordinance or other City proposition submitted to a popular vote at an election, whether by initiative, referendum or recall procedure or otherwise, or circulated for the purposes of submission to a popular vote at any election, whether or not the proposition qualifies for the ballot.

G. "Period covered" by a statement or report required to be filed by this Chapter means, unless a different period is specified, the period beginning with the day after the closing date of the most recent statement or report in question.

1.22.020 Statement of organization.

A. Every committee shall file with the City Clerk a statement of organization on a form established by the City Clerk within three (3) days after it is formed as a committee.

B. The date which a committee formed, and not the date on which

1 the committee filed its statement or organization, shall determine the  
2 committee's obligation to file the campaign statements required by this  
3 Chapter.

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5 1.22.030 Campaign statement—Filing requirements.

6 Subsequent to the filing of the Statement of Organization, each  
7 committee shall file campaign statements on the following dates:

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

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

12 1. Ninety (90) days prior to the election (for the period from  
13 the last reporting period set forth in Subsection A above to ninety-seven  
14 (97) days prior to the election);

15 2. Seventy-five (75) days prior to the election (for the period  
16 from ninety-six (96) to eighty-two (82) days prior to the election);

17 3. Sixty (60) days prior to the election (for the period from  
18 eighty-one (81) to sixty-five (65) days prior to the election);

19 4. Forty-five (45) days prior to the election (for the period  
20 from sixty-four (64) to fifty-two (52) days prior to the election);

21 5. Thirty (30) days prior to the election (for the period fifty-  
22 one (51) to thirty-seven (37) days prior to the election);

23 6. Fifteen (15) days prior to the election (for the period  
24 thirty-six (36) to twenty-two (22) days prior to the election);

25 7. Five (5) days prior to the election (for the period twenty-  
26 one (21) to twelve (12) days prior to the election);

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

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C. Whenever any committee is required by this Chapter to file a campaign statement with the City Clerk Department, the committee shall file at the same time a copy of the statement in electronic format as prescribed by the City Clerk.

1.22.040 Campaign statement—Contents.

Each campaign statement filed pursuant to this Chapter shall contain the information set forth in California Government Code Section 84211, and shall be filed under penalty of perjury with the City Clerk Department on a Form 460 (Recipient Committee Campaign Statement), published by the California Fair Political Practices Commission.

1.22.050 Report of contributions in excess of one thousand dollars (\$1,000.00).

Each committee shall report any contribution of one thousand dollars (\$1,000.00) or more to the City Clerk within twenty-four (24) hours of receipt. Such reports shall contain the full name, street address, occupation and the name of employer, if any, or principal place of business if self-employed, of the contributor. Such reports may be by any written means of communication, and do not require an original signature.

1.22.060 Late filing penalties.

Each committee who files any report or campaign statement required by this Chapter after the deadlines imposed by this Chapter, shall be liable for the penalties enumerated in California Government Code Section 91013.

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1 1.22.070 Violation of Chapter.

2 Any person violating any of the provisions of this Chapter shall be  
3 subject to the penalties imposed pursuant to Long Beach Municipal Code  
4 Sections 2.01.1110 and 2.01.1120.

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6 1.22.080 Procedure—Circulation of petitions.

7 Circulators of petitions for any measure shall be residents of the  
8 City. If the petition relates to the board of education, they must be  
9 residents of the Long Beach Unified School District. Any persons  
10 circulating recall petitions shall be residents of the district in which such  
11 petition is being circulated. Petitions circulated by circulators who do not  
12 maintain the required residency shall not be valid and signatures thereto  
13 shall not be counted.

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15 1.22.090 Contents of petitions.

16 In addition to the requirements set forth in the California Elections  
17 Code, any petition for a measure shall contain in twenty-four (24)-point  
18 type, prior to that portion of the petition for voters' signatures, printed  
19 names, and residence addresses, the following language:

20 A. If the petition is circulated by a paid circulator the phrase "PAID  
21 CIRCULATOR" shall appear in twenty-four (24)-point type above the  
22 following language which shall appear in twelve (12)-point type:

23 "NOTICE TO THE PUBLIC

24 THIS PETITION IS BEING CIRCULATED BY

25 A PERSON WHO IS BEING PAID TO

26 COLLECT SIGNATURES"

27 B. If the petition is being circulated by a volunteer the phrase  
28 "VOLUNTEER CIRCULATOR" shall appear in twenty-four (24)-point type

1 above the following language which shall appear in twelve (12)-point type:

2 "NOTICE TO THE PUBLIC

3 THIS PETITION IS BEING CIRCULATED BY

4 A VOLUNTEER."

5 C. "Paid circulator," for the purpose of circulating a petition, means  
6 a person who is compensated in any manner for collecting petition  
7 signatures to qualify a measure.

8 D. "Volunteer," for the purpose of circulating a petition, means a  
9 person who is not a paid circulator.

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11 1.22.100 General procedures.

12 The Council prescribes the same procedure for the submission by  
13 it to the voters of any proposed ordinance, order or resolution, pursuant to  
14 the City Charter, as is prescribed in Section 8 of Article XI of the State  
15 Constitution with reference to the submission of proposed amendments to  
16 a city charter submitted by a council on its own motion.

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18 1.22.110 Filing Fee.

19 Any person submitting a request for ballot title and summary with  
20 the City shall pay a filing fee of two hundred dollars (\$200.00).

21  
22 Sec. 2. The City Clerk shall certify to the passage of this ordinance by the  
23 City Council and cause it to be posted in three conspicuous places in the City of Long  
24 Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

25  
26 I hereby certify that the foregoing ordinance was adopted by the City  
27 Council of the City of Long Beach at its meeting of June 14, 2005, by the

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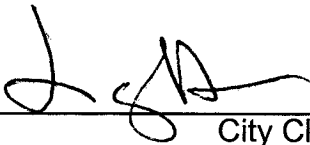
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following vote:

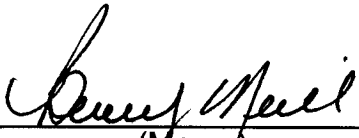
Ayes: Councilmembers: Lowenthal, Baker, Colonna,  
O'Donnell, Kell, Richardson,  
Reyes Uranga, Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

  
\_\_\_\_\_  
City Clerk

Approved: 6-20-05  
(Date)

  
\_\_\_\_\_  
(Mayor)

HAM:fl  
5/12/05; rev. 5/17/05; rev. 5/18/05; rev. 5/27/05; rev. 6/2/05  
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