

ORDINANCE NO.

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. "Late contribution" means any contribution of one hundred dollars (\$100.00) or more received after the closing date of the last campaign statement required to be filed prior to an election.

G. "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.

H. "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.

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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, or, upon the submittal of a request for ballot title and summary, whichever occurs last.

B. The date which a committee formed, and not the date on which the committee filed its statement or organization, shall determine the committee's obligation to file the campaign statements and late contribution reports required by this Chapter.

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 above to ninety-seven (97) days prior to the election);

2. Forty-five (45) days prior to the election (for the period from ninety-eight (98) to fifty-two (52) days prior to the election);

3. Thirty (30) days prior to the election (for the period fifty-three (53) to thirty-seven (37) days prior to the election);

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

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

1                   6. Seven (7) days after the election (for the period thirteen  
2 (13) days prior to the election through the election date).

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

7  
8                   1.22.040     Campaign statement–Contents.

9                   Each campaign statement filed pursuant to this Chapter shall  
10 contain the information set forth in California Government Code Section  
11 84211, and shall be filed under penalty of perjury with the City Clerk  
12 Department on a Form 460 (Recipient Committee Campaign Statement),  
13 published by the California Fair Political Practices Commission.

14  
15                   1.22.050     Report of contributions in excess of one thousand dollars  
16                   (\$1,000.00).

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

23  
24                   1.22.060     Report of late contributions in excess of one hundred dollars  
25                   (\$100.00).

26                   Each committee shall report any late contribution in excess of one  
27 hundred dollars (\$100.00) to the City Clerk in accordance with the  
28 requirements set forth in Section 1.22.050 above.

1 1.22.070 Late filing penalties.

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

6  
7 1.22.080 Violation of Chapter.

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

11  
12 1.22.090 Procedure—Circulation of petitions.

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

20  
21 1.22.100 Contents of petitions.

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

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

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“NOTICE TO THE PUBLIC

THIS PETITION IS BEING CIRCULATED BY  
A PERSON WHO IS BEING PAID TO  
COLLECT SIGNATURES”

B. If the petition is being circulated by a volunteer the phrase  
“VOLUNTEER CIRCULATOR” shall appear in twenty-four (24)-point type  
above the following language which shall appear in twelve (12)-point type:

“NOTICE TO THE PUBLIC  
THIS PETITION IS BEING CIRCULATED BY  
A VOLUNTEER.”

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

D. “Volunteer,” for the purpose of circulating a petition, means a  
person who is not a paid circulator.

1.22.110 General procedures.

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

Sec. 2. The City Clerk shall certify to the passage of this ordinance by the  
City Council and cause it to be posted in three conspicuous places in the City of Long  
Beach, and it shall take effect on the thirty-first 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 \_\_\_\_\_, 2005, by the

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following vote:

Ayes: Councilmembers: \_\_\_\_\_

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Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

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\_\_\_\_\_

City Clerk

HAM:fl  
5/12/05; 5/17/05; 5/18/05  
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## CITY OF LONG BEACH STATEMENT OF ORGANIZATION

Long Beach Municipal Code Section 1.22 requires every committee to file with the City Clerk a Statement of Organization **within three (3) days** after it is formed as a committee, or upon the submittal of a request for ballot title and summary, whichever occurs last (LBMC 1.22.020). "Committee" means any person or combination of persons that directly or indirectly receives contributions which total more than two hundred fifty dollars (\$250) in a calendar year or makes expenditures exceeding more than two hundred fifty dollars (\$250) 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 (LBMC 1.22.010(B)).

The information required to be reported on the statement of organization is set forth in LBMC 1.22.020. In order to comply with the disclosure requirements of Section 1.22.020, all committees must complete and file both the City of Long Beach Statement of Organization as well as the California Form 410, Statement of Organization Recipient Committee.

Every committee that spends or receives contributions of \$250 or more in a calendar year must file both this form and the California Form 410 with the City Clerk to comply with local law. Review the Form 410 filing instructions to determine if you must also file your Form 410 with the Secretary of State.

**Provide the following information in addition to completing a State Form 410. File both forms with the City Clerk within three (3) days of the date the committee is formed or upon the submittal of a request for ballot title and summary, whichever occurs last.**

Initial

Amendment

Name of Committee: \_\_\_\_\_

Date Formed: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Address: \_\_\_\_\_

This Committee is independent or  controlled  (Check applicable box.)

Amount of cash on hand at time of filing: \_\_\_\_\_

**Verification:**

I have used all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Treasurer or Candidate