



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**C-2**

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May 18, 2021

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Adopt a Resolution of the City Council of the City of Long Beach Moving 2022 Municipal Election Dates on a Temporary, Emergency Basis to Align with the State of California's Election Dates. (Citywide)

DISCUSSION:

Pursuant to your request of April 20, 2021, this office has prepared and submits the above-described resolution for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By: AMY R. WEBBER  
Deputy City Attorney

ARW:bg A21-01381  
01266708.DOCX

1 RESOLUTION NO.  
2

3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH MOVING 2022 MUNICIPAL  
5 ELECTION DATES ON A TEMPORARY, EMERGENCY  
6 BASIS TO ALIGN WITH THE STATE OF CALIFORNIA'S  
7 ELECTION DATES  
8

9 WHEREAS, the City of Long Beach, California ("City") is a municipal  
10 corporation and charter city, duly organized under the Constitution and laws of the State  
11 of California; and

12 WHEREAS, the California Voter Participation Rights Act (SB 415, codified  
13 as Elections Code §§ 14050-14057), effective January 1, 2018, was enacted to prohibit a  
14 public agency, including a charter city, from holding its regular election on any date other  
15 than a statewide election date if holding the election on a non-statewide election date  
16 results in a "significant decrease in voter turnout," which is defined as at least twenty-five  
17 percent (25%) less than the average voter turnout within the public agency for the  
18 previous four (4) statewide general elections; and

19 WHEREAS, the California Attorney General opined that SB 415 prevails  
20 over conflicting Charter provisions, and therefore that SB 415 applied to charter cities  
21 such as Long Beach; and

22 WHEREAS, the City formerly held its primary election on the second  
23 Tuesday in April in even-numbered years, and its general municipal election on the first  
24 Tuesday after the first Monday in June in even-numbered years; and

25 WHEREAS, the City's primary election date was not a statewide election  
26 date and voter turnout in local Long Beach Municipal elections had been at least twenty-  
27 five percent (25%) less than the voter turnout for the previous four (4) statewide general  
28 elections; and

1           WHEREAS, in order to comply with SB 415, the City adopted a plan in 2017  
2 to align its municipal election dates with the State of California’s statewide primary and  
3 general election dates and thereafter conducted its elections in coordination with the  
4 State and Los Angeles County, experiencing a significant increase in voter turnout,  
5 especially among low-propensity voters: a seventy percent (70%) increase in the  
6 November 2020 election over the November 2016 election; and

7           WHEREAS, in March 2020, the City of Long Beach, County of Los Angeles  
8 and State of California all declared a state of emergency due to the widespread and  
9 devastating COVID-19 pandemic, which affected all aspects of daily life; and

10           WHEREAS, the pandemic caused significant disruption to the federal  
11 Census, resulting in significant delays in the distribution of Census data; which is used  
12 decennially by federal, state and local governments in the redistricting process to re-draw  
13 equitable electoral districts, including Long Beach City Council districts; and

14           WHEREAS, in November 2020, the California Supreme Court denied  
15 review in the case of City of Redondo Beach v. Padilla, 46 Cal. App. 5th 902 (2020),  
16 letting stand a decision that charter cities were not subject to SB 415’s requirements; and

17           WHEREAS, although the Redondo Beach case may have ordinarily called  
18 into question the continuing viability of aligning the municipal election dates with the  
19 statewide election dates, additional intervening events related to the Census Bureau’s  
20 delay in releasing census data make it impossible for the City to revert to holding  
21 elections in April and June for the 2022 election cycle; and

22           WHEREAS, currently the Census Bureau has announced it will release  
23 census data to states on or about August 16, 2021, and California’s Statewide Database  
24 has announced that the statewide dataset used for municipal redistricting will not be  
25 released until on or about September 23, 2021; and

26           WHEREAS, such a delay makes it impossible for the City’s Independent  
27 Citizens Redistricting Commission to complete the task of redistricting in time for an April  
28 primary election; and

1           WHEREAS, under section 2502(b) of the City Charter, the Independent  
2 Citizens Redistricting Commission must adopt a redistricting plan at least six (6) months  
3 before any election that will be conducted under the plan, which would mean that for an  
4 April 2022 primary election, the Commission would have to adopt a final plan no later  
5 than early October 2021; and

6           WHEREAS, that deadline will be impossible to meet given that the earliest  
7 date the Commission will receive a usable dataset to start the redistricting process will be  
8 late September; and

9           WHEREAS, the federal and state laws that require the City to redistrict  
10 every ten (10) years upon release of the federal census preempt any interest the City  
11 may have in reverting to municipal elections in April and June for the 2022 election cycle;  
12 and

13           WHEREAS, the delay in distribution of Census data, the need for the City to  
14 redistrict before the next elections, the COVID-19 pandemic, and the Redondo Beach  
15 decision resulted in a situation in which municipal election dates were thrown into  
16 uncertainty and made an April municipal primary election impossible to administer; and

17           WHEREAS, the City Council of the City of Long Beach now desires to  
18 change its primary and general municipal election dates to align with the statewide  
19 general election dates for 2022, currently set for June 7, 2022 and November 8, 2022,  
20 respectively, but which could change due to the continuing uncertainty surrounding the  
21 census delay; and

22           WHEREAS, the City Council also desires to make corrections to election  
23 dates, terms of office and other technical matters related to the 2022 municipal elections,  
24 and to that end, requests the City Attorney to draft and present such resolutions or  
25 ordinances to the City Council; and

26           WHEREAS, the City Council further desires that the Long Beach Unified  
27 School District and the Long Beach Community College District be informed of this plan;

28           NOW, THEREFORE, the City Council of the City of Long Beach resolves as

1 follows:

2                   Section 1.    The above recitals are true and correct.

3                   Section 2.    The City Council of the City of Long Beach does hereby  
4 resolve to move Long Beach municipal election dates to align with those of the State of  
5 California for 2022, and requests the City Attorney to draft such resolutions and other  
6 documents for consistency with the new election dates, including but not limited to the  
7 election cycle and campaign finance issues.

8                   Section 3.    The City Council further requests the City Attorney to prepare  
9 a ballot measure to be placed on the appropriate ballot in 2022 permanently moving Long  
10 Beach municipal election dates so that the City’s primary election aligns with the  
11 statewide direct primary election and the City’s general municipal election aligns with the  
12 statewide general election, which will be referred to the Charter Amendment Committee  
13 at a future date.

14                  Section 4.    Staff is further requested to inform representatives of the Long  
15 Beach Unified School District regarding this plan.

16                  Section 5.    This resolution shall take effect immediately upon its adoption  
17 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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OFFICE OF THE CITY ATTORNEY  
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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2021, by the following vote:

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

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

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

Recusal(s): Councilmembers \_\_\_\_\_

\_\_\_\_\_

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