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ORD-26

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November 1, 2016

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 1.24.150.B relating to time limits on challenges to ballot materials for primary and special elections, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION:

The attached "clean-up" amendment to the Long Beach Municipal Code ("LBMC") corrects an inconsistent reference to the number of days ballot materials may be reviewed in LBMC Subsection 1.24.150.B. As shown in the redlined version, Subsection B currently refers to both "ten (10) calendar days" and "ten (10) business days" as the allowed time period for public examination. This amendment corrects the second reference to read "ten calendar days," the time period specified in California Elections Code section 13313.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By

AMY R. WEBBER
Deputy City Attorney

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REDLINE

1.24.150 Time limits on challenges to ballot materials - Primary and special elections.

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

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SUBSECTION
1.24.150.B RELATING TO TIME LIMITS ON CHALLENGES
TO BALLOT MATERIALS-PRIMARY AND SPECIAL
ELECTIONS

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

Section 1. Subsection 1.24.150.B of the Long Beach Municipal Code is
amended to read as follows

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

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Section 2. 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 _____, 2016, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor