

## MEASURE K

K Shall Measure K, which amends the Long Beach City Charter provisions for term limitations for the offices of City Council and Mayor by (1) changing the lifetime ban to a ban on 3 consecutive terms and (2) permitting the name of a termed-out candidate to be placed upon the ballot if that candidate qualifies for the general election, be ratified?

### MEASURE K PROPOSED CHARTER AMENDMENT

(New provisions or language added to existing Charter sections are **highlighted**; language deleted from the existing Charter section are shown in **strikeout type**.)

Section 1. That Section 214 of the Charter of the City of Long Beach be amended to read as follows:

Sec. 214. **TERM LIMITATIONS ON BALLOT ACCESS BY CANDIDATES FOR CITY COUNCIL AND MAYOR.**

(a) ~~Notwithstanding any other previously enacted provision of law or of this Charter, Except as provided in subsection (c) below,~~ the City Clerk, or other election official authorized by law, shall not accept or verify the signatures on any nomination paper for any person, nor shall he or she certify or place on the list of certified candidates, nor print or cause to be printed on any ballot, ballot pamphlet, sample ballot or ballot label, the name of any person who either:

(1) Is elected to two full **consecutive** terms as a member of the City Council after November 3, 1992 and thereafter seeks to become a candidate ~~for a third consecutive term~~ for City Council, or

~~(2) Is serving a full unexpired term as a member of the City Council on November 3, 1992 or other date upon which this act becomes law and is subsequently elected to a second full term as a member of the City Council and thereafter seeks to become a candidate for City Council, or~~

(3) ~~(2)~~ Is elected to two consecutive full terms as Mayor after November 3, 1992 and thereafter seeks to become a candidate ~~for a third consecutive term~~ for Mayor. or

~~(4) Is serving a full unexpired term as Mayor on November 3, 1992 or other date upon which this act becomes law and is subsequently elected to a second full term as Mayor and thereafter seeks to become a candidate for Mayor.~~

(b) Write-In Candidacies. Nothing in this article shall be construed as prohibiting any qualified voter of this City from casting a ballot for any person by writing the name of that person on the ballot, or from having such ballot counted or tabulated, nor shall any provision of this article be construed as prohibiting any person from standing or campaigning for any elective office by means of a write-in campaign.

~~(c) In the case of a general election, a write-in candidate who was one of the two candidates receiving the highest number of votes in the primary election shall have his or her name printed upon the ballot to be used at the general election.~~

(e) ~~(d)~~ Construction. Nothing in this article shall be construed as preventing or prohibiting the name of any person from appearing on the ballot at any direct primary or general election unless that person is specifically prohibited from doing so by the provisions of Section 214(a) of this Article, and to that end Section 214(a) shall be strictly construed. This act shall be liberally construed to accomplish its purposes.

### ANALYSIS OF MEASURE K

By Robert E. Shannon, City Attorney

Voter approval of Measure K would amend Section 214 of the Long Beach City Charter, which imposes term limitations upon candidates for the offices of Mayor and City Council. The amendments would change the current law in two respects.

1. Presently, Section 214 requires that the Mayor or any member of the City Council who has been elected to two (2) full terms after November 2, 1992, may never again have his or her name placed upon the ballot as a candidate for such office. Measure K would amend this section to provide that the limitation would apply only if the candidate seeks a third consecutive term to such office. If a candidate seeks a third term which is not immediately following two consecutive terms, the term limitations of Section 214 would not apply.

2. Pursuant to the Charter, a candidate for the office of Mayor or member of the City Council seeks to be nominated at a primary election. If no candidate receives a majority of the votes cast, the two candidates receiving the highest number of votes qualify to run and to have their names placed on the ballot in a general or runoff election. Presently, a person whose name is barred from appearing on the ballot by term limitations may only run for office as a write-in candidate. This prohibition remains in effect in a general or runoff election even if a write-in candidate is one of two candidates receiving the highest number of votes in the primary election. Measure K would amend Section 214 to permit the name of a term limited candidate to appear on the ballot in a general or runoff election, if that person otherwise qualified as a write-in candidate in the primary election as one of the two candidates receiving the highest number of votes.

## ARGUMENT IN FAVOR OF MEASURE K

The citizens of Long Beach approved term limits to give the people more choice. Instead of using the unfair advantage of incumbency, our mayor and councilmembers can serve only two terms for life. This measure will strengthen and improve our term limits law.

Term limits were designed to give more power to the voters, yet one of the problems with our current law is that it does just the opposite. It severely restricts the rights of the people to elect a write-in candidate.

Current law says if we wanted Mayor Beverly O'Neill to run again she could run as a write-in, but even if she got the most votes, her name would still not appear on the ballot for the run-off. What choice is that? This is clearly undemocratic. This measure would simply allow a two-term incumbent who runs as a write-in, and is one of the two highest vote getters, to have their name appear on the run-off ballot. Such candidates could only appear on the ballot if they had the support of the people in the primary.

Term limits keep incumbents from running for office over and over and having an advantage because they are incumbents. This measure lifts the lifetime ban by allowing people who have previously been elected to run for mayor or city council after they have been out of office for at least four years. This restores more choice to the voters.

This measure expands and broadens the rights and choices for voters, while keeping the benefits of term limits. It respects the popular will of the people, while protecting the voters right to choose. Vote yes on Measure K.

Jenny Oropeza. 1<sup>st</sup> District Councilmember

Jerry Shultz. 9<sup>th</sup> District Councilmember

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE K

### NO "TWO TERMS FOR LIFE" BAN IN LONG BEACH

- Although the California Supreme Court has upheld a "lifetime ban" as both fair and constitutional, it was not included in the Long Beach term limits law.
- In Long Beach, an incumbent is free to run for and hold City Council or Mayoral office forever, they simply must use a "write-in" candidacy after the second term. This is intended to make re-election more difficult, but far from impossible. Even Congressional elections have been won by "write-in" candidates.

### VOTER APPROVAL BY 70% IS "UNDEMOCRATIC"?

- The Long Beach Term Limits law, with the "write-in" provision, was placed on the ballot by petition of 40,000 Long Beach voters.
- It was approved by landslide 70% of the voters.
- The Long Beach Term Limits law with a "write-in" provision is a case study in the democratic process.

### LONG BEACH LEADERS OPPOSE THIS CHANGE IN TERM LIMITS

- Vice-Mayor Dan Baker, 2<sup>nd</sup> District
- Councilmember Frank Colonna, 3<sup>rd</sup> District
- Councilmember Dennis Carroll, 4<sup>th</sup> District
- Councilmember Jackie Kell, 5<sup>th</sup> District

These leaders oppose wasting taxpayer money by placing this measure on the ballot.

### LEAVE TERM LIMITS ALONE

#### WE NEED TO:

- Save Community Hospital.
- Reduce the Utility Tax.
- Fund Schools, Libraries and the Arts.
- Repair Streets, Sidewalks and Trim Trees.

### DON'T LET A FEW PEOPLE KILL TERM LIMITS

### VOTE NO ON MEASURE K

Councilmember Dennis Carroll, 4<sup>th</sup> District  
Councilmember Jackie Kell, 5<sup>th</sup> District

## ARGUMENT AGAINST MEASURE K

In June of 1992, over 40,000 Long Beach voters signed a petition to place the Long Beach Term Limits Initiative on the ballot. The voters approved it overwhelmingly (70% margin).

### TERM LIMITS HAS BEEN A RESOUNDING SUCCESS

1. The electoral process has been opened for new candidates.
2. Women and minorities have greater access to public office.
3. The cost of campaigns has been held down.
4. The influence of special interests has been reduced.
5. The practice of entrenched incumbency and careerism in City Hall elections is over.

### THERE IS NO REASON TO PLACE TERM LIMITS ON THE BALLOT AGAIN

1. No new arguments have been advanced which were not considered in 1992—The "It's just not fair" argument was considered and rejected by the voters.
2. No change in circumstances have occurred since the 1992 election. We simply have some politicians who want to change the rules for their own benefit.
3. "Write-in" candidacies are already provided for under the current term-limit law. The voters can keep anyone they really want.
4. The proponents did not have to collect even one signature. They simply put it on the ballot at taxpayer expense. The power of public office is being used for private political ends.

Twenty-five major California cities have Term Limits. None have repealed or amended them. Long Beach has many important issues requiring our complete and immediate attention. Term Limits is not one of them.

### TELL THE CAREER POLITICIANS TO LEAVE TERM LIMITS ALONE

#### VOTE NO ON MEASURE K

Councilmember Dennis Carroll, 4<sup>th</sup> District  
Councilmember Jackie Kell, 5<sup>th</sup> District  
Colette Marie McLaughlin

## REBUTTAL TO ARGUMENT AGAINST MEASURE K

The proposed measure would not end or restrict our term limits as the opponents suggest. Measure K improves and keeps our term limits law in place. Term limits with Measure K would:

- Increase the choice voters have to elect their chosen representatives.
- Strengthen the opportunity for all to have greater access to public office without offering an advantage to any group or individual.
- Continue to keep the cost of campaigns down.
- Decrease the advantage of special interests.
- Remove the advantage of incumbency and restore the power to the voters.

Measure K is on the ballot so you can choose whomever you want to represent you at city hall. Mayor Beverly O'Neill, or any other person, should be able to run as a write-in candidate and have their name appear on the run-off ballot if they receive the most votes. Current law unfairly denies this possibility.

Don't believe those who tell you term limits is not an important issue.

Do not let the opponents of Measure K limit your right to vote for the candidate of your choice.

### VOTE YES on MEASURE K

Jenny Oropeza, 1<sup>st</sup> District Councilmember  
Jerry Shultz, 9<sup>th</sup> District Councilmember