



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**ORD-34**

ROBERT E. SHANNON  
City Attorney

HEATHER A. MAHOOD  
Chief Assistant City Attorney

MICHAEL J. MAIS  
Assistant City Attorney

May 6, 2008

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Barbara D. de Jong  
Dominic Holzhaus  
Belinda R. Mayes  
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HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Declare ordinance repealing Long Beach Municipal Code Section 1.22.080, requiring that initiative petition circulators be residents of the city or school district read the first time and laid over to the next regular meeting of the City Council for final reading (Citywide)

**DISCUSSION**

Long Beach Municipal Code Section 1.22.080 requires that circulators for initiative and referendum petitions for city measures be residents of the City of Long Beach, and circulators for Long Beach Unified School District measures be residents of that district. In January, the California Court of Appeal struck down such residency requirements as unconstitutionally restrictive in the case of Preserve Shorecliff Homeowners v. City of San Clemente. This case held that the circulators' First Amendment rights were violated by the City of San Clemente's requirement that petition circulators be residents of that city.

Since Long Beach Municipal Code Section 1.22.080 contains the same requirement, it is no longer constitutionally enforceable, and this office recommends that it be repealed by adoption of the attached ordinance.

I will be available to answer any questions that you may have regarding this matter.

**SUGGESTED ACTION:**

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

Heather A. Mahood  
Assistant City Attorney

HAM:fl  
Attachment  
#A08-01085



OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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following vote:

Ayes: Councilmembers:

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Noes: Councilmembers:

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Absent: Councilmembers:

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City Clerk

Approved: \_\_\_\_\_  
(Date)

Mayor

HAM:fl  
4/17/08  
#A08-01081