



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**ORD-34**

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May 6, 2008

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contains the same requirement, it is no longer constitutionally enforceable, and this office recommends that it be repealed by adoption of the attached ordinance.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

**ORDINANCE NO.**

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH REPEALING LONG BEACH  
MUNICIPAL CODE SECTION 1.22.080 RELATING TO  
RESIDENCY REQUIREMENTS FOR INITIATIVE AND  
REFERENDUM PETITION CIRCULATORS

18 I hereby certify that the foregoing ordinance was adopted by the City  
19 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2008, by the

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24 | *III*

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1 following vote:

2 Ayes: Councilmembers:

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6 Noes: Councilmembers:

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8 Absent: Councilmembers:

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12 \_\_\_\_\_

11 City Clerk

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

14 Mayor

27 HAM:fl  
28 4/17/08  
#A08-01081