

Verbal Requirements in Initiative Advertising

Residents for The Beverly Hills

Garden & Open Space Initiative v. City of Beverly Hills

(Fernando M. Olguin, C.D. Cal. 2:16-cv-5532)

On July 25, six days after a condominium-development initiative was approved for a city ballot in the November 8 general election, proponents of the initiative sought a temporary restraining order against a requirement that a substantial portion of their initiative advertising be devoted to a summary of the initiative prepared by city officials. On the following day, the district judge ordered the city to respond six days after that. On the day that the response was due, the parties stipulated an injunction reducing the amount of specified text required in advertising for the initiative. In the event, the initiative failed.

Subject: Ballot measures. *Topics:* Ballot measure; campaign materials.

Proponents of a Beverly Hills initiative in the November 8, 2016, general election concerning a condominium tower development filed a federal complaint in the Central District of California on July 25, six days after the initiative was approved for the ballot, challenging a requirement that the proponents devote so much of their advertising to a description of the initiative prepared by city officials.¹ With their complaint, the plaintiffs filed an application for a temporary restraining order.²

On the following day, Judge Fernando M. Olguin ordered the city to respond to the application by August 1, with an optional reply filed by August 3.³ Instead, the parties filed a proposed stipulated injunction on August 1 reducing the amount of specified text required in the plaintiffs' advertising.⁴ Judge Olguin issued the stipulated injunction on August 2.⁵

On November 8, the initiative failed.⁶ The parties stipulated dismissal of the action on November 14.⁷

1. Complaint, *Residents for The Beverly Hills Garden & Open Space Initiative v. City of Beverly Hills*, No. 2:16-cv-5532 (C.D. Cal. July 25, 2016), D.E. 1.

2. Temporary-Restraining-Order Application, *id.* (C.D. Cal. July 25, 2016), D.E. 6.

3. Minutes, *id.* (July 26, 2016), D.E. 13 (also ordering service of the complaint on the city by 5:00 p.m. on July 27).

4. Stipulation, *id.* (Aug. 1, 2016), D.E. 22.

5. Order, *id.* (Aug. 2, 2016), D.E. 23.

6. See Sarah Parvini, *Two Development Measures Rejected*, L.A. Times, Nov. 10, 2016, at B8.

7. Stipulation, *Residents*, No. 2:16-cv-5532 (C.D. Cal. Aug. 14, 2016), D.E. 24.