



# 2010

# NEIGHBORHOOD COUNCIL

# ELECTION POLICIES

PREPARED BY:

City Clerk – Election Division  
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## City Clerk - Election Division Policy: No.1 Retention of 2008 Election-related Materials by Neighborhood Councils

This policy is issued to clarify the retention period for the 2008 election-related materials described in Article XX Disposition of Election Records Section B:

“At the conclusion of the recount and election challenge resolution period, the City Clerk, Election Division shall turn all election materials over to the Neighborhood Council. The Neighborhood Council shall then retain the election materials for a period of six (6) months, after which they shall be destroyed.”

During the 2008 Neighborhood Council (NC) Elections, the Office of the City Clerk intended to have NCs pick up their election-related materials after the certification of their elections. It was the intention of the City Clerk that any election-related materials that were **abandoned** in the City Clerk - Election Division's warehouse **beyond** the six months would be destroyed. It was not the intention of the City Clerk to require NCs who had picked up their election-related materials to destroy them after six months.

Although a strict reading of the language does require that the destruction of these records take place after six months, this was never the intention of the City Clerk. The City Clerk leaves the decision up to the individual NCs to determine their own records retention period.

However, NCs who retain their election-related materials shall continue to be responsible for responding to any California Public Records Act requests as long as they retain the election-related materials. Should your NC receive a California Public Records Act request for any of the election materials, please notify your Project Coordinator at the Department of Neighborhood Empowerment and contact the City Attorney's Office at (213) 978-8132 for assistance.

This clarification is issued pursuant to the authority granted to the City Clerk in accordance with Los Angeles Administrative Code Sec 22.816. Elections (a)(2).

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.



## **City Clerk - Election Division Policy: No. 2 Extension of Neighborhood Council Board Member Terms**

Pursuant to LAAC Section 20.36 (b), the City Clerk - Election Division is authorized to direct the terms of Neighborhood Council board members, which are scheduled for election during January, 2009 through December, 2009, be extended to calendar year 2010.

Hence, the City Clerk - Election Division establishes that there shall be a moratorium on all Neighborhood Council Elections from January 1, 2009 until the time the City Clerk - Election Division implements the Neighborhood Council Elections in 2010.

The City Clerk - Election Division establishes that the terms of all Neighborhood Council board members shall be extended until after the certification of their City Clerk - Election Division implemented 2010 election results or the resolution of all official election challenges for their respective 2010 Neighborhood Council election, whichever date is later.

This policy shall not prevent Neighborhood Councils from filling Board vacancies via their respective bylaw described appointment and vacancy clauses.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.



## City Clerk - Election Division Policy: No. 3 Public Records Act Requests

This is to notify all stakeholders of the policy regarding California Public Records Act (CPRA) requests for materials used in Neighborhood Council Board Member Elections.

Under the CPRA, a member of the public can make a valid request for public documents either in writing (including e-mail) or orally. Although it is not necessary for a request to be valid, members of the public should be encouraged to fill out a 2010 Neighborhood Council Public Records Request Form. This form will facilitate our response and ensure that the correct records are provided.

The CPRA requires the disclosure of governmental records to the public, subject to certain exemptions. The following are examples of what information is subject to disclosure and what information must be redacted prior to fulfilling a CPRA request for Neighborhood Council Board Member Elections:

### **STAKEHOLDER REGISTRATION FORMS, VOTE-BY-MAIL APPLICATIONS, AND BALLOTS**

Please note that Stakeholder Registration Forms, Vote-By-Mail Applications, and ballots will only be made available for inspection after the Official Canvass is completed in order to ensure critical documents are available for use by staff when needed, to avoid any interference with the election process, and to avoid the possibility of duplication and/or fraud. The processed ballots and non-exempt information on the Stakeholder Registration Forms and/or Vote-By-Mail Applications will be provided within a reasonable amount of time after the date of the election.

In regard to the Stakeholder Registration Forms and Vote-By-Mail Applications, the following information will be redacted prior to fulfilling a CPRA request:

- home street addresses;
- home telephone numbers;
- private e-mail addresses;
- signatures; or
- any other identifying information.\*

### **CANDIDATE FILING FORMS**

Since candidates for Neighborhood Council board seats are vying for public seats, Candidate Filing Forms, which can include a candidate's contact information and qualifying information, are considered public information and subject to disclosure. Please note that a candidate's signature on the Candidate Filing Form is not subject to disclosure and will be redacted prior to fulfilling a CPRA request.

## **QUALIFYING CANDIDATE DOCUMENTATION**

All candidates must provide documentation to establish their stakeholder status for the position which they are applying. Any documentation used by a candidate and retained by the City Clerk-Election Division to qualify a candidate is subject to limited disclosure. The following information will be redacted prior to fulfilling a CPRA request:

- home street addresses;
- home telephone numbers;
- private e-mail addresses;
- signatures; or
- any other identifying information.\*

## **ELECTION CHALLENGES**

Election Challenges are subject to disclosure as a public record. When requested, the name of the person filing the challenge and the grounds for filing the challenge must be disclosed. Any documentation used by challenger to support his or her challenge is subject to limited disclosure. The following information will be redacted prior to fulfilling a CPRA request:

- home street addresses;
- home telephone numbers;
- private e-mail addresses;
- signatures; or
- any other identifying information.\*

## **FULFILLING CPRA REQUESTS**

Once a CPRA request is made, the City Clerk-Election Division will have 10 calendar days to respond to the request, indicating what will or will not be disclosed, the reasoning behind any decisions made, and, if applicable, the total fee for requested copies. Please note that an additional 14 calendar days to respond may be allowed if warranted by special circumstances. This 10 calendar day period is not the period of time in which the request must be fulfilled, but rather, the period of time in which to notify the requesting party what information will be disclosed.

Redactions must be made when members of the public view the requested materials in person and when copies are made and provided to the public. When viewed in person, the public may examine and take notes of the redacted material, but may not have access to any exempt information. When fulfilling an in-person request, a member of the staff will remain present at all times to supervise the viewing and to answer any questions that may arise.

In the event that photocopies of materials are requested, the City Clerk will charge \$0.10 for each photocopy. Payments can be made in person or sent to the Election Division Headquarters at 555 Ramirez St., Space 300, Los Angeles, CA 90012, prior to the copies being made.

If you have any questions regarding this matter, please contact the Neighborhood Council Election Unit at (213) 978-0444.

\* Identifying information may include, but is not limited to: a Social Security Number, a Driver's License or State ID Number, Birth Date, or a Bank or Credit Card Account Number. Please note that zip codes are not exempt from disclosure.



## City Clerk - Election Division Policy: No. 4 Candidate Filing

This is to notify all candidates of the policy regarding filing for candidacy for a Neighborhood Council Board Member Election.

This policy articulates guidelines in addition to those set forth in Article IX Candidate Filing of the Neighborhood Council Election Procedures and Planning Template for 2008.

- All potential candidates must complete a Candidate Filing Form and file the form with the Office of the City Clerk, Election Division by the Candidate Filing Deadline.
- All potential candidates will be notified by the City Clerk if their Candidate Filing Form is incomplete and the steps necessary to complete the candidate filing process.
- All potential candidates must provide identification and any other applicable documentation to establish their stakeholder status for the position which they are applying.
- All potential candidates may submit a Candidate Statement on a template provided by the City Clerk. The Candidate Statement must conform to the City Clerk-Election Division Policy regarding Candidate Statements.
- Candidates must adhere to all applicable deadlines including, but not limited to:
  - Candidate Filing Deadline
  - Write-In Candidate Deadline
  - Candidate Statement Deadline
  - Candidate Withdrawal Deadline
- The City Clerk-Election Division will retain all Candidate Filing Forms and corresponding documentation according to the City Clerk-Election Division regarding Material Retention.

Please note that a candidate's contact information, including his or her home address, home phone number, and email address is subject to disclosure if a California Public Records Act request is made. A candidate's signature will not be subject to disclosure.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 978-0444.





## **City Clerk - Election Division Policy: No. 4a Candidate Filing Challenges**

This is to notify all stakeholders of the policy regarding challenges to a person's candidacy for a Neighborhood Council Board Member Election during the Candidate Filing Period.

For the 2010 Neighborhood Council Board Member Elections, the Office of the City Clerk - Election Division has developed a Neighborhood Council Election Challenge Process to resolve all challenges that may arise throughout each NC Election.

In general, all challenges must be submitted by the Challenge Filing Deadline of five (5) City of Los Angeles business days after the issuance of the official election results. The City Clerk - Election Division will have 30 days after this deadline to investigate each challenge and recommend a resolution to a NC Election Challenge Review Panel.

Due to limited resources and a time-specific workload, the City Clerk is unable to devote staff resources to address election challenges in a piecemeal fashion. This will include, but is not limited to, challenges made to a person's qualifications to run as a candidate during the Candidate Filing Period. Challenges to a candidate's stakeholder qualifications shall be processed and investigated after Election Day and upon the beginning of the Challenge Filing Period. Challenges to a candidate's stakeholder qualification must be submitted on an Election Challenge Application and must be accompanied by any documentation, exhibits, and evidentiary that supports the challenge. New evidence or documentation will not be accepted after the Challenge Filing deadline.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 978-0444.



## City Clerk - Election Division Policy: No. 5 Electioneering

This is to notify all stakeholders of the policy against electioneering within or near a Neighborhood Council Polling Place.

Article XII Polling Place Operations Section E of the Neighborhood Council Election Procedures and Planning Template for 2008 states:

**“No campaigning or electioneering activities will be allowed within 100 feet of the polling site.”**

This policy expressly prohibits electioneering within 100 feet of the polling place measured from the door of the polling place where voters sign the roster and cast their ballots. Polling place staff must place signs indicating where the 100-foot mark is located.

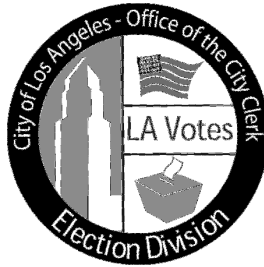
“Electioneering” includes:

- soliciting a vote or speaking to a voter on the subject of marking his or her ballot;
- placing any sign relating to any candidate;
- distributing material relating to any candidate; or
- placing a sign, distributing material, or conversing with a voter on the subject of the voter’s qualifications to vote.

In addition, excessive noise and audio equipment that creates a nuisance to voters or staff within the 100-foot mark will amount to a violation of this policy. Vehicles that have a banner or placard soliciting a vote or recommending any candidate shall remain 100 feet beyond the building where voters are voting, except for the discharge or loading of passengers. Activities beyond the 100-foot mark are subject to the rules of the particular property owner and should be respected.

Any person or persons engaged in electioneering will be directed by polling place staff to cease and may be asked to leave.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.



## **City Clerk - Election Division Policy: No. 6 Exit Poll and Surveys**

This is to notify all stakeholders of the policy regarding conducting exit polls and/or surveys during a Neighborhood Council Board Member Election.

Neighborhood Councils, stakeholders, news media, or other organizations wishing to conduct a survey, exit poll, or other survey of the voters on Election Day will be permitted to do so subject to certain limitations.

Any person or group conducting surveys, exit polls, or other survey of voters are advised to remain at least 100 feet from the door of the polling place. Surveys and exit polling will be permitted as long as it does not interfere with the voting process. Candidates are prohibited from participating and conducting surveys, exit polls, or other survey of voters on Election Day.

Any person or group conducting a survey or exit poll is required to coordinate with the polling place Inspector and to be respectful of poll worker priorities. All persons conducting a survey, exit poll, or other survey of voters on Election Day are required to sign in with the polling place staff, provide contact information, and wear a name tag for identification purposes. Polling place staff will indicate where the 100 foot mark is located with visible signage. In addition, every voter has the right not to disclose how he or she may have voted.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.



## **City Clerk - Election Division Policy: No. 7 Polling Place Video/Photography**

This is to notify all candidates of the policy regarding video/photography within a Neighborhood Council Polling Place on Election Day.

Videotaping and photography is permitted in the Polling Place on Election Day under the following conditions:

- Video/Photography is only permitted with the expressed permission of everyone at the polling place.
- Polling Place staff may not withhold permission to be photographed.
- Video/Photography will not be of voter's faces.
- Video/Photography will not be of a voter making their ballot choice.
- All persons taking video or photographs are required to sign in with the Polling Place staff and provide contact information.
- Ballots may not be recorded or photographed.

Any person or persons that do not adhere to these conditions will be directed by Polling Place staff to cease and may be asked to leave.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.



## **City Clerk - Election Division Policy: No. 8 Scheduling of Appointments**

This is to notify all candidates and/or stakeholders of the policy regarding the scheduling of appointments to meet with City Clerk - Election Division personnel.

Where a member of the public would like to make an appointment to meet with the City Clerk – Election Division staff, they must do so at least 48 hours before the desired meeting time. Appointments shall be scheduled on a first-come first-served basis and in accordance with the availability of the staff member being sought.

Same-day drop-in visits by members of the public shall be accommodated according to the availability of the staff. Same-day drop-in visits shall be restricted to a total of 15 minutes of maximum staff time per day per person/group of persons.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.



## **City Clerk - Election Division Policy: No. 9 Mailer Development**

This policy has been repealed as the City Clerk - Election Division will not be involved in the development of mailers.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.



## **City Clerk - Election Division Policy: No. 10 Bylaw Revision Deadline**

This is to notify all Neighborhood Councils of the deadline in place for submitting bylaw changes to the City Clerk - Election Division.

Any Department of Neighborhood Empowerment (DONE) approved bylaws received by the City Clerk - Election Division after 5:00 p.m. of June 1, 2009, will not be applied to the 2010 Neighborhood Council Elections. Bylaw approval must still be pursued through the DONE. Unapproved bylaws submitted directly to the City Clerk - Election Division will be rejected.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.



## **City Clerk – Election Division Policy: No. 11 Candidate Forums**

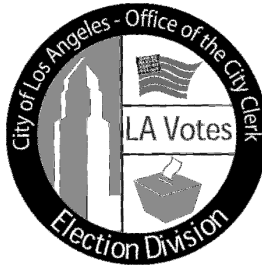
This is to notify all Neighborhood Councils of the policy regarding Neighborhood Council Candidate Forums.

The City Clerk - Election Division shall not administer nor participate in any candidate forums. It is the responsibility of individual Neighborhood Councils to coordinate such events.

Candidate contact information shall be given to the Election Chair of each Neighborhood Council five days after the filing deadline. In the absence of an Election Chair, the President of each Neighborhood Council shall be the designated alternate to receive the candidate contact information. Where email addresses are not available for either of the two persons, the City Clerk – Election Division will provide the candidate contact information to the Neighborhood Council upon request. The notification of candidates to participate in such events shall be the sole responsibility of Neighborhood Councils.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.





## **City Clerk - Election Division Policy: No. 12 Maps and District Boundaries**

This is to notify all Neighborhood Councils of the policy regarding the resolution of bylaw/map inaccuracies.

Where a map of a Neighborhood Council does not match the language provided in that Neighborhood Council's bylaws, the City Clerk - Election Division will defer to the written bylaws for clarification. The City Clerk - Election Division shall revise Neighborhood Council maps in accordance with specific language in a given Neighborhood Council's bylaws.

Where applicable, this policy shall also apply to district boundary maps within a Neighborhood Council that do not match the language in the bylaws.

All Neighborhood Councils will be required to endorse any boundary (or district boundary) maps issued by the City Clerk - Election Division at least 160 days prior to Election Day.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.



## **City Clerk - Election Division Policy: No. 13 Vote-By-Mail (VBM) Applications**

This is to notify all Neighborhood Councils of the policy on handling VBM Applications.

No person or persons other than the voter shall be involved with or participate in any way in the handling of VBM Applications. All VBM Applications must be requested by phone\*. Voters must call (213) 978-8050 to receive a VBM Application. For Los Angeles City Residents in need of TTY assistance, dial 311, or for those outside of Los Angeles, please dial (213) 485-2121.

This policy expressly prohibits any candidate from handling any applications after their issuance to the stakeholder. Specifically, this policy restricts Neighborhood Council candidates from distributing or collecting completed VBM Applications from stakeholders. Applications collected or submitted by a candidate, group or individual will not be accepted.

VBM will only be offered to voters who are physically unable to go to the Polling Place on Election Day due to disability or religious restrictions. Only these stakeholders will be eligible to vote by mail.

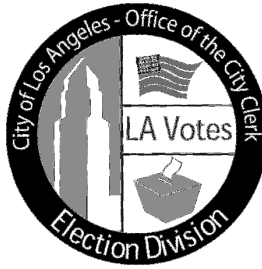
VBM Applications may be requested on behalf of family members or domestic partners who live within the same household who are physically unable to go to the Polling Place on Election Day due to disability or religious restrictions.

Voters requesting to vote by mail must affirm under penalty of perjury that they meet the aforementioned requirements.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 978-0444.

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\*You may also fax requests to (213) 978-0611 to receive a VBM Application.



## **City Clerk - Election Division Policy: No. 14 Reissue/Exchange of Vote-By-Mail (VBM) Ballot**

This is to notify all Neighborhood Councils of the policy regarding the reissue/exchange of VBM Ballots.

The City Clerk - Election Division shall send a second VBM Ballot to any voter upon receipt of a statement, signed under penalty of perjury, no later than seven days prior to the election, that the voter has failed to receive, has lost, or has destroyed the original ballot. Prior to counting the second ballot, the City Clerk - Election Division shall verify that the voter has not attempted to vote more than once.

This policy also allows a voter to exchange a VBM Ballot that was sent in error. The City Clerk - Election Division will issue a corrected VBM Ballot upon the receipt of the original ballot.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.



## **City Clerk - Election Division Policy: No. 15 Provisional Voting**

This is to notify all Neighborhood Councils of the policy established for Provisional Voting.

A voter will be issued a Provisional Ballot if he/she has been issued a Vote-By-Mail (VBM) Ballot, does not have a VBM Ballot to surrender, but wishes to vote at the polls. Once it has been determined by the City Clerk - Election Division that the voter did not vote the issued VBM Ballot, the Provisional Ballot will be counted.

A voter may also cast a Provisional Ballot if it cannot be determined that the voter is a stakeholder eligible to vote in the election. When a voter casts a Provisional Ballot, all necessary documentation to qualify the ballot must be submitted within three (3) City of Los Angeles business days following the election. Provisional voters' stakeholder documentation such as receipts will be accepted only if it has a date/time prior to the close of polls. If the receipt is dated AFTER the close of polls, it will not be considered acceptable documentation and the provisional vote will not be counted.

All documentation must be received (not postmarked) at the address below by 5:00 p.m. of the deadline.

City Clerk - Election Division  
P.O Box 54377, Los Angeles, CA 90054-0377  
or  
City Clerk - Election Division  
555 Ramirez St., Space 300  
Los Angeles, CA 90012

You may also fax your documents to (213) 978-0376.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.



## City Clerk - Election Division Policy: No. 16 Candidate Statements

This is to notify all candidates of the policy on Candidate Statements.

Candidate statements are optional. When a candidate chooses to submit a Candidate Statement as part of their Candidate Filing Packet(s), the following shall be adhered to:

- a) Must fit on one side of the form provided and within the designated area.
- b) Must be at least 12-point font (if typed).
- c) Must not exceed the 150 word count limit.
- d) Must be submitted no later than 30 days before Election Day.
- e) May not include any pictures, profanity or comments about any other candidate.

These statements will be compiled and posted on the City Clerk's website as well as at the polling place on Election Day, if submitted within the submission deadline.

Additionally, a candidate may submit translated version(s) of the original statement, which must comply with all aforementioned criteria.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.



## City Clerk - Election Division Policy: No. 17 2010 Polling Place Selection Process

This is to notify all Neighborhood Councils (NC), NC Stakeholders and candidates on the policy for the Polling Place Selection Process.

The City Clerk will use one Polling Place per NC election. The process to be used to select a polling place for this election will include the following considerations:

- a) The site selected must be of sufficient size to accommodate the voter sign-in process and actual voting activities.
- b) The site selected should have sufficient parking for pollworkers and voters.
- c) The site selected should be convenient for those utilizing public transportation.
- d) Procedures must be in place to accommodate disabled voters and in compliance with the Americans with Disability Act (ADA).
- e) Unbiased location for stakeholders and candidates.

Based on these requirements, the City Clerk - Election Division will issue the *Polling Place Suggestion Form* requesting the NCs to submit a Board approved ranked list of five suggested polling places to the City Clerk. The City Clerk will make the final decision on the Polling Place to be used on the NCs' Election Day. Factors that the City Clerk will consider when finalizing a Polling Place are:

- a) Date and time availability;
- b) Cost for use of the facility (for each election-related event); and
- c) Provides a reasonably unbiased location to stakeholders and candidates.

In the event none of the Polling Places on the suggestion form submitted by an NC are available, or do not meet the criteria above, the City Clerk will recruit a suitable Polling Place for the NC. The City Clerk recruited Polling Places will not be subject to endorsement by an NC. Each NC will be notified by mail of the final Polling Place that has been approved by the Election Division.

If you have any questions regarding this matter, please contact Niesha Louis, Precincting Section Manager, at (213) 978-0434.



## City Clerk - Election Division Policy: No. 17a 2010 Post Polling Place Selection - Appeal Process

This is to notify all Neighborhood Councils (NC), NC Stakeholders and candidates that this amends the policy to appeal the Polling Place Selection (Policy No.17).

A NC may submit a Polling Place Selection Appeal if the NC meets **ALL** of the following criteria:

- The NC submitted the Polling Place Suggestion Form to the City Clerk by the submission deadline (or requested extension of the deadline), **and**
- The Polling Place Suggestion Form submitted by the NC included a minimum of three (3) potential polling place sites, **and**
- The polling place recruited by the City Clerk was not a location listed on the Polling Place Suggestion Form submitted by the NC, **and**
- The NC commits to paying 100% of the cost of the polling place usage (including custodial/janitorial fees) directly to the chosen facility.

When a NC meets all of the above criteria, the NC may appeal its City Clerk-recruited polling place. The Appeal Process is expedited and must be completed within 18 calendar days from the date of filing the appeal. To start the appeal process:

- A. The NC must submit their appeal 130 days prior to the NC's Regional Election date.
- B. The NC must state a valid rationale for requesting the change of the recruited polling place (i.e., prior experience, historical use, etc.).
- C. The NC Board must submit the appeal of the recruitment choice to the City Clerk in writing via formal letter (sent via U.S. mail), fax, or email. The written appeal must include:
  1. NC Name
  2. Date
  3. Reason why the NC is requesting to change the polling place recruited
  4. Proposed alternate location (name, address, and type of facility)
  5. Commitment to finalize re-recruitment of the newly proposed polling place within 15 calendar days (including but not limited to the possibility of the NC scheduling an emergency Board Meeting)
- D. Appeal Timeline:
  1. The appeal shall be submitted to the City Clerk within the Clerk's indicated timeline.
  2. The City Clerk will notify the NC within five (5) days of the results of the appeal.
  3. The NC Board will, within seven (7) days of the appeal notice, in a properly announced public meeting, and through a formal Board action, approve the Appeal of the Polling Place recruited by the City Clerk, and approve the issuance of funds needed to recruit the new polling place.
  4. After the newly identified location has been surveyed by the City Clerk, the NC shall forward written confirmation to the City Clerk, and *send payment to the polling place owner* (not the City Clerk) within three (3) days of the Board action.

Upon completion of this process, the NC will be notified in writing by the City Clerk confirming the newly recruited polling place.

If you have any questions and/or concerns regarding this matter, please contact Niesha Louis, Precincting Section Manager, at (213) 978-0434 or via email at Niesha.Louis@lacity.org.



## **City Clerk - Election Division Policy: No. 18 Endorsement of 2010 Neighborhood Council Election Procedures**

This is to notify all Neighborhood Councils of the timeline for endorsing their 2010 Election Procedures.

Neighborhood Councils shall endorse their Election Procedures one hundred and thirty (130) calendar days prior to their Election Day. In the event that the Election Procedures are not endorsed by their respective Neighborhood Council, the City Clerk - Election Division will utilize their most recent draft of Election Procedures in conjunction with their submitted 2010 NC Election Procedures Stipulations Language Worksheet. Where a 2010 NC Election Procedures Stipulations Language Worksheet was not submitted by the June 1, 2009 deadline, the City Clerk – Election Division shall use the default stipulations in conjunction with their most recent draft of Election Procedures to conduct the Neighborhood Council's Election.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.





## **City Clerk - Election Division Policy: No. 19 Mailer Distribution**

This policy has been repealed as the City Clerk - Election Division will not be involved in the distribution of mailers.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.



## City Clerk - Election Division Policy: No. 20 Retention of Election-Related Materials

This is to notify all Neighborhood Councils (NC) and candidates of the policy regarding the retention of election-related materials:

Approximately 45 calendar days after the certification of election results,\* the City Clerk - Election Division shall make the following items available for pick up by the NCs:

- Stakeholder Registration Forms
- Candidate Filing Forms (excluding stakeholder documentation)

The newly-elected board shall designate an individual to pick up the above-mentioned materials on behalf of the NC at a prior NC Board Meeting. The designated individual shall contact the City Clerk - Election Division to schedule an appointment for picking up the materials in accordance with City Clerk - Election Division Policy No. 8. All documents retained by the NC shall be subject to the California Public Records Act for the length of time the documents are retained by the NC.

The City Clerk - Election Division shall retain all other election-related materials for a period of six months after the certification of election results. All election-related materials will be made available to the public in accordance with the California Public Records Act and City Clerk - Election Division Policy No. 3.

All NC election-related materials will be destroyed six months after the certification of election results.\* No NC election-related materials will be retained after the six month retention period.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 978-0444.

\*The election results will be officially certified after the Deadline for the City Clerk to issue Final Challenge Report. If no official election challenges or recount requests are submitted by the Deadline to Submit Recounts and Challenges, the election results will be officially certified immediately following this deadline.

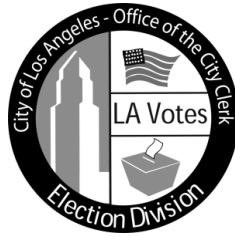


## **City Clerk - Election Division Policy: No. 21 Vacancy Clause**

This is to notify all Neighborhood Councils of the policy established for filling vacancies on a board.

The City Clerk - Election Division shall conduct Neighborhood Council elections on even-numbered years. When a vacancy occurs, the Neighborhood Council shall refer to Section 8: Vacancy Clause in their 2010 Neighborhood Council Election Procedures Stipulation Language Worksheet to fill vacancies until their successor can be elected. Any person so appointed shall hold office for the remainder of the unexpired term. Where no designation is established in their submitted 2010 Neighborhood Council Election Procedures Stipulation Language Worksheet, the 2010 Citywide Stipulation Language Worksheet defaults will apply. No special elections shall be held by the City Clerk - Election Division.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.



## **City Clerk - Election Division Policy: No. 22 Seating of Newly-Elected Board Members**

The seating of a newly-elected Neighborhood Council (NC) board will take place when the following criteria are met:

- a) The City Clerk - Election Division has issued certified election results for the NC; and,
- b) All official election challenges for the NC have been resolved.

Until the election is certified, the incumbent board members will continue in their duly elected/appointed positions. Once certified, the board must be seated as a single unit. No partial and/or interim seating is allowed. Where a single challenge to a single seat has not been resolved, the rest of the board cannot be seated.

Once all election challenges are resolved, the newly-elected board shall be seated at the next regularly scheduled NC meeting within the 30 calendar day period following the Deadline for the City Clerk to Issue the Challenge Review Panel's Decision. If there are no challenges or recount requests, the newly-elected board shall be seated at the next regularly scheduled NC meeting within the 30 calendar days following the Deadline to Submit Recounts and Challenges. Where a regularly scheduled meeting is not scheduled within the 30 calendar days following the Deadline to Submit Recounts and Challenges or the resolution of all official election challenges, the outgoing board will call a special meeting in accordance with the Brown Act to seat the newly-elected board.

When a challenge has been resolved and the outgoing board fails to meet within the 30 calendar day period following the Deadline for the City Clerk to Issue the Challenge Review Panel's Decision, the newly-elected board members shall be deemed officially seated and shall have all rights and responsibilities of NC board members.

The outgoing board shall preside over the regularly scheduled or special meeting where the first order of business shall be to officially seat the newly-elected board, and if applicable, select board officers. All powers shall immediately be transferred over to the newly-elected board.

In the event that the outgoing board is unable to meet because it lacks sufficient board members to constitute a quorum, the newly-elected board members will be deemed immediately seated upon the certification of the election results following the Deadline to Submit Recounts and Challenges or the resolution of all official election challenges.

Please note that a newly-elected board has the right under the Brown Act to call a special meeting to seat the newly-elected board after the 30 calendar day seating period has passed.

If you have any questions regarding this matter, please contact the Neighborhood Council Election Unit at (213) 978-0444.



## City Clerk - Election Division Policy: No. 23 Election Observers

This is to notify all candidates of the Election Observers Policy.

Observers will be allowed inside the polling site throughout the election, provided that the observers do not, in any way, attempt to interfere with or influence the activities of the pollworkers or the voters.

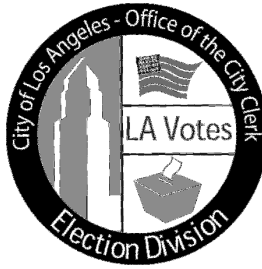
The following guidelines will be posted at each polling sites during the Neighborhood Council Elections:

### **OBSERVERS HAVE THE RIGHT TO VIEW ALL ELECTION OPERATIONS**

- Prior to opening, all Observers must wait outside while the Election Division Staff sets up the Polling Place location. Observers will be permitted to enter the Polling Place once the polling site officially opens for voting.
- All Observers must sign in with Election Division Staff. A badge will be issued and must be worn at all times. When leaving for the day/evening, the Observer must sign out and return the badge to an Election Division Staff Member.
- Observers may not interfere in the election or the voting process. Observers cannot assist in operations, touch or handle any ballots or other election-related materials.
- There shall be no Electioneering within 100 feet of the Polling Place. The 100 feet will be measured from the entrance to the room or location where voters will be voting.
- Observers may not talk to or solicit voters in the Polling Place.
- Observers are allowed to videotape Polling Place operations only after they have received everyone's permission to film (verbal or in writing). If someone objects to being videotaped, the Observer must stop filming.
- Candidates are not permitted as Observers at the Polling Place on Election Day.

- Observers have the right to ask pollworkers questions regarding election procedures and to receive answers or be directed to the appropriate official for responses to questions. However, if persistent questioning disrupts the execution of their duties, the pollworkers can stop responding and direct the observers to the senior elections official for all further answers. If disruptions persist, the Observer may be asked to leave the polling place.
- Only pollworkers and voters engaged in voting may be within the voting booth area during the time the polls are open.
- No smoking, food or beverages are allowed in the Polling Place.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.



## City Clerk - Election Division Policy: No. 24 Default 2010 Neighborhood Council Election Procedures Stipulation Language Worksheet Stakeholder Status Value

This is to notify all Neighborhood Council (NC) candidates and stakeholders.

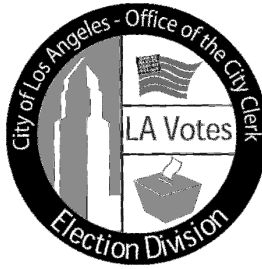
Where a 2010 NC Election Procedures Stipulation Language Worksheet was not received or received past the deadline from a Neighborhood Council, the City Clerk - Election Division shall use the City Council adopted Stakeholder definition as the default requirement for running and voting for a seat on an NC Board.

The City Council adopted Stakeholder definition is:

*"Neighborhood Council membership is open to all Stakeholders. "Stakeholders" shall be defined as those who live, work, or own property in the neighborhood and also to those who declare a stake in the neighborhood and affirm the factual basis for it."*

This policy will **only** apply when a NC has not submitted a 2010 NC Election Procedures Stipulation Language Worksheet by June 1, 2009, and the NC's bylaws (as submitted in June 2009 to the City Clerk - Election Division by the Department of Neighborhood Empowerment) do not specify the candidate or voter requirements. Where the NC bylaws specifically define these requirements, the City Clerk - Election Division will defer to the bylaws.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 473-6805.



## **City Clerk - Election Division Policy: No. 25 Election Schedule Deadline Conflict Policy**

This is to notify all Neighborhood Councils (NCs) of the policy regarding election schedule deadline conflicts.

Where possible, NC Election schedules will all follow the same general timeline (e.g., candidate filing begins 90 days prior to the election).

The City Clerk - Election Division offices will not be open on weekends or holidays. As such, Neighborhood Council Election Procedure deadlines shall be adjusted. Where the planned deadline falls on a Saturday, Sunday, religious or national holiday, the actual deadline date will be moved to the following City of Los Angeles business day.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 978-0444.





## **City Clerk - Election Division Policy: No. 26 Language Assistance Policy**

This is to notify all Neighborhood Councils of the policy for requesting Language Assistance on Election Day.

The City Clerk - Election Division will provide language assistance on Election Day upon the request of the Neighborhood Council Board. An NC may request assistance for up to two (2) languages. Languages not available within the City Clerk - Election Division will be contracted out to an outside interpreter at a \$50 fee per language to be paid by the NC.

All language assistance requests should be made on an Election Day Language Assistance Service Request Form and submitted to the City Clerk no later than 5:00 p.m. 30 days prior to Election Day.

Election Division bilingual staff will be available to assist voters on Election Day. Voters may also bring someone to assist them at the polls on Election Day. Only one person will be allowed to assist per voter.

Election Day Language Assistance Service Request Forms received after the submission deadline will not be processed.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 978-0444.



## **City Clerk - Election Division Policy: No. 27 Translation Policy**

This is to notify all Neighborhood Councils of the policy for requesting document translations.

The City Clerk - Election Division will translate documents upon receiving a Translation Request Form from the Neighborhood Council Board. All Translation Request Forms must be submitted to the City Clerk no later than 5:00 p.m., 30 days prior to Election Day.

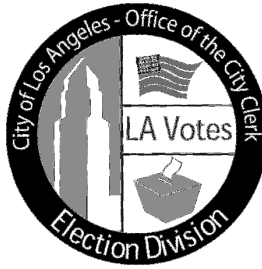
The following documents are available for translation:

- Candidate Filing Form
- Stakeholder Registration Form
- Vote-By-Mail (VBM) Application
- VBM Voting Instructions
- At-Polls Voting Instructions

Due to the current budget, translation requests will be limited to two (2) languages other than English per Neighborhood Council.

Translation Request Forms received after the deadline shall not be processed.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 978-0444.



## **City Clerk - Election Division Policy: No. 28 Names Appearing on the Ballot Policy**

This is to notify all Neighborhood Councils of the policy for Names Appearing on the Ballot.

The City Clerk - Election Division will use the candidate's legal name for the ballot. No completely fictitious name may be used on a ballot to refer to a candidate. If a candidate wishes a different name to appear on the ballot, the following format must be followed. The format for including nickname on the ballots is:

First Name "Nickname" Last Name (i.e., Jonathan "Chico" Anderson).

A shortened version of a name or a variation of a name will be allowed in lieu of a candidate's legal name. For example, instead of Jonathan Anderson, the candidate may use the name "John Anderson," or "Johnny Anderson" or "J. Anderson."

Professional Degrees: Professional Acronyms shall not be used on a ballot. No name shall include professional distinctions such as: PhD, MSW, Esq., etc.

In order for a name to fit on the ballot, all names appearing on the ballot must be a maximum of 26 characters/letters including spaces and punctuations. Any names that exceed this number will be cut to the maximum number of characters/letters by the City Clerk - Election Division starting from the last letter of the name. For example, Miguel Angelito Martinez Jr. will appear on the ballot as "Miguel Angelito Martinez J".

Where there is a conflict between the names provided as documentation or on documents provided to the City Clerk, the name written on the Candidate Filing Form will override (unless otherwise specified by the Candidate in accordance with this policy and submitted to the City Clerk by the Candidate Filing deadline to appear on the ballot).

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 978-0444.



## **City Clerk – Election Division Policy No. 29 Neighborhood Council Election Challenge Process**

### **OVERVIEW**

Pursuant to Los Angeles Administrative Code section 22.816 (b) and Article V of the Plan for a Citywide System of Neighborhood Councils, the City Clerk - Election Division (hereafter referred to as the “City Clerk”) has developed the Neighborhood Council (NC) Election Challenge Process based on the processes used for resolving municipal, Proposition 218 and Community Redevelopment Agency elections. This NC Election Challenge Process provides the method for:

- 1) Submitting NC election challenges;
- 2) Identifying challengeable issues and proportionate sanctions;
- 3) Establishing the NC Election Challenge Review Panel; and,
- 4) Reporting the NC Election Challenge Review Panel’s decision and sanctions (where applicable).

This process will be administered by the City Clerk. The City Clerk will be responsible for developing and receiving the Challenge Filing Forms, investigating and issuing recommendations for official election challenges and convening the NC Election Challenge Review Panel (hereafter referred to as “the Panel”), who will review the City Clerk’s findings and make the final decision.

### **SUBMITTING NC ELECTION CHALLENGES**

Any stakeholder who voted in the election may file a challenge to that NC election only. The challenge must be filed using the Election Challenge Application (see Attachment A) and submitted within the Challenge Filing Period for the respective Region. The Challenge Filing period opens one (1) City of Los Angeles business day after the Final Official Certified Canvass deadline. Submitted Election Challenge Applications must be

signed by the Challenger in order to be considered complete. Unsigned Election Challenge Applications will not be processed.

The Challenge Filing Period closes at 5:00 p.m., five (5) City of Los Angeles business days after the Final Official Certified Canvass deadline. If mailed, the forms must be received (not postmarked) by the Challenge Filing deadline. Challenges that do not meet these requirements will not be considered and shall not be processed. Challenges that are submitted prior to the opening of the filing period will not be processed until after the close of the Challenge Filing Period.

Challengers are required to attach all documentation, exhibits and evidentiary support for their challenge along with the required application, prior to the Challenge Filing deadline. New documentation will not be accepted after the Challenge Filing deadline.

Challenges may be withdrawn at any time by submitting a Challenge Withdrawal Form (see Attachment B).

### **IDENTIFYING CHALLENGEABLE ISSUES**

Challenges that meet the filing requirements will be reviewed by the City Clerk to establish the type of issue being challenged. Challenges with issues outside the scope of authority of the City Clerk will not be processed. Where only a portion of the challenge involves issues outside of the scope of authority of the City Clerk, that specific section of the challenge will be set aside and the remaining challengeable issue will be processed. A sample list of challengeable issues is included in Attachment C.

### **TIMELINE FOR THE ELECTION CHALLENGE PROCESS**

The Challenge Review Process shall be performed by the City Clerk. The City Clerk will investigate the challenges and issue recommendations based on its findings. The City Clerk shall present a formal letter with recommendations to the Panel within thirty (30) calendar days immediately following the closing date of the Challenge Filing Period.

The panel will review the City Clerk's findings and recommendations and make a final determination within seven (7) City of Los Angeles business days after receiving the City Clerk's recommendations. The Panel shall submit its decision to the City Clerk. The City Clerk shall have seven (7) City of Los Angeles business days to present the Panel's decision to all interested parties.

**All NC Election Challenge Process deadlines are based on the City Clerk's 2010 Election Procedures for Neighborhood Councils.**

## CHALLENGE SUBMITTAL AND REVIEW TIMELINE

CHALLENGE EVENTS, ACTIVITIES, FILING PERIOD DESCRIPTIONS, ETC	DATES, START OF FILING PERIODS, END OF FILING PERIODS, ETC
Regional Election Day	
Deadline to Complete Final Canvass (FC)	E + 7 7 City of Los Angeles business days
Challenge Filing Period Begins	FC+1 1 City of Los Angeles business day after FC
Deadline to Submit Recount (RC) and Challenges (CH)	FC+5 5 City of Los Angeles business days after completing Final Canvass (FC)
Deadline to Finish Recount	RC + 5 5 City of Los Angeles business days after receiving recount (RC) request
Deadline to Issue Final Election Report	RC + 30 30 calendar days after receiving recount (RC) request
Deadline to Submit all Challenge Recommendations to Panel	CH + 30 30 calendar days after Challenge Filing Period closes
Deadline for the Challenge Review Panel to issue verdict to the City Clerk	CH + 37 7 City of Los Angeles business days after receiving City Clerk's recommendation
Deadline for the City Clerk to issue Final Challenge Results	CH + 44 7 City of Los Angeles business days after receipt of panel's decision

## **ESTABLISHING THE NC ELECTION CHALLENGE REVIEW PANEL**

Each panel will be comprised of three (3) voting members: two (2) NC Stakeholders and one (1) City Commissioner. In the event of any vacancies, City of Los Angeles employees (excluding the City Clerk – Election Division) will complete the Panel. The City Clerk will solicit participation of NC Stakeholders for the Panel through a Challenge Review Panel Application. The City Clerk will solicit the participation of twenty-five (25) stakeholders throughout the nine (9) NC election regions to become members of the Panel.

The City Clerk shall host formal orientation sessions at Piper Technical Center and regional informational meetings for all stakeholders interested in being considered as members of the Panel. The orientation shall include information regarding the application process, requirements for submitting an application, the qualifications required for applying and the deadline for submitting an application. Attendance at the orientation does not guarantee selection.

The City Clerk shall notify all stakeholders who have been selected to serve as regional panelists. Panelists shall be required to attend a training to introduce all members to all challengeable and non-challengeable issues along with general guidelines for determining sanctions for each violation.

### **Panelists shall be limited to the list of suggested sanctions.**

The City Clerk shall assign panelists per challenge based on the following criteria:

- Panelists must attend one (1) mandatory orientation session.
- Panelists will be restricted from reviewing any challenges from NCs they have voted in or plan on voting in for the 2010 elections.
- Panelists will be contacted regarding their availability to meet and abide by the timeline.
- Panelists must be able to be impartial.
- Panelists must maintain confidentiality until the final results are posted by the City Clerk.

**Panel Members must agree to serve as a panelist on a strictly volunteer basis.**

Where an insufficient number of stakeholders or Commissioners volunteer to participate on the Panel or where stakeholders or Commissioners do not participate in the mandatory orientation session, the City Clerk shall recruit City employees who:

- Are not employees of the Department of Neighborhood Empowerment, the Office of the City Clerk – Election Division, the Office of the City Attorney or any elected official's office.
- Agree to participate on a strictly volunteer basis.

The Panel meeting shall be a closed meeting in which stakeholders, challengers, or those being challenged are not permitted to attend or provide additional testimony and evidence. The Panel will only consider the documentation provided by the challenger(s) and the City Clerk's Investigative Report and Recommendation.

The function of the Panel shall be to provide an *administrative resolution* based on the training and information provided. All panelists must be present at their assigned Challenge Review meetings and must either vote for or against a challenge recommendation provided by the City Clerk. Panel decisions are non-precedent setting.

The Panel shall not convene unless all three (3) voting members are present. A majority vote is required. The Panelist will vote by secret ballot. Abstentions and re-votes will not be allowed. In the absence of a majority vote by the entire Panel, the City Clerk's recommendation shall be the final decision.

**REPORTING THE NC ELECTION CHALLENGE REVIEW PANEL'S DECISION AND SANCTIONS**

The City Clerk shall receive the Panel's final decision and shall have seven (7) City of Los Angeles business days to submit the resolution to all challengers via US Mail, email or facsimile.

Panel resolutions are final unless the City Clerk in conjunction with the City Attorney determine the Panel decision creates exposure to substantial civil liability for the City of Los Angeles pursuant to Pursuant to Los Angeles Administrative Code section 22.816 (b).

In order to preserve the integrity of the Neighborhood Council election process and insure that the challenge process is fair, the City Clerk Office, in its discretion, may



issue a new determination and set aside the Panel's decision when there are either (1) insufficient facts supporting the Panel's decision or (2) the uncontroverted facts fail to demonstrate a violation of the spirit and intent of a specific election procedure.



## ELECTION CHALLENGE APPLICATION

I, \_\_\_\_\_, hereby submit my challenge  
(print full name)  
for the \_\_\_\_\_ Neighborhood Council Election held  
on \_\_\_\_\_.  
(month) (day) (year)

I affirm that I voted in this election and I hereby authorize the Office of the City Clerk - Election Division to review my submittal along with all enclosures for the following complaint:

\_\_\_\_\_  
\_\_\_\_\_

Remedy requested:

\_\_\_\_\_  
\_\_\_\_\_

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_, California.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City and Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email

All Challenges must be received by the close of the Challenge Filing Period Closing.  
Return this completed form along with enclosures to:  
Office of the City Clerk - Election Division  
**Attn: Challenge Review Panel**  
P.O. Box 54377, Los Angeles, CA 90054-0377



## NOTICE OF WITHDRAWAL OF CHALLENGE

I, \_\_\_\_\_, without qualification, hereby officially  
withdraw my challenge for the \_\_\_\_\_ Neighborhood

Council Election held on \_\_\_\_\_.  
(month) (day) (year)

I hereby authorize the Office of the City Clerk - Election Division to remove my  
name from the list of challenges for the \_\_\_\_\_  
Neighborhood Council.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_, California.

\_\_\_\_\_  
Signature

**A NOTICE OF WITHDRAWAL OF CHALLENGE IS EFFECTIVE WHEN IT  
IS FILED WITH THE OFFICE OF THE CITY CLERK - ELECTION DIVISION.**

Return this completed form to:  
Office of the City Clerk - Election Division  
**Attn: Challenge Review Panel (Notice of Election Challenge Withdrawal)**  
P.O. Box 54377, Los Angeles, CA 90054-0377  
**Fax this form to (213) 978-0376**

## Attachment C

### CHALLENGES

The City Clerk shall review all NC Election challenges filed. Following is a *sample* list of challenges that the City will or will not be processed as part of the Review Process.

#### Challengeable:

- Incorrect Ballots (which caused voters to vote either significantly more or less for a qualified candidate)
- Electioneering by Candidate(s)
- Ballot Duplication (by a candidate or stakeholder)
- Explicit Use of City logo(s) for Campaign Materials by Candidate(s) - (including City Clerk – Election Division, DONE, NC logo, and any other City Department logo)
- Candidate Eligibility
- Stakeholder Eligibility (for Document Required NCs only)
- NC Board Endorsement of a Candidate or Slate of Candidates
- Americans with Disabilities Act (ADA) Accessible Facility (if curbside voting was not available)
- Distribution/Collection of VBM Applications\*

\*Excluding representatives from nursing homes, hospitals, or long term care facilities.

#### Not Challengeable:

- Lack of Outreach (outreach performed by an NC, DONE, or any other City entity)
- Published Articles (challenges based on election information published in media such as the Internet [including blogs], newspaper[s], or any other type of media)
- Translated Election Material
- Candidate Forums

## Attachment C Continued

- Polling Place Selection
- Change of Polling Place
- Email Forwarding of NC “Get Out To Vote Material” or Emails.
- Ballot Design
- Vote-By-Mail (VBM) Policy
- NC Endorsed Election Procedure/Policies
- NC Bylaws (Received from DONE by deadline)
- NC Endorsed Polling Place Suggestions
- Stakeholder Qualifications to Vote (NC Bylaws or Stipulation Language Worksheet)
- DONE Approved Outreach Material
- Candidate Slate(s)/Slate Flyers
- Campaign Expenditure(s)
- Volunteer Pollworkers or Pollworker Bias
- Use of Police and/or Security at Polling Place
- Voter Intimidation
- Error in Voting Instructions
- Lack of Necessary Voting Materials
- Voters Threatened by Candidates
- Electioneering by Stakeholder(s)
- Voter Instructions
- Known Factors *Prior* to Election Day (such as: polling place bias because a candidate works at the location, language translators, etc.)
- Language Assistance at Polling Place (All language assistance requests should be made on an Election Day Language Assistance Service Request Form and submitted to the City Clerk no later than 5:00 p.m., 30 days prior to Election Day.)

## Attachment D

### PANEL SELECTION

Each panel will be comprised of three (3) voting members: two (2) NC Stakeholders and one (1) City Commissioner. In the event of any vacancies, City of Los Angeles employees (excluding the City Clerk – Election Division) will complete the panel. The City Clerk will solicit the participation of the NCs and select a group of 25 stakeholders throughout the nine (9) NC election regions to volunteer as members of the Panel. Participation will be solicited through the NC Election Challenge Review Panel Application.

In order to be considered for the Panel, applicants must meet the following criteria:

- submit a completed Election Challenge Review Panel Application
- be at least 18 years of age
- speak, read and write English
- attend one (1) mandatory orientation session
- provide own transportation
- participate on a voluntary basis
- be impartial
- keep Panel discussions and/or results confidential until the official decision is posted
- sign a Loyalty Oath provided by the City Clerk

### DISMISSAL

Once selected, panelists must attend all assigned Panel meetings. Any panelist who is deemed disruptive will be dismissed. Additionally, all challenges under review by the City Clerk are confidential. Any panelist found sharing information with the public or soliciting information from sources other than the City Clerk - Election Division will be dismissed from the Panel and barred from participating in future Panels.



## **City Clerk - Election Division Policy: No. 30 Neighborhood Councils Maps and Boundaries**

This is to notify all Neighborhood Councils (NC) and candidates of the policy regarding NC boundaries:

In the event specific language is not specified in an NC's bylaws regarding how bordering boundaries are defined for an NC or its internal districts/areas/quadrants/zones, the City Clerk shall consider the middle of the road as the defining border for election-related purposes, such as candidate qualification and stakeholder (voter) verification. This will only apply when a NC has not specifically identified boundaries to include both sides of the street (road, avenue, boulevard) or to exclude any specific landmarks, parks or plots of land.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 978-0415.



## **City Clerk - Election Division Policy: No. 31 Update on Clerk administration of the 2010 NC Board Elections**

The Mayor has proposed that the Department of Neighborhood Empowerment (DONE) be consolidated into the Community Development Department (CDD) to create a new "Department of Community Development and Neighborhood Empowerment". This proposal is currently before the Council for approval.

Separately, the Council also acted on the issue of whether or not to cancel the City Clerk's administration of the 2010 Neighborhood Council (NC) Board election cycle. The Council voted that the City Clerk should indeed carry out and complete the 2010 NC Board elections, and that various departments report back on a framework to allow NCs to run their own elections in 2012.

Thus, the City Clerk will continue with the administration of the 2010 Neighborhood Council Board elections as planned. All election services remain the same, including:

- Issuing any election procedures, rules, regulations, directives or moratoria;
- Locating and securing polling places;
- Training and assigning staff at NC polling places;
- Developing candidate filing, stakeholder registration forms, ballots and maps;
- Administering the Candidate and Write-In Candidate Filing Process;
- Developing and administering the Vote-By-Mail (VBM) Application Process;
- Verifying NC stakeholders at the polls and through VBM;
- Providing emergency supplies to the polls on Election Day;
- Retrieving, inspecting, and tabulating all NC ballots;
- Conducting ballot recounts, if requested;
- Developing and overseeing an NC election challenge process;
- Investigating and reporting on any election challenges;
- Certifying NC Elections, and;
- Remaining as custodian of record for all NC election materials.

The City Clerk-Election Division can provide only the aforementioned election-related services. We are not authorized to oversee or participate in certain internal NC functions including the bylaw amendment process, attending NC board meetings on a regular basis, or addressing issues regarding NC funding or expenditures. Any requests to address these types of issues will be forwarded to staff in DONE, or to the Department of Community Development and Neighborhood Empowerment once it is created.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 978-0444.





## City Clerk - Election Division Policy: No. 32 Recounts

This is to notify all stakeholders of the policy regarding the recount of ballots in a Neighborhood Council (NC) Board Member Election.

A recount of ballots will be conducted by the City Clerk - Election Division, by request only, for the purpose of verifying the number of votes counted for any board seat in a NC Board Member Election. Any stakeholder who meets the criteria listed below may request a recount for a specific contest or for the entire election for a NC Board Member Election within five (5) City of Los Angeles business days of the completion of the Final Official Certified Canvass. For a recount request to be accepted for action, the following criteria must be met:

- The number of votes separating the candidates in question must be 10% or less of the total votes cast in that specific contest, and;
- The stakeholder(s) filing the request must have voted in the election in question and must provide the same stakeholder status verification required of voters in the election.

All stakeholders requesting a recount will be required to pay a fee to cover the administrative cost of the recount. The City Clerk - Election Division will charge a manual recount fee in the amount of \$798.80 per NC or \$2.28 for each additional ballot required to be recounted beyond the estimated average number of ballots cast in a NC Election, as determined by the City Clerk - Election Division. This fee is based on the cost of the supplies and equipment necessary for performing the recounts as well as the cost of the staff being employed to perform the recount.

A recount must start no later than five (5) City of Los Angeles business days following the receipt and acceptance of a request and will be open to the public. A notice announcing the date, time, and location of the recount will be posted on the NC Election website and all candidates for the board seat(s) being recounted will be notified.

If the result of an election is changed by the recount, the expense of the recount shall be borne by the City Clerk and the deposit will be returned to the stakeholder(s) who requested the recount. The results of an election are considered changed only if the identity of any person who had been declared elected is changed.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 978-0444.



## **City Clerk - Election Division Policy: No. 33 Notice of Vacating Multiple Positions on a Board**

This is to notify all Neighborhood Councils (NC) and candidates of the policy regarding the Vacating of Candidacy for Multiple Positions on a Board.

This policy is applicable where a candidate is elected to multiple Board seats on the same NC Board at the same election and where the NC allows candidates to run for more than one Board seat at a time.

Where a candidate seeking multiple Board positions on one NC Board is the winning candidate for more than one of those positions, the candidate will be required to vacate all except one Board position no more than three days after the deadline to Complete Final Canvass (FC) or from the day when any and all election recounts and challenges are resolved for the specific NC election, whichever date is later.

The vacated position(s) shall be filled with the next candidate who received the most votes, or if none, via the vacancy clause identified in this 2010 NC Election Procedures Stipulation Language Worksheet.

Accordingly, in the event a candidate should win multiple seats, the process for vacating shall be:

- The candidate will choose the one (1) seat s/he wishes to fill; and
- The candidate must file a Notice of Vacating Candidacy for Multiple Positions on a Board Form (issued by the City Clerk) by the deadline<sup>1</sup>.

Where the candidate does not vacate all except one Board position by the deadline, the candidate will be deemed ineligible for all positions won as the result of the election, except for the one (1) position where the candidate received the most votes.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 978-0444.

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<sup>1</sup> Deadline dates vary and are applicable according to Regional Election Day. In all 2010 NC Elections, the date shall be three (3) days after the deadline to Complete FC or from the day when any and all election recounts and challenges are resolved for the NC's 2010 Elections.



## **City Clerk - Election Division Policy: No. 34 Incorporation of Neighborhood Council Election Procedures into NC Bylaws**

This is to notify all stakeholders of the policy clarifying the priority of the Neighborhood Council (NC) Election Procedures developed and issued by the Office of the City Clerk - Election Division in relation to each NC's election-related bylaw provisions.

Pursuant to LAAC Section 20.36, the City Clerk - Election Division is designated as the sole administrator of NC Board Member elections and is authorized to develop and issue any election procedures, rules, regulations, directives, or moratoria for the conduct of NC Board Member elections. This authority was incorporated into the Plan for a Citywide System for Neighborhood Councils (the Plan), which sets the minimum standards that all NCs must meet in order to operate in the City. Specifically, Article V Section 1 of the Plan states:

“Neighborhood Councils which choose to elect their Governing Body will have their elections administered by the Office of the City Clerk, pursuant to the authority granted to it under Los Angeles Administrative Code Section 20.36. Neighborhood Councils will be subject to any election procedures, rules, regulations, directives or moratoria issued by the City Clerk in administering Neighborhood Council elections. Any election procedures, rules or regulations promulgated by the City Clerk are hereby incorporated into all Neighborhood Councils' bylaws by reference, and are to be affixed to the bylaws of all Neighborhood Councils.”

The NC Election Procedures shall be regarded as the primary embodiment of the rules and regulations developed by the City Clerk - Election Division for the administration of all NC Board Member elections and shall be incorporated into all NC bylaws by reference and shall take precedence over any prior inconsistent bylaw provisions.

Additional directives, stipulations, or policies issued by the City Clerk - Election Division after the completion of the NC Election Procedures shall also be incorporated into all NC bylaws by reference and shall take precedence over any prior inconsistent bylaw provisions or articles in the election procedures.

If you have any questions regarding this matter, please contact Isaias Cantu, Sr. Project Coordinator for the Neighborhood Council Election Unit, at (213) 978-0444.