



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R 0 8 - 0 4 6 8

DEC 0 9 2008

REPORT RE:

**DRAFT ORDINANCE CALLING THE CITY'S PRIMARY NOMINATING
ELECTION FOR MAYOR, CITY ATTORNEY, CONTROLLER, MEMBERS OF THE
LOS ANGELES CITY COUNCIL AND MEMBERS OF THE BOARD OF EDUCATION
AND CONSOLIDATED ELECTIONS FOR MEMBERS OF THE BOARD OF
COMMUNITY COLLEGE TRUSTEES TO BE HELD ON MARCH 3, 2009**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

In accordance with Charter Section 402 and City Election Code Section 106, this office has prepared and now transmits for your consideration a draft ordinance calling and ordering the City's primary nominating election for Mayor, City Attorney, Controller, members of the Los Angeles City Council and members of the Board of Education of the Los Angeles Unified School District, and consolidated elections for members of the Board of Trustees of the Los Angeles Community College District. The primary nominating election will be held on March 3, 2009. The ordinance also would authorize the City Clerk to employ additional staff needed to conduct the primary nominating election, as specified in the ordinance. We have approved the ordinance as to form and legality.

As you may know, state officials have indicated that they may call a statewide special election in 2009 to submit certain state ballot measures to the voters. It is possible that this statewide special election may be called for March 3, 2009, the same date as the City's primary nominating election. In order to provide the City with the flexibility to consolidate the City's primary nominating election with a statewide special election held on March 3, 2009, we have included provisions in the attached draft

ordinance authorizing consolidation of the City's election with a statewide special election if such a state election were to be called. Notably, this ordinance does not require consolidation; rather it provides that Council may adopt a consolidation resolution in the future if a statewide special election were to be called.

Pursuant to Council Rule 38, we submitted the draft ordinance to the City Clerk for comment. The transmitted ordinance incorporates the City Clerk's comments.

If you have any questions, please contact Deputy City Attorney Harit Trivedi at (213) 978-7100. He or another member of this office will be available when you consider this matter to answer any questions you may have.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By 
DAVID MICHAELSON
Chief Assistant City Attorney 

DM:HUT:ac
Transmittal

cc: Karen E. Kalfayan, City Clerk
Gerry Miller, Chief Legislative Analyst

ORDINANCE NO. _____

An ordinance calling, ordering, providing for and giving notice of a Primary Nominating Election on Tuesday, March 3, 2009, in the City of Los Angeles, the Los Angeles Unified School District and the Los Angeles Community College District.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A Primary Nominating Election is hereby called to be held on Tuesday, March 3, 2009, in: (A) the City of Los Angeles to elect, or to nominate to be voted for at the General Municipal Election to be held on Tuesday, May 19, 2009, candidates for the offices of Mayor, City Attorney, Controller and Member of the Council for Districts 1, 3, 5, 7, 9, 11, 13, and 15, for the full term thereof commencing July 1, 2009; and (B) the Los Angeles Unified School District to elect, or to nominate to be voted for at the General Municipal Election to be held in the District on Tuesday, May 19, 2009, candidates for the offices of Member of the Board of Education of the Los Angeles Unified School District for Districts 2, 4, and 6, for the full term thereof commencing July 1, 2009.

Sec. 2. There is hereby consolidated with the Primary Nominating Election of the City of Los Angeles, a primary election to elect, or to nominate to be voted for at a general election to be held on Tuesday, May 19, 2009, candidates for the offices of Member of the Los Angeles Community College Board of Trustees for Seat Numbers 2, 4, and 6, for the full term thereof commencing July 1, 2009, as requested by the Board of Trustees for the Community College District.

Sec. 3. There is hereby consolidated with the Primary Nominating Election of the City of Los Angeles, a special election to elect a candidate, or to nominate candidates to be voted for at a general election to be held on Tuesday, May 19, 2009, for the office of Member of the Los Angeles Community College Board of Trustees for Seat Number 7, for the remaining two years of the current unexpired term commencing July 1, 2009, as requested by the Board of Trustees for the Community College District.

Sec. 4. For the purpose of holding and conducting the Primary Nominating Election in the City of Los Angeles, Los Angeles Unified School District and Los Angeles Community College District, there are hereby adopted and established a total of 1,607 voting precincts, of which 62 precincts are voting exclusively by mail ballot, and of which 21 precincts contain no voters, as follows:

A. The area within the City of Los Angeles, consisting of 1,392 voting precincts, of which 35 precincts are voting exclusively by mail ballot, and of which 8 precincts contain no voters.

B. Those portions of the Los Angeles Unified School District and the Los Angeles Community College District that are located outside the corporate limits of the City of Los Angeles, consisting of 215 voting precincts, of which 27 precincts are voting exclusively by mail ballot, and of which 13 precincts contain no voters.

C. Provided, however, that to nominate or elect candidates for the office of Member of the Board of Education of the Los Angeles Unified School District, it is hereby ordered that the Primary Nominating Election shall not be held in any portion of a precinct within the corporate limits of the City of Los Angeles that is not within one of the herein above designated member districts of the Los Angeles Unified School District. It is hereby further ordered that for that purpose of nominating or electing candidates for the office of Member of the Board of Education of the Los Angeles Unified School District, the Primary Nominating Election shall be held in those portions of the Los Angeles Unified School District located outside the corporate limits of the City of Los Angeles that are within one of the herein above designated member districts of the Los Angeles Unified School District.

D. Provided further, that to nominate or elect candidates for the office of Member of the Board of Trustees of the Los Angeles Community College District, it is hereby ordered that the Primary Nominating Election shall not be held in any portion of a precinct within the corporate limits of the City of Los Angeles that is not within the Los Angeles Community College District. It is hereby further ordered that for that purpose of nominating or electing candidates for the office of Member of the Board of Trustees of the Los Angeles Community College District, the Primary Nominating Election shall be held in those portions of the Los Angeles Community College District located outside the corporate limits of the City of Los Angeles.

Sec. 5. In order to nominate or elect candidates for the offices of Member of the Board of Education of the Los Angeles Unified School District and for the offices of Member of the Board of Trustees of the Los Angeles Community College District at the Primary Nominating Election to be held on March 3, 2009, portions of the election in those districts, pursuant to a Council Resolution adopted on September 19, 2008, shall be consolidated with the general municipal elections of up to 18 cities, to be held on the same date, where portions of those districts are included within the corporate boundaries of those cities. The voting precincts identified in Section 4 above will be adjusted, based on the actual number of the 18 cities that consolidate their general municipal election with the City of Los Angeles Primary Nominating Election. When a portion of the Primary Nominating Election is consolidated with the general municipal election of one of the cities specified in the Council Resolution of September 19, 2008, the voting precincts established by that city for their general municipal election also will be used for the Primary Nominating Election and for the subsequent General Municipal Election to be conducted by the City of Los Angeles.

Sec. 6. The election voting precincts, polling places, and officers of election set forth in the list that will be prepared and approved by the City Clerk, and filed in the City Clerk's Office not later than February 2, 2009, are established as the voting precincts and polling places for the election and the persons whose names are set forth in that list are named as the precinct board members for the election precincts; and that list is, by reference, approved, incorporated into and made part of this ordinance. The list will be available for review in the City Clerk's Election Division office.

Sec. 7. The polling places of the election shall be open at 7:00 a.m. on the election days of March 3 and May 19, 2009, and shall be kept open until 8 p.m. on those same days, when the polls shall close except as provided in Los Angeles City Election Code Section 857.

Sec. 8. It is ordered that the election boards in those precincts designated in Subsection A of Section 4 hereof shall consist of one inspector and at least three clerks; and the election boards in those precincts designated in Subsection B of Section 4 hereof will consist of one inspector and at least two clerks.

Sec. 9. In order to staff critical election-related assignments on the election day of March 3, 2009, the City Clerk is authorized to employ persons who are regularly employed in City Departments. The City Clerk shall compensate the employees, in the positions listed by the Clerk as critical to election operations, at rates equal to those specified for their regular Civil Service classifications including overtime, if applicable.

Sec. 10. Further, in order to staff critical election-related assignments on the election day of March 3, 2009, the City Clerk is authorized to employ persons as Emergency Inspector Reservists at a rate of \$300 for the day, to employ persons as Emergency Clerk Reservists at a rate of \$215 for the day, and to employ Emergency Translators at the rate of \$100 for the day.

Sec. 11. In order to facilitate communications with field staff on the election day of March 3, 2009, the City Clerk is authorized to pay a stipend of \$5 per day to any staff person required to use their personal cellular telephone in the performance of their election day duties.

Sec. 12. In all particulars not recited in this ordinance, the election shall be held as provided by the Charter of the City of Los Angeles, the Los Angeles City Election Code and other applicable law.

Sec. 13. Notwithstanding the foregoing, in the event that the state calls a Statewide Special Election to be held on the same date as the City's Primary Nominating Election:

A. The City Council may resolve, and is hereby authorized to resolve, to consolidate the City's Primary Nominating Election with the statewide special election. If the City's Primary Nominating Election is consolidated with a Statewide Special Election, the elections of the Los Angeles Unified School District and Los Angeles Community College District referenced in this Ordinance and the City ballot measure special elections referenced in Ordinance Numbers 180335, 180336, 180337, 180376 and 180377 may be included in that consolidation.

B. In the event that the City's election is consolidated with a Statewide Special Election, the election precincts, polling places, and officers of the election shall be the same as those provided in the City of Los Angeles, Los Angeles Unified School District and Los Angeles Community College District for the Statewide Special Election, and the elections shall be held in all respects as if there were only one election; furthermore, for the precincts, polling places, and officers of election, reference is hereby made to the Order of the Registrar-Recorder of the County of Los Angeles to be adopted for the Statewide Special Election and that Order is incorporated into and made part of this ordinance.

C. In the event that the City's election is consolidated with a Statewide Special Election, then in all other particulars the election shall be held and conducted as provided by law for the conduct of the Statewide Special Election in the City of Los Angeles, Los Angeles Unified School District and Los Angeles Community College District and the Board of Supervisors of the County of Los Angeles shall have authority to canvass the returns of the election, and the City Council of the City of Los Angeles upon receipt of the certified results of the canvass of election returns shall declare the results thereof consistent with the Charter and other applicable law.

Sec. 14. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

KAREN E. KALFAYAN, City Clerk

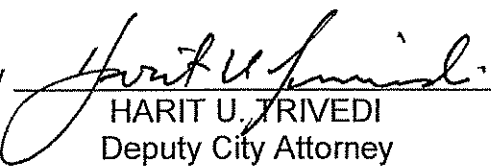
By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By  _____
HARIT U. TRIVEDI
Deputy City Attorney

Date 12/9/08

File No. 09-1100