

# CITY OF LOS ANGELES

CALIFORNIA

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August 28, 2015

Honorable Members of the  
Los Angeles City Council  
c/o City Clerk's Office  
Room 395, City Hall  
Los Angeles, CA 90012

### **SUBJECT: PILOT ONLINE VOTING PROJECT FOR THE 2016 NEIGHBORHOOD COUNCIL ELECTIONS**

Honorable Members:

#### **SUMMARY**

The Fiscal Year 2015-16 Budget includes \$275,000 in the Unappropriated Balance for a pilot online voting project for the 2016 Neighborhood Council (NC) Elections. The Department of Neighborhood Department (EmpowerLA) is requesting transfer of the funds to EmpowerLA in order to provide funding for the vendor selected through an RFP process to begin building the online voting platform. Instructions to EmpowerLA during the Fiscal Year 2015-16 Budget process required the EmpowerLA to report back to Council on policy issues prior to the release of the funds.

#### **RECOMMENDATION**

That the City Council adopt the following recommendations:

1. Subject to approval of the Mayor, authorize the Controller to appropriate \$275,000 from the Unappropriated Balance Fund No. 100-58 to the Department of Neighborhood Empowerment Fund No. 100-47, Account 3040 (Contractual Services) for the development of the online voting system for Neighborhood Councils (NCs).
2. Instruct the City Attorney to draft an ordinance delegating authority to the Board of Neighborhood Commissioners (Commission) to further define the duration, time and types of contacts that would satisfy the term "substantial and ongoing" for community interest stakeholder.

3. Further instruct the City Attorney that the ordinance include a prohibition for any stakeholder definition changes by the Board of Neighborhood Commissioners that affect Neighborhood Council elections during the 6 month election period defined by the opening of Candidate Filing on or about January 1 in even number years until the last Neighborhood Council election has been canvassed and certified no later than June 30 in even number years.

## **BACKGROUND**

EmpowerLA has successfully increased NC election turnout over the past two election cycles, most recently by 43% between the 2012 and 2014 elections. In anticipation of increased participation in the NC elections, EmpowerLA began building the foundation for online and telephone voting by releasing a Request for Proposals for an online vendor in 2014. The vendor, Everyone Counts, was selected in 2015 to conduct an online and telephone voting pilot for now up to 34 NCs. In addition, another objective is to begin building a custom voter registration piece and other back end components of an election system that will be used by EmpowerLA and the Office of the City Clerk to accept submissions and qualify voters. Because of the complexity of NC elections with every NC having different board seats and voting requirements, an online voting platform is the only sustainable option for the City to continue successfully conducting NC elections. Once this platform is built, EmpowerLA anticipates a significant decrease in the cost of online and telephone voting system for subsequent election years.

In the Fiscal Year 2015-16 Adopted Budget, the Mayor and Council set aside \$275,000 in the Unappropriated Balance for partial funding of the online voting system build subject to an EmpowerLA report on policy issues. During the Budget and Finance Committee annual budget hearings, EmpowerLA was asked questions about the ease of Community Interest Stakeholders dominating the vote during an election and the continuing debate regarding the definition of "Community Interest Stakeholder." Currently, anyone who lives, works, or has a substantial and ongoing interest in a NC may participate in that Council's activities including running for a board seat or voting in a NC election. The ongoing conversation has been balancing the philosophies of maximizing participation versus stacking the boards with special interest groups. Many NCs have found this balance by structuring their boards with only one Community Interest Stakeholder seat.

The issue of stack voting is not unique to online voting and having a voter registration component may discourage such voting, but there is nothing illegal about stack voting (bringing a group to the polls to vote voluntarily). Since 2008, the Office of the City Clerk, EmpowerLA and the Commission have advised NCs that if they are concerned about Community Interest Stakeholders voting for all of their board seats, they can set aside one seat specifically for Community Interest Stakeholders to run and vote for in their board structure. Most NCs have selected this option. Out of the 96 NCs, only 13 allow for Community Interest Stakeholders to vote for all of their seats, and from those, only 5 NCs opted for online voting: Reseda, West Hills, Mid City West, Historic Highland Park and Empowerment Congress Southeast. These NCs have consistently stated that they want this voting structure to be inclusive of all of their stakeholders.

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Because of these board structure changes, in the 2014 NC elections, EmpowerLA did not have problems with the Community Interest Stakeholders voting. The Neighborhood Council Election Acceptable Forms of Documentation Manual was used, which was created by the City Clerk and updated by EmpowerLA to include information relative to Community Interest Stakeholders after the City Council adopted an ordinance clarifying the definition. This manual will also be used for the 2016 elections.

The bigger issue for online voting is not the Community Interest Stakeholder definition, but the self-affirmation of voters for what seats they can vote. At the polls, self-affirmation voters provide their names and the addresses that qualify them to vote. They do not have to provide photo identification or any other documentation. This type of verification method could be problematic for online voting as one person could set up multiple accounts via self-affirmation to vote in a single NC election. Of the 34 NCs using online voting, 18 have self-affirmation of voters.

For the 2016 elections, EmpowerLA will implement a process by which any voter registering via self-affirmation will have to provide picture identification. To maintain the inclusive nature of the NC system, the picture identification EmpowerLA will accept a range from any government or school identification to a picture on a credit card. The goal is to maintain that the person registering online is real and not one person setting up multiple accounts to vote more than once in the same NC election. It should also be noted that this situation is not the same as one person voting in multiple NC elections based on their stakeholder type in different NCs, which is allowed.

On August 6, 2015, the Commission voted to approve a request to City Council to amend the Administrative Code and Plan for a Citywide System of Neighborhood Councils to delegate authority to the Commission to further define the duration, time and types of contacts that would satisfy the term "substantial and ongoing" for the Community Interest Stakeholder definition due to several issues that came up during the Chatsworth Neighborhood Council selection process in 2015. A block of Community Interest Stakeholder voters qualified using an organization which participated in a Chatsworth parade every year, but which was physically located outside of the boundaries.

The Commission has created an Ad Hoc Committee to deal with this matter and anticipates completion of any further clarifications by no later than October 15, 2015. They will address the question of whether the definition of Community Interest Stakeholder "having a substantial and ongoing relationship" can be further tightened to ensure a potential participant has an ongoing interest in the NC without discouraging overall participation. In many past NC discussions, a "one-size fits all" definition has been deemed not applicable or desired as different neighborhoods do not have the same needs and issues.

The City Clerk has expressed concerns about settling any voter definition issues prior to the opening of candidate filing which is currently scheduled to begin January 3, 2016. No definitions or changes may take place during the election without compromising the integrity of the election. Due to the time constraints and the need for funds for the system build, the funds are required at this time. In order to ensure that the Council's

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questions and concerns are addressed, included in this report is a recommendation for any clarifications of Community Interest Stakeholder within certain deadlines and also a recommendation to mitigate any concerns of the City Clerk.

Please feel free to contact me directly if you have any questions relative to this issue.

Sincerely,



Grayce Liu  
General Manager, Department of  
Neighborhood Empowerment

GL:HLW:amm