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LISA W. SARNO
INTERIM GENERAL MANAGER

www.LACityNeighborhoods.com

June 13, 2006

Dear Venice Neighborhood Council,

This letter is in response to the Venice Neighborhood Council ("VNC") Election Procedures ("Procedures") received by the Department of Neighborhood Empowerment ("Department") for the 2006 election. The responsibility of the Department is to review all Neighborhood Council election procedures for consistency with applicable laws governing Neighborhood Councils, the approved bylaws of the respective Neighborhood Council, the Plan for a Citywide System of Neighborhood Councils ("Plan") and the Neighborhood Council Election Procedures.

The Department received draft Procedures for 2006 from the VNC on May 3, 2006. The Department was unable to review the Procedures until the receipt of the amended Bylaws of the Neighborhood Council of Venice Neighborhood Council on May 31, 2006.

The Department has an obligation to the stakeholders of the VNC – as well as to the stakeholders of all neighborhood councils – to ensure that elections are conducted in a fair, open, transparent and democratic manner; our review of proposed amendments to your bylaws and election procedures was conducted in consideration of that goal.

PROPOSED BYLAW AMENDMENTS

The Department reviewed the proposed amendments to the Bylaws of the Venice Neighborhood Council and found the Neighborhood Council Application to Change or Adjust Bylaws to be complete and as such the Department has **APPROVED** the amendments that were requested.

DRAFT ELECTION PROCEDURES

The Department reviewed the draft Procedures submitted by the VNC. In order for the Department to approve the Procedures for 2006, the following amendments must be made and the amended Procedures must be submitted to the Department for review:

- ELECTION PROCEDURES:** In several locations within the document, the NC is referred to as the Grass Roots Venice Neighborhood Council.

PROBLEM: Based on approved changes to the NC bylaws, the name of the council has been amended.

SOLUTION: Replace all references to the Grassroots Venice Neighborhood Council with the current name of the NC (i.e. Venice Neighborhood Council).

- ❑ **ELECTION PROCEDURES, INTRODUCTION, SECTION B:** This section describes the evolution of the 2006 NC election procedures.

PROBLEM: The first sentence reads: “For the 2006 election, election procedures have been adapted from the BONC approved procedures used in 2005 and modified at public meeting(s) that have been noticed in accordance with the Brown Act”.

SOLUTION: The reference to BONC is incorrect. The sentence should be altered to read, “For the 2006 election, election procedures have been adapted from the previous year and modified at public meeting(s) that have been noticed in accordance with the Brown Act.”

- ❑ **ELECTION PROCEDURES, INTRODUCTION, SECTION C:** This section describes the NC Rules and Elections Committee process.

PROBLEM: The last sentence presents a timeline that is inconsistent with the citywide Elections Procedures.

SOLUTION: Delete the last sentence that reads, “Approval by the VNC board must be given more then 140 days before the proposed election date as mandated by DONE.

According to the citywide Election Procedures (Article VI f (v)), the finalized Election Procedures must be adopted by the elected Neighborhood Council governing board, in a publicly noticed meeting, no later than 60 days before the scheduled election.

- ❑ **ELECTION PROCEDURES, ARTICLE IV NEIGHBORHOOD COUNCIL STAKEHOLDERS:** This section presents the definition of a stakeholder.

PROBLEM: The stakeholder definition in the election procedures is inconsistent with the stakeholder definition provided in the NC bylaws.

SOLUTION: The VNC must use the specific wording for the definition of stakeholder as listed in the Bylaws Article III Membership Section A Stakeholders: “Stakeholders” are defined as individuals who live, work, or own property within the Venice Neighborhood Council boundaries.”

VNC Elections Procedures Section 2 reads, “Volunteers who perform unpaid work in Venice will be considered as working in Venice, as will fulltime students enrolled in a Venice school.” This wording regarding volunteers must be removed from the Election Procedures, as the definition of a stakeholder must conform to the stakeholder definition provided by the NC bylaws.

- **ELECTION PROCEDURES, ARTICLE V ELECTION TYPE (SECTIONS A & B):** These sections describe the type of election the NC will conduct.

PROBLEM: The procedures indicate that a Prepared Ballot Election along with a Vote by Mail component will be allowed but do not provide details of either of these types of elections.

SOLUTION: Clarify that the election will be a Prepared Ballot Election with a Vote-by-Mail component.

The Procedures must further state that:

- The polling location is in compliance with the Americans with Disabilities Act (ADA), as well as provide information on how a disabled voters who is unable to access the polling location, will be accommodated.
- All persons or other entities that meet the criteria for the definition of stakeholder as outlined in the NC bylaws and in Article IV, Section A of the Citywide Election Procedures shall be eligible to vote in the election, either at the polls or by utilizing the Vote-by Mail option.
- Stakeholders cannot be denied the opportunity to vote for a candidate for member of the governing board for whom they are eligible to vote.
- Stakeholders cannot be denied the opportunity to run for a board seat for which they hold stakeholder status.

- **ELECTION PROCEDURES, ARTICLE V ELECTION TYPE, SECTION B:** This section describes the type of election the NC will conduct.

PROBLEM: There is no definition for “Absentee” voting in the citywide Election Procedures.

SOLUTION: In this section and throughout the VNC Election Procedures, use only the designation “Vote-by-Mail” for the type of election that will be held.

- **ELECTION PROCEDURES, ARTICLE V ELECTION TYPE, SECTION E:** This section outlines the number of board seats available.

PROBLEM: The reference to “Board Members” and “Officers” is confusing.

SOLUTION: Use the terminology Board Officers and delete the reference to Board Members by removing the second sentence that reads, “Officers will be elected at-large by the stakeholders on the election day.”

- **ELECTION PROCEDURES, ARTICLE V ELECTION TYPE, SECTION F:** This section indicates the specific board seats that are available.

PROBLEM: The board seat chart uses the word “Qualification” but does not list whether this is the qualification required to run for a board seat or to vote for the seat.

SOLUTION: Add the wording “to run for the seat” along with the word “qualification” (i.e. qualification to run for the seat). Also, add an additional column to the chart that provides information on the qualifications to vote for a board seat (i.e. qualification to vote for the seat) and indicate who is qualified to do so in each box.

- **ELECTION PROCEDURES, ARTICLE VI TERMS OF OFFICE:** This section provides information about the terms of office for board members.

PROBLEM: The procedures indicate that board members will serve for one year. However, according to the NC bylaws (Article IV E) “Each term of office shall be two years.” It is unclear what is being indicated by the wording “to complete the remainder of an existing term:”

SOLUTION: Rewrite the sentence to read, “The following 11 Board members will serve two (2) year terms.”

- **ELECTION PROCEDURES, ARTICLE VIII VOLUNTEER ELECTION COMMITTEE, SECTIONS B:** This section provides contact information for the Election Committee.

PROBLEM: The Department of Neighborhood Empowerment is listed as a contact for the Election Committee.

SOLUTION: Remove the Department from this section along with the DONE contact information.

- **ELECTION PROCEDURES, ARTICLE VIII VOLUNTEER ELECTION COMMITTEE, SECTION C:** This section defines the roles and responsibilities of the VNC Rules and Election Committee (REC).

PROBLEM: Some information listed in this section is outside of the scope of REC duties.

SOLUTION: Revise the information so that it conforms to the citywide Election Procedures by rewording the following:

1. “Finalizing the election procedures for DONE approval”, should read: “Finalizing the election procedures for board approval.”
3. “Monitoring eligibility and verification of all stakeholders and candidates” should read: “Assisting with the oversight of eligibility and verification of all stakeholders and candidates.”
6. “Implementing a printed ballot election” should read: “Implementing a printed ballot election with a vote-by-mail component.”
8. “Case-by-case assistance to home bound stakeholders who wish to register and vote” must be removed from this section.

- ❑ **ELECTION PROCEDURES, ARTICLE VIII VOLUNTEER ELECTION COMMITTEE, SECTIONS B & C:** These sections define the roles and responsibilities of the VNC Rules and Election Committee (REC) and list contact information.

PROBLEM: Letters “B” and “C” do not conform to a traditional outline format. The letter “C” appears before the letter “B”.

SOLUTION: Revise the order so that letter “B” will come before letter “C”.

- ❑ **ELECTION PROCEDURES, ARTICLE IX, Independent Election Administrator (IEA):** This section provides the name and contact information for the Independent Election Administrator.

PROBLEM: The alphabet order of the sections under Article IX has been repeated. There are two of each item indicated as letters “C”, “D”, and “E”.

SOLUTION: The second Section “C” Postponement of the Election should become Section “F”. The second section “D” Canvass of Votes, Issuance of Results and Ratification of the Election should become Section “G”. The second Section “E” Contact and Information should become Section “H”.

- ❑ **ELECTION PROCEDURES, ARTICLE IX, Independent Election Administrator (IEA) Section A:** This section provides a replacement process should the IEA not be able to perform his/her duties.

PROBLEM: The replacement process indicated in the VNC’s Election Procedures is not consistent with the citywide Election Procedures.

SOLUTION: Replace the current wording of this section with the following language:

”If the Independent Election Administrator cannot fulfill their responsibilities, the Neighborhood Council must immediately notify the Department of Neighborhood Empowerment so that a mutually agreed upon replacement Independent Election Administrator can be secured.”

- ❑ **ELECTION PROCEDURES, ARTICLE IX, INDEPENDENT ELECTION ADMINISTRATOR (IEA) SECTION A:** This section identifies the Final Decision Maker (FDM). It also provides contact information and alludes to the FDMs roles and responsibilities.

PROBLEM: The FDM selected by the VNC does not meet the criteria as outlined in the citywide Elections Procedures.

SOLUTION: List the City’s Human Relations Commission as the IEA for the election. In addition, also provide contact information for the Department of Neighborhood Empowerment as the entity to which challenges must be submitted.

The Department of Neighborhood Empowerment
Attn: Election Challenge for the Venice Neighborhood Council
334-B East Second Street
Los Angeles, CA 90012
Fax: (323) 485-4608
Email: done.election@lacity.org

- **ELECTION PROCEDURES, ARTICLE XI, VOTING AND STAKEHOLDER REGISTRATION, SECTION B:** This section indicates meetings at which registration will occur for stakeholders.

PROBLEM: The NC has chosen to use a Vote-by-Mail (VBM) process but has omitted this option as one of the avenues stakeholders can use to register.

SOLUTION: Revise Section B to read, "Registration will occur at the following three (3) events, on election day(s) and per the VBM process."

PROBLEM: The information listed is not specific as to the type of "Information Session" that will be conducted.

SOLUTION: Include the words "Election Information Session" or "Candidate Information Session" to indicate which type of information session is being referred to. In addition the dates of both types of information sessions (election and candidate) must be listed along with the date, time and location for each session.

- **ELECTION PROCEDURES, ARTICLE XI, VOTING AND STAKEHOLDER REGISTRATION, SECTION C:** This section describes the valid credentials stakeholders will provide as verification of their stakeholder status.

PROBLEM: The procedures inconsistently define what is meant by the term "current" credentials.

SOLUTION: Remove all information written under each type of identification and replace it with a sentence stating that all "valid" forms of identification shall be accepted.

PROBLEM: The procedures attempt to define work beyond the definition that is listed in the bylaws.

SOLUTION: Remove the language that reads, "of at least 10 hours per month" from all applicable items.

- **ELECTION PROCEDURES, ARTICLE XI, VOTING AND STAKEHOLDER REGISTRATION, SECTION F:** This section provides information about the criteria that will be applied uniformly for the submission of stakeholder status documentation.

PROBLEM: The information is inconsistent with the citywide Election Procedures.

SOLUTION: Replace all the wording listed in Section F with the following: “No single stakeholder or group of stakeholders will be required to provide greater documentation of stakeholder status than any other stakeholder or stakeholder group.”

- ❑ **ELECTION PROCEDURES, ARTICLE XI, VOTING AND STAKEHOLDER REGISTRATION, SECTION H:** This section discusses the process by which stakeholders receive a second ballot should the first ballot become spoiled.

PROBLEM: The word “soiled is used within the paragraph.

SOLUTION: Replace the word “soiled” with the word “spoiled”.

- ❑ **ELECTION PROCEDURES, ARTICLE XI, VOTING AND STAKEHOLDER REGISTRATION, SECTION I:** This section indicates how a voter may request a review of a decision to reject his/her voter registration.

PROBLEM: The information is inconsistent with the citywide Election Procedures because it indicates that the IEA has the authority to review this decision.

SOLUTION: Rewrite the first sentence to read, “If any person’s voter registration is rejected during the registration process, that voter may request a review of that decision by the FDM.”

- ❑ **ELECTION PROCEDURES, ARTICLE XI, VOTING AND STAKEHOLDER REGISTRATION, SECTION J:** This section describes the vote-by-mail process

PROBLEM: There is no definition for “Absentee” voting in the citywide Election Procedures.

SOLUTION: In this section and throughout the VNC Election Procedures use the designation “Vote-by-Mail”.

PROBLEM: In Section J (3) homebound stakeholders are differentiated from stakeholders who wish to vote-by-mail. This differentiation cannot be made.

SOLUTION: Remove the language (Section J (3) Absentee ballot/Vote-by-Mail) that differentiates the two.

- ❑ **ELECTION PROCEDURES, ARTICLE XI, VOTING AND STAKEHOLDER REGISTRATION, SECTION G (b):** This section describes the criteria that may be applied to challenges of the election.

PROBLEM: The language used is not consistent with the citywide Election Procedures.

SOLUTION: Rewrite the paragraph to read, “The only acceptable basis for challenging a voter’s right to vote at the polling site will be that the person is not a stakeholder as defined by the Neighborhood Council bylaws or that the person was issued a Vote-by Mail ballot.”

- **ELECTION PROCEDURES, ARTICLE XI, VOTING AND STAKEHOLDER REGISTRATION, SECTION G:** This section describes the process for acceptance of copied material related to the stakeholder verification.

PROBLEM: The wording indicates that the IEA alone will be responsible for receiving copies related to the stakeholder verification.

SOLUTION: Rewrite this sentence to read, “ Photocopies of materials will be evaluated and accepted by the IEA or his assistant only.

Also delete the last sentence, which reads, “All verification documents will be returned to the stakeholder immediately.”

- **ELECTION PROCEDURES, ARTICLE XI, VOTING AND STAKEHOLDER REGISTRATION, SECTION G PROVISIONAL VOTING:** This section describes the process stakeholders may use for provisional voting.

PROBLEM: This letter “G” is the second letter “G” in this section.

SOLUTION: This second letter “G” should become the letter “K” to correctly indicate its place in the document.

- **ELECTION PROCEDURES, ARTICLE XI, VOTING AND STAKEHOLDER REGISTRATION, SECTION J ABSENTEE/VOTE-BY-MAIL VOTING:** This section describes the process stakeholders may use for VBM.

PROBLEM: There is no definition for “Absentee” voting in the citywide Election Procedures.

SOLUTION: In this section and throughout the VNC Election Procedures use the designation “Vote-by-Mail”.

PROBLEM: There is not a subsection #1 and there are two subsections identified as #3.

SOLUTION: Begin the numbering with subsection #1 and change the first subsection #3 to subsection #2.

- **ELECTION PROCEDURES, ARTICLE XII, POLLING PLACE OPERATIONS, SECTION I:** This section indicates that assistance will be provided for non-English speaking stakeholder at the polling place.

PROBLEM: The document does not define “other” appropriate languages.

SOLUTION: Remove the last four words of the second sentence “or other appropriate languages”.

- **ELECTION PROCEDURES, ARTICLE XIII, CANDIDACY, SECTION C (4):** This section describes the process for candidates to be represented at the Candidate Forum.

PROBLEM: The wording used is ambiguous when indicating how representation will be provided.

SOLUTION: Rewrite the sentence to read, “Participation in the Candidate Forum on Wednesday, September 9, 2006, may consist of candidate attendance, or attendance of a representative of the candidate. The representative of the candidate may read the candidate’s statement at the Forum if the candidate is not present. Include information about the location and time of the Forum.

- **ELECTION PROCEDURES, ARTICLE XIII, CANDIDACY, SECTION E:** This section indicates valid credentials stakeholders will provide as verification of their stakeholder status.

PROBLEM: The procedures inconsistently define what is meant by the term “current”.

SOLUTION: Remove all information under each type of identification and replace it with one sentence for the entire section that states that all valid forms of identification shall be accepted.

PROBLEM: The procedures provide a definition of work that is inconsistent with the bylaws definition.

SOLUTION: Remove the language that reads, “of at least 10 hours per month” from this section.

- **ELECTION PROCEDURES, ARTICLE XIII, CANDIDACY, SECTION F:** This section provides information on the criteria that must be applied uniformly for the submission of candidate documentation.

PROBLEM: The information is inconsistent with the citywide Election Procedures.

SOLUTION: Replace all the wording listed in Section F with the following: “No single stakeholder or group of stakeholders will be required to provide greater documentation of stakeholder status than any other stakeholder or stakeholder group.”

- **ELECTION PROCEDURES, ARTICLE XIII, CANDIDACY, SECTION H:** This section indicates that the candidate’s filing form is his/her written acceptance of candidacy for a board seat. It further indicates that a candidate may appeal a decision to reject his/her candidacy for office.

PROBLEM: Information provided in this section incorrectly identifies the IEA as the entity to which an appeal must be made, provides a candidate reconsideration process that is inconsistent with the citywide Election Procedures, and incorrectly assigns responsibilities to the IEA that are not within the IEAs scope of work.

SOLUTION: Rewrite the second sentence to read, "If any person's candidate registration is rejected during the registration process, that prospective candidate may request a review of that decision by the FDM."

Also delete the last two sentences, which read, "If the IEA rejects the stakeholder's application prior to August 17, 2006, the stakeholder should return to a future event and attempt to register as a candidate again. If the IEA rejects the stakeholder's application on August 17, 2006, the decision of the IEA shall be considered final."

- ❑ **ELECTION PROCEDURES, ARTICLE XIII, CANDIDACY, SECTION U:** This section indicates that the use of certain identifying logos or pictorials by candidates is not be allowed.

PROBLEM: The inclusion of Department of Neighborhood Empowerment's logo was omitted from the list.

SOLUTION: Rewrite the sentence to read, "The use of the City of Los Angeles Seal, the Department of Neighborhood Empowerment Logo or any other official Neighborhood Council designation created by the Department of Neighborhood Empowerment is prohibited for use on candidate materials."

- ❑ **ELECTION PROCEDURES, ARTICLE XV, PUBLIC OUTREACH AND NOTICE OF ELECTION, SECTION B (3):** This section informs stakeholders that information sessions will be provided.

PROBLEM: In this section no differentiation is made of Candidate and Stakeholder Information Sessions. Each session must be listed separately.

SOLUTION: Rewrite the paragraph so that a distinction is made between the Stakeholder Information Session (listed as the Election Information Session in the citywide Election Procedures) and the Candidate Information Session. Further, information regarding dates, times, and locations for both sessions must be included in the election timeline.

- ❑ **ELECTION PROCEDURES, ARTICLE XVII, CHALLENGES SECTION A (2):** This section provides information to stakeholders regarding the location where challenges may be submitted.

PROBLEM: The information provided is not consistent with the citywide Election Procedures.

SOLUTION: Rewrite the information to indicate that challenges must be submitted to.

The Department of Neighborhood Empowerment
Attn: Election Challenge for the Venice Neighborhood Council
334-B East Second Street
Los Angeles, CA 90012
Fax: (323) 485-4608
Email: done.election@lacity.org

- ❑ **ELECTION PROCEDURES, ARTICLE XVIII, SEATING OF ELECTED BOARD MEMBERS, SECTION B:** This section provides stakeholders written information regarding when newly elected board members will be seated.

PROBLEM: The sentence in Section B is not complete.

SOLUTION: Remove this entire section/sentence from the procedures.

- ❑ **ADDITIONAL INFORMATION REQUIRED:**

PROBLEM: Key pieces of information from the election process have not been included in the VNC Election Procedures. This information must be incorporated to be consistent with the citywide Election Procedures.

SOLUTION:

The Neighborhood Council must:

- Identify a process for ensuring that all candidates are notified of the election results.
- Incorporate a description of the ballot design along with any restrictions on the use of candidate titles.
- Include a statement that candidates will be listed in random order on the ballot.
- Include a section that indicates that the governing board, acting in their official capacity as a board, is prohibited from endorsing or campaigning for any candidate or group of candidates running for a governing board seat.
- Include a section, which indicates that no City facility, equipment, or resources shall be used for campaigning activities except as provided in the citywide Election Procedures.
- Include a section that describes the recounting of ballots process.
- Include information about polling place operations such as campaigning restrictions and IEA activities (i.e. the IEA will announce in a loud voice the opening and closing of the polls).
- Add information to the VBM section that a tally will be kept of all stakeholders who request a VBM ballot.

As the VNC finalizes the Procedures for 2006, please keep in mind the requirements of the Neighborhood Council Election Procedures, including the following key items:

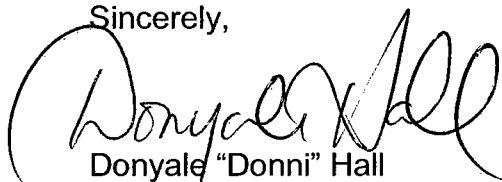
1. The Department may not approve election procedures less than 90 days prior to the election,
2. The VNC may not approve election procedures less than 60 days prior to the election. Additionally, an Election Information Session and the first mass distribution of election-related notices must take place no less than 60 days prior to the election,
3. The VNC must have a candidate filing period of at least 45 days, not to begin prior to the first distribution of election-related notices and not to begin prior to the approval of the Procedures by the Department. Additionally, the candidate filing period may not end less than 30 days before the election, and
4. Two Candidate Information Sessions must be held within the candidate filing period. The Candidate Information Sessions may not be held as a part of the agenda of a VNC meeting (the Candidate Information Session may be held before a meeting is called to order or after a meeting has been adjourned).

Please amend the Procedures and submit the amended document to the Department at done.election@lacity.org with a CC to mark.lewis@lacity.org and jonathan.martinez@lacity.org. You may also fax the Procedures to (213) 485-4608 or send a hard copy of the Procedures to:

Department of Neighborhood Empowerment
Attn: Jonathan Martinez
334-B East Second Street
Los Angeles, CA, 90012

Should you have any questions or concerns, please feel free to contact the Department at (213) 485-1360 or toll free by dialing 3-1-1 to discuss this matter further.

Sincerely,



Donyale "Donni" Hall
Action Senior Project Coordinator
Department of Neighborhood Empowerment

CC: Jonathan Martinez, Acting Senior Project Coordinator
Mark Lewis, Acting Director of Field Operations
Deanna Stevenson, Neighborhood Council Advocate

Attn: Neighborhood Council Election Procedures (NCEP)