

# FREQUENTLY ASKED QUESTIONS

## 2008 / 2010 ELECTIONS / MORATORIUM

### **Why is DONE administering some Neighborhood Council elections this year and the City Clerk administering others?**

The City Clerk will only administer NC Elections that have been scheduled between April and June in addition to other NCs that wish to participate (see below). Due to timing constraints, the City Clerk is unable to administer NC Elections that are set to occur between January and March. The Los Angeles City Council authorized the Office of the City Clerk to administer NC Elections on December 18, 2007. By this time many of the preparations for the January to March 2008 elections had already begun. Therefore, to minimize disruption, DONE will continue to administer these elections.

The City Clerk is unable to administer NC elections that are scheduled between July and December because this will conflict with the City Clerk's primary duty of administering the City's 2009 Municipal Elections. However, these NCs were offered the option of moving their elections forward to June 2008 in order for the City Clerk to conduct their elections. Preparations for the 2009 Municipal Elections are set to begin in July 2008. At this point, all City Clerk staff must focus their attention on the conduct of these elections.

### **Will there be Neighborhood Council elections in 2009?**

No. A Moratorium will be placed on all Neighborhood Council elections for 2009.

## GENERAL ELECTION QUESTIONS

### **How will the City Clerk administer Neighborhood Council elections and how will it be different from the Department of Neighborhood Empowerment?**

The City Clerk will assume the responsibility of a number of tasks that were previously under the purview of the Department of Neighborhood Empowerment (DONE). These tasks include, but are not limited to:

- Creating a uniform set of Election Procedures for Neighborhood Council (NC) Elections.
- Establishing regular deadlines, such as Candidate Filing deadlines and Vote-By-Mail deadlines, for every Neighborhood Council to follow.
- Providing permanent and semi-permanent City Clerk staff to perform election-specific tasks and operate polling places on Election Day.

In addition, Independent Election Administrators (IEA) and Final Decision Makers (FDM) will no longer be required in the Neighborhood Council Election Process.

DONE will continue to assist and guide NCs with regular, non-election related activities. DONE, in conjunction with each NC, will also continue to concentrate its efforts on outreach and other community-based activities.

# FREQUENTLY ASKED QUESTIONS

## **What role would a Neighborhood Council have in the new election process?**

In general, every Neighborhood Council is free to determine the level of participation in the Neighborhood Council Election Process. However, the single greatest responsibility of every NC will be to focus on stakeholder and candidate Outreach in coordination with the DONE. Neighborhood Councils will no longer be required to establish Election Committees, develop Election Procedures, or perform other logistical tasks associated with conducting an election, such as providing supplies for the polling place.

## **What is going to happen to the Independent Election Administrators?**

Although the DONE will utilize Independent Administrators (IEAs) for the 2008 elections, the City Clerk will not require the services of IEAs in conducting elections beyond 2008. However, IEAs may still participate as members of an Emergency Response Team for the 2008 NC Elections to address grievances or other unique issues that may require external consultation.

## **ELECTION PROCEDURES**

### **What Election Procedures will the City Clerk follow and how were they developed?**

The City Clerk developed a set of Election Procedures after an exhaustive review of the following resources:

- Neighborhood Council Election Procedures (Citywide Procedures adopted on January 25, 2005)
- Available Neighborhood Council Bylaws
- Available Neighborhood Council Election Procedures from 2007 and 2006
- DONE Procedures (Including interviews with PCs and IEAs)

In general, the City Clerk examined all resources specific to the Neighborhood Council System and compared it to the current standards and practices that are employed for the variety of elections that the City Clerk oversees. For more detail, please read [City Clerk Conduct of Neighborhood Council Elections - Supplemental Report \(Reference Council File No. 05-0894 - S5\)](#)

### **Are elements of the Election Procedures open for modification?**

The City Clerk will hold Regional Meetings upon completing the 2009 Municipal Elections to collect NC input. Neighborhood Council will be provided an opportunity to provide feedback to address any possible modifications to the Election Procedures.

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## **MASS MAILING / GENERAL INFORMATIONAL FLYER**

### **How will the City Clerk notify Stakeholders about the election?**

The City Clerk will initially be providing 2 General Information Flyers for all Neighborhood Councils. The first mailing is scheduled to be distributed to all *mailing addresses* 60 to 45 days before Election Day. The General Information Flyer will include the following:

- Neighborhood Council Name
- Election Date and Time
- Polling Place Location
- Candidate Qualifications
- Candidate Filing and Vote-By-Mail Applications (1 each)
- Contact Information (City Clerk, the specific NC, and DONE)

Additional information may be included if warranted. The General Information Flyer is merely promotional and is designed to alert stakeholders of the general details of the Election. Further Outreach is the responsibility of all Neighborhood Councils and DONE. A second mailing will once again include election information and also a list of candidates. The second mailing is scheduled closer to Election Day, but has yet to be finalized.

### **How will the City Clerk determine who to send information to and what will be done to reach Stakeholders without a mailing address?**

The City Clerk has yet to develop a finalized mailing list for all Neighborhood Councils. In order to reach stakeholders without an address, or those that reside outside the NC boundaries but are active within the NC, the City Clerk will distribute a number of Mailing Packets to every Neighborhood Council to distribute at their monthly meetings or as part of their Outreach efforts. The City Clerk welcomes electronic mailing lists from every NC to include in our mailings. However, in order to avoid duplicate mailings, the City Clerk urges NCs that provide a list to only include stakeholders that do not have a mailing address within the NC boundaries.

## **CANDIDATE INFORMATION**

### **Who can run for a seat in a Neighborhood Council?**

Any stakeholder that meets the criteria set out in each Neighborhood Council's Bylaws is eligible to run for a seat in a Neighborhood Council. The City Clerk will require that all candidates verify their stakeholder status by providing the proper documentation that is appropriate for the Stakeholder Category in which they are running.

### **What will happen if a Neighborhood Council fails to enlist enough candidates to meet a quorum?**

The City Clerk is dedicated to seeing each election through from start to finish. Elections will neither be postponed nor rescheduled once they have been implemented. To prevent this event from occurring, the City Clerk will provide regular updates on our website so as to provide NCs and DONE with the status of candidates filing for all positions. These updates will occur from the opening of

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the candidate filing period to the close of the Write-In candidate period. Once the election is completed, the Neighborhood Council must work with DONE to address any vacancy issues.

## **Can a Neighborhood Council present a list of the candidates at the poll on Election Day?**

As part of their Candidate Filing Packet, candidates will be asked to submit a written Candidate Statement. These Candidate Statements will have uniform rules for length and content (no mudslinging or profanity). All candidates will be responsible for translating their own Candidate Statements by the Candidate Filing deadline. These statements will be compiled and posted on the City Clerk's website as well as at the polling place on Election Day.

## **WRITE-IN REQUIREMENT**

### **What is the Write-In Candidate process?**

The City Clerk will require a Write-In Candidate component in the Election Procedures. The purpose of the Write-In Candidate component is to serve any qualified stakeholder that has missed the regular Candidate Filing Deadline for one reason or another. Additionally, the Write-In Candidate component offers NCs an opportunity to recruit additional candidates for vacant seats. In order to keep NC members informed, the City Clerk will regularly update its website to reflect the status of candidates in every NC area.

Write-in candidates will be accepted 29 days before Election and must complete their filing verification process three days prior to Election Day. All Write-In candidates will be required to provide the same proof of stakeholder status as candidates that appear on the ballot in order to be officially recognized as a write-in candidate. A list of official Write-In Candidates will be provided at the appropriate polling location and a space will be devoted on the Official Ballot for Write-In candidate names.

## **TERMS**

### **Are Neighborhood Councils only allowed the option of two-year or four-year terms?**

Yes. All Neighborhood Councils must choose either two or four-year terms in order for the City Clerk to effectively focus on Municipal Elections in the odd-numbered years.

### **If a Neighborhood Council opts for staggered terms, will the seats up for election be identified by name?**

Neighborhood Councils are free to structure and name the seats up for an election in any manner that is deemed fit.

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## **VACANCY / APPOINTMENT PROCESS**

### **How will the City Clerk address a candidate's status change, death, or withdrawal?**

As part of the filing process, the City Clerk will notify every candidate that they will be responsible for immediately informing the Election Division of any change in their stakeholder status. (This process would only be utilized when the change in stakeholder status disqualifies them as candidates for the position they are seeking.) In case of death, any party who is aware of a candidate's death must inform the City Clerk as soon as possible. If the City Clerk is so notified, the following will occur based on the timing of the notification.

In the case where the candidate's death or stakeholder status change has occurred prior to the distribution of any ballots, then the candidate's name will be redacted from the ballot and the candidate will be disqualified from the race. (Generally, 60 to 30 days prior to the election.)

Where the number of issued Vote-by-Mail (VBM) ballots makes it practical, we will issue redacted ballots to all persons who have been issued a ballot. Additionally, we will make sure to redact them from all Election Day ballots, as well as make appropriate announcements to voters on Election Day about the change on the ballot. (Generally, 29 to 10 days prior to the election.)

If a significant number of VBM ballots have been issued and a candidate status change occurs too close to Election Day, it will be impractical for the City Clerk to redact and replace the issued ballots. The election will proceed as planned and upon installing the board after the election, the position will be considered vacant. The NC would then be able to fill the seat utilizing the vacancy/appointment process established in their bylaws.

### **Will the City Clerk hold Special Elections for Neighborhood Councils?**

Due to a demanding schedule, the City Clerk is unable to hold Special Elections for Neighborhood Councils. Instead, the NCs are encouraged to use an appointment/vacancy clause to fill their boards during the off-election years.

## **STAKEHOLDER**

### **What is the new Stakeholder Definition?**

On December 18, 2007, the Los Angeles City Council adopted the Neighborhood Council Review Commission's Recommendation #42 (File 05-0894-S3), which defines stakeholders 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."

### **How will the City Clerk verify a Stakeholder's status at the polls and during the VBM period given the new Stakeholder Definition?**

For the 2008 NC Elections, The City Clerk will utilize the process that individual NC's have specified in their Election Procedures for verifying stakeholder status. For NC's that utilize the Self-Affirmation identification method, the City Clerk will

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employ a written affirmation that must be signed by the stakeholder affirming his or her status, under penalty of perjury.

Determinations on this matter for the 2010 NC Elections will be addressed and discussed with all Neighborhood Councils during the 2009 Moratorium.

## **AT-LARGE SEATS**

### **Why is each Neighborhood Council required to have an At-Large seat on its board?**

As a result of the new City Council-adopted Stakeholder Definition, the Los Angeles City Attorney's office has determined that every Neighborhood Council must have at least one "At-Large" board seat that any and all stakeholders can vote or be a candidate for. This seat will ensure that the scope of participation in each Neighborhood Council is broad enough to include all possible stakeholder categories.

Every Neighborhood Council that does not have such a seat must consult with their respective DONE Project Coordinator to amend their bylaws.

### **Who is eligible to run and vote for an At-Large seat?**

Any stakeholder that declares an interest or "stake" in the Neighborhood Council and affirms the factual basis for it may run as a candidate and/or vote for an At-Large seat.

## **VOTE-BY-MAIL**

### **What is the Vote-By-Mail Process the City Clerk will use for the Neighborhood Council Elections?**

The City Clerk will require that every Neighborhood Council's election contain a Vote-By-Mail (VBM) component and will adhere to the specific stakeholder verification process that is identified in each NCs bylaws. The VBM component enables stakeholders to participate in the Election Process when they are unable to cast a ballot at the polls on Election Day. All Stakeholders will have the opportunity to request a VBM ballot at the beginning of each election. The City Clerk will not maintain a list of permanent absentee voters.

VBM applications will become available to stakeholders 60 days before Election Day. Applications will initially be made available through a mass mailing to every address in the boundaries of the NC, but will also be available upon request at the Office of the City Clerk-Election Division or at the appropriate Neighborhood Council Office/Meeting Location. The City Clerk must receive all VBM applications 7 days before Election Day. All VBM ballots must be received by the City Clerk 3 days before Election Day. However, stakeholders that are unable to meet this deadline may submit their VBM ballot at the appropriate polling place on Election Day.

All VBM ballots received by the City Clerk will remain sealed until Election Day, when they will be brought to the appropriate polling place by City Clerk staff and tallied at the end of voting along with all other ballots cast for that election.

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In order to ensure that a ballot is not cast at a poll by a person that has cast a VBM ballot, the City Clerk will maintain a list of all stakeholders that have applied for and cast VBM ballots.

For the 2008 NC Elections, the City Clerk will utilize the process that individual NC's have specified in their previous Election Procedures for verifying stakeholder status at the polls to verify absentee voters. A person voting by mail would be required to provide copies (photocopies, no originals) of the specified type of identification that would qualify a voter at the polling place. The ballots issued to each voter will be based on their verified stakeholder status.

In addition, all voters will be asked to fill out a stakeholder verification form that will contain a "perjury" clause. In the case where a NC has utilized Self-Affirmation as their verification method, this perjury clause will constitute the means of verifying stakeholder status for the voters at the polls or utilizing VBM.

## **ELECTION DAY**

### **Who will choose the Election Day and how?**

The City Clerk will convene Regional Meetings with NCs in their designated areas. The Regional Meeting will provide NCs an opportunity to vote for their Regional Election Day of the week and get any final questions answered. The selection of the Regional Election Day of the week will be based on a majority vote of the NC's present at the meeting (1 vote per NC).

Every NC that will be participating in the June Elections should select a representative from the NC to vote on the day of the week your NC board would prefer as their Election Day. Ultimately, it is to your advantage to provide your representative with a ranked list of your preferred days of the week for the election. Likewise, you can begin to have discussions with other NCs in your region to discuss what day of the week each prefers. This way, consensus amongst the NCs in your region can be reached sooner.

To ensure sufficient time to prepare and make all election arrangements, the City Clerk will be holding the 3 Regional elections during the last 3 weeks of June (one election per week). Which of these three weeks is assigned to each region will be based on a random drawing by the City Clerk in advance of the Regional meetings.

The City Clerk will observe any election day, including holidays, as long as the day is selected by a consensus of NCs within a region. The City Clerk will only honor one day of voting.

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**How will the City Clerk determine which region each Neighborhood Council belongs to?**

The City Clerk will evaluate each NC's area and group those whose proximity to one another is closest. The City Clerk will also refer to the DONE's Regional schema as well as other City departments, such as the Department of Planning, for accurate delineations. Please see Attachment A for a copy of the NC Regional Map for 2008.

## **POLLING PLACES**

**Will each Neighborhood Council have a polling place?**

Each Neighborhood Council will have a polling place within their assigned region. The City Clerk will utilize polling places used in previous Neighborhood Councils. In the event a polling place is unavailable or fails to meet Federal standards (i.e., Americans with Disabilities Act), the City Clerk will locate and secure a polling place within a reasonable vicinity. In addition, the City Clerk will only select public buildings as polling places.

**How long will the polls be open?**

Each Neighborhood Council is free to select their own polling place hours for Election Day. However, every poll must remain open for no more than six (6) hours and cannot be open later than 8:00PM. Closing the polls no later than 8:00PM allows the City Clerk staff enough time to tabulate votes, clean up the polling location, and return all supplies to Election Division Headquarters.

## **BALLOTS**

**What will Neighborhood Council ballots look like?**

A general design is currently in development. Every position or category that is up for election will have a corresponding ballot. All ballots will include the following:

- Neighborhood Council Name
- Voting Instructions
- Position / Category
- Candidate Name (No title or job description)
- Write-In Candidate Space

**Can Neighborhood Councils place measures or referendums related to their community interests on the ballots?**

Any measure or referendum to be placed onto a ballot must first be reviewed by the City Attorney's office. Due to time constraints, the City Clerk cannot accept measures or referendums on ballots for the 2008 NC Elections. A comprehensible process may be available for NC consideration for the 2010 NC Elections.

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## TALLY

### **When and where will ballots be tallied?**

Once voting ends, City Clerk staff will tabulate all ballots cast at the polling place. The tally process will also include the tabulations of all ballots cast by mail. The tabulation process is open to the public, although every Observer must abide by guidelines set by City Clerk. It should be noted that City Clerk will only issue Unofficial Results at the poll.

### **Who will certify election results and how soon will the results be available to the public?**

The City Clerk will issue election results, in print and on through the web, seven (7) days after Election Day or upon the final resolution of any challenges.

## CHALLENGES AND GRIEVANCES

### **How will challenges or other election grievances be addressed and resolved for elections held in 2008 and in subsequent election years?**

In the absence of the required grievance process, the City Clerk will assume the role of Final Decision Maker and investigate and address all election-related challenges and grievances. As mentioned previously, an Emergency Response Team (ERT) may be assembled if necessary to address difficult issues. The ERT will comprise of two (2) NC stakeholders (independent from the NC in question), two (2) IEAs and one (1) representative from the Office of the City Clerk. Results from an investigation will be forwarded to an appropriate entity, depending on the nature of the challenge or grievance.

## COSTS

### **How will Neighborhood Council elections be paid for under the City Clerk in 2008, 2010, and beyond?**

The City Clerk and DONE have made budgetary arrangements to fund all NC Elections that will be administered by the City Clerk in 2008. The current cost estimate is approximately 1.3 million/year. The estimated costs per NC historically range from \$7,500 to \$15,000 per election. For more detail, please read City Clerk Conduct of Neighborhood Council Elections - Supplemental Report (Reference Council File No. 05-0894 - S5), page 2.

During the 2009 Moratorium, the City Clerk will cover all staffing costs for the NC Election Unit. However, the 2010 (and beyond) funding source has yet to be clearly developed. Nevertheless, the cost of NC Elections after 2008 will be included in the City Clerk's annual budget proposal to the Mayor and City Council.

The City Clerk will request funding to implement the NC Elections during the 2010 budget process. However, as we are not there yet, the City Clerk does not have further indication regarding the degree to which these monies will be provided.