

CERTIFIED NEIGHBORHOOD COUNCIL (NC) ELECTION [*REGULATIONS OR REQUIREMENTS OR ?*]

To ensure that Board Member elections are consistent with the Neighborhood Council bylaws and all other applicable laws, and that the Neighborhood Council holds its first election within a reasonable timeframe after certification so that stakeholders have a legitimate governing body to represent their interests to City of Los Angeles decision makers, the following minimum election *regulations or requirements or?* must be met.

CHAPTER I. DEFINITIONS

“Absent Voter” means any voter casting a ballot in any way other than at the polling place.

“All Vote By Mail Election” means an election conducted in which the only voting option is using a ballot that is voted and placed in a sealed envelope, which is then delivered to the election official via the U.S. mail, private courier or hand delivery.

“Board of Neighborhood Commissioners (BONC)” means the *seven (7)* member appointed commission responsible for policy setting and policy oversight, including the approval of contracts and leases and the promulgation of rules and regulations, but not the day to day management of the Department of Neighborhood Empowerment or the neighborhood councils.

“Campaigning” means a series of actions conducted by a candidate(s) or person(s) on behalf of a candidate(s) intended to influence voters to vote a certain way. Such actions may include, but are not limited to, the distribution of printed or electronic material, making of telephone calls, giving of speeches in a public setting, discussions with individuals or small groups of voters, placement of signs, etc. (*see Electioneering below.*)

“Challenge” means a *written* complaint filed by a stakeholder that the election was improperly conducted and the results should be set aside or overturned.

“Department of Neighborhood Empowerment (DONE)” means the City department responsible to implement and oversee the ordinances and regulations creating the system of neighborhood councils enacted pursuant to City Charter Section 905 including: preparing a plan for the creation of a system of neighborhood councils, assisting neighborhood councils in the certification process and in the election/selection of their governing board members, arranging Congress of Neighborhoods meetings as requested by neighborhood councils, arranging for the provision of training to neighborhood councils, and assisting neighborhood councils in operational and logistical areas.

“Electioneering” means to solicit a vote or speak to a voter on the subject of marking his or her ballot; to place a sign(s) relating to any candidate or other matter to be voted on; to distribute material relating to any candidate or other matter to be voted on; or to place a sign(s), distribute material, or converse with a voter on the subject of the voter’s qualifications to vote. *Electioneering is an aspect of campaigning but is generally understood to mean the activities*

targeted at voters when they are engaged in arriving to the polling place or in the actual act of voting.

“Third Party Arbitrator” means the person(s) or organization selected to review and issue final findings relative to a Challenge filed against the election. This person(s) or organization shall not be the Third Party Election Administrator.

“Third Party Election Administrator” means the person(s) or organization responsible for conducting the actual election. Duties include, but are not limited to, setting up and managing the polling location(s), checking in voters, distributing and receiving ballots, tabulating the votes, announcing the election results, and securing the election materials.

“Election Procedures” mean the *written* procedures and methods adopted by a Neighborhood Council, consistent with their by-laws and approved by the Department of Neighborhood Empowerment, that are used to conduct the Neighborhood Council’s governing board member elections.

“Person” means an individual human being.

“Pre-Prepared Ballot Election” means an election in which the candidates file prior to the election and are included on a printed ballot that is distributed to the voters at the polling location(s) on election day.

“Pre-Prepared Ballot Election with the Vote By Mail Component” means an election in which the candidates file prior to the election and are included on a printed ballot that is distributed to and voted by the voters either at: 1) the polling location(s) on election day or 2) or via the U.S. mail or alternative delivery service.

“Provisional Ballot” means a ballot cast by a voter whose eligibility to vote in the election cannot be determined at the time the vote is cast. The voter’s eligibility will be verified at a later date pursuant to methods specified in the Election Procedures and the ballot will be processed subject to the outcome of the verification process.

“Proxy” voting means the written or verbal authorizing of one person to act (vote) for another as an agent or substitute, (e.g.” I hereby authorize _____ to cast a vote for _____ in my place.”)

“Recount” means counting the votes cast again for a particular contest or for the entire election to determine if the original vote tally is accurate.

“Same Day Election Format” means an election in which the candidates are nominated and the voting takes place on the same day and at the same general location.

“Stakeholder” means a person who, pursuant to the Neighborhood Council’s by-laws is eligible to be a candidate and/or vote in the Neighborhood Council’s governing board election.

“Vote-By-Mail Ballot” means a ballot that is voted and placed in a sealed envelope, which is then delivered to the election official via the U.S. mail, private courier or hand delivery.

“Write-In Candidate” means a candidate *who* is not included on the pre-prepared printed ballot but for whom voters may cast a vote by writing in the candidate’s name in the appropriate space provided on the ballot.

CHAPTER II. GENERAL PROVISIONS

Election Procedures must be consistent with the requirements outlined in this document, and the applicable Neighborhood Council bylaws and all other applicable laws governing the operation of Neighborhood Councils.

All elections must be conducted consistent with the Neighborhood Council bylaws and the Department of Neighborhood Empowerment (DONE) approved election procedures.

All stakeholders who meet the criteria for the definition of stakeholder as outlined in the Neighborhood Council bylaws shall be eligible to vote in the election.

No stakeholder can be denied the opportunity to vote for a member of the governing board for whom they are eligible to vote.

No stakeholder can be denied the opportunity to run for a board seat for which he/she holds stakeholder status.

Election Procedures, including qualification requirements for voting and/or candidacy, cannot *be designed* ~~æt~~ to restrict participation in the election process by *specific* groups of *persons/stakeholders in the Neighborhood Council* (e.g. homeless, volunteer workers, monolingual, public transit dependent, home based workers, etc.).

The election must be held in such a way as to allow for the greatest stakeholder participation (e.g. *poll location(s)*, length of time available for voting, number of days, hours, voting options, candidate process, etc.).

CHAPTER III. APPROVAL OF NEIGHBORHOOD COUNCIL ELECTION PROCEDURES

The Neighborhood Council Election Procedures must be drafted by members of the Neighborhood Council with assistance provided by DONE. The Interim Board or the existing Elected Board of the Neighborhood Council shall designate, consistent with the Neighborhood Council By-laws, an Elections Procedures Committee, or equivalent, to draft and/or revise the election procedures. The designation of the Elections Procedures Committee, or equivalent, shall be made in accordance with the Neighborhood Council bylaws or at a noticed public meeting.

The Neighborhood Council must submit draft election procedures to DONE for review and written approval no later than 130 days prior to the projected Election Day. *Prior to the finalization of the draft* Election Procedures, ~~the must include a designation of a Third Party Election Administrator that will be responsible for conducting the election~~ *must be designated*. DONE shall provide the draft election procedures to the designated Third Party Election Administrator for review and comment as part of the DONE review and approval process.

[INSERT REVIEW TIME FRAMES]

The finalized election procedures must be approved by DONE no later than 90 days prior to the designated Election Day(s).

CHAPTER IV. TIME FRAME FOR CONDUCTING ELECTIONS

The Election Procedures must specify that the first election will be held within six (6) months or 180 days of certification, and all subsequent elections must be held in accordance with the Neighborhood Council bylaws.

If circumstances arise such that the first election cannot be held within eight (8) months of certification, *or that subsequent elections cannot be held within the time frame specified in the bylaws*, then DONE shall report to BONC *within 30 days*, in accordance with BONC procedures, on the issues preventing conduct of the election and, with the input of the Neighborhood Council, seek to establish an alternative time table for conduct of the ~~first~~ election.

CHAPTER V. NEIGHBORHOOD COUNCIL ELECTION PROCEDURES

Article A. Structure of Election

Consistent with the Neighborhood Council bylaws, the Election Procedures shall specify:

1. The date(s), hours and location(s) of the election.
2. The voting methods to be utilized (e.g. at polls voting, vote by mail, same day format, etc).
3. Whether Board Officers are to be elected directly by the stakeholders or subsequently *elected or appointed* by the elected Board Members.
4. Whether Board Members shall be elected at large *and/or* by district.
5. The number and type of Board Member seats available and any qualifications required to be a candidate for any particular seat.
- 6. Whether any board seats will be filled by appointment and the process for making such appointments.*
- 7. How staggered terms will be distributed amongst the elected candidates.*
8. The seats for which stakeholders of various categories are eligible to vote.
9. No proxy voting shall be allowed in Neighborhood Council Elections.

Article B. Public Outreach and Notice of Election

The Election Procedures shall identify the process for outreaching to and notifying stakeholders about election related activities and events. DONE approval of the outreach component of the Election Procedures will be dependent on inclusion of methods appropriate for the type of election to be held and appropriate to reach all segments of stakeholders in the Neighborhood Council. Upon approval of the election procedures, the Neighborhood Council must begin informing stakeholders about the election process by complying with the following minimum outreach requirements pursuant to the type of election being conducted.

1. 60 Day Outreach and Notification Requirements.

Not less than 60 days prior to the election, the Neighborhood Council shall:

- (a) Hold one (1) noticed public meeting to provide information about the Neighborhood Council and to discuss and distribute the election procedures, voter registration forms and other pertinent election information.
- (b) Provide at least one (1) mass distribution of a general information flyer containing at a minimum the following information:
 - i. The name and general purpose of the Neighborhood Council and announcement of the upcoming Board Member elections.
 - ii. Definition of a stakeholder.
 - iii. The date(s), hours and location of the election.
 - iv. The opportunity and process for becoming a candidate.
 - v. Voter eligibility requirements.
 - vi. *Vote-By-Mail process (including application and ballot submission procedures) – Note: only required if utilizing the Vote-By-Mail voting option.*
 - vii. Upcoming election related meetings.
 - viii. Sources to obtain additional information.
- (c) Post the election information contained in the general information flyer along with a contact telephone number at the formal Neighborhood Council's posting locations (those identified by the Neighborhood Council in their final application for certification).
- (d) Between the period of 60 and 30 days before the election, post candidate filing and other related election information and deadline dates along with an information contact telephone number at the formal Neighborhood Council's posting locations (those identified by the Neighborhood Council in their application for certification).

2. 30 Day Outreach and Notification Requirements.

Not less than 30 days prior to the election, the Neighborhood Council shall hold one (1) publicly noticed candidate informational meeting to explain the establishment of, function of and opportunity to serve on the governing body. At the meeting, the Neighborhood Council shall distribute copies of the bylaws; Election Procedures, candidate and voter registration forms (if applicable), candidate filing and verification of eligibility requirements for placement on the ballot, write in candidate procedures, requirements upon winning office, and any other information the Neighborhood Council determines would be useful.

3. 21 Day Outreach and Notification Requirements (applicable only for elections utilizing the Vote-By-Mail voting option).

Not less than 21 days prior to the election the Neighborhood Council shall provide at least one (1) mass distribution of an election information reminder flyer containing at a minimum: the date(s), time, place(s) of the election, the candidates that will appear on the ballot, Vote-By-Mail application and ballot submission process, write-in candidate procedures, contact numbers for obtaining additional information.

4. 7 Day Outreach and Notification Requirements (not applicable for elections that issue an election information reminder flyer 21 days before the election).

Not less than 7 days prior to the election the Neighborhood Council shall provide at least one (1) mass distribution of an election information reminder flyer containing at a minimum: the date(s), time, place(s) of the election, the candidates that will appear on the ballot, write-in candidate procedures, *the same day nomination process (if applicable)*, and contact numbers for obtaining additional information.

Article C. Third Party Election Administrator

1. The Election Procedures must identify a *neutral* Third Party *Election* Administrator for the election.
2. The election must be officiated by the Third Party Election Administrator named in the procedures. However, if the designated Third Party Election Administrator cannot fulfill their responsibilities, the Neighborhood Council must immediately notify DONE so that a mutually agreed upon replacement Third Party Election Administrator can be secured.
3. Candidates for the governing board of a Neighborhood Council may not serve in any election administrative capacity, including the handling/counting of ballots, voter/candidate registration/verification, and the interpretation of election materials for voters.
4. The Third Party Election Administrator shall be responsible for the following duties:
 - (a) Processing of candidates including verification of eligibility.

- (b) Processing of voters including pre-registration and verification of eligibility as applicable.
- (c) Distributing and receiving ballots from the voters.
- (d) Verifying any provisional ballots.
- (e) Counting the ballots.
- (f) Issuing the election results.
- (g) Securing and submitting all election materials for records retention.

5. The Third Party Election Administrator may utilize the staff, material, equipment and facility resources of the Neighborhood Council or DONE to assist them in carrying out the election administration duties. Provided, however, that the following conditions are met:

- (a) That none of the candidates for the governing board may participate in any way in the administration of the election.*
- (b) Written procedures must be developed that specify the roles and responsibilities of all parties participating in the administration of the election.*
- (c) The Third Party Election Administrator must maintain the ultimate authority and responsibility for the administration of the election.*

Article D. Candidate Filing Process

The Election Procedures *must specify* the process for declaring candidacy; including at a minimum the following:

1. The location(s), *filing period* and deadlines for filing candidacy declaration and to have a candidate's name printed on the ballot. ~~, if applicable.~~

2. The process and deadlines for verifying the candidates' eligibility and issuing certification for inclusion in the election, including: if applicable.

- (a) The required elements of the candidate filing application package.*
- (b) The specific documentation required to establish stakeholder status (picture identification cannot be the only acceptable means of establishing stakeholder status).*
- (c) The person(s) responsible for verifying a candidate's eligibility and certifying that a candidate has been accepted for inclusion in the election.*
- (d) The timeframe for completing the candidate verification and certification process.*
- (e) The type of receipt that will be issued to the candidates that their filing application has been accepted for processing and the type of documentation that will be issued to the candidates certifying or rejecting them for inclusion in the election.*
- (f) The disposition of the candidate filing documents.*

3. A write-in process for candidates who do not file the declaration of candidacy by the deadline to have their names included on the ballot. The write-in candidate process must include at a minimum:

- (a) The time frame for filing to become a certified write-in candidate. The write-in candidate filing period may begin as early as the end of the regular candidate filing period but must not terminate any later than the opening of the polls on election day.
- (b) The required elements of the write-in candidate filing application package.
- (c) The specific documentation required to establish stakeholder status (picture identification cannot be the only acceptable means of establishing stakeholder status). Provided, however, that the documentation required of write-in candidates must be equal to that of the regular candidates.
- (d) The person(s) responsible for verifying a candidate's eligibility and certifying that a candidate has been accepted for inclusion in the election as a write-in candidate.
- (e) The timeframe for completing the write-in candidate verification and certification process.
- (f) The type of receipt that will be issued to the candidates that their filing application has been accepted for processing and the type of documentation that will be issued to the candidates certifying or rejecting them for inclusion in the election as a write-in candidate.
- (g) The provision that the candidate verification process for write-in candidates may occur after the election if the write-in candidate filing time frame does not allow for the verification to be completed before the election. Provided, however, that a write-in candidate that is elected cannot be seated until the verification process is completed.
- (h) The disposition of the write-in candidate filing documents.

4. The process for filing an appeal should a candidate's filing application be rejected. The appeals process must include the timeframe for filing, the required appeals format, the person(s) responsible for resolving the appeal, the timeframe for issuing the appeals decision and the format of the appeals decision.

5. The Neighborhood Council shall publicize the opportunity to be a candidate for the governing body of the Neighborhood Council for a period that is not less than 30 days, and shall hold open the candidate-filing period for a minimum of 30 days (these two periods may run concurrently).

6. The process by which the updated list of certified candidates is to be publicized throughout the filing period. At a minimum the updated list of certified candidates must be posted at the official Neighborhood Council posting locations within three (3) days of any candidate being certified and final list of certified candidates must be issued and posted within 3 days of the close of candidate filing.

[Placeholder: Do we want to specify a minimum filing period for all NCs, coupled with a write in process for those who decide to be candidates after the deadline passes?]

Article E. Campaign Procedures and Training

The Election Procedures shall *specify any restrictions and/or prohibitions allowable activities, State all campaign rules and limits relating to campaigning. Provided that any restrictions and/or prohibitions cannot be designed to unfairly assist or harm specific candidates.*

A copy of the Election Procedures including *any restrictions and/or prohibitions allowable activities, rules and limits* relating to campaigning shall be provided to the candidate at the time of filing and subsequently upon request.

The use of the City Seal, DONE logo, or any DONE created official certified Neighborhood Council designation on candidate materials is prohibited.

Article F. Voter Eligibility

Consistent with the certified Neighborhood Council bylaws, the Election Procedures shall specify voter eligibility requirements and the voting process. At a minimum, this section must:

1. Mandate that all stakeholders will be given the opportunity to vote.
2. Indicate that either verbal or written self-affirmation will be acceptable for voting purposes, if not requesting identification.
3. Disallow picture identification as the sole form of identification/registration of stakeholders for voting purposes.
4. Specify reasonable documentation, such as utility bills, business cards, imprinted checks, post marked mail, etc. that may be used as acceptable proof of stakeholder status.
5. Identify any board seats where voter eligibility is determined by specific stakeholder status.
6. Identify the process for voter registration including any pre-election registration process. The election procedures must allow for registration on election day.
7. Identify the process by which a potential voter may appeal their denial of stakeholder status and eligibility to vote in the election.

Article G. Voting Options Available to Stakeholders

1. At Polls Voting

Except when utilizing an All Vote-By-Mail Election format, the Election Procedures must provide for voting to be conducted at one or more polling sites. At a minimum, the At Polls Voting section of the Election Procedures must:

- (a) Designate the date, time, hours of operation and place(s) where the voting will occur.

- (b) Specify the voter check-in process, including any identification requirements and acceptable means for satisfying the identification requirements.
- (c) Include the process by which voters will be informed of their right, and offered the opportunity, to vote a Provisional Ballot if the voter's eligibility cannot be resolved in the voter's favor on election day (see below).
- (d) Specify the type and format of the ballot to be issued.
- (e) Identify the process to allow a voter to obtain a replacement ballot if the original ballot is spoiled or miss-marked.
- (f) Identify the process to allow disabled voters to vote in the election.

2. Vote-By-Mail

Allowing voters the ability to cast their ballots via the Vote-By-Mail method is an option that a Neighborhood Council may choose to utilize. Accordingly, the Election Procedures must state whether Vote-By-Mail will or will not be allowed. If the Vote-By-Mail option is selected, then the Election Procedures must:

- (a) Identify the process for obtaining and submitting a Vote-By-Mail application, including when the application will be available, where to obtain the application, the information required on the application, the deadline for submission of the application.
- (b) Designate the Third Party Election Administrator as the entity that will process the Vote-By-Mail applications and ballots. By mutual agreement with the Neighborhood Council and DONE, the Third Party Election Administrator may utilize the DONE offices as the designated mailing or delivery address for Vote-By-Mail applications and ballots.
- (c) Provide, at a minimum, that the Vote-By-Mail application must be available not less than 21 days before the election and must be requested by the voter not less than 7 days before the election.
- (d) Provide that the voted ballot must be received by the close of the poll(s) on election day (either at the designated submission mailing address or at the polling location(s)).
- (e) Provide that the Neighborhood Council will prepare and distribute a Vote-By-Mail application which contains spaces for the following information:
 - i. The name and residence or business address of the stakeholder.
 - ii. The address to which the ballot is to be mailed, if different than the residence or business address.
 - iii. The stakeholder/voter's signature.
 - iv. The stakeholder status of the voter.
 - v. The name and date of the election for which the application is being submitted (to be pre-printed on the application).
 - vi. The date on or before which the application must be received (to be pre-printed on the application).
 - vii. The address where the application is to be mailed or delivered (to be pre-printed on the application).
- (f) Provide that a stakeholder/voter's application for a Vote-By-Mail not submitted on the prepared form will still be processed if it contains the information in (e) i.-v. above and is received by the application submission deadline.

- (g) Provide that the Third Party Election Administrator, upon receipt of a completed Vote-By-Mail ballot application on or before the submission deadline will issue a Vote-By-Mail Ballot Package containing the following items/information:
 - i. The official ballot.
 - ii. Voting instructions on how to complete the ballot and return the voted ballot including the submission deadline and the place(s) to mail or deliver the completed ballot.
 - iii. Instructions relative to any stakeholder/voter eligibility verification documents that must be completed and submitted with the Vote-By-Mail ballot.
 - iv. A pre-printed return envelope containing the return address and an affidavit to be signed by the stakeholder/voter stating “I hereby declare under penalty of perjury that I am a stakeholder in the [insert name of Neighborhood Council] and I herein enclose my ballot in compliance with the Neighborhood Council Election Procedures.”
- (h) Provide that any voter eligibility documentation requirements requested of Vote-By-Mail voters must be equal to those requested of at polls voters.
- (i) Provide that a list of all persons issued a Vote-By-Mail ballot must be prepared and provided to the person(s) managing the polling site(s) for use in the voter sign-in process.

3. Provisional Voting

The Election Procedures must include a process whereby voters can cast a Provisional Ballot if the voter’s eligibility to vote in the election cannot be determined in favor of the voter at the time the voter attempts to cast his or her ballot. This process must include the following provisions:

- (a) 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 by-laws or that the person was issued a Vote-By-Mail ballot.
- (b) If a voter is challenged on the basis that they were issued a Vote-By-Mail ballot, the voter may surrender the un-voted ballot at the polling site at which time the voter will be issued a regular ballot.
- (c) If a voter is challenged on the basis that they are not a stakeholder eligible to vote in the election, the voter may produce any of the documentation outlined in the Election Procedures at which time the voter will be issued a regular ballot.
- (d) If a voter cannot produce the required documentation or they cannot surrender the un-voted Vote-By-Mail ballot, then the voter will be offered the opportunity to vote a Provisional Ballot. The Provisional Ballot will be the same as regular ballot, except that prior to placement in the ballot box the Provisional Ballot will be placed inside a Provisional Envelope. On the outside of the envelope the voter will provide:
 - i. The voter’s name.
 - ii. The voter’s address.
 - iii. The voter’s stakeholder status.
 - iv. The voter’s contact number(s).

- (e) When a voter cast a Provisional Ballot, the voter will be issued instructions that explain what steps the voter must take to qualify the provisional ballot including documentation required to be submitted, where the documentation is to be submitted, the deadline for submitting such documentation, and a contact number to request assistance or seek additional information. In no case will the deadline for submission of acceptable documentation be less than 5 days after the election.
- (f) The Third Party Election Administrator will be responsible for the verification of the Provisional Ballots.

4. Write in Vote

In addition to voting for candidates whose names appear on the prepared ballot, the Election Procedures must also allow voters to cast a vote for a qualified write-in candidate by writing in the candidate's name in the space provided. A qualified write-in candidate is a candidate who has complied with the Election Procedures process for becoming a qualified write-in candidate.

Article H. Polling Place Operations

For Neighborhood councils using an election format that utilizes one or more polling sites, the Election Procedures must:

1. Require that the selection process for the polling site(s) will include the following considerations:
 - (a) The site(s) selected must be of sufficient size to accommodate the voter sign-in process, actual voting, and any allowable candidate/campaign activities.
 - (b) The site(s) selected should have sufficient parking.
 - (c) The site(s) selected should be convenient for those utilizing public transportation.
 - (d) The site(s) selected must be accessible for the disabled or procedures must be in place to accommodate disabled voters (see below).
2. Require that procedures be established to accommodate disabled voters if the polling site is not accessible (e.g. having ballot delivered to the voter outside of the polling site by an authorized polling place worker).
3. Require that the certified or post certification amended bylaws and approved Election Procedures be posted at the polling site for stakeholder review.
4. *Require that a list of any qualified/certified write-in candidates be posted conspicuously in the polling site(s).*
5. Specify what campaigning type activities, if any, will be allowed at the polling site and the location and duration of such activities. Examples include: candidate speeches, nomination sessions, posting of candidate statements, etc.
6. Specify the minimum distance from the polling site that electioneering activities are allowed. [*Minimum of 100 feet unless walls or other barriers make a shorter distance workable??*]
7. Require the posting of signage that marks the boundary where electioneering activities are prohibited.
8. Require that the polling site(s) remain open for a minimum of *5??* hours.

9. Require that the Third Party Election Administrator announce in a loud voice in front of the polling site(s) at the appointed time that the polls are open.
10. Require that the Third Party Election Administrator announce in a loud voice in front of the polling site(s) 10 minutes before the close of polls that the polls will close in 10 minutes.
11. Require that any persons in line outside of the poll at the time of the closing of the polls will be allowed to vote.
12. Require that 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 polling place workers or the voters.
13. Require that only the Third Party Election Administrator or his or her assistants be allowed to issue, receive or process ballots from the voter.
14. Require that interpreters be available to assist voters who require assistance in a language other than English if [xx% or a recognized segment?] of the Neighborhood Council stakeholders *are monolingual non-English speakers.* ~~primarily speak a particular language.~~
15. Allow a voter to designate another person to assist them in the voting process. The person providing the assistance cannot be a candidate in the election.

Article I. Official Certified Canvass of Votes, Issuance of Results and Ratification of the Election

The Election Procedures shall specify the process for verifying and counting all ballots. At a minimum, the Election Procedures must:

1. Require that the Third Party Election Administrator will be responsible for tabulating the ballots and announcing the unofficial results on election day.
2. Require that the Third Party Election Administrator verify all Provisional and Vote-By-Mail ballots for inclusion in the Final Official Certified Canvass of the votes.
3. Specify the deadline for completion of the Final Official Certified Canvass including at polls ballots, Provisional ballots, and Vote-By-Mail ballots if applicable, provided that the deadline cannot be less than 7 days or greater than 14 days after the election.
4. Identify the location, dates, and time that the election day and Final Official Certified Canvass of ballots will occur.
5. Require that the election day and Final Official Certified Canvass activities be open to the public for observation, provided that the observers must not interfere with or attempt to influence the vote tabulation in any way.
6. *Specify the process for resolving tie-votes. An acceptable option will be the drawing of straws or equivalent process to determine which candidate will be seated.*

7. Require the Third Party Election Administrator to submit the Final Official Certified Canvass to DONE within 3 days of completion.
8. Require that the final election results be ratified and announced by DONE within 3 days of receipt of the election results from the Third Party Election Administrator.
9. Identify the process for notifying candidates and stakeholders of the election results within 5 days of DONE ratifying and announcing the results.

Article J. Resolution of Election Challenges

The Election Procedures will include a process for handling election disputes or challenges and must:

1. Provide that any stakeholder may request a Recount of a specific contest or the entire election results within 5 days of the ratification and announcement of the election results by DONE by filing a written request with DONE.
2. Require that the Third Party Election Administrator conduct the recount within 7 days of receipt from a stakeholder of the written request for a Recount.
3. Require that public notice of the location, date and time of the Recount be posted at the Neighborhood Council's required notice sites a minimum of 24 hours before the Recount is to take place and that the person(s) requesting the Recount be provided individual notice within the same time frame.
4. Require that the Recount be open to public observation, provided that observers must not interfere with or in any way attempt to influence the persons conducting the Recount.
5. Require that the Third Party Election Administer certify the Recount results to DONE within 3 days of completing the Recount.
6. Require that the certified Recount results be ratified and announced by DONE within 3 days of receipt of the certified Recount results from the Third Party Election Administrator.
7. Provide that any stakeholder may Challenge the conduct of the election within 5 days of the ratification and announcement of the election results by DONE by filing a written request with DONE. The written request must:
 - (a) Identify the basis for the Challenge to the Election.
 - (b) Identify the person(s) issuing the Challenge.
 - (c) Provide contact information for the person(s) issuing the Challenge.
8. Require that DONE will submit the Challenge to one of the neutral Third Party Arbitrators that have been pre-qualified by DONE to conduct the review and issue final findings with respect to an election Challenge within 3 days of receipt of an election Challenge. The Third Party Arbitrator selected cannot have participated in the conduct of the election in any way.
9. Require that public notice of the receipt of an election Challenge be posted at the Neighborhood Council's required notice sites at the time the Challenge is submitted to

the Third Party Arbitrator and that the person(s) issuing the Challenge be provided individual notice within the same time frame.

10. Require that the neutral Third Party Arbitrator complete the review and issue the final findings to DONE within 30 days of receipt of the election Challenge from DONE. Provided however, that if circumstances arise such that the review and issuance of findings cannot be completed in 30 days the Third Party Arbitrator will submit notice to DONE identifying the estimated completion date.
11. Require that the findings of the Third Party Arbitrator will be final and binding on the Neighborhood Council.

Within 3 days of receipt of the findings of the Third Party Arbitrator, DONE will work with the Neighborhood Council to implement the findings of the Third Party Arbitrator.

[Place holder 1 – should DONE have to approve the findings of the Arbitrator?]

[Place holder 2 – do we want an absolute final date for the Arbitrator to act?]

[Place holder 3 – should the Election Procedures name, up front, the Arbitrator or should DONE select from a pre-qualified list allowing the NC to request another Arbitrator if they feel the Arbitrator is biased in some way?]

Article K. Governing Board Member Seats Not Filled Through The Election

If the Neighborhood Council bylaws do not contain provisions for the filling of Board Member seats that remain unfilled after an election is completed, then the Election Procedures must contain provisions that specify the process that will be used to fill those seats. Acceptable options include:

- 1. Appointment by the elected Board Members.*
- 2. Same day nomination and vote type supplemental election to be held at a publicly noticed meeting subsequent to the ratification of the election.*
- 3. A full supplemental election held in accordance with the Election Procedures.*

CHAPTER VI. DISPOSITION OF ELECTION RECORDS

Within 30 days after final certification of the election results the Third Party Election Administrator will transmit all election documents, including ballots, voter rosters, candidate filing documents, etc. to DONE for records retention purposes.

DONE will establish a records retention schedule for the Neighborhood Council election records in accordance with the City of Los Angeles Records Retention Policy.

The Neighborhood Council election records will be retained for a minimum of 2 years after the final certification of the election results.

CHAPTER VII. SAME DAY ELECTION FORMAT

A Neighborhood Council may choose to conduct their governing board member elections utilizing a Same Day Election Format in which the nomination of candidates and voting occur on the same day in the same general location. In addition to all other applicable requirements outlined in this document, the Election Procedures for a Same Day format election must:

- (a) Include enhanced outreach and notification methods.*
- (b) Specify the candidate nomination format including:
 - i. The timeframe that candidate nominations will be accepted.*
 - ii. The candidate filing requirements.*
 - iii. The candidate verification process, including any provisions for the submission of supplemental information.*
 - iv. Allowable campaigning activities and the timeframe and location for such activities.**
- (c) Specify the type of ballot that will be utilized and how the ballot will be produced after the close of candidate nominations.*
- (d) The activities, timeframe and roles and responsibilities for transitioning from the candidate nomination process to the actual voting process.*

CHAPTER VIII. NON-COMPLIANCE WITH ELECTION PROCEDURES REQUIREMENTS

In the event that the Neighborhood Council chooses to proceed with an election without complying with the *Certified Neighborhood Council Election Procedures Requirements* contained in this document, *DONE may initiate any or all of the following actions: any part of Chapters Sections I. — V. _____ of this policy document:*

- (a) ~~DONE may~~ Deny the Neighborhood Council administrative support for the election in the form of copies, translation services, staff assistance, third party/final arbitrator assistance, etc.*
- (b) ~~DONE may not acknowledge~~ **Deny ratification** of the outcome of the election **and refuse to** or recognize those persons “elected” as representing the Neighborhood Council.*
- (c) ~~DONE may~~ Deny access to those trainings, services, and programs established and reserved for elected members of Neighborhood Council boards.*
- (d) ~~If DONE determines that the election results are not valid the Neighborhood Council will have 90 days to hold a valid election.~~ **Require the Neighborhood Council to conduct a new election following the Certified Neighborhood Council Election Procedures Requirements.** ~~[how does this work given new procedures would have to be approved?]~~*
- (e) If the Neighborhood Council has not held a valid election within one (1) year of the anniversary date of certification, **or fails to conduct subsequent elections within the timeframes specified in their bylaws**, DONE may bring before the Board of Neighborhood Commissioners a Petition to Revoke Certification.*

[Placeholder – Items (a) and (c) above are really “punishments”, (b) and (d) would most likely be taken together as corrective actions, and (e) is a final action if the problems with the NC conduct of their elections cannot be resolved. Question – why punish? Either DONE recognizes the election or not. If the election is not valid, then the NC should be required to hold another

election. Note: in Chapter IX, Article D we offer the opportunity to propose an alternative election format. However, pending the outcome of that appeal process, the election should be conducted under the requirements contained in this document.]

CHAPTER IX. MISCELLANEOUS PROVISIONS

Article A. Post Election Reconciliation Service

[to be developed]

Article B. Access to Organizational *Assets and* Resources

Many Neighborhood Councils possess or maintain assets and resources that could be of use to candidates and newly elected board members. Such assets and resources may include, but are not limited to, mailing lists, web sites, office supplies, office space, personal computers and other office equipment, etc. This section addresses the access to those organizational assets and resources.

1. Candidates

The Election Procedures must address whether candidates will have access to these assets and resources relative to their election campaigns. If certain assets or resources are to be provided to candidates (e.g. allowing candidates campaign statements to be posted on the Neighborhood Council web site, providing candidates with the official Neighborhood Council mailing list), then the assets and resources must be made available to all certified candidates in a timely and uniform manner.

2. Newly Elected Governing Board Members

*The Election Procedures must provide that control over the assets and resources of the Neighborhood Council must be turned over to the newly elected Governing Board within seven (7) days of the ratification of the election by **DONE**.*

[Placeholder – should Item 2 be in the Election Procedures or the bylaws?]

Article C. Public Access to *Elected Board Member* Information

The names, contact information, stakeholder affiliation and board seat of all Neighborhood Council board members must be ~~on~~ filed with **DONE** within 30 ~~business~~ days of the *ratification* ~~conclusion~~ of the election by **DONE**.

The information must include which information, in addition to the names of the board members and the seats they occupy, can be made public.

Article D. Appeal Process to Adopt Alternative Election Procedures

If a Neighborhood Council wishes to be exempted from some of the requirements contained in this document, or wishes to propose an alternative election procedure, the Neighborhood Council must submit a written request to DONE. This written request shall:

- 1. Identify the specific requirement(s) from which the Neighborhood Council is seeking exemption.*
- 2. Identify the alternative election procedure(s) that the Neighborhood Council is requesting authorization to utilize.*
- 3. Provide a justification for the request.*

Within 30 days of receipt of the request, DONE shall issue a written determination response to the Neighborhood Council.

Article E. Translation *and Interpretation Services*

A Neighborhood Council, ~~service area~~ in which a [5%, 10%, 20%, *recognized?*] segment of the population ~~belongs to a~~ is *monolingual* non-English speaking, ~~group~~ is required to give notice, provide election material, arrange for interpretation services at meetings where election information is provided *and at the election itself*, in the appropriate language(s).

Article F. Elections Procedures Template

DONE will furnish each Neighborhood Council with an Election Procedures Template, included here as Exhibit I, which may be utilized to assist in the development of the Election Procedures to be used in the Neighborhood Council's governing board member election.