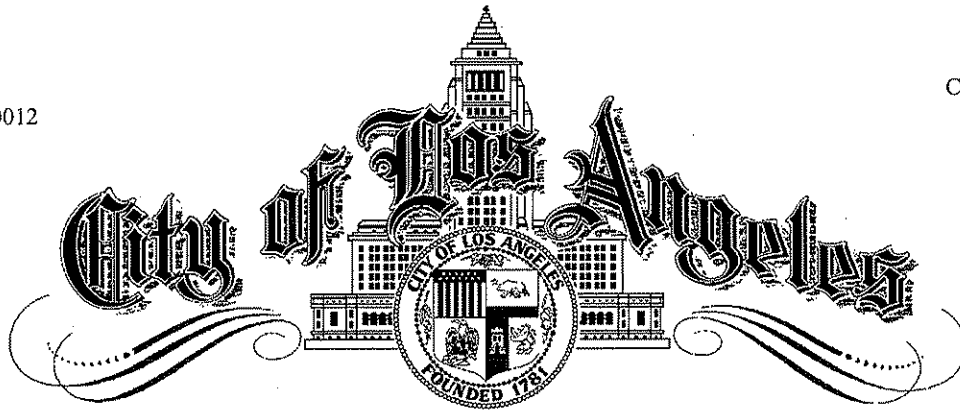


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REPORT NO. R 1 0 - 0 3 7 1
OCT 2 9 2010

REPORT RE:

**RECOMMENDATIONS FOR THE ADMINISTRATION OF NEIGHBORHOOD
COUNCIL ELECTIONS**

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

Council File No. 09-1115-S4

Honorable Members:

This report conveys recommendations for the administration of Neighborhood Council elections based upon concerns expressed to our Office during and immediately after the recently concluded 2010 Neighborhood Council elections administered by the Office of the City Clerk. Based upon the concerns presented to our Office, we have identified several areas for improvement to facilitate elections in the future. We have also shared our recommendations with the Office of the City Clerk.

As explained below, we recommend at least three changes to the existing election process: 1) clarifying the term “factual basis” stakeholder; 2) establishing voter pre-registration, which will allow Neighborhood Council leaders to take a greater role in the determination of stakeholder’s eligibility to vote, while streamlining the election process for the City Clerk; and 3) requiring documentary proof of stakeholder status rather than granting voting privileges based on the voter’s self-affirmation of his or her stakeholder status.

Background

The Neighborhood Council system was created in 1999, when voters approved an amended City Charter. The purpose of the system is to provide stakeholders with the ability to provide recommendations to City decision-makers on issues of concern in their respective neighborhoods. (*City Charter art. IX § 900.*) In 2008, the definition of a stakeholder was expanded by City Council, based upon the recommendation of the Neighborhood Council Review Commission (“NCRC”), to include any person “who lives, works or owns property in the neighborhood and any individual who declares a stake in the neighborhood and affirms the factual basis for it.” (*Admin. Code § 22.811(a)(2); Plan for a Citywide System of Neighborhood Councils, art. II, § 1.*) The expanded stakeholder definition allowed individuals to assert any basis for their involvement with a Neighborhood Council. Our Office received several complaints during the most recent administration of elections by the City Clerk that stakeholders with a tenuous nexus to the community were involved in voting for a Neighborhood Council board.

Notably, in a presentation by the City Clerk to the Board of Neighborhood Commissioners on September 20, 2010, the City Clerk reported that, while rare, some Neighborhood Councils had a high volume of voters in the Neighborhood Council elections – as high as 50% of the total voters who cast ballots – who claimed that they were entitled to vote based solely on their status as “factual basis” voters. Overall, the average percentage of factual basis voters in a Neighborhood Council was 16.9 %.

Some of the concerns expressed to our Office from Neighborhood Councils with a high percentage of factual basis voters participating in the elections were that the outcomes of the elections were being unfairly manipulated by stakeholders with a negligible connection to the neighborhood. In order to further legitimize the Neighborhood Council system, it is important to strengthen the electoral process and eliminate any unfairness, or even the perception thereof. These goals form the basis of our recommendations.

Factual Basis Stakeholders

We recommend that the City Council consider amending and adopting a clarifying definition of the term “factual basis stakeholder.” The definition should provide clarification in order to facilitate an objective determination on a person’s eligibility to

vote. The term "stakeholder" itself implies an ongoing and significant interest in a community. Accordingly, the definition should provide criteria upon which to demonstrate a nexus with the neighborhood in order to ensure that a voter's stake in the neighborhood is not merely incidental, but ongoing and continuous.

Voter Pre-Registration

We recommend that the City develop rules for the administration of elections scheduled in 2012 that create a voter pre-registration process. Pre-registration would greatly facilitate the elections. Specifically, determining a person's eligibility to vote in advance would simplify and standardize the election day process by allowing the City Clerk to simply verify that a stakeholder's name appears on the pre-registration list. Voters whose names do not appear on the pre-registration list could be provided with a provisional ballot for verification thereafter.

The City could further provide Neighborhood Council leaders with a greater role in the administration of elections by allowing them to serve on an advisory panel designed to assist the City Clerk's Office in determining stakeholders' eligibility.

Voter Documentation

During the elections, Neighborhood Councils were allowed to choose whether to require their voters to provide documentation of their stakeholder status or whether to allow the voters to simply self-affirm the basis for their stakeholder status. In those neighborhoods where no documentary evidence was provided, the City Clerk's Office and the City Attorney's Office received a greater number of complaints alleging voting ineligibility and irregularities. However, due to the lack of documentation, the City Clerk was unable to process such challenges. Accordingly, we recommend that Neighborhood Councils be expressly advised in advance that electing a self-affirmation process will significantly curtail the ability to evaluate voter challenges due to the absence of documentary proof.

Conclusion

Accordingly, this Office believes that the above recommendations will provide much needed clarity to the Neighborhood Council system, streamline and facilitate elections, grant further legitimacy and confidence to the system by allowing a greater role for Neighborhood Councils in elections, and prevent and minimize any actual

unfairness, as well as reduce challenges of perceived unfairness against the administration of the elections. We look forward to further discussing these matters with you and others as soon as possible. Thank you for your consideration of our comments and suggestions.

Sincerely,

CARMEN A. TRUTANICH, City Attorney

By

A handwritten signature in black ink, appearing to read "W. Carter", written over a horizontal line.

WILLIAM W. CARTER
Chief Deputy City Attorney