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February 28, 2017

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

**SUBJECT: REPORT BACK ON COUNCIL FILE 04-1935-S1 REGARDING  
IMPROVING THE NEIGHBORHOOD COUNCIL ELECTIONS VOTING  
ENVIRONMENT**

Honorable Members:

**SUMMARY**

For the 2018 Neighborhood Council elections, the Department of Neighborhood Empowerment will be focusing on outreach to candidates and voters. The Office of the City Clerk will be administering the elections, including the training of polling location staff and the processing of election challenges using the Neighborhood Council Grievance Panels.

**RECOMMENDATION**

That the City Council adopts the following recommendation:

Instruct the Office of the City Attorney to update Ordinance No. 183487, which created Section 22.818 of the Los Angeles Administrative Code establishing Regional Grievance Panels for Neighborhood Councils under Council File 15-0067, to:

1. Allow the Office of the City Clerk to administer only the election challenges with the Regional Grievance Panels;
2. Expand the process of how grievances and election challenges are heard and provide flexibility to the Regional Grievance Panel Chair(s) to accommodate the testimony of all parties; and

3. Change any other language in the ordinance to ensure efficient review and processing of grievances and election challenges.

## **BACKGROUND**

In the 2016 Neighborhood Council elections, the Department of Neighborhood Empowerment (EmpowerLA) administered the on-site voting locations, using essentially the same poll worker training and election procedures for the 2012 and 2014 elections. The Neighborhood Council election manual and poll worker training was created in partnership with Neighborhood Councils. Prior to the 2012 elections and after each of the election cycles administered by EmpowerLA in 2012, 2014 and 2016, EmpowerLA held election town halls with Neighborhood Council members and election staff to review all election policies and procedures for efficiencies to be implemented in the next election cycle.

Because of the limited budget to conduct Neighborhood Council elections, EmpowerLA relies heavily on volunteer poll workers to support the at-polls elections. While there were four poll worker trainings (two hours) provided during the 2016 elections, the majority of the volunteer poll workers would typically only show up two hours before the election to assist in setting up before receiving a 30 to 45 minute training on their positions that day, e.g. checking documentation, handling ballots, directing voters, etc. Paid election staff handled any issues that were above basic processing of the voters, such as electioneering where the procedure was to tell the candidate to stop, or s/he would be disqualified.

The new election challenge process via the recently established Neighborhood Council Regional Peer Grievance Panel was used for the first time during the 2016 elections. Election challenges were received via the EmpowerLA Election Challenge Portal ([empowerla.org/election-challenge-process](http://empowerla.org/election-challenge-process)) where the challenge had to meet the following requirements per Section XVI. Challenges of the Neighborhood Council Election Manual:

1. Identify the basis for the challenge to the election.
2. Identify the person(s) issuing the challenge and their contact information.
3. Identify up to 3 witnesses and provide their statements via a Witness Statement Form.
4. Provide all supporting documentation, including any witness statements (none will be accepted after the request is filed).
5. The supporting documentation must prove that the alleged challenge is not only valid, but would also have made a difference in the election outcome. Challenges without such supporting documentation will automatically be rejected.

The following is a list of items that were and were not challengeable:

**Challengeable:**

- Incorrect Ballots (which caused voters to vote either significantly more or less for a qualified or incorrect candidate)
- Electioneering by Candidate(s)
- Ballot Duplication (by a candidate or stakeholder)
- Explicit Use of City logo(s) for Campaign Materials by Candidate(s) - (including LA City, EmpowerLA logo, Neighborhood Council logo, and any other City department logo)
- Neighborhood Council Board Endorsement of a Candidate or Slate of Candidates
- Neighborhood Council Outreach Materials Where Only Existing Board Member Candidates Are Mentioned after Candidates Are Certified
- Americans with Disabilities Act (ADA) Accessible Facility (if curbside voting was not available)
- Illegal Collection of Vote-by-Mail Ballots
- Multiple Voting - any voter who casts multiple ballots in one Neighborhood Council election illegally

**Any area not listed above is non-challengeable, including, but not limited to:**

- Lack of Outreach (outreach performed by a Neighborhood Council, the Department, or any other City entity)
- Published Articles (challenges based on election information published in media such as the Internet [including blogs], newspaper[s], or any other type of media)
- Translated Election Material
- Candidate Forums
- Polling Place or Pop Up Poll Location Selection
- Change of Polling Place or Pop Up Poll Location
- Email Forwarding of Neighborhood Council "Get Out To Vote Material" or Emails.
- Ballot Design
- Neighborhood Council Endorsed Election Procedures/Policies
- Neighborhood Council Bylaws (Received from the Department by deadline)
- Neighborhood Council Endorsed Polling Place or Pop Up Poll Suggestions
- Stakeholder Qualifications to Vote (Neighborhood Council Bylaws or Election Procedures Stipulation Worksheet)
- Department Approved Outreach Material
- Candidate Slate(s)/Slate Flyers
- Campaign Expenditure(s)
- Volunteer Poll workers or Poll worker Bias
- Use of Police and/or Security at Polling Place or Pop Up Poll
- Voter Intimidation
- Error in Voting Instructions
- Lack of Necessary Voting Materials
- Voters Threatened by Candidates
- Electioneering by Stakeholder(s) or at Pop Up Polls
- Voter Instructions

- Known Factors Prior to Election Day (such as: polling place bias because a candidate works at the location, language translators, etc.)
- Language assistance or lack thereof at Polling Place or Pop Up Poll
- Use of LA City, EmpowerLA logo, or Neighborhood Council logo when it is used on a website as identification purposes for an active link to click through to the City, EmpowerLA or Neighborhood Council website, social media page, etc. for more information
- Endorsements and Sample Ballots created by and/or distributed by stakeholders or candidates that ask voters to vote for a specific candidate or candidates

The Election Manual further provides language for remedies that the Neighborhood Council Grievance Panels could consider:

If a challenge is found to be valid, remedies will be narrowly interpreted to affect only the voters, candidates, or seats affected. Redoing the entire Neighborhood Council election is not a remedy unless the challenge affected every seat on the ballot. Remedies can include, but are not limited to, letters of correction/reprimand, disqualification of candidates or voters, Neighborhood Council funding penalties and referral to the City Attorney's Office for criminal prosecution.<sup>1</sup>

When an election challenge was received, EmpowerLA non-election staff handled the processing of the election challenge. Three Independent Election Administrators, who did not run the election being challenged, along with the Office of the City Attorney reviewed the election challenges as to its validity per the election challenge requirements. If the requirements were met, then the election challenge was moved on to the Neighborhood Council Grievance Panel for review. The panels were comprised of Neighborhood Council appointed volunteers who were not from the election region of the challenge. Of the 98 challenges filed during the 2016 elections, only 8 met the election challenge requirements. Of the 8 election challenges that were reviewed by the Regional Grievance Panel, only 3 were found to be valid: 2 from Sunland Tujunga Neighborhood Council and 1 from Studio City Neighborhood Council.<sup>2</sup>

It should be noted that both the Sunland Tujunga and Studio City election challenges were heard at the first Regional Grievance Panel, which was the first time any panel had been called for either a grievance or an election challenge. At this hearing, it became clear that the process outlined in the existing ordinance for providing notice of the hearing as well as the testimony process during the hearing was insufficient to ensure all parties had the ability to speak before the panel. EmpowerLA worked with the City Attorney's Office to change some of the processes<sup>3</sup> in order to ensure that the

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<sup>1</sup> During the Neighborhood Council Election Town Halls in 2015, the Neighborhood Council members pushed for providing remedy flexibility for the Neighborhood Council Grievance Panels for election challenges because of the various situations that could arise, which may not be able to be addressed with a standardized remedy system.

<sup>2</sup> All election challenges and determinations are listed on the EmpowerLA website at [empowerla/elections/](http://empowerla/elections/) under the "Submitted Challenges" button.

<sup>3</sup> These changes were: the notice to candidates against whom challenges were filed had to state specifically that they could be removed if they lost the challenge, and additional time was provided to these candidates to speak on their behalf at the hearing. In the original ordinance, only the challenger and EmpowerLA staff could present testimony.



Regional Grievance Panel was able to hear all of the evidence from the parties. While the result was a changing of the procedures during the election challenge process, these changes were necessary to provide equity to the parties involved and to supply the information the panelists needed to make a determination. As a result of the changes, there were no other issues for the remaining election challenges reviewed by the Regional Grievance Panel.

## **ELECTION CHANGES**

In future elections, EmpowerLA will be focusing on the outreach for candidates and voters while the Office of the City Clerk (City Clerk) conducts the elections and administers the election challenges. The City Clerk has included in their election budget proposal for Fiscal Year 2017-2018 additional funds for paid at-polls staff because of the difficulty with recruiting and training volunteers. This change will make training and running the polls more uniform in future Neighborhood Council elections.

Another opportunity for Neighborhood Councils to weigh in on election policies and procedures will be available for Neighborhood Council stakeholders to provide feedback prior to the next election cycle on any other updates that should be made. EmpowerLA and the City Clerk will work together to conduct this engagement.

The City Clerk will still process election challenges with the Neighborhood Council Grievance Panels because the decision to use the panels was suggested by the Neighborhood Councils in the first place, which is why it is included in the original ordinance. EmpowerLA recommends the City Attorney's Office be instructed to update the ordinance addressing the changes EmpowerLA had to make mid-process during the 2016 elections and the ability of the City Clerk to have the authority to administer the election challenges prior to the next Neighborhood Council elections.

## **CONCLUSION**

EmpowerLA anticipates the election changes and recommendation in this report will address the City Council's concerns to improve the Neighborhood Council voting environment and election challenges.

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

Sincerely,



Grayce Liu  
General Manager  
Department of Neighborhood Empowerment

