

MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 4 - 0 0 0 7
JAN 0 8 2014

REPORT RE:

DRAFT ORDINANCE CALLING A SPECIAL ELECTION ON JUNE 3, 2014, CONSOLIDATED WITH THE STATE PRIMARY ELECTION HELD ON THAT SAME DATE, AND A SPECIAL RUNOFF ELECTION, IF NECESSARY, ON AUGUST 12, 2014, FOR THE PURPOSE OF FILLING A VACANCY IN THE FIRST DISTRICT OF THE BOARD OF EDUCATION OF THE LOS ANGELES UNIFIED SCHOOL DISTRICT

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

Honorable Members:

This Office has prepared and now transmits for your consideration a draft ordinance calling a Special Election and Special Runoff Election for purposes of filling the vacancy in the First District of the Board of Education of the Los Angeles Unified School District for the portion of the unexpired term remaining through June 30, 2015.

We have prepared this ordinance to facilitate your consideration of the request by the Board of Education and the recommendations of the City Clerk. On January 7, 2014, the Board of Education adopted a resolution, pursuant to City Charter Section 410, requesting the City Council call a Special Election to fill the vacancy in the First District of the Board of Education on June 3, 2014, consolidated with the State Primary Election scheduled for that same date. The Board's resolution also requested the Council to call a Special Runoff Election to be held, if necessary, on August 12, 2014. The City Clerk has submitted a report recommending the same dates for a Special Election and Special Runoff Election, and transmitting the necessary recommendations for holding these elections.


The draft ordinance provides, as requested by the Board of Education and recommended by the City Clerk, that the Special Election to fill the vacancy in the First District of the Board of Education be held on June 3, 2014 and be consolidated with the State Primary Election to be held on that same date. The draft ordinance also provides that a Special Runoff Election to fill the vacancy will be held, if necessary, on August 12, 2014.

The ordinance has been approved as to form and legality. Pursuant to Council Rule 38, we have discussed the ordinance with the City Clerk.

If you have any questions regarding this matter, please contact Deputy City Attorney Harit U. Trivedi at (213) 978-7100. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:HUT:ac
Transmittal

cc: Holly Wolcott, Interim City Clerk
Gerry Miller, CLA

ORDINANCE NO. _____

An ordinance calling, ordering and providing for a Special Election to be held in the Los Angeles Unified School District on Tuesday, June 3, 2014, and consolidated with the State Primary Election to be held on that same date, and a Special Runoff Election to be held, if necessary, on Tuesday, August 12, 2014, for the purpose of filling the vacancy in the First District of the Board of Education of the Los Angeles Unified School District for the portion of the unexpired term remaining through June 30, 2015.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A Special Election is hereby called and ordered to be held in the Los Angeles Unified School District on Tuesday, June 3, 2014, for the purpose of filling the vacancy in the First District of the Board of Education of the Los Angeles Unified School District for the portion of the unexpired term remaining through June 30, 2015.

Sec. 2. The Special Election hereby called shall be, and the same is hereby ordered, consolidated with the State Primary Election to be held in the Los Angeles Unified School District on Tuesday, June 3, 2014.

Sec. 3. In the event that no candidate receives a majority of the votes cast at the Special Election, a Special Runoff Election is hereby called and ordered to be held in the Los Angeles Unified School District on Tuesday, August 12, 2014, for the purpose of filling the vacancy in the First District of the Board of Education of the Los Angeles Unified School District for the portion of the unexpired term remaining through June 30, 2015.

Sec. 4. Pursuant to Charter Section 410(b), the procedures to be utilized in connection with the nominating of candidates for such office shall be as follows:

1. The first day to file a Declaration of Intention to run for the office shall be February 10, 2014.
2. The last day to file a Declaration of Intention to run for the office shall be February 18, 2014.
3. Pursuant to Charter Section 421(c), the required Statement of Economic Interests shall be filed with the City Ethics Commission no later than February 18, 2014.
4. The first day to obtain nominating petitions shall be February 10, 2014.
5. The last day to obtain nominating petitions shall be March 7, 2014.

6. The first day to file nominating petitions shall be February 18, 2014.
7. The last day to file nominating and supplemental petitions shall be March 7, 2014; provided however, that any supplemental petition filed shall be in accordance with Charter Section 422(c) and Los Angeles Election Code Section 310(j).
8. The last day to withdraw candidacy shall be March 10, 2014.
9. A filing fee of \$300 shall be paid by each candidate at the time of filing the nominating petition bearing the signatures of no less than 500 registered voters from the First District of the Board of Education of the Los Angeles Unified School District and no more than 1,000 petitioners; or in lieu thereof, a candidate may file a nominating petition bearing the signatures of no less than 1,000 registered voters from the First District of the Board of Education of the Los Angeles Unified School District and no more than 2,000 petitioners.
10. The random alphabet drawing to determine candidate order on the ballot shall take place in the Council Chamber at 9:00 a.m. on March 10, 2014.

Sec. 5. The election precincts, polling places, and officers of election for the Special Election hereby called and ordered to be held on June 3, 2014, shall be the same as those provided in the Los Angeles Unified School District for the State Primary Election, and those elections shall be held in all respects as if there were only one election. Furthermore, for these precincts, polling places and officers of election, reference is hereby made to the Order of the Registrar-Recorder of the County of Los Angeles to be adopted for the State Primary Election and that order is incorporated into and made part of this ordinance.

Sec. 6. The polling places for the Special Election shall be open at 7:00 a.m. on the election day of June 3, 2014, and shall be kept open until 8:00 p.m. of the same day, when the polls shall close except as provided in California Elections Code Section 14401.

Sec. 7. In all other particulars, the Special Election shall be held and conducted as provided by law for holding the State Primary Election in the Los Angeles Unified School District. The Board of Supervisors of the County of Los Angeles shall have the authority to canvass the returns of the Special Election, and transmit the canvass of election returns to the City of Los Angeles.

Sec. 8. The election precincts, polling places and officers of election for the Special Runoff Election to be held, if necessary, on August 12, 2014, shall be the same as set forth in the list that will be prepared and approved by the City Clerk, and filed in the City Clerk's Office not later than July 12, 2014, and are hereby approved and established as the precincts and polling places for the Special Runoff Election. The persons whose names are set forth in that list are named as the precinct board

members for the election precincts for the Special Runoff Election. That list is, by reference, hereby approved, incorporated into and made part of this ordinance. The list will be available for review in the City Clerk's Election Division office.

Sec. 9. The polling places for the Special Runoff Election shall be open at 7:00 a.m. on the election day of August 12, 2014, and shall be kept open until 8:00 p.m. of the same day, when the polls shall close except as provided in Los Angeles City Election Code Section 857.

Sec. 10. It is hereby ordered that the Special Runoff Election precinct boards shall consist of one inspector and at least two clerks.

Sec. 11. In order to staff critical election-related assignments on the days of the Special Runoff Election, the City Clerk is authorized to employ persons who are regularly employed in City Departments. The City Clerk shall compensate the employees, in the positions listed by the Clerk as critical to election operations, at rates equal to those specified for their regular Civil Service classifications including overtime, if applicable. These positions shall not include City employees functioning as polling place officers under the City Employee Poll Worker Program.

Sec. 12. Further, in order to staff critical election-related assignments on the day of the Special Runoff Election, the City Clerk is authorized to employ persons as Emergency Inspector Reservists at a rate of \$300 for the day and to employ Emergency Translators at the rate of \$105 for the day.

Sec. 13. In order to facilitate communications with field staff on the day of the Special Runoff Election, the City Clerk is authorized to pay a stipend of \$5 per day to any staff person required to use their personal cellular telephone in the performance of their election day duties.

Sec. 14. In all particulars not recited in this ordinance, the Special Runoff Election shall be held as provided by the Charter of the City of Los Angeles, the Los Angeles City Election Code, and other applicable law.

Sec. 15. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY WOLCOTT, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
HARIT U. TRIVEDI
Deputy City Attorney

Date January 8, 2014

File No. _____