

Contact Information

Neighborhood Council: Los Feliz Neighborhood Council, Los Feliz Neighborhood Council

Name: Linda Demmers

Phone Number: [213-973-9758](tel:213-973-9758)

Email: [ldemmers@losfeliznc.org](mailto:ldemmers@losfeliznc.org)

The Board approved this CIS by a vote of: Yea(14) Nay(0) Abstain(0) Ineligible(0) Recusal(0)

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Directed To: City Council and Committees

Council File Number: 15-1022-S2

Agenda Date:

Item Number:

Summary: SEE ATTACHED REPORT. The Los Feliz Neighborhood Council (LFNC) advises that before any binding decision is made regarding the continued use of online voting for neighborhood council elections, the DONE "Report Back" be thoroughly vetted and other components of the election process be reviewed to create a more effective and trusted election/voting process. This report is submitted to speak specifically to DONE's "Report Back" to Council File 15-1022-S2 dated January 17, 2017 and its recommendations and further funding requests.

## **BACKGROUND:**

In 2006, a Neighborhood Council Review Commission (NCRC) was assembled at the behest of The Los Angeles City Council to review the progress its neighborhood council system had made since its inception.

In September 2007, the NCRC's final report made a key recommendation: "**The City Clerk shall organize and run neighborhood council elections,**" as the Clerk had the most expertise in facilitating elections, and it should "guide all aspects of the election process, including "candidate forums and debates, and community outreach up until election day."

In 2008 and 2010, the City Clerk coordinated and conducted neighborhood council biennial elections. Leading into the 2012 election cycle, it was discovered the City's approved fiscal year budget did not make any line-item funding allocations for conducting neighborhood council (NC) elections; "There is no money for elections this year."

After many surveys, discussions and debates of varying approaches that could address the "NC election crisis," including canceling the elections entirely, a large number of NC's were insistent elections be held. At this time, The Department of Neighborhood Empowerment (DONE) floated a plan for how they could facilitate the elections on a reduced budget. A proposal ultimately approved by City Council.

DONE has since overseen NC elections in 2012, 2014 and most recently, 2016, with the assistance of the City Clerk in varying capacities, essentially setting aside the NCRC's recommendation.

In 2013 Councilmember, Jose Huizar, promulgated legislative policy changes to "combat abuse of the Neighborhood Council (NC) electoral process" by amending the city-wide Stakeholder Definition requiring stakeholders to have "substantial and ongoing participation within the neighborhood council's boundaries" to thwart 'Starbucks Stakeholders' who qualified to vote by simply presenting a Starbucks' receipt (or one from any other type of recognized establishment).

In 2016, after introducing a "pilot" online voting system, DONE was instructed by City Council to suspend any further implementation of NC online voting and produce a report detailing the pilot's results, and the "experience of online voting for candidates, voters, staff and other stakeholders, and on the actions that DONE intends to take to improve the implementation process, outreach, training, data security, and other processes."

## **INTENT:**

This document is submitted to speak specifically to DONE's "Report Back" to Council File 15-1022-S2, dated January 17, 2017, and its recommendations and further funding requests.

## **COMMENT:**

1. DONE's report does not adequately explain the nuances between neighborhood councils that validate voters by 'documentation' and those that validate by 'self-affirmation' where the latter is basically an honor system entrusting voters to abide by the rules on their own volition. Presenting oneself to a poll registration worker as a bona fide neighborhood

stakeholder is a different experience than clicking a box on an electronic device with near complete anonymity. Online voting for self-affirmation councils can be rife for abuse and voter fraud. The City Clerk specifically recognized this in its 2010 post-election "after-action" report.

2. DONE's report recommends requiring the use of photo identification ('Photo IDs') as a catchall for ensuring online voters are legitimate stakeholders. However, possessing a photo ID does not ensure any voter is truly a stakeholder in any given neighborhood by virtue of the stakeholder definition itself, specifically 'Community Interest Stakeholders'.
3. DONE's report makes no mention of how it would verify or spot-check ID credentials in online voting submissions. Various software applications, e.g., Adobe Photoshop allow for easy manipulation of address or other information not discernible to the naked eye, whether it's on a utility bill, real estate tax record or photo ID. It appears that in 2016, electronically uploaded voter validation graphics (including smart-phone photos) were accepted at face value.

The process at a polling place is a bit different, as it requires a face-to-face human interaction, and an actual document as opposed to a virtual one.

4. DONE's report cites both voter counts and vote counts, but are not specifically qualified. One voter can cast numerous votes, and this is not delineated. It is unclear whether online votes cast at polling places were folded into the overall or neighborhood-specific numbers.
5. DONE's report concedes the results of online voting in 2016 were underwhelming given touted assumptions that instituting an online voting system would substantially increase voter participation.
6. DONE's report data shows conclusively, that on the whole, councils participating in online voting saw overall decreases of nearly 20% in voter turnout from their previous election cycles. This after the Department introduced 'pop-up polls' used in addition to the polling place to bolster online voting. The initial intent of online voting was to make it convenient for stakeholders to vote "from home." These pop-up polls were only provided to councils participating in the online voting pilot, and specifically denied to councils who did not participate.
7. DONE's report data shows the majority of councils who used online voting in 2016 and experienced voter turnout increases from their previous election cycles, came from councils validating voters by self-affirmation. Councils requiring 'documentation' saw much larger drop off in voter participation than the aggregated whole.

## **SUMMARY:**

In recent months, focus on voter, ballot and polling place integrity is at the forefront of our national conversation. Regardless of the level a public election is conducted at, faith in the integrity of the process must be unassailable.

DONE's posture in their conduct of NC elections seems to be almost entirely motivated by delivering higher metrics that equate voter turnout with election success. In the pilot test,

the introduction of pop-up polls after the initial regional turnout numbers were less than promising, appeared to be an effort to drive online voter participation metrics up, rather than accurately test whether online voting is as effective as envisioned. What seems entirely missed by this approach is that in a unique system where the standard definition of stakeholder is somewhat vague and open to interpretation, quantity does not necessitate quality.

In 2014, voters in Silver Lake's NC election were given ballots after presenting printed "credentials" generated by a privately created, issue-driven web site that qualified them as stakeholders. These credentials took less time to generate than it would to enter a Starbucks, stand on line and buy a latte. Yet, these were readily accepted as bona fide indicators of "substantial and ongoing participation" in the neighborhood. It's questionable whether whoever oversaw that polling place understood the spirit of the 2013 legislation to combat abuse of the NC electoral process, or was motivated by DONE's institutional belief that when it comes to voter turnouts, bigger is better.

DONE's report summarily communicates that although online voting failed to meet expectations in 2016, that with a funding increase, they're confident they can make a success of it. Further, they cite the formation via sub-division of two new councils (Hermon and Skid Row) as the foundation of an impending deadline to do so. If ninety plus neighborhood councils have been formed and hundreds of NC elections conducted without online voting mechanisms, why is this being put forward as an imperative?

DONE also recommends limiting the number of ballot types to three (3) would simplify the election process. This sounds logical, yet it does not speak to the complex representation structures neighborhood councils created to fit their specific constituent models. While convenient for DONE's election management process, it would require many NCs to potentially reconstitute the basic tenets of how they are organized by rewriting their bylaws to accommodate such a stricture, ostensibly suggested to make online voting-- a yet unproven process-- easier to facilitate.

### **RECOMMENDATIONS:**

1. Regardless of what the ultimate decision is regarding the future use of online voting for Los Angeles neighborhood council elections, the decision of whether a council opts into using online voting should be made by each council and not have it mandated upon them.
2. Further, DONE can recommend an annual budget percentage it believes should be spent on election outreach, but DONE should not be granted the authority to place any mandatory minimum expenditure upon neighborhood councils.
3. Los Angeles' City Council, Mayor, Board of Neighborhood Commissioners, et al., should not only concern themselves with the efficacy of online voting in NC elections, but also broaden the discussion to how the entire NC election process is facilitated, and whether simpler, less expensive, viable alternatives exist?

### **PERSPECTIVE:**

When the Los Feliz Neighborhood Council (LFNC) debated whether or not to participate in the NC online voting pilot, the prevailing sentiment was the proposed mechanism was yet

untested and unproven, and DONE could not speak to potential unintended consequences that could befall a council who validated voters by self affirmation--as we do--while voting online; we opted out of the pilot.

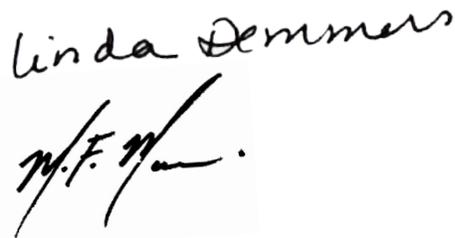
In 2010, with over 1500 voters participating, Los Feliz had one of the highest voter turnouts in the city.

In 2014, when the 'Factual Basis' stakeholder definition was revised with 'Community Interest' stakeholder, we updated our election guidelines to specifically define what a constitutes a 'Community Organization', which is an integral component of stakeholder criteria. Signing up on a website or social media page will not qualify a voter in Los Feliz.

Subsequently, our voter turnouts in 2014 and 2016 have been diminished to numbers in the 300-400 range, as people can no longer walk-in to our polling place, self-affirm by rationales such as: "I love Griffith Park" and cast a ballot. Our voter turnout is lower, yet in 2016, every open seat on our Governing Board was contested, and it is virtually undeniable every prevailing candidate was elected by his or her constituents, and only by those constituents. Sometimes, bigger is not necessarily better.

Certainly, higher voter turnouts would be generally considered as optimal in any democratic election. However, NC Boardmembers, vis à vis the stakeholder definition are elected under much different criteria than most other public offices. In 2016, according to data from the U.S. Census Bureau, nearly 30% of Americans eligible to vote in the presidential election, didn't. For Los Angeles neighborhood councils, online voting has been positioned as a panacea to combat L.A.'s abysmally low voter turnouts, while other viable alternatives have not been adequately considered.

Prepared by:

The image shows two handwritten signatures in black ink. The top signature is 'Linda Demmers' written in a cursive, slightly slanted script. Below it is a second signature, 'M.F. Maueri', also in cursive, with a large, sweeping flourish at the end.

Linda Demmers & Mark F. Maueri  
President & Vice President (former); NC Election Chairs, 2012 & 2016

Los Feliz Neighborhood Council (LFNC)