

RESOLUTION

WHEREAS, the Council of the City of Los Angeles has adopted a resolution to place a Charter amendment regarding Los Angeles Unified School District (LAUSD) election dates before the qualified voters of the Los Angeles Unified School District at the March 3, 2015 Special Election to be consolidated with the City's Primary Nominating Election to be held on the same date; and

WHEREAS, the City Election Code requires the City Attorney to prepare and present a ballot title and question consisting of an impartial statement of the measure; and

WHEREAS, the City Attorney has presented the following ballot title and question for the proposed measure:

NEW ELECTION DATES AND SCHEDULES FOR THE LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD); ONE-TIME ADJUSTMENT TO ALIGN TERMS WITH NEW ELECTION DATES BY 2020. CHARTER AMENDMENT

_____.

Shall the City Charter be amended to: 1) change the LAUSD Board of Education's primary and general election dates to June and November of even-numbered years beginning in 2020 so that LAUSD elections are held on the same dates as Federal and State elections; 2) provide that, in 2015 and 2017 only, candidates be elected for a term of 5½ years to transition to the new election dates; and 3) adjust vacancy election schedules and allow temporary appointments to fill vacant offices until an election is held?

NOW, THEREFORE, BE IT RESOLVED that the ballot title and question presented by the City Attorney be adopted by the City Council.

I hereby certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting held on _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

RESOLUTION

Resolution providing that a ballot measure be submitted to the qualified voters of the Los Angeles Unified School District.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LOS ANGELES AS FOLLOWS:

Section A. The following amendment to the Charter of the City of Los Angeles is hereby proposed to be submitted to the qualified voters of the Los Angeles Unified School District at a Special Election to be called and consolidated with the City's Primary Nominating Election held on March 3, 2015:

CHARTER AMENDMENT _____

Section 1. Section 401 of the Charter of the City of Los Angeles is amended to read as follows:

Sec. 401. Election Days – City of Los Angeles and Board of Education.

(a) Until the year 2020, for City offices and elections of the Board of Education, primary nominating elections shall be held on the first Tuesday after the first Monday in March in every odd-numbered year, and general municipal elections shall be held on the third Tuesday in May in every odd-numbered year, except that no such elections will be held in the year 2019 in order to transition to new election dates as provided in subsection (b).

(b) Beginning in the year 2020, for City offices and elections of the Board of Education, primary nominating elections shall be held on the first Tuesday after the first Monday in June in every even-numbered year, and general municipal elections shall be held on the first Tuesday after the first Monday in November of every even-numbered year.

(c) If holding the election on the election day set forth above would conflict with a significant event or occurrence, and the Council finds that holding the election on that day would substantially reduce voter participation, the Council may set the election on a specific alternate day not earlier than the previous Tuesday nor later than the subsequent Tuesday from the regularly scheduled election day. The Council may set the alternate day only if it finds that holding the election on such alternate day would not substantially reduce voter participation. Any action setting an alternate election day must be adopted by the Council by resolution no later than six months before the date on which the affected election would otherwise take place.

Sec. 2. Section 402 of the Charter of the City of Los Angeles is amended to read as follows:

Sec. 402. Ordinance Ordering the Holding of an Election.

The Council shall, by ordinance, order the holding of all elections. The ordinance ordering the election shall specify the object and time of holding the election and whether the election is to be conducted by the City Clerk or, alternatively, consolidated with another election or otherwise conducted by the County of Los Angeles. The ordinance also shall establish election precincts, designate polling places and name officers of election for each precinct, and may do so by making reference to other enactments or documents. Any ordinance ordering the holding of an election may also order the holding of a run-off election, to be held if necessary.

Sec. 3. Section 403 of the Charter of the City of Los Angeles is amended to read as follows:

Sec. 403. Officers of Election.

Officers of election for elections conducted by the City Clerk shall be selected and appointed in accordance with procedures set forth in the City Election Code. No candidate who has taken out papers for nomination, nor a member of his or her immediate family, shall be permitted to act as an election officer, nor shall the polling place be held in his or her residence.

Sec. 4. Section 404 of the Charter of the City of Los Angeles is amended to read as follows:

Sec. 404. Returns of Election.

The returns of every election conducted by the City Clerk shall be delivered to the City Clerk, who shall, within 28 days after any election, canvass the returns and certify them to the Council, who shall declare the result and order the issuance of certificates of nomination or election as appropriate. The Council shall be the judge of the qualifications of all of the elected officers. When any municipal election is consolidated with any state or county election, after the Board of Supervisors or Registrar of Voters of Los Angeles County has canvassed the returns and certified the result of the canvass of all municipal questions submitted at the election to the Council, the Council shall declare the result and order the issuance of certificates of nomination or election as appropriate. Any act in relation to the conduct of the election required by the Charter to be performed by an officer or employee of the City may be performed by the proper officer or employee of the county.

Sec. 5. Section 406 of the Charter of the City of Los Angeles is amended to read as follows:

Sec. 406. Recounts.

(a) **Applicability.** This section governs recounts of elections of the City of Los Angeles and Los Angeles Unified School District conducted by the City Clerk. Nothing in this section shall be construed to prevent any person from contesting the results of any election by judicial proceedings authorized by law.

(b) **Procedure.** Within five days after the Council's declaration of the results of an election, any registered voter of the City, or of the School District in the case of Board of Education elections, may file with the City Clerk a written request to recount all of the votes cast at that election for candidates for any office, or for and against any measure. The request shall comply with the requirements of the City Election Code. The recount shall be conducted publicly and shall commence not more than seven calendar days after the City Clerk's acceptance of the recount request. No person who is an interested party to the recount shall be involved in the recount. The recount shall otherwise be conducted in accordance with procedures set forth in the City Election Code.

(c) **Results of Recount.** Upon completion of the recount, the Council shall declare the result. If any person who had not been declared nominated or elected is found upon the recount to be entitled to nomination or election, the Council shall so declare and direct that the proper certificate of nomination or election be issued to that person. If by the recount it is determined that the result of a ballot measure election is different than as already declared, the Council shall so declare.

(d) **Costs of Recount.** Any request for recount shall be accompanied by a bond or cash deposit in a sum specified by ordinance, in a form satisfactory to the City Clerk. The bond or deposit shall be payable to the City of Los Angeles in the event that the recount does not change the result of the election. If the result of an election is changed by the recount, the expense of the recount shall be borne by the City, and the bond or cash deposit shall be returned to the elector who requested the recount. The results of an election are considered changed if the identity of any person who had been declared nominated or elected is changed, or if the approval or disapproval of any ballot measure is changed.

Sec. 6. Section 410 of the Charter of the City of Los Angeles is amended to read as follows:

Sec. 410. Filling Vacancies in the Office of Members of the Board of Education.

Vacancies in the office of Members of the Board of Education shall be filled by appointment or election in the manner set forth in this section.

(a) **Appointment.** For vacancies occurring prior to the year 2019, the Board of Education may fill a vacancy by appointing a person to hold the office for the portion of the unexpired term remaining through the next June 30 of an odd-numbered year. For vacancies occurring in the year 2019 and afterward, the Board of Education may fill a vacancy by appointing a person to hold the office for the portion of the unexpired term remaining until the next second Monday in December of an even-numbered year. If any portion of the term remains after that date, the Board shall also contract with the City of Los Angeles for the calling and conducting of a special election or elections to fill the remainder of the term, and the Council shall consolidate the election with the primary nominating election and general municipal election next following the appointment. If a vacancy is filled by appointment after the first date fixed by law for filing a Declaration of Intention to become a candidate at the next primary nominating election, the person appointed shall hold the office for the remainder of the unexpired term.

(b) **Special Election.** The Board of Education may contract with the City of Los Angeles for the calling and conducting of a special election or elections for the purpose of filling the vacancy for the remainder of the unexpired term. The contract shall be subject to approval by the City Council, and shall contain a provision that the Los Angeles Unified School District shall pay for all costs incurred in conducting the special election or elections. Unless otherwise specified in the contract, within 30 days of the Council's approval of the contract, the Council shall adopt a resolution calling a special election, and special runoff election, if necessary, for the purpose of filling the vacancy and provide in that ordinance the time for holding the election, whether consolidation with any other scheduled election will be sought; the procedures for nominating candidates, including the amount of the filing fee, if any, to be paid by candidates; and other matters pertaining to the election. The Board of Education also may appoint a person to hold the office temporarily until the vacancy election is conducted and the election results are certified and declared.

(c) **Recall.** Any person appointed or elected to fill a vacancy may be removed from office by the recall in the same manner as if he or she had otherwise been elected to office.

Sec. 7. Section 412 of the Charter of the City of Los Angeles is amended to read as follows:

Sec. 412. City Election Code; Amendments.

All elections conducted by the City Clerk, unless otherwise provided in the Charter, shall be conducted and held in accordance with the provisions of the City Election Code. No amendment to the City Election Code shall affect any election, petition, or other election-related proceeding occurring within six months following the publication of the ordinance effecting the amendment.

Sec. 8. Section 424 of the Charter of the City of Los Angeles is amended to read as follows:

Sec. 424. Primary Nominating Election Ballot.

The ballot for any primary nominating election conducted by the City Clerk shall be as follows:

(a) **Order of Placement.** The names of candidates who have qualified for placement on the ballot, except candidates who have withdrawn or died or otherwise been disqualified, together with any measures or propositions as ordered by the Council or otherwise required by law, shall appear on the ballot. The offices to be filled shall be arranged on the ballot as follows: Mayor, City Attorney, Controller, member of the Council, member of the Board of Education, followed by any other offices to be filled in the order determined by the Council. Measures and propositions shall appear on the ballot in the order determined by the Council.

(b) **Nonpartisan Ballot.** There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate.

(c) **Write-in Candidates.** Each ballot shall provide an opportunity for voters to write-in, for each office on the ballot, the name of any person whose name does not appear on the ballot and for whom the voter wishes to vote.

Sec. 9. Section 426 of the Charter of the City of Los Angeles is amended to read as follows:

Sec. 426. General Election Ballot.

The ballot for any general election conducted by the City Clerk shall be in the same general form as for the primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

Sec. 10. Section 432 of the Charter of the City of Los Angeles is amended to read as follows:

Sec. 432. Action by Council on Recall Petition.

When a recall petition is presented to the Council by the City Clerk, the Council shall within 20 days, by order or ordinance, call for the holding of a special election, and if necessary a special runoff election, for the purpose of submitting to the voters of the City at large, of the Council district, or of the Board district, as the case may be, the question of whether the officer shall be recalled, and if recalled, for the election of his or her successor. The special election shall be held not less than 88 days nor more than 125 days after the date of Council action on the petition; provided, however, that if any

other election for any purpose at which all the qualified voters of the City, of the Council District, or of the Board District, as the case may be, are entitled to vote, is to occur during that time period, the Council shall order the holding of the recall election and the consolidation thereof with such other election.

Sec. 11. Section 802 of the Charter of the City of Los Angeles is amended to read as follows:

Sec. 802. Board of Education Redistricting.

(a) **Redistricting by Ordinance.** Every ten years, the Council shall by ordinance redistrict the Los Angeles Unified School District into seven districts designated in the ordinance by numbers from one to seven, inclusive. Those districts shall be used for all elections of members of the Board of Education, including their recall, and for filling any vacancy in the office of member of the Board of Education, after the effective date of the ordinance and until new districts are established.

(b) **Redistricting Commission.** There shall be a Redistricting Commission to advise the Council on drawing of Board district lines. The Commission members shall be appointed in the following manner: one by each member of the Board of Education, four by the Council President, and four by the Mayor. Notwithstanding the provision of Section 501(d), one of the Council President's appointees, and one of the Mayor's appointees, must reside within the Los Angeles Unified School District but outside the limits of the City. No officer or employee of the School District shall be eligible to serve on the Commission. The Redistricting Commission shall appoint a director and other personnel, consistent with budgetary approval, which positions shall be exempt from the civil service provisions of the Charter.

(c) **Redistricting Process.** The Redistricting Commission shall be appointed before the date by which the Census Bureau is to release the decennial census data. A new Commission shall be appointed to advise the Council prior to each subsequent redistricting. The Commission shall begin the redistricting process at any time after the necessary data are obtained from the most recent Federal Census, but no later than June 1, 2021, and each subsequent tenth anniversary of that date, for redistricting processes occurring after the year 2020. The Commission shall seek public input throughout the redistricting process. The Commission shall present its proposal for redistricting to the Council no later than a date prescribed by ordinance.

The Council shall adopt a redistricting ordinance no later than December 31, 2021, and each subsequent tenth anniversary of that date, for redistricting processes occurring after the year 2020. Nothing in this section shall prohibit the Council from redistricting with greater frequency provided that districts so formed each contain, as nearly as practicable, equal portions of the total population of the Los Angeles Unified School District as shown by the Federal Census immediately preceding the formation of districts or based upon other population reports or estimates as may be determined by the Council to be substantially reliable.

(d) **Criteria for Redistricting.** All districts shall be drawn in conformance with the requirements of state and federal law and to the extent feasible shall keep neighborhoods and communities intact, utilize natural boundaries or street lines, be geographically compact, and conform to high school attendance zones.

(e) **Effect of Redistricting on Incumbents.** No change in the boundary or location of any district by redistricting shall operate to abolish or terminate the term of office of any member of the Board of Education prior to expiration of the term of office for which that member was elected.

(f) **Annexation or Consolidation.** Territory added to the Los Angeles Unified School District after the adoption of a districting ordinance shall be added to an adjacent and contiguous district or districts by the Council by ordinance.

(g) **Terms.** Members of the Board of Education shall hold their office for a term of four years except as provided in Section 806. The terms of office of those Board members elected from odd-numbered districts shall commence during each fourth anniversary of 1979, and for the members elected from even numbered districts shall commence during each fourth anniversary of 1981, except as provided in Section 806 and until the year 2020. Beginning in the year 2020, the terms of office of those Board members elected from odd-numbered districts shall commence during each fourth anniversary of the year 2020 and for the members elected from even-numbered districts shall commence during each fourth anniversary of the year 2022. No person may serve more than three terms of office as a member of the Board of Education. This limitation on the number of terms of office shall not apply to any unexpired term to which a person is elected or appointed if the remainder of the term is less than one-half of the full term of office. The limitation on the number of terms of office shall apply only to terms of office that begin on or after March 1, 2007.

Sec. 12. A new Section 806 is added to the Charter of the City of Los Angeles to read as follows:

Sec. 806. Board of Education Term of Office.

(a) Notwithstanding any other provision of the Charter, in order to transition to new election dates starting in 2020, Board of Education members elected in 2015 shall be elected for a term expiring in December 2020 and members elected in 2017 shall be elected for a term expiring in December 2022.

(b) The term of a member of the Board of Education shall commence on the first day of July next following his or her election until the year 2020. Beginning in the year 2020, the term of a member of the Board of Education shall commence on the second Monday in December next following his or her election.

(c) For purposes of the term limits contained in Section 802(g), the term of office of Board of Education members elected in 2015 and 2017 as described in subsection (a) of this section shall count as one term.

Sec. 13. The amendments to the Charter proposed and contained in Sections 1 through 12 above shall not become operative unless the separate Charter Amendment ____, similarly changing the election dates for the City of Los Angeles, also is approved by the voters of the City of Los Angeles.

Sec. B. The City Clerk is hereby authorized and directed to publish a notice containing the proposed ballot measure, specifying the date of March 3, 2015, as the date the measure is to be voted upon by the qualified voters of the Los Angeles Unified School District. The notice shall be published once in a newspaper of general circulation in the City and County of Los Angeles, and in each edition thereof during that day of publication. The City Clerk is authorized and directed to prepare and keep in the City Clerk's office a sufficient supply of copies of the proposed ballot measure and to distribute the proposed ballot measure to any and all persons requesting a copy. Further, the City Clerk is authorized and directed to mail copies of the proposed ballot measure to each of the qualified voters of the Los Angeles Unified School District.

Sec. C. The City Clerk is hereby authorized and directed to cause a notice to be published once in a newspaper of general circulation that copies of voter information pamphlets containing the proposed ballot measure may be obtained upon request in the City Clerk's office.

Sec. D. The City Clerk shall file a duly certified copy of this Resolution forthwith with the Board of Supervisors and with the Registrar-Recorder of the County of Los Angeles.

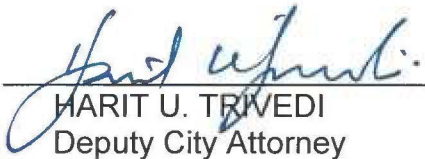
I hereby certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting held on _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
HARIT U. TRIVEDI
Deputy City Attorney

Date 10/29/14