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REPORT NO. R 18 - 0185
JUN 06 2018

REPORT RE:

**BALLOT RESOLUTIONS REGARDING PROPOSED CHARTER AMENDMENTS TO
REALIGN CITY AND LAUSD ELECTION DATES WITH STATE ELECTION DATES,
AND ORDINANCES CALLING SPECIAL ELECTIONS FOR THE CHARTER
AMENDMENTS ON NOVEMBER 6, 2018**

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

Honorable Members:

On May 30, 2018, your Honorable Body requested this Office to prepare the documents necessary for proposed Charter amendments realigning City and Los Angeles Unified School District (LAUSD) primary election dates with the State's new primary election date. This Office hereby transmits, approved as to form and legality, the ballot resolutions and election ordinances necessary to place two proposed Charter amendments on the ballot at the November 6, 2018 State General Election, one making the Charter changes for City elections (Attachment 1) and the other making the Charter changes for LAUSD elections (Attachment 2).

Background

In 2015, the voters amended the Charter to change City and LAUSD election dates from March and May of odd-numbered years to June and November of even-numbered years so that City elections are held on the same schedule as State elections. As a result of that change, the Charter provides that beginning in 2020, City and LAUSD primary elections are to be held on the first Tuesday after the first Monday in June in even-numbered years, and general elections are to be held on the first Tuesday after the first Monday in November in even-numbered years.

On September 27, 2017, the Governor signed Senate Bill 568, which moved up the date of the statewide primary election from June to March of even-numbered years. After SB 568, the primary elections of the State, City and LAUSD are no longer aligned. The City and LAUSD also must move up their primary elections from June to March in order to be able to consolidate their elections with State elections. This change in City and LAUSD election dates requires amendments to the City Charter approved by a majority of voters of the City and LAUSD.

Summary of the Measure's Provisions

The two proposed ballot measures, if approved by the voters, would amend the provisions of the Charter establishing City and LAUSD election dates and also make other related and technical changes to the Charter's election provisions.

The primary purpose of these measures is to amend Charter Section 401 to move the City's and LAUSD's primary nominating election to the first Tuesday after the first Monday in March of even-numbered years. Changing the City and LAUSD primary election date to March would continue to enable the City to consolidate its regular elections with State elections conducted by the County and held on the same dates. In the event the State changes its election dates once again, the proposed amendment to Section 401 also contains a provision authorizing the City Council to specify different dates for City and LAUSD elections so that they may continue to be held on the same dates as State elections.

The proposed measures also would make the following related and technical changes to the Charter's election provisions: allow the redistricting process to start earlier in order to meet deadlines in advance of the 2022 elections (Sections 204 & 802); clarify the process for LAUSD vacancy elections that may be consolidated with State elections and conducted by the County (Section 410); accommodate for alternative methods of distributing ballot argument materials in consolidated elections conducted by the County (Sections 433 and 454); and delete outmoded language relating to previous election schedules (Sections 409, 410, 803). Finally, the proposed measures would provide that regulation of the withdrawal of initiative petitions is to be in accordance with the City Election Code (Section 452). This change would enable the City to adjust deadlines for withdrawing initiative petitions by ordinance in light of pending changes to state law on this subject (see SB 1153).

We have included the ballot resolutions and election ordinances to make these Charter changes for City elections in Attachment 1 and for LAUSD elections in Attachment 2. City voters must approve the measure changing City election dates, and LAUSD voters must approve the measure changing LAUSD election dates. City and LAUSD elections must be conducted together under the Charter, and therefore each measure includes a clause making its effectiveness contingent on the passage of the other. This protocol is consistent with how several Charter amendments affecting City and LAUSD elections have been presented to the voters in the past.

We have indicated all of the changes both measures would make to existing Charter language in Attachment 3.

Rule 38

Pursuant to Council Rule 38, a copy of the proposed Charter amendments was sent to the City Clerk and Chief Legislative Analyst. This Office has worked with staff of the City Clerk and CLA, and their input has been incorporated.

Election Deadline and Consolidation

City Election Code Section 601 requires that final resolutions and ordinances to place a measure on the ballot be adopted no less than 110 days before the election. With regard to the November 6, 2018 State General Election, and in light of Council's upcoming recess, the last date for Council to take action to place a measure on the ballot is July 2, 2018.

The State General Election is conducted locally by the County Registrar-Recorder. In order to place a City measure on the State General Election ballot, the City must request the County Board of Supervisors to approve consolidation of the City's ballot measure election with the State General Election. The Board of Supervisors has the limited discretion to deny the City's consolidation request if the County's voting equipment or other election capacities are such that the County cannot handle the City's election.

If you have any questions regarding this matter, please contact Deputy City Attorney Harit Trivedi at (213) 978-7193. A member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By


DAVID MICHAELSON
Chief Assistant City Attorney

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Attachments