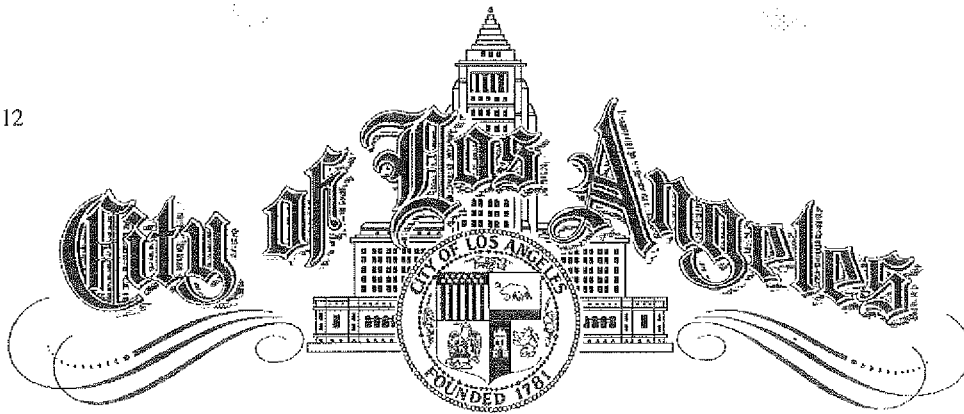


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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 1 2 - 0 3 7 9
DEC 0 4 2012

REPORT RE:

**DRAFT ORDINANCE CALLING A SPECIAL ELECTION ON MAY 21, 2013,
CONSOLIDATED WITH THE CITY'S GENERAL MUNICIPAL ELECTION HELD ON
THAT SAME DATE, AND A SPECIAL RUNOFF ELECTION, IF NECESSARY, ON
JULY 23, 2013, FOR THE PURPOSE OF FILLING A PROSPECTIVE VACANCY IN
THE SIXTH COUNCIL 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:

As requested by your Honorable Body on November 21, 2012, 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 a prospective vacancy in the Sixth Council District of the City of Los Angeles.

The draft ordinance provides, per your request, that the Special Election to fill the prospective vacancy in Council District Six be held on May 21, 2013, and be consolidated with the City's regularly scheduled General Municipal 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 July 23, 2013.

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,

CARMEN A. TRUTANICH, City Attorney

By 
PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:pj
Transmittal

cc: June Lagmay, City Clerk
Gerry Miller, CLA

ORDINANCE NO. _____

An ordinance calling, ordering, providing for and giving notice of a Special Election to be held and consolidated with the City of Los Angeles General Municipal Election on Tuesday, May 21, 2013, and, if necessary, a Special Runoff Election to be held on Tuesday, July 23, 2013, for the purpose of filling a prospective vacancy in the Sixth Council District of the City of Los Angeles 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 City of Los Angeles on Tuesday, May 21, 2013, for the purpose of filling a prospective vacancy in the Sixth Council District of the City of Los Angeles 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 City of Los Angeles General Municipal Election to be held in the City of Los Angeles on Tuesday, May 21, 2013.

Sec. 3. In the event that no candidate receives a majority of the votes cast at the Special Election held on May 21, 2013, a Special Runoff Election is hereby called and ordered to be held in the City of Los Angeles on Tuesday, July 23, 2013, between the two candidates receiving the highest number of votes at the Special Election for the purpose of filling a prospective vacancy in the Sixth Council District of the City of Los Angeles for the portion of the unexpired term remaining through June 30, 2015.

Sec. 4. Pursuant to Charter Section 409(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 4, 2013.
2. The last day to file a Declaration of Intention to run for the office shall be February 9, 2013.
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 9, 2013.
4. The first day to obtain nominating petitions shall be February 4, 2013.
5. The last day to obtain nominating petitions shall be February 25, 2013.
6. The first day to file nominating petitions shall be February 9, 2013.

7. The last day to file nominating and supplemental petitions shall be February 25, 2013, 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 February 28, 2013.
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 Sixth Council 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 Sixth Council 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 February 28, 2013.

Sec. 5. The election voting precincts, polling places and officers of election 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 April 20, 2013, are hereby approved and established as the voting precincts and polling places for the Special Election and 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 Election and 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. 6. The polling places of the Special Election and Special Runoff Election shall be open at 7:00 a.m. on the election days of May 21, 2013, and July 23, 2013, and shall be kept open until 8:00 p.m. on those same days, when the polls shall close except as provided in the amended Los Angeles City Election Code Section 857.

Sec. 7. It is hereby ordered that the Special Election and Special Runoff Election precinct boards shall consist of one inspector and at least three clerks.

Sec. 8. In order to staff critical election-related assignments on the days of the Special Election and 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. 9. Further, in order to staff critical election-related assignments on the days of the Special Election and Special Runoff Election, the City Clerk is authorized to

employ persons as Emergency Inspector Reservists at a rate of \$300.00 for the day and to employ Emergency Translators at the rate of \$105.00 for the day.

Sec. 10. In order to facilitate communications with field staff on the days of the Special Election and Special Runoff Election, the City Clerk is authorized to pay a stipend of \$5.00 per day to any staff person required to use their personal cellular telephone in the performance of their election day duties.

Sec. 11. In all particulars not recited in this ordinance, the elections 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. 12. The election activities and functions authorized, provided for and ordered by this ordinance shall be operative only if the incumbent Member of the City Council, Sixth Council District, resigns or otherwise vacates that office as expected based on his recent election to the United States Congress, and does so prior to February 4, 2013.

Sec. 13. 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 _____.

JUNE LAGMAY, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  _____
HARIT U. TRIVEDI
Deputy City Attorney

Date December 3, 2012

File No. CF 12-1757