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REPORT NO. R 1 4 - 0 3 8 6
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REPORT RE:

**BALLOT RESOLUTION AND BALLOT TITLE RESOLUTION REGARDING A
PROPOSED CHARTER AMENDMENT TO CHANGE CITY ELECTION DATES, AND
ORDINANCE CALLING A SPECIAL ELECTION FOR THE CHARTER AMENDMENT
ON MARCH 3, 2015**

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 October 22, 2014, your Honorable Body requested this Office to prepare the documents necessary for proposed Charter amendments related to changing City and Los Angeles Unified School District (LAUSD) election dates to June and November of even-numbered years starting in 2020. This office hereby transmits, approved as to form and legality, the ballot resolutions and election ordinance necessary to place a Charter amendment on the March 3, 2015 City ballot that would change City election dates to even-numbered years in accordance with your request. We also are transmitting a separate set of documents for a Charter amendment making similar changes to LAUSD elections.

Background

The Los Angeles City Charter establishes election dates for City and LAUSD elections. (City Charter § 401; see Cal. Const., Art. XI § 5 and Art. IX § 16 [city charter may provide for the times at which city and school district officials are elected].) The Charter provides that the City's primary nominating election is to be held on the first

Tuesday after the first Monday in March of every odd-numbered year, and the City's general municipal election is to be held on the third Tuesday in May of every odd-numbered year. Any change in the City's regular election dates would require an amendment to the City Charter approved by a majority of the voters of the City. (Cal. Const., Art. XI §§ 3, 5.) Similarly, any change in LAUSD election dates would require an amendment to the City Charter approved by a majority of the voters of the LAUSD. (Cal. Const., Art. IX § 16(b).)

Statewide elections take place in June and November of even-numbered years and are conducted locally by the County of Los Angeles. Presently, the different City and State election dates prevent consolidation of the City's regular elections with the State's elections. On June 5, 2014, the City's Municipal Election Reform Commission issued a report recommending the City change its election dates to even-numbered years so they may be consolidated with State elections. On September 17, 2014, the CAO and CLA issued a joint report discussing the Election Reform Commission's recommendations in detail (CAO/CLA Report). The City Clerk also has issued a report, dated May 1, 2014, focusing specifically on the proposed change to City election dates.

On September 19, 2014, the Rules, Elections and Intergovernmental Relations Committee met to discuss the Election Reform Commission's various recommendations. The Committee convened public input hearings on the subject on October 8, 2014 and October 15, 2014. On October 17, 2014, the Rules Committee met again and recommended, among various other actions, that the Council place a measure on the March 2015 ballot changing City election dates to June and November of even-numbered years to coincide with State elections starting in 2020. On October 22, 2014, your Honorable Body adopted those recommendations and issued detailed directions to our Office setting forth the elements of the proposed Charter amendments to submit to the voters for their approval or rejection.

Summary of the Measure's Provisions

The proposed ballot measure, if approved by the voters, would amend various provisions of the City Charter related to election dates and elections. More specifically, the proposed measure would make the following changes to the City Charter consistent with the direction of your Honorable Body. We have indicated the changes to the existing Charter language in Attachment 1.

New City Election Dates. The proposed measure would amend the Charter to change the City's primary nominating election to the first Tuesday after the first Monday in June of even-numbered years, and the City's general municipal election to the first Tuesday after the first Monday in November of even-numbered years. As discussed further below, the change in election dates would begin in 2020.

The new election dates proposed in the measure would make it possible for the City to consolidate its regular elections with State elections conducted by the County on those same dates. State law governs the general process for consolidating elections. Under State law, the City may request that the County consolidate and conduct the City's election and the County Board of Supervisors is required to accept unless the County cannot handle the consolidation because of ballot style, voting equipment or computer capability. (See Cal. Elections Code §§ 10403, 10403.5.) The CAO/CLA Report and City Clerk Report explain in detail the County's implementation of a new voting system and capability to consolidate and conduct City elections. When a City election is consolidated with a State election conducted by the County, City law governs matters such as candidate filing procedures and voter information pamphlets and State law governs the casting of ballots, canvassing of election returns and other election administration tasks. The measure would not change this balance.

The City Clerk would continue to conduct City elections that are not consolidated with County elections. This includes special vacancy elections that the City does not consolidate or contract with the County to conduct. The City Clerk also may be required to conduct a regular City election on the same date as a State election if consolidation with the County is not possible. The CAO/CLA Report and City Clerk Report discuss issues associated with conducting elections concurrently with State elections when consolidation is not possible. The draft measure makes technical amendments to various provisions of the Charter to clarify that the City Election Code would continue to apply to elections conducted by the Clerk, whereas the State Election Code would apply to consolidated elections conducted by the County.

Change in Election Dates Becomes Operative in 2020. The proposed measure first affects a change in election dates in the year 2020 for even-numbered Council Districts and in the year 2022 for Citywide offices and odd-numbered Council Districts. In the interim, the City Clerk would continue to conduct the City's 2015 and 2017 municipal elections in March and May of those years, as provided under the current Charter. No municipal elections would be held in 2019.

Transition to New Election Dates. The proposed measure aligns terms of office with the new City election dates by providing that candidates elected to even-numbered Council districts at the 2015 elections will be elected to a 5½ year term, starting on July 1, 2015 and expiring in December of 2020. The even-numbered Council district offices would be up for election again in 2020 for the standard 4 year term. The measure similarly provides that candidates elected to the Citywide offices and odd-numbered Council districts at the 2017 elections will be elected to a 5½ year term, starting on July 1, 2017 and expiring in December of 2022. The Citywide and odd-numbered Council district offices would be up for election again in 2022 for the standard 4 year term. The 5½ year terms would be for the 2015 and 2017 elections only, so that the City can transition to the new election dates in 2020 and 2022. The 5½ year transitional term will count as one term for term limits purposes.

Term of Office Starts in December Following Election. The proposed measure changes the date elected officials take office beginning in 2020. Currently, elected officials take office on the first day of July following their election in March or May. As election dates would change to June and November of even-numbered years, the proposed measure provides that officials will take office on the second Monday in December following their election. State legislators elected under the same schedule take office on the first Monday in December. (Cal. Const., Art. IV § 2(a)(3).) Under State law, however, the County has 30 days to canvass and certify election results. (Cal. Elections Code § 15372.) The proposed measure provides that terms of office begin the second Monday of December to supply enough time for the County to certify election results and the City Council to declare those results before the term of office begins.

Adjustments regarding Vacancy Elections. The proposed measure would make two adjustments to the Charter's provisions related to vacancy elections. First, the measure adjusts the date until which a person appointed to fill a vacancy would serve to reflect that terms of office would start in December of even-numbered years under the proposal. Second, the measure provides the Council with the option of calling a special election to fill a vacancy and also making a temporary appointment to fill the vacant office until that election is conducted. Under the current Charter, the Council cannot make a temporary appointment once it has decided to hold an election to fill a vacancy. The frequency of elections will decrease, however, under the new election schedule proposed in the measure and, therefore, the measure provides an option for a temporary appointment pending the conduct of a vacancy election.

Adjustments regarding Initiative Elections. The proposed measure would make two adjustments to the Charter's initiative provisions. First, the measure provides that the Council may submit an initiative to the voters at a separate election or at either the next regular City election or the next State election. The Charter currently provides that an initiative may be submitted at a separate election or at the earlier of the next City or State election. Second, the measure allows initiative proponents to withdraw their measure prior to the scheduling of an election on the initiative. This change would make City law consistent with recent State legislation on the subject. (See SB 1253.)

Adjustment regarding Referendum Elections. The proposed measure would provide that the Council may schedule an election on a referendum petition as a separate election or at either the next regular City election or the next State election. The Charter currently provides that a referendum election be held as a separate election or at the next City election. This change would make the election schedule requirement for referendum petitions similar to that for initiatives.

Adjustment to Recall Elections. The proposed measure would provide that a recall election must be held between 88 and 125 days of Council's action on a certified recall petition, rather than between 60 and 110 days as in the current Charter. This

change would align the Charter with State law on the subject and make it possible for recall elections to be consolidated with State elections in some circumstances. (See Cal. Elections Code § 11242.)

Adjustment to Redistricting Schedule. The proposed measure requires that the redistricting process be completed six months earlier than is currently required. This adjustment is necessary to ensure that the next redistricting process is completed prior to the 2022 elections, rather than in the middle of those elections.

Canvass Period. The proposed measure provides the Clerk with 28 days to canvass election returns, seven days longer than currently provided in the Charter. This change would align the Charter more closely with State law on the subject. (See Cal. Elections Code § 15372.)

Change in LAUSD Election Dates and Contingency Clause. We have prepared documents for a separate Charter Amendment to similarly change LAUSD election dates to June and November of even-numbered years starting in 2020. 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.

Rule 38

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

Election Deadline

City Election Code Section 601 requires that final resolutions to place a measure on the ballot must be adopted no less than 110 days before the election. With regard to the March 3, 2015 City election, that date is November 12, 2014.

If you have any questions regarding this matter, please contact Deputy City Attorney Harit Trivedi at (213) 978-7184. A 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 
HARIT U. TRIVEDI
Deputy City Attorney

HUT:as
Transmittals

cc: Holly Wolcott, City Clerk
Sharon Tso, CLA
Miguel Santana, CAO

ATTACHMENT 1

CHARTER AMENDMENTS REGARDING NEW CITY AND LAUSD ELECTION DATES

Summary of Proposed Changes to Charter Language

Section	Subject	Change
401	Election Dates	<ul style="list-style-type: none"> • Change election dates to June and November of even-numbered years starting in 2020 so that City and LAUSD elections take place on the same dates as Federal and State elections
204(a), (c)	Redistricting Schedule	<ul style="list-style-type: none"> • Adjust redistricting schedule ahead by 6 months so that new Council district lines are in place before 2022 elections
204(g)	Anniversary of Terms	<ul style="list-style-type: none"> • Provide that even-numbered Council district elections are every four years from 2020, and odd-numbered district elections are every four years from 2022
205	Term of Office Start Date of Term	<ul style="list-style-type: none"> • Provide that, in 2015 and 2017 only, candidates be elected for a 5½ year term to transition to the new election dates • Start term of office on second Monday in December under new election dates
206	Term Limits	<ul style="list-style-type: none"> • Clarify that 5½ year term to align terms with election dates counts as one term
402	Election Ordinance	<ul style="list-style-type: none"> • Clarify that ordinance calling the election will specify whether election is conducted by Clerk or consolidated and conducted by County
403, 406, 412, 424, 426	Election Code	<ul style="list-style-type: none"> • Clarify that City Election Code and rules regarding matters such as poll workers, recounts and ballot design, only apply to elections conducted by Clerk
404	Canvass Period	<ul style="list-style-type: none"> • Extend canvass period from 21 to 28 days
409, 410	Vacancies	<ul style="list-style-type: none"> • Adjust vacancy schedule to conform to new election dates • Allow interim appointments pending vacancy election
432	Recall Elections	<ul style="list-style-type: none"> • Adjust recall election window to facilitate consolidation with State elections
452, 453, 462	Initiatives Referendums	<ul style="list-style-type: none"> • Allow Council to place initiative and referendum measures on either the next city election or the next state election • Allow proponents to withdraw initiative petition prior to Council action
802(a), (c)	LAUSD Redistricting Schedule	<ul style="list-style-type: none"> • Adjust LAUSD redistricting schedule ahead by 6 months so that new Board district lines are in place before 2022 elections
802(g)	LAUSD Anniversary of Term	<ul style="list-style-type: none"> • Provide that odd-numbered Board district elections are every four years from 2020, and even-numbered district elections are every four years from 2022
806 [new]	LAUSD Term of Office LAUSD Start Date of Term	<ul style="list-style-type: none"> • Provide that, in 2015 and 2017 only, candidates be elected for a 5½ year term to transition to the new election dates • Start term of office on second Monday in December under new election dates

CHARTER AMENDMENTS REGARDING NEW CITY AND LAUSD ELECTION DATES
Proposed Changes to Charter Language

Sec. 204. Election of City Council Members; Redistricting.

(a) **Redistricting by Ordinance.** ~~Commencing in 2002~~Every ten years, the Council shall by ordinance redraw district lines to be used for all elections of Council members, including their recall, and for filling any vacancy in the office of member of the Council, after the effective date of the redistricting ordinance. Districts so formed shall each contain, as nearly as practicable, equal portions of the total population of the City as shown by the Federal Census immediately preceding the formation of districts.

(b) **Redistricting Commission.** There shall be a Redistricting Commission to advise the Council on drawing of Council district lines. The Commission members shall be appointed in the following manner: one by each Council member except that the Council President shall appoint two members, three by the Mayor, one by the City Attorney, and one by the Controller. No City officer or employee 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 no later than the date by which the Census Bureau is to release 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 ~~January 1, 2002~~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~~July 1, 2002, 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 City as shown by the Federal Census immediately preceding the formation of districts or based upon other population reports or estimates determined by the Council to be substantially reliable.

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

(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 Council prior to expiration of the term of office for which the member was elected.

(f) **Annexation or Consolidation.** Any territory annexed to or consolidated with the City shall, prior to or concurrently with completion of the proceedings therefor, be added to an adjacent district or districts by the Council by ordinance, which addition shall be effective upon completion of the annexation or consolidation proceedings notwithstanding any other provision of the Charter to the contrary.

(g) **Terms.** The terms of office for those members of the Council elected from odd-numbered districts shall commence during each fourth anniversary of the year 1997 and for the members elected from even-numbered districts shall commence during each fourth anniversary of the year 1999, except as provided in Section 205(b) and until the year 2020. Beginning in the year 2020, the terms of office for those members of the Council elected from even-numbered districts shall commence during each fourth anniversary of the year 2020 and for the members elected from odd-numbered districts shall commence during each fourth anniversary of the year 2022.

Sec. 205. Term of Office.

(a) The Mayor, City Attorney, Controller and members of the Council shall hold their offices for a term of four years **except as provided in subsection (b).**

(b) Notwithstanding any other provision of the Charter, in order to transition to new election dates starting in 2020, members of the Council elected in 2015 shall be elected for a term expiring in December 2020 and the Mayor, City Attorney, Controller and members of the Council elected in the year 2017 shall be elected for a term expiring in December 2022.

(c) The terms of ~~all those an~~ officials elected to City office shall commence on the first day of July next ~~succeeding their election~~ following his or her election until the year 2020. Beginning in the year 2020, the term of an official elected to City office shall commence on the second Monday in December next following his or her election.

(d) Except where a vacancy in office is created pursuant to Section 207, the incumbents of the elected and appointed offices shall hold office until their successors have qualified.

Sec. 206. Term Limits.

No person may serve more than two terms of office as Mayor. No person may serve more than two terms of office as City Attorney. No person may serve more than two terms of office as Controller. No person may serve more than three terms of office as member of the City Council.

These limitations on the number of terms of office shall apply only to terms of office that began on or after July 1, 1993. These limitations 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. For purposes of this Section, the term of office of officials elected in 2015 and 2017 as described in Section 205(b) shall count as one term.

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

(a) Until the year 2020, fFor 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) However, if holding the election on the election that 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. 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. ~~That ordinance~~ 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. 403. Officers of Election.

Officers of election for elections conducted by the City Clerk shall be registered voters of the City, or of the School District in the case of Board of Education elections, and 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. 404. Returns of Election.

The returns of every election conducted by the City Clerk shall be delivered to the City Clerk, who shall, within 21-28 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. 406. Recounts.

(a) **Applicability.** This section governs recounts of ~~all primary nominating, general municipal, and special~~ elections of the City of Los Angeles and Los Angeles Unified School District conducted by the City Clerk and any elections of other jurisdictions consolidated with those elections. 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. 409. Filling Vacancies in the Offices of Mayor, City Attorney, Controller and Member of the City Council.

Vacancies in the offices of Mayor, City Attorney, Controller and members of the City Council shall be filled by ~~either~~ appointment or election in the manner set forth in this section.

(a) **Appointment.** ~~For vacancies occurring prior to the year 2019, t~~The Council 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 Council 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 Council shall also call a special election or elections to fill the remainder of the term, and 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.** ~~Instead of filling a vacancy by appointment, t~~The Council may call a special election, and special runoff election, if necessary, by ordinance for the purpose of filling the vacancy for the remainder of the unexpired term. The Council shall provide in the ordinance for the consolidation of the election with any other election and for the procedure 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 Council also may appoint a person to hold the office temporarily until the vacancy election is conducted and the election results are certified and declared. In the case of a tie vote, the Council shall decide which candidate receiving an equal number of votes is elected to fill the vacancy.

(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 been elected to office.

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 **either** appointment or election in the manner set forth in this section.

(a) **Appointment.** ~~For vacancies occurring prior to the year 2019, t~~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.** ~~Instead of filling a vacancy by appointment, t~~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. 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. 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. 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. 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 ~~8860~~ days nor more than ~~110125~~ 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. 452. Action by Council on Initiative Petition Requesting Adoption of Ordinance.

(a) The proponents of an initiative petition may withdraw the petition at any time before the Clerk certifies that the petition has qualified for presentation to the Council.

(b) When an initiative petition requesting the adoption by the Council of a proposed ordinance is presented to the Council by the City Clerk, the Council must take one of the following actions within 20 days after the presentation, unless the petition is withdrawn by the proponents:

(1a) adopt the proposed ordinance, without alteration;

(2b) call a special election to be held not earlier than 110 days nor more than 140 days after Council action on the petition to submit the proposed ordinance, without alteration, to a vote of the electors of the City; and/or

(e3) determine to submit the proposed ordinance, without alteration, to a vote of the electors of the City at ~~the earlier of the following two elections that occurs either the next regular City election to be held~~ more than 110 days from the date of Council action on the petition or the next Statewide election conducted by the County of Los Angeles to be held more than 110 days from the date of Council action on the petition.

~~(1) the next regular City election; or~~

~~(2) a special election consolidated with the next election conducted by the County of Los Angeles occurring wholly or partially within the same area, provided that the voters eligible to vote in the County-conducted election comprise 100% of all the voters eligible to vote on the measure.~~

(c) Any ordinance proposed by initiative petition, adopted by the Council and approved by the Mayor, or adopted over the Mayor's veto, shall be subject to a referendary vote as provided in Section 460 in the same manner as other ordinances adopted by the Council.

Sec. 453. Action by Council on Initiative Petition Requesting Amendment or Repeal of Ordinance.

When an initiative petition requesting the submission of a proposed ordinance amending or repealing an ordinance previously adopted by a vote of the electors is presented to the Council by the City Clerk, the Council must act within 20 days of presentation to submit the proposed ordinance to a vote of the electors of the City as provided in Section 452(b)(2) or (3), unless the petition is withdrawn by the proponents at the next election for any purpose at which all the qualified voters of the City are entitled to vote, that shall be held at any time after 90 days from the date of the certification of the petition to the Council by the City Clerk.

Sec. 462. Action by City Council on Referendary Petition.

When a referendary petition is presented to the City Council by the City Clerk, the Council must take one of the following actions within 20 days of the presentation:

- (a) repeal the ordinance;
- (b) call a special election to be held not earlier than 110 days nor more than 140 days after action by the Council on the petition to submit the ordinance to a referendary vote; or
- (c) determine to submit the ordinance to a vote of the qualified electors of the City for approval or rejection at either the next regular City election to be held more than 110 days from the date of certification of the such petition or the next Statewide election conducted by the County of Los Angeles to be held more than 110 days from the date of certification of the petition.

Sec. 802. Board of Education Redistricting.

(a) **Redistricting by Ordinance.** ~~Every ten years~~~~Commencing in 2002~~, 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 ~~January 1, 2002~~~~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 ~~July 1, 2002~~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-of-Office.** 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. 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 subsection (a) of this Section shall count as one term.