

ORDINANCE NO. _____

An ordinance amending various provisions of the Los Angeles City Election Code to conform with recent Charter Amendments, clarify language, codify existing practice, track certain state laws and make technical corrections and improvements.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subsection (d) of Section 103 of the Los Angeles City Election Code is amended to read as follows:

(d) The City Clerk shall ensure in all City elections conducted by the City Clerk that the vote shall be by Official Ballot and the election shall be so guarded and conducted as to detect fraud and preserve the purity and secrecy of the ballot in accordance with this Code and other applicable law. All City elections conducted by the City Clerk shall be held and conducted in accordance with the provisions of the Charter, this Code and applicable provisions of State or Federal law, including the use of a voting system certified by the California Secretary of State.

Sec. 2. Section 104 of the Los Angeles City Election Code is amended to read as follows:

Sec. 104. Established Election Dates and the Classification of Elections.

(a) Elections held in the City are the Primary Nominating Election, the General Municipal Election and Special Elections. Until the year 2020, the Primary Nominating Elections for City offices and the Board of Education shall be held on the first Tuesday after the first Monday in March in every odd-numbered year and the General Municipal Election 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 Charter Section 401(b).

(b) Beginning in the year 2020, primary nominating elections for City offices and the Board of Education 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) Special Elections shall be held on the dates established by the ordinances calling those elections and shall otherwise be held and conducted, and the returns shall be canvassed, announced and declared, in the same manner as other elections and pursuant to the applicable laws and processes of the jurisdiction conducting the election.

Sec. 3. Subsection (a) of Section 105 of the Los Angeles City Election Code is amended to read as follows:

(a) The City Council may consolidate City Elections with each other or with any County, State, District, Federal, or local election, and may allow elections of other jurisdictions to be consolidated with any City election

Sec. 4. Subsection (a) of Section 106 of the Los Angeles City Election Code is amended to read as follows:

(a) The City 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. Except for an election held pursuant to Charter Sections 432, 452 and 462, the ordinance ordering the holding of an election shall be adopted by the City Council no later than 60 days before the date of the election.

Sec. 5. Subsection (c) of Section 107 of the Los Angeles City Election Code is deleted:

Sec. 6. Subsection (b) of Section 110 of the Los Angeles City Election Code is amended to read as follows:

(b) The City Clerk shall obtain from the County Registrar/Recorder or other officer of the County of Los Angeles the official list of registered voters to be utilized for the holding of a City election conducted by the City Clerk.

Sec. 7. The first sentence of Subsection (a) of Section 112 of the Los Angeles City Election Code is amended to read as follows:

(a) Any day on which any City election conducted by the City Clerk is held shall not be considered a holiday, but time off for voting shall be granted as follows:

Sec. 8. Subsection (a) of Section 200 of the Los Angeles City Election Code is amended to read as follows:

(a) A voting precinct is one or more established election precincts which are combined for purposes of voting at a specified location for a particular election. Established election precincts are those defined as such by the County. The City Council may, for the purpose of conducting City elections conducted by the City Clerk, adopt the voting precincts established by the Board of Supervisors, or, for the ensuing election, may establish new voting precincts.

Sec. 9. Subsection (d) of Section 307 of the Los Angeles City Election Code is amended to read as follows:

(d) The circulator of each section of the petition shall verify the section under penalty of perjury. The verification shall state:

I, _____, do hereby certify that my present, precise residential address is [insert complete residential address including number, street, city, state and zip code]; that I was at least 18 years of age at the time I circulated this petition for signatures; that each signature on the attached sheets is genuine and was affixed thereto on the date shown, in my presence, by a separate individual who declared himself or herself at the time of signing to be a qualified, registered voter of the [City of Los Angeles] [Los Angeles Unified School District] [applicable jurisdiction]; actually residing at the address as above set forth; that each signer's name and address on the attached sheets was either personally written by that signer or completed by someone acting with the authority and on the direction of that signer; and that all of the sheets constituting this petition section were fastened together at the time the signatures were appended thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this ___(day)___ day of ___(month)___ at
_____(City)_____, California.

Signature of Circulator _____.

Sec. 10. Section 308 of the Los Angeles City Election Code is amended to read as follows:

Sec. 308. City Clerk Acceptance of a Nominating Petition.

(a) If the candidate, or the authorized designee, files a Nominating Petition within the timeframe specified in Section 310(a), the City Clerk will issue at the time of filing, a receipt that documents the date of filing and the total number of signatures that the candidate claims are affixed to the petition.

(b) At this time, the City Clerk will conduct an initial review of the petitions to determine if the total number of signatures affixed to the petition equals or exceeds the total number of signatures required and if all of the Circulator Affidavits have been completed and fully executed. Any such correction must be made within two business days of the City Clerk's request. The City Clerk shall not accept a petition section for proceeding to the signature examination phase unless the Circulator Affidavit for that section has been completed and fully executed.

(c) Any signer of a petition or supplemental petition may withdraw the signature by filing with the City Clerk a verified revocation of the signature before the petition or supplemental petition containing the signature has been presented to the City Clerk. No signature can be revoked after the petition or supplemental petition to which it is attached has been presented to the City Clerk.

(d) No amendment, change, alteration or correction of any kind, clerical or otherwise, shall be permitted to be made in any petition after it is filed with and approved for proceeding to the signature examination phase by the City Clerk.

Sec. 11. Subsection (d) of Section 309 of the Los Angeles City Election Code is deleted:

Sec. 12. Subsection (f) of Section 310 of the Los Angeles City Election Code is amended to read as follows:

(f) The City Clerk shall examine each nominating petition filed to determine whether it is signed by the requisite number of qualified registered voters. Each petition shall be examined to determine whether: (i) the circulator of each section has properly executed the circulator affidavit; (ii) each signer is a resident of the applicable jurisdiction; (iii) each signer is registered to vote at the address stated on the petition; and (iv) each signature is the genuine signature of a registered voter of the applicable jurisdiction. The examination shall be conducted solely by a review of the registration records of the Los Angeles County Registrar-Recorder/County Clerk.

Sec. 13. Subsection (g) of Section 312 of the Los Angeles City Election Code is amended to read as follows:

(g) No name written upon a ballot in any City election conducted by the City Clerk shall be counted for election to or nomination for an office unless the name is of a candidate who has qualified as a write-in candidate pursuant to this section.

Sec. 14. Section 400 of the Los Angeles City Election Code is amended to read as follows:

Sec. 400. Official Sample Ballot Specifications.

(a) The City Clerk shall cause to be printed a representation of the form of ballot required for any City election conducted by the City Clerk, known as the Official Sample Ballot, in a sufficient amount to ensure that every registered voter can be provided a copy.

(b) Official Sample Ballots for any City election conducted by the City Clerk shall provide an accurate representation of the Official Ballots to be used in the specific election as to form, and shall conform to the following specifications:

(1) The Official Sample Ballot shall include, in not less than six-point type size, the name of the election, the date of the election, the election jurisdiction, the offices and measures to be voted on, the name of the candidates to be voted on, the occupational designation of the candidates to be voted on, instructions as to the number of votes to cast per office and any numerical or alpha designation associated with the candidates or measures.

(2) The information contained in the Official Sample Ballot shall be presented in the exact same order as it will appear on the Official Ballot.

(3) The Official Sample Ballot shall contain information to assist the voter including the location and hours of operation of their polling place, the Vote-By-Mail Application, early voting site locations and hours of operation, assistance telephone numbers and web site addresses.

(c) Official Sample Ballots shall not be numbered consecutively. However, the Official Sample Ballots for City elections conducted by the City Clerk shall have indicated thereon, when necessary, the sample ballot group number, to facilitate the mailing of Official Sample Ballots to the voters.

Sec. 15. Section 500 of the Los Angeles City Election Code is amended to read as follows:

Sec. 500. Ballots Used.

All ballots used at a City election conducted by the City Clerk shall be printed and/or created according to the specifications established in this Code.

Sec. 16. Subsection (a) of Section 502 of the Los Angeles City Election Code is amended to read as follows:

(a) The City Clerk shall prepare and provide to a member of each designated Precinct Board, prior to the City election conducted by the City Clerk at which votes for public officers are to be cast, or at which any measures are to be submitted, Official Ballots in a quantity as may be required for that precinct, which ballots shall be printed in accordance with the provisions of this Code. No ballot shall be used in voting at any Primary, General, or Special City Election conducted by the City Clerk held to nominate or elect public officers or determine questions submitted to a vote of the people except the Official Ballots furnished by the City Clerk.

Sec. 17. Subsection (a) of Section 503 of the Los Angeles City Election Code is amended to read as follows:

(a) The City Clerk shall prepare and provide to a member of each designated Precinct Board or to a responsible person at the polling place, prior to the City election conducted by the City Clerk at which votes for public officers are to be cast, or at which any measures are to be submitted, a sufficient number of voting devices or electronic voting equipment as may be required for that precinct. No voting device or electronic voting equipment shall be used in voting at any Primary, General, or Special City Election conducted by the City Clerk held to nominate or elect public officers or determine questions submitted to a vote of the people except those furnished by the City Clerk.

Sec. 18. Subsection (a) of Section 504 of the Los Angeles City Election Code is amended to read as follows:

(a) Official paper ballots for all City elections conducted by the City Clerk shall be printed on paper stock approved by the Secretary of State.

Sec. 19. Subdivision (1) of Subsection (h) of Section 504 of the Los Angeles City Election Code is amended to read as follows:

(1) Each group of candidates shall be headed by the name of the office for which they are running: "Mayor," "City Attorney," "Controller," "Member of the Council," or "Member of the Board of Education," as the case may be, or any other office that may be consolidated onto the City election conducted by the City Clerk. The designation of the office and the number of candidates to be voted for shall be printed in bold face type not smaller than 10-point.

Sec. 20. Subsection (e) of Section 710 of the Los Angeles City Election Code is redesignated to Subsection (f).

Sec. 21. A new Subsection (e) is added to Section 710 of the Los Angeles City Election Code to read as follows:

(e) Withdrawal of Name from Initiative Petition. Any signer of a petition or supplemental petition may withdraw the signature by filing with the City Clerk a verified revocation of the signature from the petition or supplemental petition containing the signature before conditional acceptance by the City Clerk. No signature can be revoked from the petition or supplemental petition to which it is attached once conditionally accepted by the City Clerk.

Sec. 22. Subsection (h) of Section 711 of the Los Angeles City Election Code is deleted.

Sec. 23. Subsections (d), (e), (f) and (g) of Section 711 of the Los Angeles City Election Code are redesignated to Subsections (e), (f), (g) and (h), respectively.

Sec. 24. A new Subsection (d) is added to Section 711 of the Los Angeles City Election Code to read as follows:

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

Sec. 25. Subsection (e) of Section 716 of the Los Angeles City Election Code is redesignated to Subsection (f).

Sec. 26. A new Subsection (e) is added to Section 716 of the Los Angeles City Election Code to read as follows:

(e) Withdrawal of Name from Referendum Petition. Any signer of a petition or supplemental petition may withdraw the signature by filing with the City Clerk a verified revocation of the signature from the petition or supplemental petition containing the signature before conditional acceptance by the City Clerk. No signature can be revoked from the petition or supplemental petition to which it is attached once conditionally accepted by the City Clerk.

Sec. 27. Subsection (h) of Section 717-of the Los Angeles City Election Code is deleted.

Sec. 28. Subsections (i), (j), (k) and (l) of Section 717 of the Los Angeles City Election Code are redesignated to Subsections (h), (i), (j) and (k), respectively.

Sec. 29. Subsection (e) of Section 725 of the Los Angeles City Election Code is redesignated to Subsection (f).

Sec. 30. A new Subsection (e) is added to Section 725 of the Los Angeles City Election Code to read as follows:

(e) Withdrawal of Name from Recall Petition. Any signer of a petition or supplemental petition may withdraw the signature by filing with the City Clerk a verified revocation of the signature from the petition or supplemental petition containing the signature before conditional acceptance by the City Clerk. No signature can be revoked from the petition or supplemental petition to which it is attached once conditionally accepted by the City Clerk.

Sec. 31. Subsection (g) of Section 726 of the Los Angeles City Election Code is deleted.

Sec. 32. Subsections (h), (i), (j) and (k) of Section 726 of the Los Angeles City Election Code are redesignated to Subsections (g), (h), (i) and (j), respectively.

Sec. 33. Subsection (a) of Section 802 of the Los Angeles City Election Code is amended to read as follows:

(a) In accordance with Section 403 of the Charter, and except as provided in Section 803, each Precinct Board Member will be a registered voter of the City, or of the Los Angeles Unified School District in the case of a Board of Education election; and, as far as practical, he or she will reside either in the precinct or within a general area surrounding the precincts in which he or she serves.

Sec. 34. Section 803 of the Los Angeles City Election Code is amended to read as follows:

Sec. 803. Additional Precinct Board Members.

For each precinct, the City Clerk may appoint five or fewer additional assistants who qualify under Subsections (a) or (b) of this Section. The additional assistants shall serve under the direct supervision of Precinct Board Members designated by the City Clerk.

(a) Student assistants may be appointed, notwithstanding lack of eligibility to vote, so long as the student is at least 16 years of age and is a United States Citizen or will be a citizen at the time of the election, or is eligible to serve as a precinct worker under the State Election Code. The student assistant also must be a student in good standing at a public or private secondary educational institution.

(b) Additional assistants may be appointed who are eligible to serve as precinct workers under the State Election Code.

(c) No person appointed under this provision shall be used by a Precinct Board to tally votes.

Sec. 35. Subsection (a) of Section 809 of the Los Angeles City Election Code is amended to read as follows:

(a) The City Clerk shall select and contract for the use of a suitable polling place for each precinct, or consolidated precincts, for all City elections conducted by the City Clerk, and shall utilize, insofar as possible, rooms in schools and other public buildings.

Sec. 36. Section 817 of the Los Angeles City Election Code is amended to read as follows:

Sec. 817. Provision of Equipment and Supplies to Polling Place.

The City Clerk shall prepare, procure and provide for each polling place an adequate number of voting booths, voting equipment, a ballot box or equivalent equipment, and all ballots, printed forms, and supplies of every description necessary to the conduct of City elections conducted by the City Clerk. The City Clerk may assemble the equipment and supplies as necessary for the efficient opening and operation of the polling place, and further may print individual forms or combine and include in one binding an assortment of forms as are required to the holding of any City election conducted by the City Clerk.

Sec. 37. Section 818 of the Los Angeles City Election Code is amended to read as follows:

Sec. 818. Equipment and Supplies for Concurrent Election.

Where a City election conducted by the City Clerk is scheduled to be held on the same day as a county, state or another city election, but not consolidated therewith, or consolidated but using separate ballots, the City Clerk shall furnish each polling place with the equipment and supplies necessary for the conduct of City elections. Special instructions shall be issued to the Precinct Boards by the City Clerk regarding polling place procedures to be followed for these types of elections.

Sec. 38. Section 819 of the Los Angeles City Election Code is amended to read as follows:

Sec. 819. Provision of Digest of Duties.

The City Clerk shall prepare a brief digest of the Los Angeles City election laws pertaining to the duties of Precinct Board Members, with specific reference to the Code and Charter sections involved. One or more copies of the digest shall be included in each supply box and shall be used in every City election conducted by the City Clerk.

Sec. 39. Section 1016 of the Los Angeles City Election Code is amended to read as follows:

Sec. 1016. Validation and Challenges of Ballots.

(a) Upon receipt of a Vote-By-Mail Ballot, the City Clerk shall compare information on the Vote-By-Mail Ballot Return Envelope against the information appearing on the voter's current voter registration record to confirm the voter's eligibility to vote in the election. If the City Clerk determines that the voter is eligible to vote in the election, the ballot shall be kept unopened in a safe place until the time for canvassing. If the voter fails to complete the date and/or address fields provided, or provides information other than what is represented in the current voter registration record, this discrepancy may not necessarily invalidate the ballot, provided that the voter's eligibility to vote can be confirmed based on the voter registration record. If the City Clerk determines that there is not sufficient means by which to verify the voter's identity or confirm the voter's eligibility to vote in the election, the ballot return envelope shall be marked as "challenged" and the reason for the challenge shall be written on the face of the envelope.

(b) If the City Clerk determines that a voter has failed to sign the Vote-By-Mail Ballot Return Envelope, the City Clerk shall not reject the Vote-By-Mail ballot if the voter does either of the following:

(1) Signs the Vote-By-Mail Ballot Return Envelope at the office of the City Clerk during regular business hours before 5:00 p.m. on the eighth day after the election; or

(2) Submits a signed statement including the voter's address, no later than 5:00 p.m. on the eighth day after the election, attesting that he or she returned an unsigned Vote-By-Mail Ballot Return Envelope and that he or she did not and will not vote more than one ballot in this election. The voter may submit the statement at a polling place before the close of polls on election day.

(c) If the ballot is challenged, delivered by an unauthorized agent, or otherwise not delivered in compliance with the Code, the Vote-By-Mail Ballot Return Envelope shall not be opened and the ballot shall not be counted.

Sec. 40. Section 1017 of the Los Angeles City Election Code is amended to read as follows:

Sec. 1017. Voter Unable to Sign Application or Vote-By-Mail Return Envelope.

If an applicant for a Vote-By-Mail Ballot is unable to write the appropriate name because of illness or other incapacitation, a voter's mark may be used instead. Following the voter's mark, the person witnessing the writing of the mark shall also print and sign. This procedure may also be used by incapacitated voters for signing the Vote-By-Mail Ballot Return Envelope prior to returning the voted ballot. No change shall be made by any person witnessing the signature of a Vote-By-Mail voter.

Sec. 41. Section 1204 of the Los Angeles City Election Code is amended to read as follows:

Sec. 1204. Vote-By-Mail Ballot Return Envelope Verification.

The City Clerk may begin to verify Vote-By-Mail Ballot Return Envelopes beginning 29 days before the election. Verifying Vote-By-Mail Ballot Return Envelopes includes verifying the voter's signature and address on the Vote-By-Mail Ballot Return Envelope and updating voter history records as appropriate. No Vote-By-Mail Ballot shall be removed from its envelope until the time for canvassing.

Sec. 42. Section 1209 of the Los Angeles City Election Code is amended to read as follows:

Sec. 1209. Procedure When Challenge is Overruled.

If a challenge is overruled by the City Clerk, the Vote-By-Mail Ballot Return Envelope shall be opened and retained without defacing the affidavit printed on it or mutilating the enclosed ballot and, without viewing the ballot, remove it and store the ballot in a secure location until it is processed for counting.

Sec. 43. Section 1210 of the Los Angeles City Election Code is amended to read as follows:

Sec. 1210. Procedure When Challenge is Allowed.

If a challenge is allowed, the City Clerk shall endorse on the face of the Vote-By-Mail Ballot Return Envelope the cause of the challenge and its action thereon.

Sec. 44. Section 1226 of the Los Angeles City Election Code is amended to read as follows:

Sec. 1226. Conducting the Official Canvass.

The official canvass shall commence as soon as practical following the election, shall be open to the public, and shall result in a certification of the results to the City Council or other jurisdiction in the case of a consolidated election being conducted by the City Clerk. The canvass shall be continued daily until completed not more than 28 days after the election.

Sec. 45. Section 1239 of the Los Angeles City Election Code is amended to read as follows:

Sec. 1239. Certified Statement of the Results.

The City Clerk shall prepare a certified statement of the results of the election and submit it to the City Council within 28 days after the day of the election.

Sec. 46. Section 1501 of the Los Angeles City Election Code is amended to read as follows:

Sec. 1501. Ordering of a Recall Election.

When a recall petition is presented to the City Council by the City Clerk, the City Council shall within 20 days, by 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 of Education District, as the case may be, the question of whether the officer shall be recalled, and if recalled, for the election of the successor. The Special Election shall be held not less than 88 days nor more than 125 days after the date of City 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 of Education District, as the case may be, are entitled to vote, is to occur during that time period, the City Council shall order the holding of the recall election and the consolidation thereof with the other election.

Sec. 47. 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 _____.

HOLLY L. WOLCOTT, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
HARIT U. TRIVEDI
Deputy City Attorney

Date March 10, 2016

File No. CF 15-1205