

**ELECTION CODE
of the
CITY OF LOS ANGELES**

Elections of the
City of Los Angeles
are also affected by provisions
of the Los Angeles City Charter
and by State Law

OPERATIVE DECEMBER 4, 2019

Preface

“It shall be competent in all city charters to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State for: (1) . . . (2) . . . (3) conduct of city elections, . . .”

Constitution of the State of California, Article XI, Section 5(b).

“All elections, 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.”

City of Los Angeles Charter Section 412.

The Los Angeles City Election Code was adopted July 26, 1944, and became effective September 5, 1946, Ord. 90,800.

The Code was amended and re-adopted October 15, 1999, effective December 4, 1999, Ord. 172,881, to reflect changes to the Charter as adopted by the voters on June 8, 1999.

The Los Angeles City Election Code was revised and re-adopted on July 25, 2006, effective August 19, 2006, Ord. 177,780, to provide consistency and alignment with the City Charter, arrange sections for greater clarity and reflect modern election practices, evolution in election law, and technical innovations in systems and equipment.

ELECTION CODE

Being

ORDINANCE NO. 90,800

Effective September 5, 1946

Amended	October 29, 1947	Ord. No.	92,466
Amended	October 8, 1948	Ord. No.	93,952
Amended	November 22, 1948	Ord. No.	94,137
Amended	November 15, 1950	Ord. No.	97,276
Amended	November 15, 1950	Ord. No.	97,277
Amended	November 27, 1950	Ord. No.	97,323
Amended	September 22, 1952	Ord. No.	100,465
Amended	March 29, 1954	Ord. No.	103,031
Amended	July 26, 1956	Ord. No.	107,785
Amended	September 12, 1956	Ord. No.	108,074
Amended	August 23, 1960	Ord. No.	116,811
Amended	August 23, 1960	Ord. No.	116,812
Amended	October 5, 1962	Ord. No.	122,970
Amended	September 3, 1968	Ord. No.	137,250
Amended	July 20, 1970	Ord. No.	140,746
Amended	November 16, 1970	Ord. No.	141,273
Amended	November 16, 1970	Ord. No.	141,274
Amended	November 23, 1970	Ord. No.	141,301
Amended	October 18, 1973	Ord. No.	145,212
Amended	November 23, 1976	Ord. No.	149,036
Amended	November 8, 1978	Ord. No.	151,692
Amended	October 24, 1978	Ord. No.	151,662
Amended	February 29, 1988	Ord. No.	163,106
Amended	November 25, 1988	Ord. No.	164,134
Amended	December 3, 1990	Ord. No.	166,367
Amended	November 1, 1994	Ord. No.	170,088
Amended	December 4, 1996	Ord. No.	171,434
Amended	June 28, 1998	Ord. No.	172,036
Amended	December 7, 1998	Ord. No.	172,274
Amended	December 7, 1998	Ord. No.	172,275
Amended	December 4, 1999	Ord. No.	172,881
Amended	October 4, 2000	Ord. No.	173,533
Amended	August 19, 2006	Ord. No.	177,780
Amended	April 11, 2007	Ord. No.	178,581
Amended	August 1, 2008	Ord. No.	180,045
Amended	February 24, 2012	Ord. No.	182,056
Amended	March 31, 2014	Ord. No.	182,952
Amended	November 17, 2014	Ord. No.	183,275

ELECTION CODE

Amended	March 28, 2016	Ord. No.	184,163
Amended	November 16, 2016	Ord. No.	184,557
Amended	June 4, 2019	Ord. No.	186,163

TABLE OF CONTENTS

<u>Chapter</u>	<u>Subject</u>	<u>Page</u>
I	General Provisions	1
II	Voting Precincts	9
III	Candidates and Candidate Processing Procedures	11
IV	Official Sample Ballot and Voter Information Pamphlet	25
V	Official Ballots	33
VI	Ballot Measures	40
VII	Initiative, Referendum and Recall Petitions	46
VIII	Polling Place Procedures	70
IX	Challenges and Provisional Voting.....	87
X	Voting By Mail	92
XI	Early Voting.....	102
XII	Unofficial Canvass and Official Canvass	104
XIII	Disposition of Records and Supplies by the City Clerk.....	115
XIV	Recounts and Contests.....	117
XV	Recall Elections	119

CHAPTER I
GENERAL PROVISIONS

Section 100. Title.

This Code shall be known as the Los Angeles City Election Code.

Sec. 101. Substantial Compliance.

Substantial compliance with the provisions of this Code shall be sufficient for the holding of any election hereunder, and for the approval or rejection of any ordinance, resolution, or measure submitted to a vote of the electors of the City.

Sec. 102. Severability.

If any provision of this Code, or the application thereof to any person or circumstance is held invalid, the remainder of the Code, and the application of the provision to other persons or circumstances, shall not be affected thereby.

Sec. 103. City Clerk to be Superintendent of Elections.

(a) It is the duty of the City Clerk to superintend all elections, as provided for in Section 281(e) of the Charter and this Code, and the City Clerk may prescribe rules and regulations for the conduct of City elections in addition to those in this Code which are not in conflict with this Code and applicable Charter, State or Federal laws.

(b) The City Clerk shall employ and supervise the duties of all election clerks.

(c) Wherever in this Code any statement is made to the effect that the City Clerk shall perform any clerical work in connection with the conduct of an election, the detail work may be delegated to one of the City Clerk's deputies, or those persons specially employed by the City Clerk during the election period to assist in the conduct of the election.

(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. 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.

ELECTION CODE

(b) 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 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) Pursuant to Charter Section 401(b), in the event the State changes the statewide primary or general election date, the Council may adopt an ordinance specifying different dates for the Primary Nominating and General Municipal Elections so that they may be held on the same dates as the statewide primary and general elections.

(d) 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. 105. Consolidated and Concurrent Elections; Requests for Election Services.

(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.

(b) In order to consolidate a City election with a County, State or Federal election conducted by the County of Los Angeles, or consolidate a City election with another local jurisdiction, or hold a separate City election on the same day utilizing the polling places established by the County of Los Angeles or other local jurisdiction, the City Council must obtain permission from the Board of Supervisors or the applicable governing body.

(c) When any elections have been consolidated as provided in this section, they shall be held, conducted, the returns canvassed, and the results declared in all particulars the same as one election, and as provided in the ordinance calling the consolidated election and as generally provided for in the Charter. When a City election is consolidated with an election conducted by the County, the ordinance calling the consolidated election may specify the procedure for the consolidation and the relative responsibilities and authorities of the City Clerk and County Registrar-Recorder/County Clerk and other elections officials in administering the election.

(d) Whenever a City election is scheduled to be held on the same day as a County, State, District, Federal, or local election, but not consolidated with those elections, or consolidated and using separate ballots, the City Clerk shall have the authority to conduct the election in the same manner as provided for in this Code, with the following exceptions:

(1) Any of the members appointed as Precinct Board Members by the Board of Supervisors or the election official conducting the election may be designated as the members for the same precinct to conduct the City election, or the City Clerk may appoint other Precinct Board Members to conduct the City election.

(2) Any polling places used for County, State, District, Federal, or local elections may be designated as those polling places to be used for the City election.

(e) The City Council may by resolution request the County Board of Supervisors to direct the County Registrar-Recorder/County Clerk to render specified election services to the City Clerk relating to the conduct of an election. The governing body of any other jurisdiction may by resolution request the City Council to direct the City Clerk to render specified election services for the jurisdiction relating to the conduct of an election. Subject to the approval of the City Council and to conditions as it may impose, these election services shall be performed by the City Clerk.

Sec. 106. Ordinance Calling an Election.

(a) 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. 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.

(b) Upon enactment, a copy of each ordinance ordering the holding of an election shall be transmitted to the County Registrar/Recorder.

(c) All ordinances ordering the holding or consolidation of elections shall be published or posted in accordance with the Charter.

(d) The publication or posting of the ordinance calling an election shall constitute the notice of election.

Sec. 107. Board of Education.

(a) All territory lying outside of the City but within the Los Angeles Unified School District or that territory which may thereafter be included in the district, shall be deemed to be a part of the City for the purpose of voting for and electing members of the Board of Education, and will be referred to as the Los Angeles Unified School District.

(b) The Board of Education shall be composed of seven members to be elected at the same time and in the same manner as members of the City Council. Each member shall be elected to an individual Office as a member of the Board of Education from Districts 1, 2, 3, 4, 5, 6, or 7.

ELECTION CODE

Sec. 108. Results of Elections.

(a) In the event that any candidate receives a majority of the votes cast for an office at the Primary Nominating Election, that candidate shall be elected to the office.

(b) In the event no candidate receives a majority of the votes cast for an office at the Primary Nominating Election, the two candidates receiving the highest number of votes for the office shall be the candidates, and the only candidates, for that office whose names shall appear on the ballots to be used at the General Municipal Election.

(c) In the event that two or more persons receive an equal number of votes as candidates for an office at the Primary Nominating Election, so that the result of the election does not determine which of the persons are entitled to be nominated as candidates, the City Council shall draw lots to determine which of the persons shall be the candidate or candidates for the office. The lots shall be drawn at the next regular City Council meeting occurring later than five days after the declaration of the result of the election, in the manner the City Council prescribes. However, if a recount of the ballots with respect to the office in question is timely requested, lots shall not be drawn until and unless the recount also fails to result in a determination of which persons are entitled to be nominated as candidates for the office.

(d) In the event that the two candidates in a General Municipal Election receive an equal number of votes, the City Council shall draw lots to determine which of the two candidates shall be declared elected. The lots shall be drawn at the next regular City Council meeting occurring later than five days after the declaration of the results of the election, in the manner the City Council prescribes. However, if a recount of the ballots with respect to the office in question is timely requested, lots shall not be drawn until and unless the recount also fails to result in a determination of which candidate was elected to the office.

Sec. 109. General Conduct of Elections.

Whenever any notice, report, statement, or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise. This does not preclude providing election materials in other languages, in addition to the English language.

Sec. 110. Eligibility to Vote.

(a) To be eligible to vote at any of the elections held under the Charter, a person must be registered in the manner and have the qualifications required by the general laws of this state respecting the registration and qualification of voters for state and county elections conducted by the City Clerk.

ELECTION CODE

(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.

Sec. 111. Filing Days and Hours.

(a) All Declarations of Intention to become a candidate-filed pursuant to Charter Section 421, shall be filed on any weekday between the hours of 8:00 a.m. and 5:00 p.m., and Saturdays between the hours of 8:00 a.m. and 12:00 noon, except City holidays. When the last day for filing falls on a Sunday or a City holiday, these documents shall be filed on the next business day within the hours above specified.

(b) All nominating petitions, filed pursuant to Charter Section 422, shall be filed on any weekday between the hours of 8:00 a.m. and 5:00 p.m., except City holidays. When the last day for filing falls on a weekend or a City holiday, these documents shall be filed on the next business day within the hours above specified.

(c) All candidate filing documents pertaining to Write-In Candidates, filed pursuant to Election Code Section 312, shall be filed on any weekday between the hours of 8:00 a.m. and 5:00 p.m., except City holidays. When the last day for filing falls on a weekend or a City holiday, these documents shall be filed on the next business day within the hours above specified.

(d) All other documents involving City elections permitted to be filed or submitted with the City Clerk under state or City law, including initiative, referenda and recall petitions, shall be filed on any weekday between the hours of 8:00 a.m. and 5:00 p.m., except City holidays. When the last day for filing falls on a weekend or a City holiday, these documents shall be filed on the next business day within the hours above specified.

(e) No document required to be filed pursuant to this Code shall be accepted by the City Clerk unless filed in accordance with the provisions set forth in this section.

Sec. 112. Time Off for Voting.

(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:

(1) If a registered voter does not have sufficient time outside of the voter's working hours within which to vote at any Primary, General, or Special Election held within the City or conducted by the City in the City, School District, or any district within the City, the voter may, without loss of pay, take off so much working time as will, when added to the voting time outside the voter's working hours, enable the voter to vote.

(2) A registered voter may take off so much time as will enable the voter to vote, but not more than two hours of which shall be without loss of pay; provided,

ELECTION CODE

that the voter shall be allowed time off for voting only at the beginning or end of the voter's regular working shift, whichever allows the voter the most free time for voting and the least time off from the voter's regular working shift, unless otherwise mutually agreed.

(3) If the registered voter on the third working day prior to the day of the election knows or has reason to believe that the voter will need time off to enable the voter to vote on election day, the voter shall give the voter's employer at least two working days notice that the voter desires time off in accordance with the provisions of this section.

(b) In order to encourage voting in all elections, the provisions of Paragraph (a) above relating to time off for voting shall apply to voters registered outside the limits of the City who are employed in the City and do not have sufficient time outside of their regular working hours within which to cast their vote at any election at which they may be entitled to vote.

Sec. 113. Amendments and Additions.

Whenever reference is made to any portion of this Code, the Charter, or any State law, the reference applies to all amendments and additions now or later made.

Sec. 114. Definitions.

(a) "Ballot" refers to a paper ballot, ballot card or the image of the ballot shown on the screen of an electronic voting system.

(b) Whenever the term "Charter" is mentioned in this Code, it means the "Charter of the City of Los Angeles."

(c) All "days" are calendar days unless otherwise specified.

(d) Whenever the term "Election" is used in this Code, it refers to City elections held in the City for the offices of Mayor, Controller, or City Attorney, or of the City Council district or Board of Education district.

(e) "Elector" means anyone who qualifies to be a voter under Section 2 of Article II of the Constitution of this State.

(f) "Immediate Family" means a spouse or registered domestic partner, and children, parents, and siblings, whether by blood, marriage, or court order.

(g) "Measure" means any Charter amendment, initiative, referendum, question or proposition submitted to a popular vote at any election.

(h) "Oath" includes affirmation.

ELECTION CODE

(i) Whenever the term “Qualified Elector” is used, it shall mean a person who is duly registered under the state laws governing registration of voters.

(j) “Shall” is mandatory and “May” is permissive.

(k) “Special Election” is an election, the specific time for the holding of which is not prescribed in the Charter or Election Code but which is established by ordinance and may be subject to time limits provided in the Charter, Election Code or state law.

(l) “Voter” means any elector who is registered under the provisions of the California Elections Code.

(m) The singular includes the plural, and the plural includes the singular.

(n) The present tense includes the past and future tenses; and the future, the present.

Sec. 115. Word Count.

Counting of words, for the purposes of this Code, shall be as follows:

(a) Punctuation is not counted.

(b) Each word shall be counted as one word except as specified in this section.

(c) All geographical names shall be considered as one word; for example, “City of Los Angeles” shall be counted as one word.

(d) Each abbreviation for a word, phrase, or expression shall be counted as one word.

(e) Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

(f) Dates shall be counted as one word.

(g) Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as “one”, shall be considered as a separate word or words. For example, “one” shall be counted as one word whereas “one hundred” shall be counted as two words. “100” shall be counted as one word.

(h) Telephone numbers shall be counted as one word.

(i) Internet web site addresses shall be counted as one word.

ELECTION CODE

(j) This section shall not apply to counting words for ballot designations under Section 306, unless otherwise provided in that Section.

Sec. 116. Penalties for Non-Compliance.

It shall be unlawful for anyone to violate any provision or to fail to comply with any of the requirements of this Code. Anyone violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000, or by imprisonment in the County Jail not to exceed six months or by both a fine and imprisonment.

Sec. 117. No Controlling Provisions.

All elections shall be conducted under the Charter and this Code. The City Clerk may rely on state elections law for guidance, if there is no controlling provision in the Charter or this Code.

CHAPTER II

VOTING PRECINCTS

Sec. 200. Establishment of Voting Precincts.

(a) A voting precinct is one or more established election precincts that 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.

(b) The number of voters assigned to a voting precinct will be determined by the City Clerk, not to exceed 1,500 voters, provided that voters registered as permanent absentee voters may not be counted in establishing the voting precinct size. Two or more voting precincts may be consolidated if such consolidation reflects the voting precinct history of the area, facilitates securing a voting site, or is more convenient for the voters in the area.

(c) Two or more voting precincts may be co-located at a single voting location if co-location is required to secure a voting site, or a co-located voting location is more convenient for the voters in the area.

(d) The City Clerk may establish designated Vote-By-Mail voting precincts in accordance with Section 1006.

Sec. 201. Changing Voting Precincts.

(a) After the ordinance(s) calling the election and establishing the voting precincts for the election have been adopted, no voting precinct shall be established or abolished or the boundaries of any voting precinct changed except as noted below.

(b) If the boundaries of the City or consolidating election jurisdiction have been changed by the annexation of unincorporated territory or detachment of City territory, the boundaries of the precincts affected by the change may be altered or corrected, or new precincts established to comply with the change.

(c) If an election jurisdiction consolidating with a City conducted election withdraws from the election, the boundaries of the precincts affected by the change may be altered or corrected, or new precincts established to comply with the change.

Sec. 202. Reference to Voting Precincts.

In any order establishing voting precincts, their boundaries shall be defined by reference to exterior descriptions or delineation on a map or maps.

Sec. 203. Voting Precinct Boundary Lines.

The boundary lines of the voting precincts established for any specific City election shall honor the boundary and district lines of all election jurisdictions participating in the election.

CHAPTER III

CANDIDATES AND CANDIDATE PROCESSING PROCEDURES

Sec. 300. Candidate Qualifications.

(a) To be eligible for nomination or election to any office under the Charter, a person must be a registered voter of the City or of the School District in the case of candidates for the Board of Education, at the time of his or her nomination and election, and have been a resident of the City, in the case of candidates for Mayor, Controller, or City Attorney, or of the Council District or Board District from which he or she is nominated or elected in the case of candidates for City Council and Board of Education, for at least 30 days immediately preceding the first day upon which candidates could file a Declaration of Intention to run for office at that election. When an election is to be held to fill a vacancy in an elected office and the Charter does not require the filing of a Declaration of Intention to run for that office, the 30 day residency requirement shall be measured from and precede the first day upon which candidates are permitted to secure Nominating Petitions for that office from the City Clerk.

(b) The City Attorney must be qualified to practice in all the courts of the state, and must have been so qualified for at least five years immediately preceding his or her election. The City Attorney shall devote his or her entire time to the duties of the office.

(c) No one shall be eligible to file a Declaration of Intention to Become a Candidate, or for election or appointment to any elected City office, who, within the prior five years:

(1) was convicted of a felony or entered a plea of guilty or no contest to a felony charge; or

(2) was convicted of a violation of the conflict of interest or governmental ethics provisions of the Charter, City ordinances, or state or federal law, unless the court at the time of sentencing specifically determines that this provision shall not apply.

Sec. 301. Declaration of Intention to Become a Candidate.

(a) Each candidate for nomination to any elected office shall sign and file with the City Clerk a sworn Declaration of Intention to Become a Candidate for that office. The Declaration of Intention to Become a Candidate must be made on a form furnished by the City Clerk, and shall include an affidavit by the candidate that the candidate possesses all necessary legal qualifications to be a candidate for the designated office. The Declaration of Intention to Become a Candidate shall be filed not earlier than 120 days, nor later than 115 days prior to the Primary Nominating Election.

(b) When a Special Election is held to fill a vacancy in an elected office where the filing period for the Declaration of Intention to Become a Candidate is not specified in the

ELECTION CODE

Charter, the Election Ordinance ordering the Special Election shall specify the filing period for the Declaration of Intention provided that:

(1) The filing period may not be for a period of less than six days.

(2) The filing period may start concurrently with the period for obtaining nominating petitions.

In all other matters the filing of the Declaration of Intention shall conform with the provisions of Paragraph (a) above.

Sec. 302. Restrictions on Filing and Withdrawal of Declaration of Intention to Become a Candidate.

A candidate may not file a Declaration of Intention to Become a Candidate for more than one office at the same Primary Nominating Election. Prior to the issuance of a Nominating Petition, a candidate may withdraw the Declaration of Intention to Become a Candidate for the office designated therein by filing a written statement with the City Clerk. In that case, a candidate may file a new Declaration of Intention to Become a Candidate for another office not later than 115 days prior to the Primary Nominating Election.

Sec. 303. Statement of Economic Interests.

Each candidate for Mayor, City Attorney, Controller and Member of the City Council, including Write-in Candidates, shall file a Statement of Economic Interests that itemizes investments, interests in real property and income, except for gifts, received in the previous 12 month period. The statement shall be filed with the City Ethics Commission no later than the final filing date for filing the Declaration of Intention to Become a Candidate. A Declaration of Intention to Become a Candidate shall not be valid unless a Statement of Economic Interests has been submitted by the final filing date for the Declaration of Intention to Become a Candidate.

Sec. 304. Statements of City-Related Business.

Candidates for Mayor, City Attorney, Controller, and Member of the City Council who qualify to have their names appear on the ballot, or who qualify as write-in candidates, shall file Statements of City Related Business with the Ethics Commission in accordance with the provisions of Section 49.5.6 of the Los Angeles Municipal Code, except that the transactions and proceedings required to be disclosed by candidates are those taking place between the time the candidate or write-in candidate filed his or her Declaration of Intention to Become a Candidate and the day of the election at which the candidate is elected or defeated.

Sec. 305. Name on the Nominating Petition and the Ballot.

(a) The candidate's name shall appear on the nominating petition exactly as it appears on the Declaration of Intention to Become a Candidate. If the candidate's nominating petition is certified sufficient and the candidate meets all other qualifications for that office, the name appearing on the ballot shall correspond to the name shown on the Declaration of Intention to Become a Candidate. No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name.

(b) The name of anyone who has been nominated as a candidate for any office shall not appear as a candidate in more than one place on the ballot.

(c) Whenever anyone who is a candidate for any office believes that some other candidate with a name and initials identical to the candidate's name has filed, or will file, a nomination paper for the same office, and that this name may be confused with the candidate's name, the candidate may at the time of filing the candidate's nomination papers, or within three days after the time for filing the candidate's nomination papers has expired, file with the City Clerk a statement which shall be in substance as follows:

"I, _____, believe that some other candidate has filed or will file a nomination paper for the same office for which I have filed a nomination paper, whose name and initials are identical to mine, and that the candidate's name may be confused with mine, and I, therefore, request that a number be printed after my name on the ballot as a distinguishing mark, as provided for in Section 305(d) the City Election Code."

Name

Address _____

Candidate for Office of _____

(d) In case there are two or more candidates who have filed nominating petitions for the same office whose names are identical, the City Clerk shall assign to these candidates a distinguishing mark, which shall be a number, and which shall be printed on the ballot to the right of the name of the candidate in bold-face type, the size to be determined by the City Clerk. Number 1 shall be assigned to the first of the candidates filing a nominating petition found to be sufficient, number 2 to the second candidate, and number 3, etc., to any other candidates filing nominating petitions for the same office whose name and initials are identical. No distinguishing number shall be printed on the ballot unless there are two or more candidates for the same office with identical names that might cause confusion.

ELECTION CODE

(e) If a candidate changes his or her name within one year of any election, the new name shall not appear upon the ballot unless the change was made by either of the following: (i) marriage; or (ii) decree of any court of competent jurisdiction.

Sec. 306. Occupational Designation.

Occupational ballot designations shall conform to the requirements of this section.

(a) A candidate who is running for the same elective office that he or she was elected to and then holds, shall have printed on the ballot, immediately under that candidate's name, the word "incumbent" or the words designating that elective office, as follows: Mayor, City Attorney, Controller, Member of the City Council, Member of the Board of Education, or substantially similar title.

(b) Each candidate on the ballot shall have printed immediately under that candidate's name a three word designation of either: (i) the current principal professions, vocations or occupations of the candidate; or (ii) the principal professions, vocations or occupations of the candidate during the calendar year immediately preceding the filing of the candidate's Declaration of Intention to Become a Candidate. All geographical names shall be considered as one word; for example, "City of Los Angeles" shall be counted as one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word and each part of all other hyphenated words shall be counted as a separate word.

(c) Each candidate shall indicate on the candidate's Declaration of Intention to Become a Candidate the designation which that candidate would like to appear on the ballot under that candidate's name. A candidate may likewise choose to have no occupational ballot designation and shall so indicate on the candidate's Declaration of Intention to Become a Candidate, in which case no designation shall appear on the ballot under the name of that candidate.

(d) Unless the City Clerk determines that the designation requested by the candidate does not meet the requirements of this section, that designation shall be printed on the ballot immediately under the name of the candidate in eight-point Roman capital and lower case type except that, if the designation selected is so long that it would conflict with the space requirements, the elections official shall use a type size for the designation for each candidate for that office sufficiently smaller to meet these requirements. The designation shall remain the same on the ballot for both the Primary and General Elections.

(e) The City Clerk shall not include on the ballot any designation which does not meet the requirements of this section. However, the City Clerk shall not be required to verify a candidate's occupational designation with the occupation listed on the candidate's Declaration of Intention to Become a Candidate nor to conduct any other investigation with regard to the occupation of any candidate.

(f) If the City Clerk determines not to print any proffered designation on the ballot and in the sample ballot, the City Clerk shall promptly inform the candidate. The candidate may request an alternate designation prior to the final date to file the Declaration of Intention

ELECTION CODE

to Become a Candidate. In the event the candidate fails to request an alternative designation by that deadline, no designation shall appear after the candidate's name.

(g) The City Clerk shall not accept a designation for which any of the following would be true:

(1) it would mislead the voter;

(2) it would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent;

(3) it uses a word or prefix, such as "former" or "ex-" to indicate a prior status, provided, however, that the word "retired" may be used if it precedes the designation and is not abbreviated;

(4) it uses the name of any political party;

(5) it refers to any activity prohibited by law; or

(6) it uses a word or words referring to a racial, religious, or ethnic group.

(h) The terms "profession," "vocation," or "occupation," as those terms are used in this section of the Election Code are defined as follows:

(1) "Profession" means a field of employment requiring special education or skill and requiring specific knowledge of a particular discipline of learning or science.

(2) "Vocation" means a trade, a religious calling, or the work upon which a candidate, in most but not all cases, relies for a livelihood or spends a major portion of the candidate's time.

(3) "Occupation" means the employment in which one regularly engages or follows as the means of making a livelihood.

Sec. 307. Nominating Petitions.

(a) The name of a candidate for nomination shall not be printed on the primary nomination ballot unless a petition for nomination shall have been filed on the candidate's behalf. All nominating petitions shall comply with Charter Sections 422 and 423 and this Code.

(b) Between 115 and 90 days prior to the Primary Nominating Election, the City Clerk shall issue to each candidate a petition for nomination. The petition shall consist of 100 sections and each section shall contain 20 signature blanks. The sections of each petition shall be numbered consecutively one through 100. The petition shall consist of

ELECTION CODE

sheets of uniform size, to be furnished by the City Clerk; each separate sheet shall be preceded by a heading in large, clear letters specifying the name of the office and the candidate to be nominated.

(c) Nominating petitions shall be in substantially the following form:

Petition for Nomination of
_____ for _____

We, the undersigned, qualified, registered voters of [Council District No. ___] [District No.] of the [City of Los Angeles] [Los Angeles Unified School District], County of Los Angeles, State of California, do hereby petition that the above named person shall be a candidate for the office specified on this petition.

[Name of Signer Signature Residence Address City/Zip Date]

(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]; and 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]; and 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 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.

(e) The candidate may circulate the candidate's own petition and affix to the petition the candidate's signature as a circulator.

(f) Circulators of nominating petitions shall be at least 18 years of age.

(g) Persons circulating, as principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any nominating petition shall not:

(1) Intentionally misrepresent or intentionally make any false statement concerning the contents, purport or effect of the petition to any person who signs, or who desires to sign, or who is requested to sign, or who makes inquiries with reference to it, or to whom it is presented for his or her signature.

(2) Willfully and knowingly circulate, publish, or exhibit any false statement or misrepresentation concerning the contents, purport or effect of any nominating petition for the purpose of obtaining any signature to, or persuading or influencing any person to sign, that petition.

(3) Intentionally make any false statement in response to any inquiry by any voter as to whether he or she is a paid signature gatherer or a volunteer.

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 amendments, changes, alterations or corrections 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. 309. Requirements for Signing Nominating Petitions.

(a) The petition shall be personally signed by registered voters of the City of Los Angeles for citywide offices and registered voters of the District or Board District in the case of the nomination to the City Council or the Board of Education.

(b) In addition to the voter's signature, the voter shall personally print the voter's name, the voter's complete residence address and date the petition was signed by the voter.

ELECTION CODE

The City Clerk may request the date and month of birth, at the option of the voter, for the purpose of signature verification. If the voter is unable to personally print this information, the voter shall direct someone else to print the information on the petition.

(c) A voter may sign more than one nominating petition, provided the voter does not sign a nominating petition for any one candidate more than once.

Sec. 310. Nominating Petitions - Filing and Verification.

(a) A candidate may file a nominating petition with the City Clerk no earlier than 115 days nor later than 90 days prior to the Primary Nominating Election, as provided in Charter Section 422. All signatures for filing shall be presented at the same time. No candidate shall file a petition containing fewer than 500 names. The City Clerk shall review each nominating petition submitted to determine whether it contains at least the minimum number of signatures required. The City Clerk shall not accept any petition that does not meet the requirements of the Charter and this Code. No refund of any portion of a candidate's filing fee shall be made.

(b) Lost or Ruined Sections. If any nominating petition sections are lost or inadvertently improperly executed by the candidate, the City Clerk shall, if requested to do so by the candidate, issue replacement sections, not to exceed the number of original sections lost or improperly executed. The candidate must supply to the City Clerk the numbers of the missing or improperly executed petition sections before the City Clerk may issue new sections. The City Clerk shall promptly issue new sections and shall prominently mark or stamp them "replacement petition section." Replacement sections shall for all purposes replace the original sections lost or improperly executed and after the issuance of the replacement sections, no signatures may be affixed to the original sections, and the original sections may not be filed as part of the petition filed with the City Clerk. The City Clerk shall not accept for filing from a candidate more signatures than the number provided for in this section. No more than one nominating petition shall be issued to any candidate.

(c) Filing Fee/In Lieu Petition. Between 115 and 90 days prior to the Primary Nominating Election, each candidate shall do one of the following:

(1) Pay a filing fee in the amount of \$300.00 and file with the City Clerk a petition for nomination, on the form prepared by the City Clerk, bearing no fewer than 500 and no more than 1,000 signatures; or

(2) File a petition for nomination, on the form prepared by the City Clerk, bearing no fewer than 1,000 and no more than 2,000 signatures.

(d) Notwithstanding the time period set forth in subsections (a) and (c) above, the ordinance calling a Special Election, in which candidates are to be nominated and elected, shall set forth the time period for circulating and filing nominating petitions and associated fees, which in no event shall be less than 20 days.

ELECTION CODE

(e) All petitions when filed shall be numbered consecutively and checked in the order of their filing.

(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.

(g) City Clerk's Examination of Petitions. The City Clerk shall complete the examination of initial nominating petitions within 10 days after they are filed.

(h) Sufficiency of Petition. A nominating petition for a candidate who pays the filing fee referred to above, shall not be sufficient unless it contains the signatures of at least 500 registered voters of the City in the case of nomination to a citywide office, or at least 500 registered voters of the Council District or Board of Education District in the case of nomination to the City Council or the Board of Education. A nominating petition for a candidate who does not pay the filing fee shall not be sufficient unless it contains the signatures of at least 1,000 registered voters as specified in this section.

(i) Certificate of Sufficiency or Insufficiency. If as a result of the examination of a nominating petition, the City Clerk determines that the petition contains at least the requisite number of valid signatures, the City Clerk shall issue a certificate of sufficiency. If as a result of the examination of a nominating petition, the City Clerk determines that the petition does not contain the requisite number of valid signatures, the City Clerk shall issue a certificate of insufficiency.

(j) Supplemental Petitions. If the City Clerk issues a certificate of insufficiency, the candidate may circulate and file one supplemental nominating petition on a form provided by the City Clerk. That petition shall contain signature blanks for twice the number of signatures by which the original nominating petition was short of bearing the requisite number of signatures. These supplemental petitions shall be numbered and checked in the order received with priority given to initial filings. All supplemental petitions shall be reviewed within 10 days after the close of filing. The supplemental petition shall be filed before the expiration of the time for filing nominating petitions as set forth above.

(k) All persons shall file at the proper time and in the proper place any nomination petition in their possession entitled to be filed under the provisions of this Code.

(l) A person shall not falsely make, or fraudulently deface or destroy, all or any part of a nomination petition.

ELECTION CODE

(m) A person shall not file any nomination petition, if the person knows that it or any part of it has been falsely made.

Sec. 311. Extended Filing Period for Withdrawal, Death or Disqualification.

(a) Within three days after the expiration of the time for filing a Nominating Petition, any person for the nomination of whom a petition has been filed, may cause his or her name to be withdrawn from nomination by filing a request in writing with the City Clerk. No name so withdrawn shall be printed on the Primary Nominating Election ballot. If after a withdrawal, or by the death or other disqualification of any candidate for the nomination of whom a petition has been filed, only one candidate remains for any given office, then other nominations for that office may be made by filing petitions within 10 days after the expiration of the time for the filing of Nominating Petitions, but no supplement to any Petition shall be allowed.

(b) All candidates shall be required to file a Declaration of Intention to Become a Candidate in order to obtain the Nominating Petition forms within the filing period provided in Subsection (a) above.

(c) No Supplemental Nominating Petition will be accepted during this filing period from a candidate who previously filed a Nominating Petition during the regular filing period that was found to be insufficient, provided, however, such a candidate may file a new petition within the filing period provided in Subsection (a) above.

Sec. 312. Write-In Candidates.

(a) Every person who desires to be a write-in candidate at a Primary Nominating Election shall file with the City Clerk:

(1) A Declaration of Intention to Become a Write-In Candidate for a particular office, on a form provided by the City Clerk; and

(2) Either a filing fee of \$300 or a petition, on a form provided by the City Clerk, personally signed by at least 500 registered voters of the City of Los Angeles for citywide offices or at least 500 registered voters of the District or Board District for City Council or Board of Education offices.

(b) The City Clerk shall make the forms for the declaration and petition available the 57th day prior to the Primary Nominating Election. The petition shall contain a maximum of 1,000 signature lines and consist of 50 sections and each section shall contain 20 signature blanks. Every person seeking to qualify as a write-in candidate shall file a Declaration of Intention to become a write-in candidate and either the filing fee or petition described above with the City Clerk no later than the 14th day prior to the election.

(c) If a petition is filed in lieu of a filing fee, the City Clerk shall verify the signatures on the petition within seven days after the date of filing. If as a result of the

ELECTION CODE

examination of a petition the City Clerk determines that the petition contains at least the requisite number of valid signatures, the City Clerk shall issue a certificate of sufficiency and the candidate shall qualify as a write-in candidate for the office designated on the candidate's declaration. If as a result of the examination of a petition, the City Clerk determines that the petition does not contain the requisite number of valid signatures, the City Clerk shall issue a certificate of insufficiency and the candidate shall not qualify as a write-in candidate unless qualifying by supplemental petition.

(d) If the City Clerk issues a certificate of insufficiency, the candidate may circulate and file one supplemental petition on a form provided by the City Clerk. That petition shall contain signature blanks for twice the number of signatures by which the original petition was short of bearing the requisite number of signatures. The supplemental petition shall be filed no later than the 14th day prior to the election. The City Clerk shall verify the signatures on the supplemental petition within seven days after the date of filing and determine whether the petition as supplemented contains at least the requisite number of valid signatures to qualify as a write-in candidate.

(e) Except as provided in this section, the provisions of this Code relating to nominating petitions shall apply to petitions submitted by persons seeking to qualify as write-in candidates.

(f) Every person seeking to qualify as a write-in candidate shall file a Statement of Economic Interests as provided in Section 303 no later than the 14th day prior to the election. Candidates who qualify as write-in candidates shall file a Statement of City Related Business as provided in Section 304.

(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.

(h) There shall be no write-in candidates allowed for General Municipal Elections. The provisions of this section shall apply to write-in candidates in Special Elections unless otherwise provided by ordinance, except that there shall be no write-in candidates allowed for Special Runoff Elections.

(i) Any candidate elected by having the candidate's name written in on a ballot who does not possess the qualifications for an office required by the Charter shall not be entitled to hold office.

Sec. 313. Candidate Order.

(a) Prior to each Primary Nominating Election and prior to each Special Election that has been ordered at which candidates' names appear on the ballot, the City Clerk shall conduct a public drawing of the letters of the alphabet. The order in which the letters are drawn shall constitute the randomized alphabet, to be used in the same manner as the conventional alphabet, to determine the order by which the names of candidates shall be

ELECTION CODE

arranged by surname, first name, and middle name, if any, respectively, on the ballot for both the ensuing Primary Nominating and following General Municipal Elections or for both the ensuing Special and following Special Runoff Election. For the purpose of this section, the term “surname” shall mean the name borne in common by members of a family. The drawing shall take place publicly within five business days following the last day for filing nominating petitions.

(b) Only the exact name by which a candidate was nominated, as provided for in Section 305 of this Code, shall be printed on a City ballot, and shall be arranged under the designation of the office or position in the randomized alphabetical order.

(c) This section does not apply to consolidated elections conducted by the County of Los Angeles for which candidate order on ballots is governed by state law.

Sec. 314. Death of Candidate.

(a) In the event of the death of a candidate who has declared or accepted a candidacy for the Primary Nominating Election or a Special Election, or who has been nominated for the ensuing General Municipal Election or a Special Runoff Election, and proof thereof has been duly presented or obtained by the City Clerk prior to the time of printing of the ballots, the candidate’s name shall not be printed upon either the Sample or Official Ballot of the ensuing election. If proof is not presented prior to the printing of ballots, and the name of the candidate is printed on the ballot, then the City Clerk shall strike out, or otherwise remove, the name of the candidate on the ballot before handing it to the voter, providing the City Clerk has sufficient time to do so.

(b) In the event of the death, resignation or other disqualification of any candidate nominated at a Primary Nominating Election or Special Election, the person who received the next highest number of votes for that office at the Primary Nominating Election or Special Election shall be deemed a candidate and, if practicable, the name shall be placed on the ballot to be used at the General Municipal Election or Special Runoff Election.

Sec. 315. Retention of Nominating Documents.

(a) The City Clerk shall preserve all nominating petitions and Declarations of Intention to Become a Candidate for the term of the office for which they are filed and for four years after the expiration of the term.

(b) Thereafter, the petitions and declarations shall be destroyed as soon as practicable unless they are in evidence in some action or proceeding then pending or unless the City Clerk has received a written request from the U.S. Attorney, Attorney General, District Attorney, City Attorney, a Grand Jury, the Secretary of State, the Fair Political Practices Commission, the City Ethics Commission or the City Council that the petitions or declarations be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the placement of the candidate’s name on the

ELECTION CODE

ballot, or in a pending or ongoing investigation into violation of the Political Reform Act of 1974 or City laws.

(c) Public access to the petitions and declarations shall be limited to viewing the documents only. The public may not copy or distribute copies of petitions and declarations that contain signatures of voters.

CHAPTER IV

**OFFICIAL SAMPLE BALLOT
AND VOTER INFORMATION PAMPHLET**

**ARTICLE A – OFFICIAL SAMPLE BALLOT SPECIFICATIONS AND
DISTRIBUTION**

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. 401. Distribution of the Official Sample Ballot.

(a) The City Clerk shall mail to all voters in each voting precinct who are registered and qualified to vote at the ensuing election, at the post office address designated on the current voter registration record on file in the office of the Registrar of Voters of the County of Los Angeles, one printed Official Sample Ballot with postage fully paid thereon, with a notice containing polling place information, the title and date of the election, the precinct

number, and any other matter required by law or information which the City Clerk may deem necessary.

(b) Mailing of Official Sample Ballots shall be completed not later than seven days prior to the date of the election.

ARTICLE B – VOTER INFORMATION PAMPHLET

Sec. 402. Contents of the Voter Information Pamphlet.

(a) Whenever any ordinance, order, resolution, charter amendment, recall measure or other proposition is to be submitted to the voters, the City Clerk shall cause a Voter Information Pamphlet to be prepared and mailed to the voters in accordance with the requirements of this Code. To the extent that the requirements of the California Elections Code or the California Government Code relating to charter amendments or bond propositions differ from the requirements of this Code with respect to information required to be given to voters, those state law provisions shall govern the portions of the Voter Information Pamphlet relating to charter amendments or bond propositions. Measures shall appear in the Voter Information Pamphlet in the same order as they will appear on the Official Ballot.

(b) All information printed in the Voter Information Pamphlet shall be printed in no less than six-point type size.

(c) The Voter Information Pamphlet shall begin with the Ballot Summaries for City measures, if approved, in the same order as appearing in the Official Sample Ballot, and the balance of the information relating to each measure shall be printed in the following order in addition to any other items required by law:

(1) The Ballot Title for each measure.

(2) The Question to be submitted to the voters (e.g., Shall the Charter be amended to . . .?) for each measure.

(3) The Impartial Summary of a measure prepared by the Chief Legislative Analyst and the Financial Impact Statement and/or Tax Rate Statement of a measure prepared by the City Administrative Officer, as required by Section 604 of this Code.

(4) Arguments and Rebuttal Arguments for and against the measure, if any.

(5) The Official Title and Summary prepared by the City Attorney pursuant to Chapter VII of this Code, or other authorized agency, for an initiative measure shall appear separately in the Voter Information Pamphlet immediately preceding the text of the initiative that has been circulated.

(6) The text of the measure. For measures repealing or revising provisions of the City Charter, the text of the measure shall include the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected by the proposed measure shall be distinguished in print, using strikeout, bold type or similar devices, so that the effect of the proposed measure upon existing provisions can be determined.

(d) For non-City measures, these summaries, statements or other required information shall be prepared by the official designated by applicable law.

(e) The City Clerk may, with City Council approval, include in the Official Sample Ballot and Voter Information Pamphlet additional non-election information related to City programs and services, if the printing layout of the Official Sample Ballot and Voter Information Pamphlet permits the inclusion of the material and the material would not negatively impact the understanding of the Official Sample Ballot or Voter Information Pamphlet or relate to any measure or candidate to be voted on.

Sec. 403. Ballot Simplification Committee.

There is hereby created a committee known as the Ballot Simplification Committee hereinafter in this section referred to as "Committee."

(a) Committee Membership.

(1) The Chief Legislative Analyst, or a designated staff member, shall serve as one of the voting members of the Committee.

(2) The City Attorney, or a designated staff member, shall serve as one of the voting members of the Committee.

(3) The Mayor shall appoint one of the voting members of the Committee and an alternate member, who shall be registered voters of the City. The alternate member shall act as a replacement in the event the first member is not available due to death, absence from the city, incapacity, refusal or otherwise. The member and the alternate member shall primarily possess an understanding of ballot issues and possess writing skills and training which provide for a high capability in written communication to the general public, and shall not be officials or employees of the City of Los Angeles.

(4) The President of the City Council shall appoint two of the voting members of the Committee and also two alternate members, who shall be registered voters of the City. The alternate members shall act as a replacement in the event one of the members is not available due to death, absence from the City, incapacity, refusal or otherwise. The members and the alternate members shall primarily possess an understanding of ballot issues and possess writing skills and training

ELECTION CODE

which provide for a high capability in written communication to the general public, and shall not be officials or employees of the City of Los Angeles.

(5) If, in the discretion of the City Clerk, the number, length, detail or complexity of ballot measures to be considered at a particular election warrants the use of the appointed alternate members to serve in a supplemental rather than in a replacement capacity to the Committee for any one or more ballot measures, the City Clerk may request assistance from both the appointed and alternate members. The Committee shall be enlarged accordingly and each supplemental alternate shall thereupon serve as a regular member of the Committee for the particular ballot measure or measures for which called.

(b) The terms of the appointed members of the Committee shall be for a duration of no longer than two years each and shall terminate at a time coincidental with the end of the term of the President of the City Council unless earlier removed by their respective appointing authority. In the event of removal, the appointing authority then in office shall make a new appointment for the balance of the term then remaining.

(c) The registered voters who serve as members of the Committee shall be paid, upon verification and proof of service to the City Clerk, at the rate of One Hundred Dollars (\$100) per meeting for each member attending. No member of the Committee shall be paid more than a total of Two Hundred Dollars (\$200) for participating in the simplification of any one ballot measure nor more than One Hundred Dollars (\$100) for any meeting or number of meetings on a single calendar day.

(d) The City Attorney, or the designated staff member, shall serve as legal advisor to the Committee.

(e) The Chief Legislative Analyst, or the designated staff member, shall act as a legislative assistant to the Committee.

(f) No appointed member shall serve as a member of the Committee or participate in any of its activities if, for the election, the appointed member has any conflict of interest in any ballot measure under consideration by the Committee. An appointed member shall neither vote nor act upon any simplified version of any ballot measure in which that member has any interest prohibited under the Charter or the applicable general laws of the State of California. Before serving as a member of the Committee for any election measure, the member shall certify to the City Clerk in writing under penalty of perjury that to the member's knowledge the member has no interests in or pertaining to the proposed measure on the ballot which are or would be violative of the applicable general laws of the State of California pertaining to conflicts of interest and has no prohibited interest which would warrant any request for opinion of the City Attorney under Charter Section 222. The refusal or inability to so certify to the City Clerk upon request shall effect an immediate and automatic termination of the member as a member of the Committee, and the appropriate appointing authority shall thereupon designate another registered voter with similar expertise as the successor, and subject to the same requirements.

Sec. 404. Ballot Summary.

(a) For each election in the City where a measure is to be submitted to a vote at an election, the Ballot Simplification Committee shall summarize and simplify the language of all City ballot measures that are to appear in the Voter Information Pamphlet. The simplified summaries for each measure shall be submitted by the Committee to the City Clerk in the form of a fair and impartial Ballot Summary for incorporation into the Voter Information Pamphlet within the time limits provided for in Section 405 of this Code.

(b) The Ballot Summary shall include only simplified versions of the ballot measures, which versions have been approved by a majority of the members of the Committee after deliberation. In simplifying a measure, the Committee may, at its discretion, utilize the readability formulas and tools which the Committee considers appropriate and effective in achieving the closest proximity to the eighth grade level of readability for the summary it prepares.

(c) The Ballot Summary of each ballot measure shall include six identifying subsections. These subsections shall be titled and appear in the following sequence in the Voter Information Pamphlet in boldface: Title, The Issue, The Situation, The Proposal, A Yes Vote Means, A No Vote Means.

(d) Each Ballot Summary shall be limited to a maximum of 300 words in accordance with Section 115, exclusive of the title for each subsection referred to in Section 404(c) above; provided, however, that in situations of ballot measures involving extraordinary length, detail or complexity, the City Clerk, with concurrence of the President of the City Council, may designate a different maximum number of words therefor.

(e) Each new Ballot Summary of a ballot measure shall begin at the top of a new page in the Voter Information Pamphlet.

(f) Each Ballot Summary shall be followed in the Voter Information Pamphlet with a statement in boldface which shall include the appropriate page designation, to be determined by the City Clerk, and shall read substantially as follows: "The Full Text Of This Measure Begins on Page _____."

(g) The simplified versions of the ballot measures shall be set forth in the same sequence that the measures appear in the Official Sample Ballot.

Sec. 405. Submission and Approval of Ballot Summary.

The Committee shall present to the City Clerk the Ballot Summary of each measure on or before 64 days prior to the election. The City Council shall thereupon review each Ballot Summary and may act to approve or to disapprove the language thereof, provided that action must be taken on or before 60 days prior to the election and further provided that in the event the City Council fails to take any action within that time, that the language of the Ballot Summary as presented shall be deemed approved.

Sec. 406. Format and Placement of the Ballot Summary in the Voter Information Pamphlet.

(a) The Ballot Summary shall be placed in the Voter Information Pamphlet after the Official Sample Ballot portion thereof and before the first ballot title in the information section of the Voter Information Pamphlet which follows the Official Sample Ballot, and shall be immediately preceded by a plain page on which there appears a centered copy box which explains that a simplified version of the ballot measures follows and that the full text of each measure appears elsewhere in the Voter Information Pamphlet.

(b) In the Voter Information Pamphlet each title and any subtitle from the Ballot Summary shall be set in boldface, followed by a colon, and shall be set on the margin, with the body copy of the particular subsection indented five spaces. Each subsection shall be separated from the preceding subsection by no less than a one-line space.

ARTICLE C – OFFICIAL SAMPLE BALLOT AND VOTER INFORMATION PAMPHLET COVER

Sec. 407. Cover of Official Sample Ballot and Voter Information Pamphlet.

The front cover of the Official Sample Ballot and Voter Information Pamphlet of the City shall substantially duplicate the format as set forth in the illustration contained in this Code, except that the identification of the election shall vary with the type of election held, the date shall vary with the actual election date, and the name of the City Clerk may vary. The City Clerk shall have the discretion to add additional information as deemed appropriate.

Sec. 408. Simulated Ballots and Sample Ballots.

(a) In addition to any other penalty, any person who prints or otherwise duplicates, or causes to be printed or duplicated, a simulated ballot or simulated sample ballot that does not contain the statement required by this section or that uses an official seal or insignia in violation thereof, is guilty of a misdemeanor.

(b) Every simulated ballot or simulated sample ballot shall bear on each surface or page thereof, in type or lettering at least half as large as the largest type or lettering of the statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:

ELECTION CODE

“NOTICE TO VOTERS”
“(Required by Law)”

“This is not an Official Ballot or an Official Sample Ballot prepared by the City Clerk.”

“This is an unofficial, marked ballot prepared by (insert name and address of the person or organization responsible for preparation thereof).”

(c) Nothing in this section shall be construed to require this notice in any editorial or other statement appearing in a regularly published newspaper or magazine other than a paid political advertisement.

(d) No simulated ballot or simulated sample ballot referred to in this Section shall bear any official seal or the insignia of any public entity, nor shall that seal or insignia appear upon the envelope in which it is mailed or otherwise delivered.

(e) The superior court, in any case brought before it by any registered voter, may issue a temporary or permanent restraining order or injunction against the publication, printing, circulation, posting, or distribution of any matter in violation of this section, and all cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

CHAPTER V

OFFICIAL BALLOTS

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. 501. Classification of Ballot Types.

“Official Ballots” as used in this Chapter include and are classified as follows:

(a) a paper ballot upon which are printed the names of candidates for nomination or election to one or more offices or the ballot title and question of one or more measures; and which is voted by punching or marking the ballot in the corresponding numerically designated vote area for a given candidate or measure;

(b) a paper ballot that is voted either by punching or marking the ballot in the place that corresponds to the numerically designated vote area for a given candidate or measure;

(1) This type of ballot may be used by inserting it into a voting device that contains pages upon which are printed the names of candidates for nomination or election to one or more offices or the ballot title and question of one or more measures and the associated numerically designated vote areas.

(2) This type of ballot may be used in a stand alone fashion, without a voting device, by referring to a sample ballot and then punching or marking the ballot in the corresponding numerically designated vote area for a given candidate or measure.

(c) a ballot image presented on a computer screen through which the voter can vote by touching the screen, utilizing the key board, the mouse or equivalent device to register the voter’s choice. The electronic ballot image presented shall include the names of candidates for nomination or election to one or more offices or the ballot title and question of one or more measures and the associated numerically designated vote areas.

(d) a generic paper ballot that is used as replacement ballots in case of emergencies;
and

(e) a write-in ballot as described in Section 506.

Sec. 502. Provision of Paper Ballots to the Precinct Board Member.

(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 public officers are to be voted for, 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.

(b) In determining the quantity of ballots to be provided, the City Clerk shall use the voter turnout history of each precinct as the criterion, but in no case shall the number of ballots provided be less than 75 percent of the total number of registered voters in each voting precinct.

Sec. 503. Provision of Voting Devices and Electronic Voting Equipment to the Precinct Board Members or to the Polling Place.

(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 public officers are to be voted for, 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.

(b) In determining the number of voting devices or electronic voting equipment to be provided, the City Clerk shall use the voter turnout history and the expected turnout of each precinct as the criterion.

Sec. 504. Ballot Form and Specifications.

(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.

(b) All of the paper ballots prepared by the City Clerk for the same precinct shall be precisely the same in size, arrangement, quality and tint of paper, selection of typeface, and shall be printed with ink of the same tint, so that without a serial number it would be impossible in each precinct to distinguish one ballot from another. These ballots shall be the only official paper ballots to be used by the Precinct Board in the conduct of that particular election, except for the use of emergency replacement paper ballots provided by the City Clerk, if the regular official paper ballots are damaged, lost or stolen.

ELECTION CODE

(c) On each ballot shall be printed the words “OFFICIAL BALLOT”, and the title of the election. If another election is consolidated with the one in question, a statement to this effect shall be made if space permits. On the next line there shall appear in boldface capital type the words “CITY OF LOS ANGELES (followed by the day of the week, the month, the day of the month, and the year)” and if necessary, a statement about any other jurisdiction appearing on the ballot.

(d) All at-poll ballots may be identified by a precinct number in a manner prescribed by the City Clerk.

(e) The title of the ballot provided in (c) above shall be clearly separated by a heavy line and spacing from the voting area.

(f) Paper ballots may be designed with a detachable portion of the non-voting area of the ballot that is to be retained by the voter. If designed in this manner, the portion to be retained by the voter will include the statement: “This portion shall be removed and retained by the voter.”

(g) Paper ballots may be designed so that the entire ballot is deposited into the ballot box after the voter has finished voting. If the paper ballot is designed in this manner, the Precinct Board Member will provide the voter with a receipt of ballot form issued by the City Clerk for this purpose.

(h) A ballot that has candidates and measures printed directly on the ballot will include the following:

(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.

(2) The designation of all of the offices and measures appearing across the top of the ballot shall be separated from the names of the candidates for those offices by a line.

(3) Where more than one office or measure is to be printed in the same column, each office or measure shall be separated by a bold-face line and sufficient spacing to separate the office or measure and immediately underneath the title and above the name of the first candidate there shall appear the same line as used in separating the names of all candidates on the ballot.

(4) To the right and after the names of candidates shall be a designated area, such as a square or circle in which the voter can mark or punch the voter’s choice.

ELECTION CODE

(5) The ballot shall be so printed as to give the voter a clear opportunity to designate, by marking or punching in the designated voting area at the right, the candidate of the voter's choice or the vote for or against any measure.

(6) The numerically designated districts from which members of the City Council or the Board of Education are elected for office shall be grouped and arranged on all ballots in numerical order. No one may be a candidate nor have the candidate's name printed upon any ballot as a candidate for any office from a numerically designated district other than the one indicated by the candidate in the Declaration of Intention to become a candidate, and for only one office.

(7) Whenever any measure is submitted to the voters, it shall be printed on the ballot after the names of candidates running for offices appearing on the same ballot. A measure will be separated from the offices and candidates immediately preceding it by a heavy line and sufficient spacing to clearly separate the candidates and office from the measure. The complete ballot title prepared in accordance with Section 602 of this Code, and designated by a letter or number as provided in Section 603 of this Code, shall be printed on the ballot. Opposite and to the right of each measure to be voted on, in separate spaces, the words "Yes" and "No" shall be printed, separated from each other by a line. If a voter marks or punches in the voting space opposite and to the right of the word "Yes," the vote shall be counted in favor of the adoption of the measure; if the voter marks or punches in the space opposite and to the right of the word "No," the vote shall be counted against the adoption of the same.

(8) There shall be a line separating each measure and at the conclusion of all measures printed on the ballot there shall be a heavy line.

(i) The ballots may contain printed code marks or punched holes, which may be used for placing the ballots in correct reading position in the counting devices. The code marks or punched holes shall not be used in any way that will reveal the identity of the voters voting the ballots or impact the votes cast by the voters.

(j) All official paper ballots are to be numbered consecutively with a serial number, starting with the number one, within each set of Voting precinct ballots, Vote-By-Mail Ballots and Emergency Ballots, so that the final serial number will denote the total number of ballots ordered in each classification.

(k) Ballots to be counted by means of electronic or electromechanical devices may be of size, composition, texture, and may be printed in any type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.

(l) If more than one series of ballots is used at an election, different tints of cardboard stock or other suitable means may be used for each series of ballots to facilitate the sorting of ballots.

(m) When printed, all Official Ballots shall be bound, stitched, or otherwise grouped in a manner that each ballot may be easily detached there from and removed separately. The ballots shall also be packed and labeled with the precinct number, the number of ballots which the package contains, and any other data the City Clerk may deem necessary.

(n) For Primary Nominating, General Municipal, and Special Elections the City Clerk shall keep a record of the total number of ballots required for each precinct and the total number of ballots printed.

Sec. 505. Electronic Ballot, Form and Specifications.

(a) The electronic screen image of the ballot shall contain the same material and voting instructions as to candidates and measures and shall be displayed in the same order as provided for in paper ballots and the Official Sample Ballot.

(b) The instructions to voters displayed on the screen of electronic voting equipment may be modified as required for the proper use of the equipment.

(c) If there are a greater number of candidates for an office than the number whose names can be placed on one electronic display screen, the electronic display screen shall clearly indicate that the list of candidates for office is continued on the following screen or screens.

(d) The list of candidates and the full text of the ballot title and question shall be displayed on the electronic voting machine as they are displayed on the Official Sample Ballot. However, the size or type and the spacing of the material may be varied to suit the conditions imposed by the use of electronic voting equipment.

Sec. 506. Write-In Ballots, Form and Specifications.

(a) Determination of the type of write-in ballot to be utilized shall be at the discretion of the City Clerk, however, the City Clerk will, to the extent feasible, utilize a write-in ballot that is most compatible with the type of Official Ballot being utilized in the election.

(b) Consistent with the type of ballot and voting equipment utilized, the City Clerk shall provide instructions to the voter on the proper method for casting a vote for a qualified write-in candidate.

(c) The City Clerk shall provide voters with one of the following methods for casting a vote for a qualified write-in candidate at a Primary Nominating Election:

(1) Provide blank spaces on a stand-alone paper ballot to allow the voter to write in candidate names not printed on the ballot. The number of blank spaces

provided shall be at least equal to the number of candidates for whom the voter is entitled to vote.

(2) Provide blank spaces on the secrecy envelope used in conjunction with either a stand-alone paper ballot or a paper ballot inserted into a voting device. The secrecy envelope shall provide space in which the title of the office for which a vote is being cast may be written in by the voter as well as the name of the write-in candidate. The number of blank spaces provided shall be at least equal to the number of candidates for whom the voter is entitled to vote.

(3) Provide a separate write-in ballot. A separate write-in ballot shall contain blank spaces for the voter to write the names of the write-in candidates at least equal to the number of candidates for whom the voter is entitled to vote. The separate write-in ballot shall also provide space in which the title of the office for which a vote is being cast may be written in by the voter or, alternatively, shall have printed upon it the titles of the offices for which write-in votes may be cast. All separate write-in ballots shall be designed, at the discretion of the City Clerk, so that the instructions to voters on how to vote for candidates whose names do not appear on the ballot may be printed on the write-in ballot itself or upon a stub that is retained by the voter. Any serial numbers on the write-in ballot stubs need not be identical to those on the stubs attached to the regular paper ballots.

(4) Provide that electronic voting equipment shall be programmed in a way that the voter may write in a candidate's name utilizing a touch screen, the key board, the mouse or other similar equipment on the electronic voting device. The electronic voting equipment shall be programmed in a way that the number of write-in candidates that a voter may enter is at least equal to the number of candidates for whom the voter is entitled to vote.

(d) The acquisition and use of watermarked ballot paper authorized by the Secretary of State shall not be required for separate write-in ballots authorized by this Section.

Sec. 507. Voting Device and Associated Pages.

(a) As used in this Chapter, "voting device" means a device into which a ballot may be inserted and which is so designed and constructed that the choice of the voter as to any candidate or measure may be indicated by marking, punching, or slotting the ballot card.

(b) The instrument used in conjunction with the voting device for marking the ballot may be of any size, shape, or form, and the impression or punch made on or in the ballot may be in the form of a cross, square, circle, rectangle or any other design that will clearly indicate the choice of the voter. Any type of ink or other substance that will clearly show the voter's choice may be used in or in conjunction with the marking instrument.

(c) The pages connected to the voting device shall contain the same material and voting instructions as to candidates and measures and shall be printed in the same order as

provided for paper ballots, and may be arranged in parallel columns on one or more pages as required.

(d) If there are a greater number of candidates for an office than the number whose names can be placed on one page, the page shall clearly indicate that the list of candidates for office is continued on the following page or pages.

(e) The list of candidates and the full text of the Ballot Title and Questions shall be displayed on the voting device as they are displayed on the Official Sample Ballot. However, the size or type and the spacing of the material may be varied to suit the conditions imposed by the use of the voting device.

(f) In any election where ballots are to be counted both manually and by electromechanical counting devices, the marking instrument used for marking ballots to be counted electromechanically may be used for marking ballots to be counted manually.

(g) If a specialized marking instrument is utilized for marking the ballot, the instrument shall be available in the voting booth or may be handed to the voter with the ballot before the voter goes into the voting booth, and in which case the marking instrument shall be returned to the Precinct Board after the voter has finished marking the ballot.

Sec. 508. Demonstration Ballots, Voting Devices and Electronic Voting Equipment.

(a) At each polling place, the City Clerk shall provide instructional materials as well as demonstration ballots, voting devices and/or electronic voting equipment to assist voters in preparing to cast their ballot.

(b) The demonstration ballots, voting devices and/or electronic voting equipment provided at each polling place will be the same as the type of ballots, voting devices and/or electronic voting equipment that will be used to vote in that polling place, except as noted in paragraph (c) below.

(c) The instructional materials as well as the demonstration ballots, voting devices and/or electronic voting equipment provided to assist voters in preparing to cast their ballot shall not bear the name of anyone who is a candidate at the election nor the title of any measure to be voted on at the election.

CHAPTER VI

BALLOT MEASURES

Sec. 600. Definition of Ballot Measures.

(a) For purposes of this Chapter, ballot measures include any ordinance, order, resolution, charter amendment, referendum or a proposition for incurring bonded indebtedness that is to be voted upon at any City election.

(b) Ballot measures may be placed before the voters either by the City Council or by the petition process.

Sec. 601. Placement of Measures on the Ballot.

(a) Adoption by the City Council of all motions requesting the City Attorney to prepare all resolutions and election ordinances necessary to place measures on the ballot, including Charter amendments, shall be made not less than 125 days prior to the date of the election at which they are to be submitted.

(b) Adoption by the City Council of all resolutions and election ordinances necessary to place measures on the ballot, including Charter amendments, shall be made not less than 110 days prior to an election.

(c) The time frames above shall apply to all measures initiated by the City Council or submitted by the Board of Education, another municipality, or any other jurisdiction, except that Subsection (a) above shall not apply to measures initiated by the City Council in the circumstance where a certified initiative or referendum petition is presented to the City Council less than 125 days prior to the date of the election at which the measure is to be submitted to the voters or where a statewide special election is called less than 125 days prior to the date of the election.

(d) A ballot measure resulting from an initiative or referendum petition shall be governed by the time frames set forth in the City Charter and is not subject to the deadlines contained in this section.

(e) For purposes of meeting the deadlines for placing measures on the ballot contained in this section and in the City Charter, an ordinance will be deemed to have met the applicable deadline if it receives at least eight affirmative votes in the City Council by the deadline, whether that be on the day it is introduced or thereafter, provided that the ordinance ultimately is enacted into law pursuant to Charter Section 250.

Sec. 602. Ballot Measure Title and Question.

(a) Ballot Titles and Questions for measures to be submitted to the voters of the City shall be prepared by the City Attorney and shall be approved by the City Council not less than 110 days before the election at which the measure is to be submitted to the voters.

(b) The Ballot Title, that shall precede the Ballot Question, is a short, impartial statement in bold capital letters indicating generally the stated purpose of the measure.

(c) The Ballot Question shall be presented in the form of a question and shall consist of an impartial statement of the purpose of the measure and shall be in language as not to be intentionally an argument or designed to create prejudice either for or against the measure. Ballot Questions prepared in connection with City Council action to place a measure on the ballot as a result of an initiative or referendum petition shall read:

“Shall (the ordinance, order or resolution, stating the nature of the measure) be adopted?”

The Ballot Title and Question combined shall not exceed 175 words, except as to bond propositions or as otherwise limited by state law in consolidated elections.

(d) Subsection (a), (b) and (c) of this Section shall only apply to Ballot Titles and Questions to be prepared after the City Council has voted to place a measure on a ballot; it does not apply to the prior-in-time preparation of an official title and summary for an initiative or referendum petition that requests adoption or repeal of a City ordinance proposed by the petition. Preparation of a petition official title and summary shall be done in accordance with Chapter VII this Code.

(e) Ballot Titles and Questions prepared in connection with City Council action to place a measure on a ballot as a result of an initiative petition being certified by the City Clerk as sufficient, shall not alter the meaning of the official petition title and official petition summary.

Sec. 603. Ballot Measure Order.

(a) The order of all measures appearing on the ballot shall be determined by the City Council. The City Council shall designate each measure by a number or letter and each measure shall appear in numerical or alphabetical order on the ballot. The order and designation shall be determined by the City Council not less than 95 days prior to the election.

(b) When a City election is to be consolidated with a State or County election, the order shall be determined in the same manner by the City Council but each measure for the City election shall be designated by a number or letter specified by the Registrar of Voters.

Sec. 604. Ballot Measure Analysis.

(a) Whenever any measure is to be submitted to the voters, the Chief Legislative Analyst shall prepare an impartial summary of the measure in not more than 600 words for inclusion in the Voter Information Pamphlet, provided, however, that in situations of ballot measures involving extraordinary length, detail or complexity, the City Clerk, with

ELECTION CODE

concurrence of the President of the City Council, may designate a different maximum number of words therefore. The summary shall be submitted to the City Clerk at least 70 days prior to the date of the election.

(b) The City Administrative Officer shall prepare and file with the City Clerk, at least 70 days prior to the date of the election for inclusion in the Voter Information Pamphlet, a separate statement, in not more than 150 words, of the financial impact of the ballot measure, provided, however, that in situations of ballot measures involving extraordinary length, detail or complexity, the City Clerk, with concurrence of the President of the City Council, may designate a different maximum number of words therefore. Any fiscal analysis contained in the financial impact statement shall be written in clear, concise terms which will be easily understood by the average voter and wherever possible shall avoid the use of technical terms. The statement of financial impact shall include an estimate of the amount of any increase or decrease in revenues or costs to City government, or an opinion as to whether or not a substantial net change in City finances would result if the measure is adopted by the voters. Any estimate of increased cost to the City government shall be set forth in boldface print in the Voter Information Pamphlet.

(c) For any bond measure, the City Administrative Officer shall file with the Office of the City Clerk a Tax Rate Statement, not less than 88 days prior to the election, in conformance with California Elections Code Section 9401.

(d) Requirements of this Section shall not apply to ballot measures of the Los Angeles Unified School District or to other governmental agencies who may have measures consolidated with a City election ballot. The analysis requirements for those measures shall be governed by the applicable laws of the jurisdiction placing the measure on the City ballot, or State law, whichever law governs the placement of the measure on the ballot.

Sec. 605. Ballot Measure Arguments.

(a) Whenever the City Council, on its own motion, proposes a ballot measure to the voters for their approval or disapproval, the procedure set forth in this Chapter, shall be employed to inform the voters concerning the measure.

(b) Whenever an ordinance is proposed by initiative or referendum, the procedure set forth in this Chapter shall be employed to inform the voters concerning the measure, except that (i) the argument and rebuttal argument for initiative and referendum measures shall be written by the proponents and signed by at least one of the five proponents on behalf of the proponents filing the initiative or referendum; (ii) the length of arguments for and against initiative and referendum measures shall be no more than 1,000 words; and (iii) the length of rebuttal arguments for and against initiative and referendum measures shall be no more than 500 words.

(c) Any person, persons or an association wishing to write an argument or a rebuttal argument must submit a request not less than 95 days prior to the election. The President

ELECTION CODE

of the City Council, with the approval of the Rules and Elections Committee of the City Council, shall designate a person or association of persons to write arguments and/or rebuttal arguments for and against the adoption of any measure to be placed on the ballot unless the Charter, State law, when applicable, or this Code specifically designates who may write the argument and/or rebuttal argument, not less than 90 days prior to the date of the election. If a designation is made, it shall be in writing, and shall be filed with the City Clerk on the form which shall be provided. In making a designation, the President of the City Council shall give preference in the order named as follows:

- (1) an elected officer of the City,
- (2) an appointive officer of the City,
- (3) bona fide associations of citizens,
- (4) individual voters.

(d) In making ballot argument author designations within each of the above preference categories, the City Council President shall give priority to those persons or groups generally recognized as the major public advocates or opponents of the proposals to be submitted to the voters.

(e) Arguments for or against any measure shall not exceed 300 words each, and rebuttal arguments for or against any measure shall not exceed 150 words each, provided, however, that in situations of ballot measures involving extraordinary length, detail or complexity, the City Clerk, with concurrence of the President of the City Council, may designate a different maximum number of words therefor. All arguments shall be submitted to the City Clerk at least 85 days prior to the date of the election, and all rebuttal arguments shall be submitted to the City Clerk at least 75 days prior to the date of the election. No changes to the argument or rebuttal argument shall be allowed once the argument or rebuttal argument has been officially accepted by the City Clerk. Arguments and rebuttal arguments must be submitted within the hours specified in Section 111 (d).

(f) In the event that more than one person or association shall request that they be designated to write an argument and rebuttal argument for or against any measure, and they cannot agree as to the wording thereof, the President of the City Council may designate two persons or associations to write an argument and rebuttal argument. In that case, two arguments and two rebuttal arguments may be submitted to the electors, neither of which arguments shall exceed 150 words, and neither of which rebuttal arguments shall exceed 75 words.

(g) All arguments and rebuttal arguments shall be signed by the person, persons or association designated as the author to write the arguments and rebuttal arguments. In cases where arguments and rebuttal arguments are written by an association that was designated as the author, the name of one of the principal officers of the association shall be signed thereto following the name of the association. The author may select other

ELECTION CODE

persons or associations to sign the argument and rebuttal that the author will submit. The name or names of the person or persons selected by the author signing arguments and rebuttal arguments shall be shown on the copies of the arguments and rebuttal arguments submitted to the voters, as hereinafter provided. The signatures on arguments and rebuttal arguments, including the author's signatures, shall be limited to no more than 10. The City Clerk shall develop guidelines regarding the printing of identifying titles below the signers' names after the end of the argument and rebuttal argument.

(h) No argument or rebuttal argument for or against any measure shall be accepted by the City Clerk unless a certificate with an original signature of the designated author accompanies the argument or rebuttal argument filed with the City Clerk. The certificate shall be on a form prepared by the City Clerk and shall contain a statement, signed by the author designated to write the argument or rebuttal argument, that the facts stated in the argument or rebuttal argument are true. No certificate shall be considered to meet the requirements of this section unless the certificate is verified under penalty of perjury.

(i) The Arguments and/or rebuttal arguments submitted to the City Clerk shall include the original signature of the designated author. For additional signers, the City Clerk shall accept facsimile signatures when the argument and/or rebuttal arguments are filed. If submitting a facsimile of the signature, the designated author must certify in writing that the facsimile signature was obtained from the person signing the argument with that person's full knowledge and consent.

(j) When an argument or rebuttal argument for or against the adoption of any measure shall have been prepared as herein provided and submitted within the required time, it shall be printed and submitted to each voter in the Voter Information Pamphlet and may be mailed separately or together with the Official Sample Ballot for the election concerned.

(k) The fact that only an argument for or only an argument against a measure was submitted shall not prevent the argument from being submitted to each voter, and the fact that only a rebuttal argument for or only a rebuttal argument against a measure was submitted shall not prevent the rebuttal argument from being submitted to each voter.

(l) The failure to appoint persons to draft arguments and rebuttal arguments or the failure of arguments and rebuttal arguments to be prepared or submitted to the voters as contemplated by this Section shall not affect the validity of any election held pursuant to the provisions of this Code.

(m) No election, proceeding, proposition, measure or amendment, otherwise valid, shall be deemed invalid for any failure to conform to the time limits specified in this Section, provided the voters of this City voting thereon have voted in favor of the ballot measure.

Sec. 606. Form of Ballot Arguments.

(a) This section shall apply to the form of all arguments and rebuttal arguments that are printed in the Voter Information Pamphlet mailed to the voters.

(b) Ballot arguments and rebuttal arguments printed in the Voter Information Pamphlet shall not contain pictures or illustrations and shall not show a facsimile of the printed ballot with an “X” or other mark appearing in the voting area, suggesting how someone should vote.

(c) Ballot arguments and rebuttal arguments printed in the Voter Information Pamphlet shall consist solely of written arguments for or against the measure.

Sec. 607. Voter Approval of Proposed New Charter.

The complexity, length and detail involved in presenting a new charter to the voters of the City and the Los Angeles Unified School District (with respect to provisions of a new charter relating to the election of members of the Board of Education), may require special time limits and procedures which differ from those contained in the City Election Code. Therefore, Council may adopt an ordinance setting forth special procedures for the election regarding approval of the proposed new charter, not inconsistent with the Charter or applicable State law. The special procedures adopted by ordinance may include procedures governing the adoption of election ordinances, motions and resolutions, the drafting and submittal of ballot arguments and analyses, the formation of a ballot simplification committee and other matters related to voter approval of the proposed new charter. Consistent with Charter Section 412, the ordinance shall not affect any election, petition, or other election-related proceeding occurring within six months following the publication of the ordinance.

Sec. 608. Ballot Materials.

The materials referred to in Sections 404, 405, 602, 604 and 605 shall not be false, misleading or inconsistent with the requirements of this Code.

CHAPTER VII

INITIATIVE, REFERENDUM AND RECALL PETITIONS

ARTICLE A. – GENERAL PROVISIONS RELATING TO INITIATIVE, REFERENDUM AND RECALL PETITIONS

(Refer to Chapter III for requirements related to Nominating Petitions).

Sec. 700. Requirements for Signing and Examining Initiative, Referendum and Recall Petitions.

(a) Whenever any initiative, referendum, or recall petition or other related paper is required to be signed only a registered voter shall be entitled to sign the petition or paper.

(b) The City Clerk shall review each initiative, referendum, or recall petition submitted to determine whether it contains at least the minimum number of signatures required pursuant to the Charter, is properly verified and is otherwise in the proper form. The City Clerk shall not accept any petition that does not meet the requirements of the Charter and this Code.

(c) The City Clerk shall examine each initiative, referendum, or recall 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 fully 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 of the signatures of the petition signers shall be conducted solely by a review of the registration records of the Los Angeles County Registrar-Recorder/County Clerk.

(d) Initiative, referendum and recall petitions shall be personally signed by registered voters of the applicable jurisdiction. In addition to the voter's signature, the voter shall personally print the voter's name, the voter's complete residence address and date the petition was signed by the voter. If the voter is unable to personally print this information, the voter shall direct someone else to print the information on the petition. The City Clerk may request the date and month of birth, at the option of the voter, for the purpose of signature verification.

Sec. 701. Minority Language Requirements for Initiative, Referendum and Recall Petition Materials.

(a) The minority language requirements of this Section shall apply to Initiative, Referendum and Recall Petitions unless additional translations are required by other applicable law.

(b) City Initiative and Referendum Petitions shall be printed in English, and also in any minority language if more than 5% of the voting age population of the City are limited-English proficient members of that minority language group and the minority language is one of the languages identified by the federal government as a Voting Rights Act language for Los Angeles County.

(c) In connection with proceedings for the recall of the Mayor, City Attorney or Controller, Recall Petitions, as well as the Notice of Intention and Answer required under Chapter VII, shall be printed in English, and also in any minority language if more than 5% of the voting age population of the City are limited-English proficient members of that minority language group and the minority language is one of the languages identified by the federal government as a Voting Rights Act language for Los Angeles County.

(d) In connection with proceedings for the recall of a member of the City Council or a member of the Board of Education, Recall Petitions, as well as the Notice of Intention and Answer required under Chapter VII, shall be printed in English, and also in any minority language if more than 5% of the voting age population of that member's district are limited-English proficient members of that minority language group and the minority language is one of the languages identified by the federal government as a Voting Rights Act language for Los Angeles County.

(e) For purposes of this Section, a person will be considered "limited-English proficient" if the person has self-identified in the most current data provided by the U.S. Bureau of the Census as speaking English less than "very well."

(f) During the signature gathering process, Petitions presented to the potential Petition signers shall contain all the languages required pursuant to this Section.

(g) The City Clerk shall not accept any Initiative, Referendum or Recall Petition for filing unless the proponents have complied with all of the requirements of this section.

(h) The word limits contained in this Chapter shall not apply to the translated versions of Initiative, Referendum and Recall Petitions, nor to the translated versions of a Notice of Intention or Answer published in connection with Recall proceedings.

Sec. 702. Petition Circulators.

(a) Circulators of petitions shall be at least 18 years of age.

(b) Persons circulating, as principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any local initiative, referendum, or recall petition shall not:

(1) Intentionally misrepresent or intentionally make any false statement concerning the contents, purport or effect of the petition to any person who signs, or who

desires to sign, or who is requested to sign, or who makes inquiries with reference to it, or to whom it is presented for his or her signature.

(2) Willfully and knowingly circulate, publish, or exhibit any false statement or misrepresentation concerning the contents, purport or effect of any initiative, referendum, or recall petition for the purpose of obtaining any signature to, or persuading or influencing any person to sign, that petition.

(3) Intentionally make any false statement in response to any inquiry by any voter as to whether he or she is a paid signature gatherer or a volunteer.

Sec. 703. Charter Amendment Petitions.

Charter amendment petitions shall comply with the applicable provisions of the California Government Code, the California Elections Code, the Charter and this Code, and shall be filed with the City Clerk.

Sec. 704. No Charges to Verify Signatures.

The City Clerk shall not charge the proponents for the verification of signatures in connection with initiative, referendum or recall petitions.

ARTICLE B – INITIATIVE PETITIONS

Sec. 705. Initiative Petitions.

Proponents of Initiative Petitions. An Initiative petition may be filed only by five proponents, who shall be registered voters of the City. The proponents shall file with the City Clerk a document signed by all five proponents identifying their names and registered residence addresses, as shown on their current voter registration records, and designating a representative authorized to send and receive filings, notices and communications on behalf of the initiative proponents. The names of all five proponents must appear on the petition and on the request for the preparation of an official petition title and official petition summary by the City Attorney.

Sec. 706. Preparation of Official Petition Title and Official Petition Summary - Review by City Clerk Concerning Form.

(a) Proponents seeking to circulate an Initiative petition requesting adoption of a City ordinance must first file the text of their proposed ordinance with the City Clerk.

(b) The proponents shall also file at the same time a written request for preparation of an official petition title and official petition summary of the primary provisions of their proposed ordinance. Upon receipt, the City Clerk shall transmit the request and the proposed ordinance to the City Attorney.

ELECTION CODE

(c) The City Attorney shall prepare an official petition title and a fair and impartial official petition summary of the primary provisions of the proposed initiative ordinance to be included on all copies of the petition to be circulated by the proponents for signature. The official title and summary shall not exceed 175 words and shall be in language as not to be intentionally an argument or designed to create prejudice either for or against the measure and shall not be false or misleading. Within 10 days of receipt of the request and proposed ordinance, the City Attorney shall transmit, the official petition title and official petition summary to the City Clerk for further processing. The City Clerk shall then transmit the official title and summary to the proponents without delay. The proponents shall cause the official petition title and official petition summary prepared by the City Attorney to be placed across the top of the petition following the heading and the names of the proponents and preceding the text of the measure on the first page of each section of the petition.

(d) Before circulating an Initiative petition for signatures the proponents shall file with the City Clerk an uncirculated draft of the petition containing the official title and summary for review and approval as to conformance with the provisions of the Charter and this Code. The City Clerk shall determine whether the proposed form and wording of an Initiative petition filed with that office meets the requirements of the Charter and this Code, and within 10 days, the City Clerk shall notify the proponents by dated letter of the City Clerk's findings with respect to those requirements. If the City Clerk finds that the proposed form and wording of the Initiative petition meets the requirements of the Charter and this Code, the City Clerk will notify the proponents by dated letter that they may circulate the petition for signatures. If the City Clerk finds that the requirements of the Charter and this Code are not met, the City Clerk shall notify the proponents by dated letter that the Initiative petition is not approved and shall include in the notification a statement as to any necessary alterations in the petition. If the proponents determine to proceed, they shall file with the City Clerk an uncirculated draft of the corrected petition. The 10-day correction notification period and the filing of corrected petitions shall be repeated until the City Clerk finds that no alterations are required.

(e) No Initiative petition that requests adoption of a City ordinance shall be circulated for signatures, nor shall any signature be affixed to it, until the City Clerk has notified the proponents by dated letter that the form and wording of the proposed petition meet the requirements of the Charter and this Code and that the official petition title and official petition summary of the primary provisions of the proposed ordinance prepared by the City Attorney have been included on the petition.

(f) Under no circumstances shall the text of an ordinance proposed by initiative, or the official petition title and official petition summary prepared by the City Attorney, be altered or amended for placement on the petition after they have been officially transmitted from the City Attorney to the City Clerk.

Sec. 707. Form of Initiative Petitions.

All Initiative petitions shall be designed as follows:

ELECTION CODE

(a) Petitions shall be printed on sheets of standard white paper, not less than 16-pound substance, and size of 8½ by 11 inches. The petition may consist of several sections. The sections of a petition shall not be fastened by pasting them together end to end so as to form a continuous strip or roll.

(b) Beginning on the first page, each section shall contain the following items in the order listed below:

(1) The heading in 20-point upper case Roman type as follows:

“INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS”

(2) The names of the proponents of the petition in 10-point upper and lower case Roman type under the following statement, also in 10-point upper and lower case Roman type:

“Committee of proponents, who are registered voters of the City of Los Angeles, sponsoring the petition.”

(3) The official petition title, and official petition summary prepared by the City Attorney pursuant to Section 706 of this Code. The official petition title shall be in 14-point upper case Roman type, the official petition summary shall be in 12-point upper and lower case Roman type, and these shall be preceded by the following statement, also in 12-point upper and lower case Roman type:

“As required by the Charter the City Attorney has prepared the following official petition title, and official petition summary of the primary provisions of this initiative ordinance measure to be adopted by the City Council or submitted directly to the voters.”

(4) The text of the proposed ordinance in 12-point upper and lower case Roman type, preceded by the following statement in 12-point upper case Roman type: “TEXT OF THE PROPOSED MEASURE:”.

(c) The petition sections shall be designed so that each signer shall personally affix all of the following:

(1) His or her signature.

(2) His or her printed name.

(3) His or her complete residence address, giving street and number, City and zip, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.

(4) The date signed.

The proponents of a petition shall be fully responsible for the petition and the signatures on it being complete in every detail, legible and in proper form when filed with the City Clerk.

Sec. 710. City Clerk Acceptance of an Initiative Petition.

(a) If the proponents file an Initiative Petition within the timeframe specified in Section 708 above, the City Clerk will issue to the proponents, at the time of filing, a Conditional Acceptance of Filing receipt that documents the date of filing and the total number of signatures that the proponents claim are affixed to the petition. All signatures for filing shall be presented at the same time.

(b) The City Clerk will then conduct an initial review of the petition 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. At this time, the City Clerk may request the proponents to correct minor clerical errors in the Circulator Affidavits. 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 filing unless the Circulator Affidavit for that section has been completed and fully executed.

(c) If, upon completion of the initial review, the City Clerk determines that the total number of signatures affixed to petition sections with complete and fully executed Circulator Affidavits equals or exceeds the total number of signatures required, the City Clerk will issue to the proponents a Final Acceptance of Filing receipt that approves the petition for filing and for proceeding to the signature examination phase.

(d) If, upon completion of the initial review, the City Clerk determines that the total number of signatures affixed to petition sections with complete and fully executed Circulator Affidavits does not equal or exceed the total number of signatures required, the City Clerk will issue to the proponents a dated letter rejecting the filing and documenting the petition's filing deficiency. No further action shall be taken by the City Clerk with regards to this petition.

(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.

(f) No amendments, changes, alterations or corrections 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. 711. Examination of Initiative Petitions.

(a) Examination of Initiative Petitions. Except as provided in Subsection (b), within 30 days after Final Acceptance of filing of an Initiative petition, the City Clerk shall examine the signatures on the petition to ascertain from the County of Los Angeles records of voter registration whether or not the petition is signed by the requisite number of qualified registered voters of the City. A signature shall be considered valid only if a current voter registration record is found in the County records which is dated on or prior to the time of signing the Initiative petition and the signature and address correspond with that on the petition. The City Clerk may discontinue the further checking of a petition after having obtained the number of names required by law. The legibility of the names on the petition is the responsibility of the proponents. The City Clerk shall not be required to examine precinct lists or any other address directory or to undertake any investigation to identify the names of signers of the petition, and shall be required only to use reasonable diligence in reading and identifying the names of petition signers.

(b) Random Sampling Review of Initiative Petitions. As an alternative to the examination of all signatures called for in Subsection (a), within 15 days after Final Acceptance of the filing of an Initiative petition, the City Clerk may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn in a manner that every signature filed with the City Clerk shall be given an equal opportunity to be included in the sample. The random sampling shall include an examination of at least five percent of the signatures. If the statistical sampling shows that the number of valid signatures is less than 90 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the City Clerk shall certify the petition as insufficient. If the statistical sampling shows that the number of valid signatures is more than 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the City Clerk shall certify the petition as sufficient. If the statistical sampling shows that the number of valid signatures is within 90 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the City Clerk shall within 30 days after completing the random sampling, examine and verify each signature filed. In determining the number of valid signatures on the petition pursuant to this subsection, the City Clerk shall examine the petition in the manner provided in Subsection (a).

(c) Supplemental Initiative Petitions. If the City Clerk certifies that the petition is found to be insufficient, it may be supplemented by filing, within 10 days of the City Clerk's certificate, one supplemental petition, in the same form as the original petition, bearing additional signatures secured within the 10-day period. No supplement may be filed later than 120 days after the date of the earliest signature counted in determining the sufficiency of the original petition. No signature on the supplemental petition shall be considered valid if it is shown, by the date on the petition, that it was signed prior to the date of the City Clerk's certificate of insufficiency of the original petition, or if that signature appeared on the original petition and was previously given proper credit. If a supplemental petition is properly filed, all valid signatures appended to the original petition and to the supplemental petition shall be considered in determining the sufficiency or

ELECTION CODE

insufficiency of the petition. Within 10 days after the filing of the supplemental petition, the City Clerk shall examine it and certify to the result of the examination in the manner provided above.

(d) **Withdrawal of Initiative.** The proponents of an initiative petition may withdraw the petition at any time before the City Council has taken action on the initiative pursuant to Charter Section 452 or 453. The proponents also may withdraw the initiative after the City Council has taken action to submit the initiative to a vote of the electors under Charter Section 452 or 453, provided that withdrawal occurs not later than the 88th day before the election and only upon approval of the proponents and the City Council. In order to withdraw the initiative, the proponents shall file with the City Clerk a written notice of withdrawal signed by all five proponents.

(e) **Certification by City Clerk of an Initiative Petition - Presentation to the City Council.** If the City Clerk determines that the petition, or the petition as supplemented, is sufficient, the City Clerk shall present the dated certification of sufficiency to the City Council and to the proponents without delay. If the City Clerk determines that the petition, or the petition as supplemented, is insufficient, the City Clerk shall prepare a dated certificate showing the result of the examination, and shall notify the proponents of the insufficient petition without delay. A new petition seeking essentially the same ordinance shall not be filed until at least six months after the date of the City Clerk's certificate. The sufficiency or insufficiency of the petition shall not be subject to review by the City Council.

(f) **Contest of Certification of Insufficiency of an Initiative Petition.** If an Initiative petition, or petition as supplemented, is certified by the City Clerk to be insufficient, the proponents shall, upon request, be given immediate access to review the petition. Within 30 days after the date of the City Clerk's certificate, the proponents may file with the City Clerk a statement of contest of the certification on the ground that the petition contains a sufficient number of valid signatures of registered voters for a certificate of sufficiency to be issued. The statement of contest shall be verified and shall contain a list identifying all signatures, which the City Clerk has determined are invalid but which the proponents claim are valid. For each signature, the list shall contain the following:

(1) The name and address of the signer;

(2) The section and line number where the signature is located on the petition; and

(3) The reference number by which the current voter registration record may be located in the records of the Office of the County Registrar-Recorder. Alternatively, the proponents may furnish a certified copy of the affidavit of registration.

(g) Within 15 days after the filing of a statement of contest, the City Clerk shall examine the statement, current voter registration record and the affidavits attached or

ELECTION CODE

referred to in it. After examining the signatures referred to in the statement of contest, the City Clerk shall certify the sufficiency or insufficiency of the petition. No further statement of contest may be filed. The City Clerk shall notify the proponents of the petition of the results of the examination. If the City Clerk determines that the petition is sufficient, the City Clerk shall prepare a new certification to so indicate and shall present the new certificate to the City Council without delay.

(h) Judicial Contest of City Clerk's Determination on Initiative Petition. Any further action challenging the City Clerk's determination on the statement of contest shall only be made in an appropriate court of law. In any action, no signatures shall be considered which were not on the original statement of contest. After an election is held based on any petition, whether or not supplemented, the sufficiency of the petition and supplemental petition, if any, shall not be subject to judicial review or be otherwise questioned in any respect.

(i) Retention of Initiative Petitions. The City Clerk shall preserve the petition until eight months after the certification of the results of the election for which the petition qualified or, if the measure, for any reason is not submitted to the voters, eight months after the date of certification by the City Clerk or resolution of a contest if one is filed.

(j) Thereafter, the petition shall be destroyed as soon as practicable in accordance with City policy for records retention and destruction unless it is in evidence in some action or proceeding then pending or unless the City Clerk has received a written request from the U.S Attorney, Attorney General, District Attorney, City Attorney, a Grand Jury, the Secretary of State, the Fair Political Practices Commission, the City Ethics Commission or the City Council that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot, or in a pending or ongoing investigation into violation of the Political Reform Act of 1974 or City law.

(k) Public access to any petition shall be restricted in accordance with Section 6253.5 of the Government Code.

(l) Notwithstanding the above, a copy of the first section of the petition with the City Clerk's certificate shall be kept permanently.

ARTICLE C – REFERENDUM PETITIONS

Sec. 712. Referendum Petitions.

Proponents of Referendum Petitions. A Referendum petition may be filed only by five proponents, who shall be registered voters of the City. The proponents shall file with the City Clerk a document signed by all five proponents identifying their names and registered residence addresses, as shown on their current voter registration records, and designating a representative authorized to send and receive filings, notices and communications on behalf of the Referendum proponents. The names of all five proponents must appear on the petition.

Sec. 713. Form of Referendum Petition and Review by City Clerk Concerning Form.

(a) Before circulating a Referendum petition for signatures the proponents shall file with the City Clerk an uncirculated drafts of the petition for review and approval as to conformance with the provisions of the Charter and this Code. The City Clerk shall determine whether the proposed form and wording of a Referendum petition filed with that office meets the requirements of the Charter and this Code and, without delay, shall notify the proponents by dated letter of the City Clerk’s findings with respect to whether the Referendum petition meets those requirements. If the City Clerk finds that the requirements of the Charter and this Code are not met, the City Clerk, without delay, shall notify the proponents by dated letter that the Referendum petition is not approved and shall include in the notification a statement as to any necessary alterations in the petition. If the proponents determine to proceed, they shall file with the City Clerk, without delay, after receiving the notification, an uncirculated draft of the corrected Referendum petition. The correction notification period and filing period for corrected petitions shall be repeated until the City Clerk finds that no alterations are required.

(b) All Referendum petitions shall be designed as follows:

(1) Petitions shall be printed on sheets of standard white paper, not less than 16-pound substance, and size of 8½ by 11 inches. The petition may consist of several sections. The sections of a petition shall not be fastened by pasting them together end to end so as to form a continuous strip or roll.

(2) Beginning on the first page, each section shall contain the following items in the order listed below:

(i) The heading in 20-point upper case Roman type as follows:

REFERENDUM AGAINST ORDINANCE NO. _____
PASSED BY THE CITY COUNCIL”

ELECTION CODE

(ii) The names of the proponents of the petition, in 10-point upper and lower case Roman type under the following statement, also in 10-point upper and lower case Roman type:

“Committee of proponents who are registered voters of the City of Los Angeles, sponsoring the petition:”

(iii) A petition title prepared by the proponents, beginning with the words “Referendum petition seeking to overturn” and followed by an accurate description of the ordinance that is the subject of the referendum. The entire petition title shall be in 14-point upper case Roman type and shall not exceed 20 words.

(iv) The text of the ordinance in 12-point upper and lower case Roman type, preceded by the following statement in 12-point upper case Roman type: “TEXT OF THE ORDINANCE:”.

(c) The petition sections shall be designed so that each signer shall personally affix all of the following:

(1) His or her signature.

(2) His or her printed name.

(3) His or her complete residence address, giving street and number, City and zip, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.

(4) The date signed.

(d) The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.

(e) The petition may include a space that allows the signer the option of entering the signer’s date of birth. If the signer’s date of birth is requested, the petition shall clearly state that provision of this information is optional and will be used solely to facilitate the signature verification process.

(f) Each petition section shall be circulated by only one person.

(g) Each individual section shall have attached to it at the bottom of the last sheet thereof in 10-point upper and lower case Roman type the following affidavit, which shall be sworn to by the person circulating that section:

I, _____, do hereby certify that my present, precise residential address is [insert complete residential address including number, street, city, state and zip

(c) If, upon completion of the initial review, the City Clerk determines that the total number of signatures affixed to petition sections with complete and fully executed Circulator Affidavits equals or exceeds the total number of signatures required, the City Clerk will issue to the proponents a Final Acceptance of Filing receipt that approves the petition for filing and for proceeding to the signature examination phase.

(d) If, upon completion of the initial review, the City Clerk determines that the total number of signatures affixed to petition sections with complete and fully executed Circulator Affidavits does not equal or exceed the total number of signatures required, the City Clerk will issue to the proponents a dated letter rejecting the filing and documenting the petition's filing deficiency. No further action shall be taken by the City Clerk with regards to this petition.

(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, once conditionally accepted by the City Clerk.

(f) No amendments, changes, alterations or corrections 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. 717. Examination of Referendum Petitions.

(a) Examination of Referendum Petitions. Except as provided in Subsection (b), within 30 days after the Final Acceptance of filing of a Referendum petition, the City Clerk shall examine the signatures on the petition to ascertain from the County of Los Angeles records of voter registration whether or not the petition is signed by the requisite number of qualified registered voters of the City. A signature shall be considered valid only if a current voter registration record is found in the County records which is dated on or prior to the time of signing the petition and the signature and address correspond with that on the petition. The City Clerk may discontinue the further checking of a petition after having obtained the number of names required by law. The legibility of the names on the petition is the responsibility of the proponents. The City Clerk shall not be required to examine precinct lists or any other address directory or to undertake any investigation to identify the names of signers of the petition, and shall be required only to use reasonable diligence in reading and identifying the names of petition signers.

(b) Random Sampling Review of Referendum Petitions. As an alternative to the examination of all signatures called for in Subsection (a), within 15 days after the Final Acceptance of the filing of a Referendum petition, the City Clerk may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn in a manner that every signature filed with the City Clerk shall be given an equal opportunity to be included in the sample. The random sampling shall include

ELECTION CODE

an examination of at least five percent of the signatures. If the statistical sampling shows that the number of valid signatures is less than 90 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the City Clerk shall certify the petition as insufficient. If the statistical sampling shows that the number of valid signatures is more than 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the City Clerk shall certify the petition as sufficient. If the statistical sampling shows that the number of valid signatures is within 90 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the City Clerk shall within 30 days after completing the random sampling, examine and verify each signature filed. In determining the number of valid signatures on the petition pursuant to this subsection, the City Clerk shall examine the petition in the manner provided in Subsection (a).

(c) Supplemental Referendum Petitions. If the City Clerk certifies that the petition is found to be insufficient, it may be supplemented by filing, within 10 days of the City Clerk's certificate, one supplemental petition, in the same form as the original petition, bearing additional signatures secured within the 10-day period. No supplement may be filed later than the final date for filing the Referendum petition. No signature on the supplemental petition shall be considered valid if it is shown, by the date on the petition, that it was signed prior to the date of the City Clerk's certificate of insufficiency of the original petition, or if that signature appeared on the original petition and was previously given proper credit. If a supplemental petition is properly filed, all valid signatures appended to the original petition and to the supplemental petition shall be considered in determining the sufficiency or insufficiency of the petition. Within 10 days after the filing of the supplemental petition, the City Clerk shall examine it and certify to the result of the examination in the manner provided above.

(d) Certification by City Clerk of a Referendum Petition - Presentation to City Council. If the City Clerk determines that the petition, or the petition as supplemented, is sufficient, the City Clerk shall present the dated certification of sufficiency to the City Council and to the proponents without delay. If the City Clerk determines that the petition, or the petition as supplemented, is insufficient, the City Clerk shall prepare a dated certificate showing the result of the examination, and shall notify the proponents of the insufficient petition without delay. The sufficiency or insufficiency of the petition shall not be subject to review by the City Council.

(e) Contest of Certification of Insufficiency of a Referendum Petition. If a Referendum petition, or petition as supplemented, is certified by the City Clerk to be insufficient, the proponents shall, upon request, be given immediate access to review the petition. Within 30 days after the date of the City Clerk's certificate, the proponents may file with the City Clerk a statement of contest of the certification on the grounds that the petition contains a sufficient number of valid signatures of registered voters for a certificate of sufficiency to be issued. The statement of contest shall be verified and shall contain a list identifying all signatures, which the City Clerk has determined are invalid but which the proponents claim are valid. For each signature, the list shall contain the following:

ELECTION CODE

(1) The name and address of the signer;

(2) The section and line number where the signature is located on the petition; and

(3) The reference number by which the current voter registration record may be located in the records of the Office of the County Registrar/ Recorder. Alternatively, the proponents may furnish a certified copy of the affidavit of registration.

(f) Within 15 days after the filing of a statement of contest, the City Clerk shall examine the statement, current voter registration record, and the affidavits attached or referred to in it. After examining the signatures referred to in the statement of contest, the City Clerk shall certify the sufficiency or insufficiency of the petition. No further statement of contest may be filed. The City Clerk shall notify the proponents of the petition of the results of the examination. If the City Clerk determines that the petition is sufficient, the City Clerk shall prepare a new certification to so indicate and shall present the new certificate to the City Council without delay.

(g) Judicial Contest of City Clerk's Determination on a Referendum Petition. Any further action challenging the City Clerk's determination on the statement of contest shall only be made in an appropriate court of law. In any action, no signatures shall be considered which were not on the original statement of contest. After an election is held based on any petition, whether or not supplemented, the sufficiency of the petition and supplemental petition, if any, shall not be subject to judicial review or be otherwise questioned in any respect.

(h) Retention of Referendum Petitions. The City Clerk shall preserve the petition until eight months after the certification of the results of the election for which the petition qualified or, if the measure, for any reason is not submitted to the voters, eight months after the date of certification by the City Clerk or resolution of a contest if one is filed.

(i) Thereafter, the petition shall be destroyed as soon as practicable in accordance with City policy regarding records retention and destruction unless it is in evidence in some action or proceeding then pending or unless the City Clerk has received a written request from the U.S Attorney, Attorney General, District Attorney, City Attorney, a Grand Jury, the Secretary of State, the Fair Political Practices Commission, the City Ethics Commission or the City Council that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot, or in a pending or ongoing investigation into violation of the Political Reform Act of 1974 or City laws.

(j) Public access to any petition shall be restricted in accordance with Section 6253.5 of the Government Code.

(k) Notwithstanding the above, a copy of the first section of the petition with the City Clerk's certificate shall be kept permanently.

ARTICLE D - RECALL PETITIONS

Sec. 718. Proponents of Recall Petitions.

A Recall petition may be filed only by a committee of five proponents who shall be registered voters of the City, or applicable district if the officer sought to be recalled is a member of the City Council or the Board of Education.

Sec. 719. Recall Petitions – Preparation of Notice of Intention by the Proponents.

The proponents shall prepare for service and publishing a Notice of Intention consisting of four parts as follows:

(a) The following heading: "Notice of Intent to Recall [insert name and title of officer whose recall is sought]."

(b) The names of the Proponents.

(c) The heading "Statement of Reasons" followed by a statement no longer than 300 words of the reasons for which removal is sought.

(d) The following affidavit signed and dated by one or more of the proponents stating that all of the facts contained in the Statement of Reasons are true: "I/we hereby declare that all of the facts contained in the Statement of Reasons to recall [insert name and title of officer whose recall is sought] are true."

Sec. 720. Service and Publishing of Notice of Intention.

(a) A copy of the Notice of Intention described in Section 719 shall be served on the officer sought to be recalled, either personally or by certified mail.

(b) Within two business days of service on the officer sought to be recalled, the proponents shall also serve a copy of the Notice of Intention described in Section 719 on the City Clerk, either personally or by certified mail. The proponents shall at the same time file with the City Clerk a separate declaration providing proof of the time and method of service on the officer and a document signed by all five proponents identifying their names and registered residence addresses, as shown on their current voter registration records, and designating a representative authorized to send and receive filings, notices and communications on behalf of the recall proponents.

(c) Within 14 days of service on the officer sought to be recalled, the proponents shall publish the Notice of Intention, in English and any other language required under

Section 701, in a newspaper of general circulation published in the City. Within two business days of publication, proof of publication shall be provided to the City Clerk.

Sec. 721. Preparation, Service and Publishing of Answer of Officer Whose Recall is Sought.

(a) Within 21 days after the service of the Notice of Intention on the officer sought to be recalled, the officer or anyone acting upon the officer's behalf, may publish an Answer to the Statement (Answer), in English and any other language required under Section 701, in a newspaper of general circulation published in the City. The Answer shall consist of four parts as follows:

(1) The following heading: "Answer Against the Proposed Recall of [insert name and title of officer whose recall is sought]."

(2) The following statement placed underneath the heading: "Submitted by [insert name and title of the officer whose recall is sought or the person who is submitting the Answer on behalf of the officer]."

(3) The Answer, not exceeding 300 words, stating the reasons for which the recall should be opposed.

(4) The following affidavit signed and dated by the officer or the person submitting the Answer on the officer's behalf stating that all of the facts contained in the Answer are true: "I hereby declare that all of the facts contained in the Answer against the recall of [insert name and title of officer whose recall is sought] are true."

(b) If an Answer is published, it shall also be served on the proponents' designated representative within the same time frame, either personally or by certified mail.

(c) If an Answer is published, it shall also be served, either personally or by certified mail, on the City Clerk within two business days of service on the proponents. At the same time, the officer whose recall is sought, or anyone acting upon the officer's behalf, shall file with the City Clerk a declaration providing proof of the time and method of service on the proponents and proof of publication.

Sec. 722. Form of Recall Petitions.

(a) Before circulating a Recall petition for signatures, the proponents shall file with the City Clerk an uncirculated draft of the petition for review and approval and no Recall petition shall be circulated until approval has been granted by the City Clerk for conformance with the Charter and this Code. The City Clerk shall determine whether the proposed form and wording of a Recall petition filed with that office meets the requirements of the Charter and this Code and, within 10 days, shall notify the proponent by dated letter of the City Clerk's findings with respect to those requirements. If the City

ELECTION CODE

Clerk finds that the proposed form and wording of the Recall petition meets the requirements of the Charter and this Code, the City Clerk will notify the proponents by dated letter that they may circulate the Recall petition for signatures. If the City Clerk finds that the requirements of the Charter and this Code are not met, the City Clerk shall notify the proponents by dated letter that the petition is not approved and shall include in the notification a statement as to any necessary alterations in the petition. If the proponents determine to proceed, they shall file with the City Clerk an uncirculated draft of the corrected petition. The 10-day correction notification period and the filing of corrected petitions shall be repeated until the City Clerk finds that no alterations are required.

(b) All Recall petitions shall be designed as follows:

(1) Petitions shall be printed on sheets of standard white paper, not less than 16 pound substance, and size of 8½ by 11 inches. The petition may consist of several sections. The sections of a petition shall not be fastened by pasting them together end to end so as to form a continuous strip or roll.

(2) Beginning on the first page, each section shall contain the following items in the order listed below:

(i) The heading in 20-point upper case Roman type as follows:

“PETITION TO RECALL [insert name and title of officer whose recall is sought]”

(ii) The names of the proponents of the petition in 10-point upper and lower case Roman type under the following statement, also in 10-point upper and lower case Roman type:

“Committee of proponents who are registered voters of the [City of Los Angeles] [Council District No. __] [Board of Education District No. __] sponsoring the Recall petition:”

(iii) The Statement of Reasons and Affidavit described in Section 719(c) and (d) in 12-point upper and lower case Roman type under the following statement in 12-point upper case Roman type:

“STATEMENT OF REASONS FOR PROPOSED RECALL”

(iv) The Answer described in Section 721(a)(3) in 12-point upper and lower case Roman type under the following statement in 12-point upper case Roman type:

“ANSWER AGAINST PROPOSED RECALL SUBMITTED BY OR ON BEHALF OF THE OFFICER”

ELECTION CODE

If the officer has not answered, the petition shall state in 12-point upper case Roman type:

“NO ANSWER WAS SUBMITTED BY OR ON BEHALF OF THE OFFICER”

(3) The petition sections shall be designed so that each signer shall personally affix all of the following:

(i) His or her signature.

(ii) His or her printed name.

(iii) His or her complete residence address, giving street and number, City and zip, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.

(iv) The date signed.

(4) The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.

(5) The petition may include a space that allows the signer the option of entering the signer's date of birth. If the signer's date of birth is requested, the petition shall clearly state that provision of this information is optional and will be used solely to facilitate the signature verification process.

(6) Each petition section shall be circulated by only one person.

(7) Each individual section shall have attached to it at the bottom of the last sheet thereof in 10-point upper and lower case Roman type the following affidavit, which shall be sworn to by the person circulating that section:

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 to me declared himself or herself at the time of signing to be a qualified, registered voter of the [City of Los Angeles] [Council District No._] [Board of Education District No._] and 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 were fastened together at the time the signatures were appended thereto.

ELECTION CODE

(c) If, upon completion of the initial review, the City Clerk determines that the total number of signatures affixed to petition sections with complete and fully executed Circulator Affidavits equals or exceeds the total number of signatures required, the City Clerk will issue to the proponents a Final Acceptance of Filing receipt that approves the petition for filing and for proceeding to the signature examination phase.

(d) If, upon completion of the initial review, the City Clerk determines that the total number of signatures affixed to petition sections with complete and fully executed Circulator Affidavits does not equal or exceed the total number of signatures required, the City Clerk will issue to the proponents a dated letter rejecting the filing documenting the petition's filing deficiency. No further action shall be taken by the City Clerk with regards to this petition.

(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 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.

(f) No amendments, changes, alterations or corrections 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. 726. Examination of Recall Petitions.

(a) Examination of Recall Petitions. Within 30 City business days after Final Acceptance of the filing of a Recall petition, the City Clerk shall examine the signatures on the petition to ascertain from the County of Los Angeles records of voter registration whether or not the petition is signed by the requisite number of qualified registered voters of the City, or applicable district if the officer sought to be recalled is a member of the City Council or the Board of Education. The Random Sampling signature verification method will not be used to verify the sufficiency of a Recall Petition. A signature shall be considered valid only if a current voter registration record is found in the County records which is dated on or prior to the time of signing the Recall petition and the signature and address correspond with that on the petition. The City Clerk may discontinue the further checking of a petition after having obtained the number of names required by law. The legibility of the names on the petition is the responsibility of the proponents. The City Clerk shall not be required to examine precinct lists or any other address directory or to undertake any investigation to identify the names of signers of the petition, and shall be required only to use reasonable diligence in reading and identifying the names of petition signers.

(b) Supplemental Recall Petitions. If the City Clerk certifies that the petition is found to be insufficient, it may be supplemented by filing, within 10 days of the City Clerk's certificate, one supplemental petition, in the same form as the original petition,

ELECTION CODE

bearing additional signatures secured within the 10-day period. No supplement may be filed later than 120 days after the authorized date to begin circulating the Recall petition. No signature on the supplemental petition shall be considered valid if it is shown, by the date on the petition, that it was signed prior to the date of the City Clerk's certificate of insufficiency of the original petition, or if that signature appeared on the original petition and was previously given proper credit. If a supplemental petition is properly filed, all valid signatures appended to the original petition and to the supplemental petition shall be considered in determining the sufficiency or insufficiency of the petition. Within 15 days after the filing of the supplemental petition, the City Clerk shall examine it and certify to the result of the examination in the manner provided in Subsection (a).

(c) Certification by City Clerk of a Recall Petition - Presentation to City Council. If the City Clerk determines that the petition, or the petition as supplemented, is sufficient, the City Clerk shall present the dated certification of sufficiency to the City Council and to the proponents without delay. If the City Clerk determines that the petition, or the petition as supplemented, is insufficient, the City Clerk shall prepare a dated certificate showing the result of the examination, and shall notify the proponents of the petition without delay. The sufficiency or insufficiency of the petition shall not be subject to review by the City Council.

(d) Contest of Certification of Insufficiency of a Recall Petition. If a Recall petition, or petition as supplemented, is certified by the City Clerk to be insufficient, the proponents shall, upon request, be given immediate access to review the petition. Within 30 days after the date of the City Clerk's certificate, the proponents may file with the City Clerk a statement of contest of the certification on the ground that the petition contains a sufficient number of valid signatures of registered voters for a certificate of sufficiency to be issued. The statement of contest shall be verified and shall contain a list identifying all signatures, which the City Clerk has determined are invalid but which the proponents claim are valid. For each signature, the list shall contain the following:

(1) The name and address of the signer;

(2) The section and line number where the signature is located on the petition; and

(3) The reference number by which the current voter registration record may be located in the records of the Office of the County Registrar/ Recorder. Alternatively, the proponents may furnish a certified copy of the affidavit of registration.

(e) Within 15 days after the filing of a statement of contest, the City Clerk shall examine the statement, current voter registration record and the affidavits attached or referred to in it. After examining the signatures referred to in the statement of contest, the City Clerk shall certify the sufficiency or insufficiency of the petition and shall notify the proponents of the petition of the results of the examination. No further statement of contest may be filed. If the City Clerk determines that the petition is sufficient, the City Clerk shall

ELECTION CODE

prepare a new certification to so indicate and shall present the new certificate to the City Council without delay.

(f) Judicial Contest of City Clerk's Determination on a Recall Petition. Any further action challenging the City Clerk's determination on the statement of contest shall only be made in an appropriate court of law. In any action, no signatures shall be considered which were not on the original statement of contest. After an election is held based on any petition, whether or not supplemented, the sufficiency of the petition and supplemental petition, if any, shall not be subject to judicial review or be otherwise questioned in any respect.

(g) Retention of Recall Petitions. The City Clerk shall preserve the petition until eight months after the certification of the results of the election for which the petition qualified or, if the Recall measure, for any reason is not submitted to the voters, eight months after the date of certification by the City Clerk or resolution of a contest if one is filed.

(h) Thereafter, the petition shall be destroyed as soon as practicable in accordance with City policy regarding records retention and destruction unless it is in evidence in some action or proceeding then pending or unless the City Clerk has received a written request from the U.S. Attorney, Attorney General, District Attorney, City Attorney, a Grand Jury, the Secretary of State, the Fair Political Practices Commission, the City Ethics Commission or the City Council that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot, or in a pending or ongoing investigation into violation of the Political Reform Act of 1974 or City law.

(i) Public access to any petition shall be restricted in accordance with Section 6253.5 of the Government Code.

(j) Notwithstanding the above, a copy of the first section of the petition with the City Clerk's certificate shall be kept permanently.

CHAPTER VIII

POLLING PLACE PROCEDURES

ARTICLE A – PRECINCT BOARDS

Sec. 800. Establishment and Composition of Precinct Boards.

(a) Precinct Boards shall be established as prescribed in Sections 402 and 403 of the Charter. The Precinct Boards shall be those persons staffing and operating the polling places to conduct the holding of the election in accordance with the Charter and this Code.

(b) The Precinct Board for a Primary Nominating or General Municipal Election will consist, to the extent feasible, of one Inspector and three clerks; except that in the case of any election held in the Los Angeles Unified School District outside of the City the number of Precinct Board Members for each precinct or consolidated precinct may consist of one Inspector and two clerks. For any Special City election, the number of Precinct Board Members for each precinct or consolidated precinct may consist of one Inspector and two clerks.

(c) Whenever feasible, Precinct Board Members appointed for a Primary Nominating election shall also be Precinct Board Members for the following General Municipal Election.

(d) The City may assign City employees and others to assist the Precinct Boards.

(e) This Chapter applies only to elections conducted by the City Clerk.

Sec. 801. Selection and Appointment of Precinct Board Members.

(a) Any registered voter may file an application for the position of Precinct Board Member on forms prepared by the City Clerk.

(b) The City Clerk shall have the sole responsibility to select and appoint persons to serve as Precinct Board Members. The City Clerk shall establish procedures to recruit, train and evaluate potential Precinct Board Members to ensure that the persons selected are both qualified and prepared to serve as Precinct Board Members.

(c) The City Clerk shall provide written notification to each person appointed to be a Precinct Board Member. The notification shall include the position to which the person has been appointed, the address of the polling place where the person will serve, the training schedule, the penalty for failure to serve, and any other information the City Clerk may determine to be necessary for the Precinct Board Members. The notification to the head of the Precinct Board, known as the Inspector, shall also include the name and address of the other persons appointed to serve with the Inspector in that precinct, and the position to which each person has been appointed.

Sec. 802. Precinct Board Member Qualifications.

(a) In accordance with Section 403 of the Charter, and except as provided in subsequent Section 803, Precinct Board Members will be registered voters 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, they will reside either in the precincts or within a general area surrounding the precincts in which they serve.

(b) Precinct Board Members must be able to read and write the English language.

(c) No candidate who has taken out papers for nomination, nor a member of the candidate's immediate family, shall be permitted to act as a Precinct Board Member.

Sec. 803. Additional Precinct Board Members.

For each precinct, the City Clerk may appoint five or fewer additional assistants who qualify under Subsections (a) and (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 attending 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. 804. Precinct Boards of Consolidated Precincts.

Precinct Board Members in consolidated precincts will, as far as practical, reside either in the precincts or within a general area surrounding the precincts in which they serve.

Sec. 805. Filling of Precinct Board Vacancies.

(a) Vacancies occurring in any Precinct Board before the day of election shall be filled by the City Clerk. In constituting Precinct Boards, the City Clerk may excuse persons appointed whom the City Clerk is satisfied ought to be excused. The City Clerk may substitute new appointees in all cases when any person appointed is excused or found disqualified or incompetent, by rescinding the appointment and so notifying the person, in which case the City Clerk shall send to the Inspector of the precinct an amended list of Precinct Board Members appointed. Any person who has accepted an appointment as a

ELECTION CODE

Precinct Board Member and who has not been excused from serving by the City Clerk shall serve in that capacity.

(b) Should a vacancy occur in any Precinct Board on the day of election, the remaining members thereof shall fill the vacancy. If none of the Precinct Board Members appear at the opening of the polling place, the City Clerk, or the voters of the precinct present at that time, may appoint a board.

(c) If during the progress of the election any clerk ceases to act or becomes incapacitated from acting, the Inspector shall appoint another person to act in the clerk's place, but if the cessation or incapacity is merely temporary, the duties of the absent member shall be performed by one of the other members to be designated by the Inspector, or in the Inspector's absence, by the board. If the Inspector ceases to act or becomes incapacitated, the remaining members of the board shall designate one of their number to perform the duties until the vacancy is filled.

Sec. 806. Precinct Board Compensation.

The Precinct Board Members shall receive compensation as the City Council may fix by ordinance, to be paid out of the City Treasury.

Sec. 807. Assignment or Transfer of Compensation.

(a) A Precinct Board Member shall not assign or in any manner transfer the compensation which the Precinct Board Member will receive or be entitled to receive for service as a Precinct Board Member until after the returns of the election from the precinct where the Precinct Board Member served as a Precinct Board Member has been sealed and delivered, as provided by this Code.

(b) It is unlawful for any person or corporation to receive any assignment or transfer of the compensation of any Precinct Board Member for the Precinct Board Member's services, or pay or advance any money to or for the use of a Precinct Board Member, until the election returns from the Precinct Board Member's precinct have been sealed and delivered, as provided in this Code.

Sec. 808. Prohibition against Influencing Precinct Board.

(a) It shall be unlawful for any person, other than as authorized by the City Clerk, to issue any instructions to the Precinct Board Members regarding the conduct of any City election, and it shall also be unlawful for any of the members of the Precinct Board to carry out any instructions so received which are contrary to the election laws. All instructions pertaining to the conduct of the election shall be issued by the City Clerk and forwarded to the members of the Precinct Boards, and only the instructions so received from the City Clerk shall be complied with.

(b) In addition to other restrictions provided in state and City law, it shall be unlawful for any candidate or representative of any candidate to provide any money or other valuable consideration, including free food or drink, to Precinct Board Members in connection with their election duties.

ARTICLE B – POLLING PLACES

Sec. 809. Selection of and Compensation for Polling Places.

(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.

(b) If suitable arrangements for a polling place within any precinct cannot be made, the City Clerk may designate a polling place for a precinct in any nearby precinct.

(c) The City Clerk may also co-locate two or more voting precincts into a single polling place, if the co-location will improve the timely identification of the polling place and will not adversely impact the operation of the polling place.

(d) The amount of rent to be paid shall be fixed by the City Council by ordinance.

Sec. 810. Primary and General Election Polling Places.

Whenever feasible, the polling places used for a Primary Nominating Election shall be the same as those used for the subsequent General Municipal Election.

Sec. 811. Change of Polling Place.

(a) Whenever it becomes necessary to change the location of a polling place prior to the day of election, the City Clerk shall select another place, and if polling place notices have already been mailed the City Clerk shall mail to each registered voter in the precinct a notice of the change, provided time will permit the notice reaching the voters prior to the election. If time does not permit a notice of change reaching the voters before the election, the City Clerk shall then post a notice, or otherwise provide information to the voters, of the change at or near the first polling place selected.

(b) If, on the day of election, for any valid reason, the polling place designated for any precinct cannot be used, the Precinct Board acting for that precinct shall select another polling place as near thereto as possible, and shall post a notice, or otherwise provide information to the voters, of the change on or near the place first designated, and forthwith proceed to conduct the election at the new location. The Precinct Board shall immediately notify the City Clerk by telephone of the reason for the change and give the new address and description of the polling place.

Sec. 812. Prohibition against Locating Polling Place in Location Whose Primary Operation is the Dispensing or Selling of Alcoholic Beverages.

A polling place shall not be located in any place whose primary operation is the dispensing or selling of alcoholic beverages.

Sec. 813. Prohibition against Locating Polling Place in a Candidate's Residence or Business.

A polling place shall not be located in the residence of, or business or other facility owned or controlled by, a candidate or immediate family member of a candidate.

Sec. 814. Display of American Flag.

An American flag, of which size as may be determined by the City Clerk, shall be displayed in a conspicuous location on the premises in front of the polling place.

Sec. 815. Electioneering and Intimidation.

(a) No person shall do any electioneering, solicit a vote, or speak to a voter on the subject of marking the voter's ballot on Election Day within 100 feet of the entrance to the polling place, location where the voters are voting or an elections official's office; this includes the audible dissemination of information that advocates for or against any candidate or measure on the ballot; nor shall any vehicle that has a banner or placard soliciting a vote or recommending any candidate or measure remain standing within 100 feet of the entrance to the polling place, location where the voters are voting, or an elections official's office except for the discharge or loading of passengers, nor shall any person or persons loiter on the premises while the polling place is open. Electioneering is further defined as inclusive of, but not limited to, any of the following:

- (1) a display of a candidate's name, likeness or logo;
- (2) a display of a ballot measure's number title, subject, or logo;
- (3) buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information;

(b) No person shall place a sign relating to a voter's qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 901.

Sec. 816. Observation of Polling Place Operations.

(a) Members of the public may be present in the polling place to monitor and observe the polling place operations throughout the election including the close-out of the polling place, but they shall not, in any way, interfere with any voter or hinder the Precinct Board Members in carrying out their appointed duties. The members of the public may also review

ELECTION CODE

the Roster of Registered Voters under the observation of a Precinct Board Member, provided that the review must not in any way interfere with the duties of the Precinct Board Members.

(b) Filming, photographing or otherwise recording is allowed inside and outside the polling place provided that the person filming does not, in any way, interfere with any voter or hinder the precinct Board Members in carrying out their appointed duties. Any person filming, photographing, or otherwise recording is subject to the following:

(1) Anyone wishing to film inside the polling place must:

(i) Obtain the consent of the voters and precinct board members who are inside prior to filming;

(ii) Not violate a voters' privacy in the voting booth; and

(iii) Not film any election material that can identify a voter including but not limited to, the Roster of Voters, voted ballot, and Index of Voters.

(2) Voters may not be filmed, photographed, or otherwise recorded entering or exiting the polling place without their consent.

(c) Exit interviews may be conducted with the voters' consent but must be done so at least 25 feet away from the entrance to the polling place after the voters have cast their ballot.

ARTICLE C – POLLING PLACE SUPPLIES

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. 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. 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. 820. Receipt for Equipment and Supplies.

(a) The City Clerk shall prepare a receipt for election equipment and supplies provided to each polling place, on which shall be enumerated the items provided and the time and date of receipt. This receipt shall be signed by the Inspector or some other Precinct Board Member, or someone designated by the Inspector. Upon acceptance of the supplies the receipt shall forthwith be returned to the City Clerk's office by the person providing the supplies.

(b) If the equipment and supplies are provided to someone other than the Inspector, the Inspector shall be notified as soon as possible by the person signing the receipt. The Inspector, or other designated board member, upon receiving the equipment and supplies shall immediately examine each item against the equipment and supply list to confirm that no items are missing. The package containing the Official Ballots shall be opened in a manner as to preserve the seal or ballot label and an examination of the contents thereof shall be made to see that all of the ballots enumerated on the label pasted on the outside of the package have been received.

ARTICLE D - OPENING OF THE POLLING PLACE

Sec. 821. Arrival at the Polling Place.

All Precinct Board Members shall arrive at the polling place at least one-half hour before the time set for the opening of the polling place to erect the voting booths, set up voting equipment, arrange tables, and distribute supplies, all for the proper conduct of the election.

Sec. 822. Declaration to Faithfully Discharge Duties.

(a) On the day of election, before entering upon the performance of the Precinct Board Member's duties, each Precinct Board Member shall sign a declaration to faithfully discharge the duties of a Precinct Board Member. The Precinct Board Member's signature shall be witnessed by any other Precinct Board Member and no one shall be able to act as a Precinct Board Member until they have complied with this provision.

(b) Any Precinct Board Member may administer and certify oaths required to be administered during the progress of an election. This authorization shall include the power to give any type of oath required of a public employee.

Sec. 823. Polling Place Set Up.

In addition to the regular duties assigned to them, the Precinct Board Members shall apportion among themselves, as they deem most advantageous, the following duties required in the conduct of the election:

(a) Before the polling place is opened the American flag shall be hung in a conspicuous place in front of the polling place, either horizontally or vertically, with the union (the area with the stars) upper-most to the flag's own right, and to the observer's left. The placard furnished by the City Clerk reading "No electioneering within 100 feet of the polling place" shall be posted outside of the polling place so that it is clearly visible.

(b) In the most convenient place for the voters, the voting equipment and booths shall be set up and each unit shall include all of the equipment, supplies, and instructions required by law and necessary to enable the voters to initiate and complete the act of voting. The voting booths and ballot box, or equivalent equipment, shall be arranged so that they will not be hidden from the view of the voters, any observers and the Precinct Board Members.

(c) Before opening the polling place (if this duty has not already been performed) any or all Precinct Board Members shall open the supply box and check the contents with the articles enumerated on the list inside of the supply box to see that all of the supplies have been received.

(d) Before the polling place opens, the package containing the Official Ballots shall be examined, and a check made to see that all of the ballots enumerated on the label pasted on the outside of the package have been received, and the total number of ballots shall then be entered in the appropriate place on the Roster Ballot Reconciliation sheet.

(e) Before the polling place opens, any electronic voting equipment to be used shall be activated and the start up sequence shall be initiated, pursuant to instructions issued by the City Clerk, to ensure that the voting equipment is ready for use by the voters.

(f) On a table or tables staffed by the Precinct Board Members there shall be placed the Official Ballots, or in the case of electronic voting equipment the activation cards, or equivalent device, the Roster of Registered Voters including any applicable Vote-By-Mail or Early Voting lists, all other multilingual voting materials provided including but not limited to Official Sample Ballots/Voter Information Pamphlets, and any other supplies needed for the voter sign-in process.

(g) All other supplies not in immediate use shall be preserved carefully for use when needed either during the progress of the election or when closing the polling place and conducting the required close-out reconciliation activities.

Sec. 824. Replacement of Equipment and Supplies.

The Inspector or other Precinct Board Member shall immediately notify the City Clerk if any of the equipment or supplies necessary to conduct the election are either missing or not functioning properly. Upon receipt of the notification, the City Clerk shall deliver the necessary replacement equipment or supplies to the polling place as soon as possible.

Sec. 825. Prohibition against Destruction or Removal of Instructions, Supplies and Equipment.

No person shall destroy, deface or remove any of the equipment, supplies or instructions placed in the polling place.

Sec. 826. Hours of Election.

The polling place shall be open for the purpose of voting at 7:00 a.m. and shall be kept open continuously until the hour of 8:00 p.m. on the day of each City election.

Sec. 827. Announcement of the Opening of the Polling Place.

The Precinct Board, before it issues any ballots, or in the case of electronic voting equipment the ballot activation cards, or equivalent device, shall proclaim aloud at the entrance of the polling place that the polling place is open.

ARTICLE E – POLLING PLACE OPERATIONS

Sec. 828. Commencement of Voting.

Voting may commence as soon as the polling place is open, and shall continue during all of the time the polling place remains open.

Sec. 829. Proximity to Voting Booth and Ballot Box.

(a) Only voters engaged in receiving, preparing, or depositing their ballots or ballot activation cards, or equivalent device, Precinct Board Members, and persons authorized by the Precinct Board to keep order and enforce the law, may be permitted to be within six feet of the ballot box, booths or compartments, or voting machines while the polling place is open.

(b) Notwithstanding the above, a voter may be accompanied to the voting booth by minor children under their care or by up to two other adult persons, designated by the voter, if the voter requires assistance while voting.

Sec. 830. Ballot Box.

Before any Official Ballots, or in the case of electronic voting equipment, the ballot activation cards, or equivalent device, are issued or permitted to be voted, the ballot box or equivalent equipment shall be opened by some Precinct Board Member and the interior thereof exposed to the view of all persons assembled at the polling place, in order to make certain that no ballots are contained therein. Thereafter the ballot box or equivalent equipment shall be closed and properly secured, be kept constantly in sight of all persons entitled to be present, and shall not be opened until the polling place is finally closed. The ballot box or equivalent equipment shall be so placed in the room so that a voter returning a voted ballot to be deposited therein, the Precinct Board Members and all persons entitled to be present can conveniently see the ballot box. The ballot box or equivalent equipment shall not be removed from the polling place or the presence of the observers until all the ballots are removed, reconciled and prepared for transport to the vote tally center.

Sec. 831. Absence from the Polling Place.

Not more than one Precinct Board Member shall be absent from the polling place at any one time and for a period not to exceed one hour.

Sec. 832. Voter Sign-In.

Any voter desiring to vote shall announce the name and address to the Precinct Board Member in charge of the Index of Registered Voters, and if the name is found thereon, a Precinct Board Member shall repeat the name and address, whereupon a challenge may be issued. If there is no challenge, or if it is overruled, the voter shall then be permitted to write the appropriate name and address (or, if the voter is unable to write, shall have it written by another person) on the Roster of Registered Voters. The Index of Registered Voters shall include all eligible voters as determined by the Registrar-Recorder.

Sec. 833. Confirmation of Vote-By-Mail or Early Voting Status.

Before a ballot, or in the case of electronic voting equipment, the ballot activation card, or equivalent device, is issued to any voter, one of the Precinct Board Members shall ascertain whether the name of the voter is on the Vote-By-Mail, Early Voting or list of voters challenged. Nothing in this section shall limit the ability of the voter to vote a Provisional Ballot pursuant to Chapter IX.

Sec. 834. Change of Voter Surname.

If the surname of any voter offering to vote has changed since the voter has registered, the voter shall sign the appropriate name as it was before the change and the

appropriate name as it is at the time the voter votes, indicating on the Roster of Registered Voters by brackets or other means that the two names are those of one voter.

Sec. 835. Issuing Ballot.

The Precinct Board Member shall give each voter only one City ballot, or in the case of electronic voting equipment one ballot activation card or equivalent device, (except as otherwise authorized in this Code) in the consecutive order of their numbering, as applicable.

Sec. 836. Ballots in Concurrent Elections.

Whenever a City election is conducted on the same day as another city, county or State election, but not consolidated therewith, or consolidated but having a separate ballot, the Precinct Board shall follow the instructions as provided by the City Clerk for each jurisdiction for processing voters and ballots to guarantee that the elections are administered according to the appropriate rules, and ballots are returned to the proper location for canvass and reporting.

Sec. 837. Voting Instructions.

The Precinct Board Member who issues a ballot, or in the case of electronic voting equipment, the ballot activation card, or equivalent device, to any voter shall orally request each voter to read the instructions to voters as printed on top of the ballot or other media and to mark the ballot accordingly.

Sec. 838. Time Allotted for Voting.

Upon receiving the ballot, the voter shall, for the purpose of casting the vote, go immediately to one of the unoccupied booths or compartments. The voter shall remain in the voting booth or compartment only as long as reasonably necessary to complete the voting of their ballot. Not more than one voter at a time shall be permitted to occupy a booth or compartment, except as provided for in Section 829 of this Code.

Sec. 839. Compliance with Voting Instructions.

In voting for candidates or measures, the voter shall comply with the instructions on the ballot, the voting equipment or other media provided by the City Clerk and compliance with those instructions shall require the City Clerk to count the votes so cast. A voter may vote for a qualified write-in candidate whose name is not printed on the ballot or displayed on the voting equipment by writing or entering the name of that candidate for that office in the space provided therefor, in which case the vote for that office shall be counted for the candidate whose name is so written or entered.

Sec. 840. Preservation of Anonymity of Voter.

A voter shall not place any mark upon the ballot by which it may afterwards be identified as the one voted by that voter.

Sec. 841. Use of Secrecy Envelope.

When using a paper ballot with a secrecy envelope, before leaving the voting booth or compartment, the voter shall place the ballot in the secrecy envelope provided, without displaying the voting marks on its face, and shall not show it to anyone in a way as to reveal its contents, except that a voter may voluntarily disclose how he or she voted if that voluntary act does not violate any other law.

Sec. 842. Return and Deposit of Ballot.

After placing the paper ballot in the secrecy envelope, the voter shall deliver it to a Precinct Board Member, who shall then separate from the ballot the slip containing the number and hand the ballot stub to the voter. The Precinct Board Member shall then deposit the ballot in the ballot box. No ballot shall be deposited in the ballot box until the ballot stub has been removed and handed to the voter. No Precinct Board Member shall attempt to find out how anyone has voted, place any mark or device on any ballot, nor permit any others to do so.

Sec. 843. Return of Ballot Activation Card.

When using electronic voting equipment, the voter shall return the ballot activation card or equivalent device to a Precinct Board Member immediately after completion of voting. The voter shall retain any voting receipt issued by either the voting equipment or the Precinct Board Member.

Sec. 844. Prohibition against Disclosure of Vote or Intended Vote.

While in the polling place, no voter shall declare to anyone else how the voter intends to or has voted, nor shall anyone ask another person at a polling place for whom the voter intends to or has voted. A Precinct Board Member shall not disclose how a voter has voted. Notwithstanding the foregoing, a voter may voluntarily disclose how he or she voted if that voluntary act does not violate any other law.

Sec. 845. Issuance of Official Ballot Only.

A Precinct Board Member shall not issue to a voter, nor deposit in the ballot box, nor count, any ballot other than that furnished by the City Clerk.

Sec. 846. Return of Official Ballot Only.

A voter shall not deliver to the Precinct Board, or to any of its members, any ballot other than the one the voter has received from the Precinct Board Member authorized by law to furnish the voter with the Official Ballot. Only a Precinct Board Member may receive from a voter a ballot marked by the voter. No one may examine or solicit the voter to reveal the votes on the ballot.

Sec. 847. Right to Receive Replacement Ballots.

If any voter spoils a ballot, the voter shall be entitled to obtain additional ballots, one at a time, not exceeding two additional ballots in all, upon returning each spoiled one to the Precinct Board Member having charge of Official Ballots.

Sec. 848. Disposition of Spoiled Ballots.

The Precinct Board shall immediately cancel all spoiled ballots returned, by writing on the back in ink the words "Spoiled by Voter," and a majority of the Precinct Board Members affixing their signatures thereto. A record of the number of spoiled ballots shall be kept and entered on the Roster Ballot Reconciliation sheet.

Sec. 849. Disposition of Non-Voted Ballot.

(a) If a voter, who has signed the Roster of Registered Voters and has been issued a ballot, or in the case of electronic voting equipment a ballot activation card, or equivalent device, decides that the voter does not wish to vote, the voter shall return the ballot or the ballot activation card to the Precinct Board Member having charge of Official Ballots, whereupon, in the case of a paper ballot, it shall be canceled by the drawing of an "X" or similar mark of not less than three inches in size, by the marking of the words "Returned not Voted," and the affixing of the signatures by a majority of the Precinct Board Members on the face of the ballot. In the case of electronic voting equipment, the City Clerk shall give instructions to Precinct Board Members on non-voted ballots.

(b) A line shall be drawn through the voter's name on the Roster of Registered Voters and the words "Ballot returned-did not vote" written above the voter's name, together with initials of the Precinct Board Member having charge of the Roster of Registered Voters. The voter's name shall then be entered on the certificate in the Roster of Registered Voters and signed by all Precinct Board Members, and a record made on the Roster Ballot Reconciliation sheet.

Sec. 850. Removal of Ballot from Polling Place.

No one shall take a ballot, ballot activation card, voting equipment or equivalent device from the polling place, except as provided in Section 851(b).

Sec. 851. Assistance Provided to Voter.

(a) When a voter declares under oath, administered by any Precinct Board Member at the time the voter appears at the polling place to vote, that the voter is unable to mark a ballot, the voter shall receive the assistance of not more than two persons selected by the voter.

(b) In those polling places which are not accessible to persons with disabilities, a voter with disability may appear outside the polling place and vote a regular ballot. Voters may vote the ballot in a place which is as near as possible to the polling place and which is accessible to persons with disabilities. A Precinct Board Member shall take a regular ballot to the voter, qualify the voter to vote, and return the voted ballot to the polling place to be deposited in the ballot box.

(c) Voters requiring foreign language assistance at the polling place may be assisted by their own interpreters. Voters may also request assistance from the Precinct Board Members. If a Precinct Board Member is able to provide assistance in the language requested, that member shall do so personally. If no Precinct Board Member is able to personally provide assistance, the Precinct Board Members shall provide assistance by way of a non-English language assistance program authorized by the City Clerk.

Sec. 852. Prohibition against Influencing a Voter or Divulging a Voter's Selection.

Anyone assisting any voter in the marking of a ballot must not influence or attempt to influence the voter in the selection of candidates to be voted on, or for or against any measure, and after assisting the voter, shall not divulge any information regarding the marking of the ballot.

Sec. 853. Oath Required of those Assisting a Voter.

(a) The person or persons assisting the voter in marking the voter's ballot shall subscribe and take an oath before assisting the voter, declaring that they will assist the voter in marking or punching the ballot and will not give any information, now or hereafter, regarding the same.

(b) The affidavits may be sworn to before any Precinct Board Member of election competent to administer an oath, and, with the endorsements thereon, shall be returned to the City Clerk with the other election materials and records. The Precinct Board Member having charge of the Roster of Registered Voters shall enter therein the names of those voters assisted in marking their ballots.

Sec. 854. Use of Voter Sign-in Table.

No one shall be permitted during the hours within which voting is in progress to sit at the desk or table used by the Precinct Board other than Precinct Board Members and voters signing their names on the Roster of Registered Voters.

Sec. 855. No Closure of the Polling Place During the Hours of Election.

No adjournment or intermission shall take place until the polling place is closed and until all the ballots cast at the polling place are reconciled for delivery to the return center or tally center. This shall not prevent the temporary absence of one Precinct Board Member at a time while taking meals or for any other necessary purpose.

Sec. 856. Ten – Minute Announcement of Closing of the Polling Place.

Ten minutes before the hour of closing the polling place, a Precinct Board Member shall make a public proclamation in a loud and distinct voice to the people outside of the polling place that in 10 minutes the polling place will be closed.

Sec. 857. Announcing the Closing of the Polling Place.

When the time arrives for the closing of the polling place, all Precinct Board Members shall be present, and the Inspector shall, in a loud and distinct voice, proclaim to the people outside of the polling place that the polling place is closed, except to receive the vote of the voters as may at the time be within the election booths or waiting in line either inside or outside of the polling place for an opportunity to vote. If at the time of closing there are any other voters in the polling place, or in line at the door, and have not been able to vote, these voters and only these voters shall be allowed to cast their votes. Only those persons present at the time of closing shall be entitled to vote.

ARTICLE F – POLLING PLACE CLOSE-OUT PROCEDURES

Sec. 858. Reconciliation of Ballots.

(a) All of the unused, spoiled, cancelled, and rejected ballots, or in the case of electronic voting equipment, the ballot cartridge or equivalent device, shall be placed in the boxes or envelopes provided for the purpose by the City Clerk properly sealed, signed by the Precinct Board Members, and handled pursuant to instructions by the City Clerk.

(b) The Precinct Board shall then reconcile all ballots cast.

Sec. 859. Preparing and Sealing Ballots for Delivery.

After the reconciliation of the ballots by the Precinct Board has been completed, all voted ballots, supplies, and records of the election shall be prepared for delivery and placed in the boxes or envelopes provided for the purpose by the City Clerk properly sealed, signed by the Precinct Board Members, and handled pursuant to instructions by the City Clerk.

Sec. 860. Return of Supplies and Equipment.

After completion of the ballot reconciliation process, the Precinct Board shall prepare all voting equipment and other polling place supplies and return them pursuant to instruction by the City Clerk.

Sec. 861. Disposition of Voting Booths.

The booth, or booths, shall be dismantled by the Precinct Board and handled pursuant to instructions issued by the City Clerk.

Sec. 862. Designation of Precinct Board Members to Deliver Ballots and Supplies to the City Clerk.

Before the Precinct Board adjourns, it shall select and agree upon two members to act as custodians to be entrusted with the duties of delivering without delay, directly from the polling place to the return center the ballots or ballot cartridges or equivalent device, voting equipment and other polling place supplies as directed by the City Clerk.

Sec. 863. Return Center.

The City Clerk may establish one or more return centers at locations specified by the City Clerk. Each return center so designated shall serve those precincts as may be determined by the City Clerk.

Sec. 864. Receipt of Ballots, Equipment and Supplies at the Return Center.

Upon receipt of the ballots or ballot cartridges, voting equipment or equivalent device, and other polling place supplies at the return center, the Deputy City Clerks assigned to that return center shall make certain that they have received from each precinct all the election equipment and supplies to be returned and that the box or envelope containing the ballots, or in the case of electronic voting the ballot cartridge, or equivalent device, is properly sealed.

Sec. 865. Delivery of Ballots, Equipment and Supplies to the City Clerk.

The ballots or ballot cartridges, voting equipment or equivalent device and other polling place supplies delivered to all return centers shall in turn be transported to the City Clerk in a manner and by a method as may be determined by the City Clerk.

Sec. 866. Authority of the City Clerk to Require Precinct Board to Produce Missing Ballots or Correct Ballot Reconciliation Materials.

If it shall appear to the City Clerk that the ballots, ballot cartridges or equivalent device from any precinct are missing, the City Clerk shall require the Precinct Board to produce the missing ballots or ballot cartridges or equivalent device. If any clerical errors in the ballot reconciliation are noted by the City Clerk, the City Clerk may require the Precinct Board to appear before the City Clerk and correct clerical errors.

CHAPTER IX

CHALLENGES AND PROVISIONAL VOTING

Sec. 900. Purpose.

This Chapter sets out the process by which challenges to a voter's entitlement to vote can be made and resolved at the polling place and, where resolution in favor of the voter at the polling place is not possible, for the use of the Provisional Ballot. The intent of this Chapter is to establish the process whereby all eligible voters are able to cast a ballot and are not denied the right to vote due to administrative errors or unsubstantiated challenges. This Chapter applies only to elections conducted by the City Clerk.

ARTICLE A – CHALLENGES AND RESOLUTION FOR VOTERS LISTED ON THE ROSTER OF REGISTERED VOTERS

Sec. 901. Challenges.

A voter whose name is listed on the Roster of Registered Voters may be orally challenged by a Precinct Board Member upon any or all of the following grounds:

- (a) That the voter is not the voter whose name appears on the Roster of Registered Voters;
- (b) That the voter is not a United States citizen 18 years of age or older;
- (c) That the voter is not a resident of the precinct;
- (d) That the voter moved out of the precinct 15 days or more prior to the election, or has moved into the precinct less than 15 days prior to the election;
- (e) That the voter has already voted that day;
- (f) That the voter's name appears on the Vote-By-Mail or Early Voting voter's list issued by the City Clerk and appended to the Roster of Registered Voters; or
- (g) That the voter is presently on parole for conviction of a felony.

Sec. 902. Resolution of the Challenge to the Voter's Identity.

If the challenge is on the grounds that the voter is not the voter whose name appears on the Roster of Registered Voters, a Precinct Board Member shall tender the following oath to the voter: "Do you swear (or affirm) that you are the voter whose name is entered on the Roster of Registered Voters?" Upon taking the oath, the voter shall be allowed to vote a regular ballot.

Sec. 903. Resolution of the Challenge to the Voter's Age

If the challenge is on the grounds that the voter is not a United States citizen 18 years of age or older, a Precinct Board Member shall tender the following oath to the voter: "Do you swear (or affirm) that you are a United States Citizen 18 years of age or older?" Upon taking the oath, the voter shall be allowed to vote a regular ballot.

Sec. 904. Resolution of the Challenge that the Voter is Not a Resident of the Precinct.

If the challenge is on the grounds that the voter is not a resident of the precinct or has moved out of the precinct 15 or more days prior to the election, the voter challenged shall be sworn to answer questions and, after that voter is sworn, a Precinct Board Member shall ask the voter the following question: "Do you swear (or affirm) that you are a resident of this precinct?" Upon taking the oath, the voter shall be allowed to vote a regular ballot.

Sec. 905. Resolution of the Challenge that the Voter has Already Voted.

(a) If the challenge is on the grounds that the voter challenged has already voted that day, a Precinct Board Member responsible for the conduct of the election shall tender to the voter challenged this oath: "Do you swear (or affirm) that you have not voted this day?" Upon taking the oath, the voter shall be allowed to vote a regular ballot, unless the challenge is based on a signature next to the voter's name on the Roster of Registered Voters.

(b) If the challenge is based on a signature having previously been affixed next to the name listed on the Roster of Registered Voters, then the voter will be able to vote a Provisional Ballot after taking the oath specified in Subsection (a) above.

Sec. 906. Resolution of the Challenge if the Voter's Name Appears on the Vote-By-Mail or Early Voting Roster.

If the challenge is on the grounds that the voter's name appears on the Vote-By-Mail or Early Voting voter's list issued by the City Clerk and appended to the Roster of Registered Voters; the voter shall surrender their Vote-By-Mail Ballot after which they shall be allowed to vote a regular ballot. If the voter does not surrender their Vote-By-Mail Ballot or if they appear on the early voting list, the voter shall not be allowed to vote a regular ballot but may vote a Provisional Ballot as provided in Article C herein.

Sec. 907. Resolution of the Challenge if the Voter is on Parole.

If the challenge is on the grounds that the voter challenged is presently on parole for conviction of a felony, the challenged voter shall not be questioned, but the fact may be proved by the production of an authenticated copy of the record by the person making the challenge. Upon presentation of an authenticated record, the voter shall not be allowed to vote a regular ballot but may vote a Provisional Ballot as provided in Article C herein.

The authenticated record shall be delivered to the City Clerk along with the Provisional Ballot so that the City Clerk may determine the disposition of the Provisional Ballot.

Sec. 908. Voter's Refusal to Take an Oath.

If anyone challenged refuses to take an oath tendered, or refuses to be sworn and to answer the questions concerning the entitlement to vote as described in this Chapter, the voter shall not be allowed to vote a regular ballot but may vote a Provisional Ballot as provided in Article C herein.

Sec. 909. Reading of Voter Challenges by Request.

Before administering an oath to a voter regarding the entitlement to vote as described in this Chapter, a Precinct Board Member shall, if requested, read to the voter challenged the rules prescribed in this Code.

Sec. 910. List of Challenges.

The Precinct Board shall cause one of its clerks to keep a list, showing:

- (a) The name and address of each voter challenged,
- (b) The grounds of each challenge and the name and address of the person offering information concerning any voter's qualification to vote, and
- (c) The determination of the Precinct Board upon the challenge, along with any evidence pertaining thereto.

ARTICLE B – CHALLENGES AND RESOLUTION FOR VOTERS NOT LISTED ON THE ROSTER OF REGISTERED VOTERS.

Sec. 911. Resolution of the Challenge if the Voter's Name is Not on the Roster of Registered Voters.

If a voter is not on the Roster of Registered Voters, the Precinct Board will attempt to determine if the voter is in the correct precinct. If the voter is in the wrong precinct, the Precinct Board shall direct them to their correct precinct, but the voter may elect to vote a Provisional Ballot after the Precinct Board advises the voter that only the votes for offices and measures for which they are eligible to vote shall be counted. If it cannot be determined whether the voter is in the correct precinct, they shall be allowed to vote a Provisional Ballot as provided in Article C herein.

Sec. 912. Election Day Registration.

Should Federal or State law allow a voter, who is not previously registered, to register on the day of election, that voter shall be required to vote a Provisional Ballot as provided in Article C herein.

ARTICLE C –PROVISIONAL BALLOTS

Sec. 913. Definition of Provisional Voting.

In all cases where a challenge to a voter’s entitlement to vote cannot be resolved at the polling place in favor of the voter, that voter shall be allowed to vote a Provisional Ballot. In those cases, it shall be the obligation of the Precinct Board to inform the voter of their right to vote a Provisional Ballot.

Sec. 914. Provisional Voting Supplies.

The City Clerk shall provide to each voting precinct sufficient Provisional Ballot envelopes and instructions on their use. Where electronic voting equipment is utilized the City Clerk shall provide Provisional Ballot information cards and instructions on their use in conjunction with the electronic ballot activation cards, or equivalent device. The Provisional Ballot envelopes and/or information cards shall request all relevant information required to determine the voter’s entitlement to vote in the particular election.

ARTICLE D – DETERMINING RESIDENCE STATUS

Sec. 915. Residence.

(a) Except as otherwise provided in this Code, the term “residence” for voting purposes shall mean a voter’s domicile. The term of domicile is computed by including the day on which the voter’s domicile commenced, and by excluding the day of the election.

(b) The Precinct Board and the City Clerk, in determining the place of residence of any voter, shall be governed by the rules set forth below:

(1) The domicile of a voter is the place in which the voter’s habitation is fixed, wherein the person has the intention of remaining, and to which, whenever the voter is absent, the voter has the intention of returning. At any given time a person may have only one domicile.

(2) A voter does not gain or lose a domicile solely by reason of the voter’s presence or absence from a place while employed in the service of the United States, or of this State, nor while engaged in navigation, nor while a student at an institution of learning, nor while housed or incarcerated in an institution. This section shall not be construed to prevent a student at an institution of learning from

ELECTION CODE

qualifying as a voter in the locality where the voter domiciles while attending that institution, when in fact the student has abandoned his or her former domicile.

(3) A voter's domicile is not lost when the voter leaves to go into another State, or precinct in this State, merely for temporary purposes, with the intention of returning.

(4) A voter does not gain a domicile in any precinct into which the voter comes merely for temporary purpose, without the intention of making that precinct the voter's home.

(5) If a voter moves to another state with the intention of making it the voter's domicile, the voter loses the voter's domicile in this state.

(6) If a voter moves to another State as a place for permanent residence, with the intention of remaining there for an indefinite time, the voter loses the voter's domicile in this State, notwithstanding that the voter entertains an intention for returning at some future period.

(7) The place where a voter's immediate family is domiciled is that voter's domicile, unless it is a place for temporary establishment of the voter's family or for transient purposes. Residence in a trailer or vehicle or at any public camp or camping ground may constitute a permanent establishment or domicile for voting purposes, provided the registrant complies with the other requirements of this Article.

(8) If a voter's immediate family is fixed in one place, and the voter does business in another, the former is the voter's domicile, but any voter who has taken up an abode with the intention of remaining, and whose immediate family does not so reside with the voter, is domiciled where the voter has taken up his or her abode.

(9) The domicile of one spouse shall not be presumed to be domicile of the other, but shall be determined independently in accordance with this Article.

(10) The mere intention to acquire a new domicile, without the fact of removal, avails nothing; neither does the fact of removal without the intention.

(11) A certified copy of a current voter registration record is prima facie evidence that the voter named in the entry is a voter of the County.

CHAPTER X

VOTING BY MAIL

Sec. 1000. Liberal Construction.

This Chapter shall be liberally construed in favor of the voter voting by mail. This Chapter applies only to elections conducted by the City Clerk.

Sec. 1001. Form of Ballot.

The City Clerk may provide that voting by mail shall be by paper ballot, or some other ballot form that has been created to allow the ballot to be counted on a voting system certified by the Secretary of State.

Sec. 1002. Vote-By-Mail Ballot Available to Any Registered Voter.

Vote-By-Mail Ballots shall be available to any registered voter, as follows:

- (a) those that request it through the application process as provided in this Code,
- (b) any “Military or Overseas Voter” as provided for in the California Elections Code,
- (c) any registered voter who resides within a precinct which is wholly on federally owned or controlled land,
- (d) any voter designated by the County as a permanent Vote-By-Mail voter, and
- (e) any voter residing in a precinct that has been designated to be a Vote-By-Mail precinct for that election.

Sec. 1003. Confidential Registered Voters.

A voter granted confidentiality pursuant to Section 2166 and 2166.5 of the California Elections Code shall be considered a Vote-By-Mail voter and the process used for permanent Vote-By-Mail voters will be utilized for a confidential voter.

Sec. 1004. Confidentiality of Vote-By-Mail Applications and Ballots.

Vote-By-Mail Applications and Vote-By-Mail Ballots shall be kept confidential and not be disseminated by the City Clerk before the City Clerk has certified the results of the election involved except to the extent necessary to determine voter eligibility lists for Precinct Board Member purposes and permit public observation of Vote-By-Mail Ballot verification, processing and counting as described in Chapter XII.

Sec. 1005. Application for Vote-By-Mail Voter's Ballot.

(a) An application for a Vote-By-Mail Ballot shall be made in writing to the City Clerk between the 29th and the 7th day before the election. An application for a Vote-By-Mail Ballot can also be faxed to the City Clerk between the 29th and the 7th day before the election. The application must be received by the City Clerk by postal or private carrier or fax no later than the 7th day prior to the election by 5:00 p.m. The application shall be signed by the applicant and shall show the place of residence. Any applications received by the City Clerk prior to the 29th day before an election shall be kept and processed between the 29th and 7th day prior to the election.

(b) An application does not need to be made to the City Clerk by any voter that is shown on the Registrar's records as a permanent Vote-By-Mail voter, a confidential voter, a "Military or Overseas Voter," or a voter that resides in a precinct designated by the City Clerk to be a Vote-By-Mail precinct. In these instances the City Clerk shall provide Vote-By-Mail Ballots to these voters without requiring an application.

(c) The City Clerk shall preserve all applications for Vote-By-Mail Ballots for a period of six months from the date of the election.

Sec. 1006. Designated Vote-By-Mail Precinct.

Whenever there are 250 or less voters registered to vote in any voting precinct, the City Clerk may furnish each voter with a Vote-By-Mail Ballot along with a statement that there will be no polling place for the election within the precinct. The City Clerk shall also notify each voter of the location of the two nearest polling places in the event the voter chooses to return the ballot on election day. The voter shall not be required to file an application for the Vote-By-Mail Ballot.

Sec. 1007. Form of Vote-By-Mail Application.

(a) Any printed application distributed to voters requesting Vote-By-Mail Ballots shall contain spaces for the following:

(1) The printed name and residence address of the voter as it appears on the current voter registration record.

(2) The address to which the ballot is to be mailed, if different from the residence.

(3) The Statement that the voter has not and will not apply for a Vote-By-Mail Ballot by any other means.

(4) The voter's signature.

(5) The name and date of the election for which the request is made.

ELECTION CODE

(6) The date and time on or before which the application must be received by the City Clerk.

(7) The name, address and telephone number of the organization distributing the application, in point size no larger than eight-point, beginning at the bottom left margin and continuing across the bottom of the application.

(8) Any application that contains preprinted voter information shall contain a conspicuously printed statement, as follows: "Only the voter has the legal right to mail or deliver this application directly to the City Clerk."

(9) The information required by Subsections (a)(1), (3), (5), (6), (7), and (8) may be preprinted on the application. The information required by Subsections (2) and (4) shall be personally affixed by the voter.

(b) When an application is submitted not on a printed form, the application shall contain the information listed in Subsections (a)(1), (2), (4) and (5) of this section.

Sec. 1008. Issuance of Vote-By-Mail Application by the City Clerk.

(a) The City Clerk shall make the Vote-By-Mail Ballot Application available on the Election Division Website, in the office and include it with the Official Sample Ballot.

(b) No person or persons other than the voter shall be involved with or participate in any way in the handling of completed Vote-By-Mail Ballot Applications, except for initial distribution. This section does not prohibit a person or persons from helping the voter complete a Vote-By-Mail Ballot Application.

Sec. 1009. Delivery of the Vote-By-Mail Ballot.

(a) Upon receipt of a Vote-By-Mail Ballot Application signed by the voter that arrives within the proper time, and if the City Clerk is able to determine that the applicant is entitled to receive a Vote-By-Mail Ballot, the City Clerk shall deliver or mail a Vote-By-Mail Ballot to the applicant.

(b) If written proof is presented that the applicant is confined to the applicant's own home, or to a hospital, sanitarium or nursing home, by reason of illness, injury or disability, the applicant may also designate in writing an agent to receive a Vote-By-Mail Ballot, deliver the same to the applicant and return the same to the City Clerk after the applicant has marked the ballot.

Sec. 1010. Applicant Not on the Registration Records.

If the applicant's registration records cannot be found, the applicant shall, if time permits, be so notified before the election.

Sec. 1011. Issuing a Replacement Ballot to an Applicant.

(a) The City Clerk shall send a replacement Vote-By-Mail Ballot to any voter for the following reasons:

(1) The voter requests a replacement ballot and provides a statement to the City Clerk under penalty of perjury that the voter has failed to receive, has lost, or has destroyed his or her original ballot, unless the records show that the voter's original Vote-By-Mail ballot was returned to and received by the City Clerk.

(2) The voter has registered or has had a correction made to the voter's registered name or address after which time the original Vote-By-Mail Ballot was mailed to the voter, but prior to registration deadlines for that election.

(b) The City Clerk has the discretion to issue a replacement ballot to voters who claim fraud as a reason for requesting a replacement ballot.

(c) Prior to counting any replacement ballot, the City Clerk shall verify that the voter has not attempted to vote more than once.

Sec. 1012. Voter May Apply for and Vote a Vote-By-Mail Ballot in the City Clerk's Office.

(a) A voter may apply in person for a Vote-By-Mail Ballot in the City Clerk's office no earlier than the 29th day and no later than 5:00 p.m. the day prior to election day. A Vote-By-Mail voter may vote the ballot in the office of the City Clerk prior to 5:00 p.m. the day before election day.

(b) Any ballot that is voted in this manner after the Vote-By-Mail voter roster list has been created and issued, shall be held until after election day to ensure that the voter has not voted another ballot by any other means. If it is determined that the voter has voted another ballot, the in-person Vote-By-Mail Ballot shall be challenged and not counted.

Sec. 1013. Form of Vote-By-Mail Ballot Return Envelope.

The Vote-By-Mail Ballot Return Envelope shall contain the following:

- (a) A declaration, under penalty of perjury, stating that the voter resides within the precinct in which the voter is voting, and is the voter whose name appears on the envelope;
- (b) the signature of the voter;
- (c) the residence of the voter as shown on the current voter registration record;
- (d) the date the voter signed the envelope;
- (e) a notice that the envelope contains an Official Ballot and is to be opened only by the canvassing board;
- (f) a warning plainly stamped or printed on the envelope that voting more than once constitutes a crime;
- (g) a warning plainly stamped or printed on the envelope that the voter must sign the envelope in the voter's handwriting in order for the ballot to be counted; and
- (h) if the voter designates another person to return the voter's ballot, the name of the person authorized by the voter to return the Vote-By-Mail Ballot pursuant to Section 1009, 1014 or 1018, the relationship to the voter of the person authorized to return the Vote-By-Mail Ballot, and the signature of the person authorized by the voter to return the Vote-By-Mail Ballot.

Sec. 1014. Return of Voted Ballot.

(a) After marking the ballot, the Vote-By-Mail voter may return it to the City Clerk by mail or in person or by an agent designated in writing for such purposes, or may return it to any Precinct Board Member at any polling place within the election jurisdiction in person or by an agent designated in writing for such purposes. The ballot must, however, be received by either the City Clerk or the Precinct Board prior to the close of the polling places on election day.

(b) Notwithstanding Subsection (a), any Vote-By-Mail Ballot shall be timely cast if it is received by the City Clerk via the United States Postal Service or a bona fide private mail delivery company no later than three days after election day and either of the following is satisfied:

- (1) The ballot is postmarked on or before election day or is time stamped or date stamped by a bona fide private mail delivery company on or before election day.

ELECTION CODE

(2) If the ballot has no postmark, a postmark with no date, or an illegible postmark, the Vote-By-Mail ballot identification envelope is date stamped by the City Clerk upon receipt of the Vote-By-Mail Ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated pursuant to Section 1013 on or before election day.

(c) Except for the prohibitions contained in this paragraph, a voter may designate another person to return the voter's Vote-By-Mail Ballot by complying with Section 1013(h) above.

(d) No individual, person, group, or organization shall willfully interfere with or cause interference with the return of a Vote-By-Mail Ballot. A person designated to return a Vote-By-Mail Ballot shall not receive any form of compensation based on the number of ballots that the person has returned and no individual, group, or organization shall provide compensation on this basis. For purposes of this subsection, "compensation" means any form of monetary payment, goods, services, benefits, promises or offers of employment, or any other form of consideration offered to another person in exchange for returning another voter's Vote-By-Mail Ballot. Any acts related to that ballot as described in the State Elections Code, including, but not limited to, fraud, bribery, intimidation, and tampering with or failing to deliver the ballot in a timely fashion, is subject to the appropriate punishment specified in the State Elections Code.

(e) The City Clerk shall establish procedures to assure the secrecy of any voted Vote-By-Mail Ballot.

Sec. 1015. Voting by Facsimile.

(a) After marking the ballot, the Military or Overseas voter may return it to the City Clerk by mail or in person, to any Precinct Board Member at any polling place within the election jurisdiction, or, if a Military or Overseas voter is temporarily living outside of the territorial limits of the United States or the District of Columbia, or is called for military service within the United States on or after the final date to make an application for a Vote-By-Mail Ballot, the voter may return the ballot by facsimile transmission. To be counted, the ballot returned by facsimile transmission must be received by the City Clerk no later than the closing of the polling places on election day and must be accompanied by the identification information and the oath specified in this Section as follows:

OATH OF VOTER

I, _____, acknowledge that by returning my voted ballot by facsimile transmission, I have waived my right to have my ballot kept secret from election officials during its initial processing period. Nevertheless, I understand that, as with any Vote-By-Mail voter, my signature, whether on this oath or voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the counting process and thereafter.

ELECTION CODE

My residence address is _____

(Street Address)

(City)

(Zip Code)

My E-mail address is _____. (Optional) My facsimile transmission number is _____.

I am a resident of Los Angeles County, State of California, and I have not applied, nor intend to apply, for a Vote-By-Mail Ballot from any other jurisdiction for the same election.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this ____ day of _____, 20__.

(Signed)

Voter (power of attorney cannot be accepted)

(b) Notwithstanding the voter's waiver of the right to a secret ballot, the City Clerk shall adopt appropriate procedures to protect the secrecy of Vote-By-Mail Ballots returned by facsimile transmission.

(c) Upon receipt of a Vote-By-Mail Ballot returned by facsimile transmission, the City Clerk shall determine the voter's eligibility to vote by comparing the signature on the return information with the signature on the voter's current voter registration record. The ballot shall be duplicated and all materials preserved according to procedures set forth in this Code.

(d) Notwithstanding the Military or Overseas Voter's ability to utilize facsimile transmission of a voted ballot, the Military or Overseas Voter is encouraged to return the ballot by mail or in person if possible. A Military or Overseas Voter should return a ballot by facsimile transmission only if doing so is necessary for the ballot to be received before the close of the polling places on election day.

Sec. 1016. Validation and Challenges of Ballots.

(a) Upon receipt of the 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 may not necessarily invalidate

ELECTION CODE

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 their eligibility to vote in the election, the ballot identification envelope will be marked as "challenged" and the reason for the challenge shall be written on the face of the identification envelope.

(b) If the City Clerk determines that a voter has failed to sign the identification envelope, the City Clerk shall accept the ballot identification envelope if the voter does either of the following:

(1) Signs the identification envelope at the office of the elections official during regular business hours before 5:00 p.m. on the eighth day after the election; and,

(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 ballot identification envelope and that he or she did not and will not vote more than one ballot this election. The voter may submit the statement at a polling place before the close of the 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. 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. 1018. Request for Vote-By-Mail Ballot After the Deadline for Applying for a Vote-By-Mail Ballot has Passed.

(a) After the close of the period for voters to apply for a Vote-By-Mail Ballot, any voter unable to go to the polling place may apply for a Vote-By-Mail Ballot for the following reasons:

(1) Because of illness or disability resulting in the voter's confinement in a hospital, sanitarium, nursing home or place of residence; or

(2) Because of a physical disability which prevents the voter from gaining access to the polling place or voting booths or voting devices.

(b) The application shall be made to the City Clerk in writing, containing the reason for the request and the designation of a person authorized to receive the ballot from the City Clerk and return the voted ballot to the City Clerk, to be signed under penalty of perjury.

(c) Before delivering the ballot, the City Clerk shall follow the same procedures for regular Vote-By-Mail Applications outlined in this Chapter.

(d) The voter shall mark the ballot, place it in the Ballot Return Envelope, complete and sign the envelope and return the ballot through the authorized representative to either the City Clerk or any polling place in accordance with Section 1014.

(e) These ballots shall be processed and counted in the same manner as other Vote-By-Mail Ballots.

Sec. 1019. Vote-By-Mail List Sent to Inspector.

The City Clerk shall maintain a record of all the voters who have been issued a Vote-By-Mail Ballot. Before the election, the City Clerk shall send to the Inspector of each precinct in the election jurisdiction the names of the voters in that precinct who were sent Vote-By-Mail Ballots under the provisions of this Chapter. The Inspector shall indicate the names of the Vote-By-Mail voters on the Roster of Registered Voters supplied to each polling place.

Sec. 1020. Surrender of Unused Vote-By-Mail Ballot at Precinct.

(a) A Vote-By-Mail voter who goes to the voter's home precinct on election day may vote a regular ballot at the voter's polling place if the voter surrenders to the Precinct Board the voter's unused Vote-By-Mail Ballot in the envelope in which it was delivered.

(b) The City Clerk shall include with each Vote-By-Mail Ballot a statement of this requirement of surrender of Vote-By-Mail Ballot. Any unused Vote-By-Mail Ballots shall be returned to the City Clerk with any other unused ballots.

Sec. 1021. Voter Unable to Surrender Unused Vote-By-Mail Ballot; Provisional Ballot to be Issued.

Any voter who has received a Vote-By-Mail Ballot and desires to a regular vote at his or her polling place, but is unable to surrender the unused Vote-By-Mail Ballot shall be issued a Provisional Ballot in accordance with Chapter IX.

Sec. 1022. Prohibitions Relating to Vote-By-Mail Applications and Ballots.

(a) No individual, person, group, or organization shall knowingly distribute any application for a Vote-By-Mail Ballot which does not conform to the provisions of Section 1007. The conformance requires that the application contain only, and nothing in addition to, the provisions of the section and the name, address and telephone number of the

ELECTION CODE

individual, group or organization distributing the applications. However, other information may be placed on the back of the application, as long as it does not interfere with the mailing of the application.

(b) No individual, person, group, or organization shall willfully interfere with or cause interference with the return of a completed Vote-By-Mail Ballot Application or Ballot.

(c) No individual, person, group, or organization shall apply for, vote, or attempt to vote another person's Vote-By-Mail Ballot by fraudulently signing the name of a fictitious person, or that of another person who is a regularly qualified voter of the election jurisdiction or who is not qualified to vote.

CHAPTER XI

EARLY VOTING

Sec. 1100. Early Voting.

The City Clerk may establish early voting facilities throughout the election jurisdictions where any registered voter may go to cast a ballot during a period established by ordinance for early voting.

Sec. 1101. Locations, Equipment and Staffing.

(a) Early voting will be located at facilities throughout the election jurisdiction and staffed by persons designated and/or employed by the City Clerk that are properly trained on the voter registration record system and the voting equipment to ensure that any registered voter will be able to vote for those candidates and measures that the voter is entitled to vote for.

(b) The voting equipment will be set up to include all the ballot groups that will be considered during the election in those languages that are required to be available at the election.

Sec. 1102. Notice of the Availability of Early Voting.

The City Clerk will give notice of the availability of the Early Voting program by including information on Early Voting on the City Clerk's Election Web Site, in the Official Sample Ballot and Voter Information Pamphlet and by issuing a press release not later than 14 days prior to opening the satellite offices for voting. The following information, at a minimum, will be included on the Web Site, in the Pamphlet and in the Press Release:

(a) The locations of the satellite offices.

(b) The hours of operation when voting can take place at each location.

(c) The dates during which early voting can be utilized by the voters.

(d) A telephone number and web site where voters can obtain information about early voting and the locations and hours of operation of the satellite offices.

Sec. 1103. Notification to the Precinct Inspector of Early Voting Voters.

The City Clerk shall keep a record of any voter casting a ballot through the early voting program. Before the election, the City Clerk shall send to the Inspector of each precinct in the election jurisdiction the names of the voters in that precinct that cast a ballot through the early voting program under the provisions of this Chapter. The Inspector shall

indicate the names of the early voters on the Roster of Registered Voters supplied to each polling place.

Sec. 1104. Challenges to Early Voters.

Challenges to an Early Voter's entitlement to vote must be made at the early voting location at the time the Early Voter seeks to vote. Any challenge to an Early Voter will be governed by the provisions of Chapter IX of this Code.

CHAPTER XII

UNOFFICIAL CANVASS AND OFFICIAL CANVASS

Sec. 1200. Counting of Eligible Votes Where Voter Choice can be Determined.

This Chapter sets out the requirements and procedures to be used by the City Clerk in counting the ballots and counting the votes in elections conducted by the City Clerk and governed by this Code. The requirements of this Chapter shall be liberally construed in favor of the voter so that the City Clerk shall count all votes cast by eligible voters where the voter's choice can be ascertained. However, no vote shall be counted unless the voter is in fact eligible to vote on the particular contest for which votes are being counted.

ARTICLE A – BALLOT COUNTING DEVICES, PROGRAMS AND CANVASS PROCEDURES

Sec. 1201. Testing Ballot Counting Devices.

No later than seven days prior to any election conducted pursuant to this Code, the City Clerk shall conduct a test or series of tests to ensure that every device used to count ballots accurately records each vote. The exact methods employed in this test shall conform to the procedures for the specific voting systems, as adopted by the Secretary of State.

Sec. 1202. Vote Count Program to be Retained in Escrow.

(a) A copy of each election computer vote count program for an election shall be deposited into escrow with a company authorized by the Secretary of State to retain the programs. The copy of the election computer vote count program shall be placed into escrow no later than 5:00 p.m. on the seventh day before the election.

(b) If the election computer vote count program is modified or altered consistent with Secretary of State procedures after the submission specified in subdivision (a), the City Clerk shall immediately deposit the subsequent program.

(c) The escrowed programs shall be retained in escrow for a period of not less than six months after the election, at which time the program shall be returned to the City Clerk.

(d) The City Clerk shall preserve the returned program for a period of not less than six months.

(e) The programs deposited in accordance with this section shall be used only to verify the validity of a re-canvass of the vote, to conduct an official electronic recount, if the vote count system used on election night is not operating properly, pursuant to order by the Court, or for logic and accuracy tests required in an independent review of the election.

(f) Any tape, diskette, cartridge, or other magnetic or electronic storage medium containing the vote count program submitted pursuant to this section shall be maintained by the escrow company in a secure location when not in use for an official purpose.

Sec. 1203. Adoption of Canvass Procedures.

The City Clerk shall adopt procedures for both the unofficial and official canvass to conform to the applicable voting system procedures that have been approved by the Secretary of State. These procedures shall be available for public inspection no later than 29 days before each election. These procedures will also conform to the Charter and City Election Code and can be modified to reflect the Charter and City Election Code requirements of the City, if necessary.

ARTICLE B – VOTE-BY-MAIL VERIFICATION, CHALLENGES, PROCESSING AND CANVASSING

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. 1205. Vote-By-Mail Ballot Processing.

The City Clerk may start to process Vote-By-Mail Ballots on the seventh day prior to the election. Processing Vote-By-Mail Ballots includes opening Vote-By-Mail Ballot Return Envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be counted and/or counting them, but under no circumstances may a vote count be released until the close of the polling places on the day of the election.

Sec. 1206. Observation of Vote-By-Mail Ballot Verification, Processing and Counting.

(a) The verification and processing of Vote-By-Mail Ballot Return Envelopes and the counting of Vote-By-Mail Ballots shall be open to the public, both prior to, during, and after the election.

(b) Any candidate on the ballot, any authorized representative of a candidate on the ballot, any other interested organization, and any registered voter, shall be permitted to observe and challenge the manner in which the Vote-By-Mail Ballots are handled, from the verification and processing of Vote-By-Mail Ballot Return Envelopes through the counting and disposition of the ballots.

(c) The City Clerk shall notify the public at least 48 hours in advance of the dates, times, and place where Vote-By-Mail ballots will be verified, processed and counted.

(d) Observers shall be allowed sufficiently close access to enable them to observe and challenge whether those individuals handling Vote-By-Mail Ballots are following established procedures.

(e) No observer shall interfere with the orderly verification and processing of Vote-By-Mail Ballot Return Envelopes or processing and counting of Vote-By-Mail Ballots, including touching or handling of the ballots.

Sec. 1207. Challenge of Vote-By-Mail Voters.

During the verification and processing of the Vote-by-Mail Ballot Return Envelopes, and prior to the time at which the Vote-By-Mail Ballots are removed and separated from the return envelopes, a challenge to the entitlement to vote of a particular Vote-By-Mail voter may be made by an observer on the grounds specified in Chapter IX of this Code. In addition, a challenge may be entered on the grounds that the ballot was not received within the time provided by this Code, was delivered by an unauthorized agent, that the voter is imprisoned for a conviction of a felony and ineligible to vote, or otherwise not delivered in compliance with applicable Sections in Chapter X of this Code. All challenges will be resolved by the City Clerk.

Sec. 1208. Burden of Proof for a Challenge.

The challenger shall have the burden of establishing extraordinary proof of the validity of the challenge at the time the challenge is made because the voter is not present.

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. 1210. Procedure When Challenge is Allowed.

If a challenge is allowed, the City Clerk shall endorse on the face of the identification envelope the cause of the challenge and its action thereon.

Sec. 1211. Counting and Canvassing of Vote-By-Mail Ballots.

(a) Except as otherwise provided in this Chapter, the counting and canvassing of Vote-By-Mail Ballots shall be conducted in the same manner as used for all other ballots cast.

(b) Under no circumstances may a Vote-By-Mail vote count be released until the close of the polling places on election day.

ARTICLE C – EARLY VOTING PROCESSING AND CANVASS

Sec. 1212. Delivery of Early Voting Ballots.

Early voting ballots shall be transmitted and/or delivered to the central counting facility in accordance with instructions issued by the City Clerk.

Sec. 1213. Processing and Counting of the Early Voting Ballots.

(a) Upon receipt of the early voting ballots at the central counting facility, the City Clerk shall review the transmission material and any accompanying reconciliation material to determine that the early voting ballots are ready for inclusion in the unofficial canvass.

(b) Upon the City Clerk's determination that the early voting ballots are ready to canvass, the City Clerk shall count the ballots, using equipment appropriate to the medium the ballots are stored in, for inclusion in the unofficial canvass.

(c) Under no circumstances may an early voting vote count be released until the close of the polling places on election day.

Sec. 1214. Retention of Early Voting Ballots and Associated Material.

The City Clerk will retain in a secure location, for a period of not less than six months after the election is certified, the early voting ballots and any accompanying reconciliation material.

ARTICLE D - UNOFFICIAL CANVASS

Sec. 1215. Conduct of the Unofficial Canvass.

For every election, the City Clerk shall conduct an unofficial canvass by counting Vote-By-Mail, Early Voting and precinct ballots and compiling the results. Except as provided elsewhere in this Code for Vote-By-Mail and Early Voting ballots, the unofficial canvass shall commence immediately upon the close of the polling places and shall continue without adjournment until all precinct ballots are accounted for. Upon completion of the unofficial canvass, the final unofficial results shall be released to the public.

Sec. 1216. No Precinct Ballots Counted Until the Polling Places are Closed; No Results of Vote-By-Mail or Early Voting Ballots that have been Counted Released Until the Polling Places are Closed.

Neither the City Clerk, nor any Precinct Board Member, nor any other person shall count any votes cast at any polling place, either for a ballot measure or candidate, until the close of all the polling places in the election jurisdictions managed by the City Clerk. After that time, the ballots for all candidates and ballot measures voted upon shall be counted and the results of the balloting made public. However, the results for any candidate or ballot measure also voted upon in another city that is conducting the election for those candidates or measures on behalf of the City Clerk shall not be made public until after all the polling places in those various election jurisdictions have closed. This paragraph applies regardless of whether the counting is done by manual count or by a vote counting device or whether the vote count is done at a central facility or at distributed locations. The results of Vote-By-Mail or Early Voting Ballots canvassed prior to the close of the polling places as provided elsewhere in this Code shall not be released until after the close of the polling places in all applicable election jurisdictions.

Sec. 1217. Review and Preparation of Ballots for Counting.

Prior to counting the ballots, the City Clerk shall perform the following tasks:

(a) Each container of ballots or the medium that contains the voted ballots shall be opened and its contents removed. The ballots shall be checked to ascertain if the ballots are properly grouped and shall be arranged, if necessary, so that all similar ballots from a precinct, Vote-By-Mail or Early Voting ballot group/batch are together.

(b) In preparing the voted ballots for processing, any ballot that contains personal information, or is torn, bent, mutilated, or otherwise defective shall be corrected, consistent with the procedures or guidelines outlined in the State certification of the voting system, so that every vote cast by the voter shall be counted by the automated tabulating equipment. If necessary, a true duplicate copy of the defective ballot shall be made and substituted therefor, following the intention of the voter insofar as it can be ascertained from the defective ballot. All duplicate ballots shall be clearly labeled “duplicate,” and shall bear a serial number that shall be recorded on the damaged or defective ballot. The original defective ballot shall be kept in a secure location so that the duplicate ballot may be compared against it, if necessary.

(c) A ballot shall not be rejected for any error which does not render it impossible to determine the voter’s choice.

(d) If a voter writes in or marks a vote for more than one name for any office, or if for any other reason does not indicate distinctly the voter’s choice for any office, or marks opposite any measure both the negative and affirmative answers to the measure, the vote for that particular office or measure shall not be counted, but the rest of the ballot, if properly marked, shall be counted.

Sec. 1218. Location of Vote Counting Devices and Proceedings Open to the Public.

(a) The vote counting devices may be located at any place within the election jurisdiction approved by the City Clerk. The same devices may be jointly owned, borrowed, leased, or used by the City Clerk and other political subdivisions to count ballots cast in any election.

(b) All proceedings at the central counting place, or counting places, if applicable, shall be open to the view of the public but no one, except those employed and designated for the purpose by the City Clerk or an authorized deputy, shall touch any ballot container or ballot. Access to the area where electronic data processing equipment is being operated shall be restricted to those authorized by the City Clerk.

Sec. 1219. Qualifications of Staff Counting Ballots.

(a) A person may be employed to count, tally, and certify the ballots if the person is not a candidate at the election and satisfies either of the following requirements:

(1) Has the qualifications required for a Precinct Board Member.

(2) Is a deputy, employee or authorized designee of the City Clerk.

(b) No person selected to count ballots need reside in any particular precinct.

Sec. 1220. Storage of Ballot Count Program.

Any magnetic or electronic storage medium used for the ballot count program and any magnetic or electronic storage medium containing election results shall be kept in a secure location and shall be retained for six months following any City conducted election or so long thereafter as any contest involving the vote at the City conducted election remains undetermined.

Sec. 1221. Multiple Counting Systems and Different Ballot Forms.

The City Clerk may have multiple ballot forms and counting systems depending on the type of ballots being cast (e.g. Vote-By-Mail may be a paper ballot, early voting may be an electronic ballot, precinct voting may be electronic or a card to be marked). The statement of the votes cast through each of the ballot forms and systems shall be consolidated and presented together for a final canvass of all the ballots cast.

Sec. 1222. Central Counting Place.

The City Clerk shall establish a central counting place within the election jurisdiction where the voted ballots shall be processed and/or compiled and where the unofficial and official canvass shall be conducted. The location of the central counting place shall be made known to the public no later than 15 days before the election. All

proceedings at the central counting place shall be open to the view of the public but no person, except those employed and/or designated for the purpose by the City Clerk or his or her authorized deputy, shall touch any ballot, ballot container, election supplies or related materials. Access to the area where electronic data processing equipment is being operated shall be restricted to those persons authorized by the City Clerk.

Sec. 1223. Return Centers.

(a) The City Clerk shall establish one or more election return centers for the purpose of facilitating the retrieval of voted ballots and expediting their delivery to the central counting place.

(b) In establishing a return center, the City Clerk shall designate a group of precincts that the center shall serve and this designation shall be made known for public inspection no later than 15 days before the election. The election return center may be at any publicly accessible place as the City Clerk designates.

Sec. 1224. Counting Ballots When Impossible to Use the Central Counting Place.

In case of an emergency in which it becomes impossible to transport the ballots from the precincts or the return centers to the central counting place established for the election, the City Clerk may direct that the ballots be counted at an alternative location(s). The alternative location(s) may be located within or outside of the City boundaries.

Sec. 1225. Satellite Counting Places.

The City Clerk may establish one or more satellite counting places to count ballots from designated polling places and return centers and transmit the results via telephone, facsimile transmission, modem or any other mode of transmission authorized by the Secretary of State for the voting system being utilized to conduct the election. The vote count at the satellite counting places shall be conducted in all other respects in accordance with this Code. The list of designated polling places for each satellite counting place including the locations of the satellite counting places shall be available to the public no later than 15 days before the election.

ARTICLE E. – OFFICIAL CANVASS

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. 1227. Tasks of the Official Canvass.

The official canvass shall include, but not be limited to, the following tasks:

- (a) An inspection of all materials and supplies returned by poll workers.
- (b) A review and analysis of the Roster of Registered Voters, the ballot reconciliation statement and the number of ballots casts by precinct.
- (c) A reconciliation of the number of ballots counted, spoiled, duplicated, and the number of undervotes and overvotes with the number of votes recorded, including Early Vote, Vote-By-Mail and Provisional Ballots, by the vote counting system for the unofficial canvass.
- (d) Processing and counting any valid Vote-By-Mail and Provisional Ballots not included in the unofficial canvass.
- (e) Counting any valid write-in votes.
- (f) Correcting and duplicating, if necessary, and counting any defective ballots as provided for in Section 1217(b) of this Code.
- (g) Certifying the final results to the City Council or other governing board, as required.

Sec. 1228. Subpoenaing Precinct Board Members Regarding Reconciliation of the Ballots.

If the ballots and accompanying ballot reconciliation from any precinct are incomplete, ambiguous, not properly authenticated, or otherwise defective, the City Clerk may issue and serve subpoenas requiring Precinct Board Members to appear and be examined under oath concerning the manner in which the ballots were reconciled and submitted.

Sec. 1229. Subpoenaing Precinct Board Members Regarding Examination of Materials Returned from the Polling Places.

The City Clerk will open the envelopes or containers with the materials returned from the polling places. If, after examination, any of the materials are incomplete, ambiguous, not properly authenticated, or otherwise defective, the precinct board member may be summoned before the City Clerk and examined under oath to describe polling place procedures and to correct the errors or omissions.

Sec. 1230. Processing and Counting Vote-By-Mail Ballots Received on Election Day.

Vote-By-Mail Ballots received by mail and Vote-By-Mail Ballots returned to the

City Clerk and to the polling places on election day that are not included in the unofficial canvass phase of the election shall be processed and counted during the official canvass in the manner prescribed in this Code for canvassing other Vote-By-Mail Ballots.

Sec. 1231. Casting a Write-In Vote.

Each voter is entitled to vote for a qualified write-in candidate for any public office at a Primary Nominating Election for which the voter is eligible to vote, by writing or entering the candidate's name on the ballot or on a form provided for that purpose, or entered into an electronic voting system for any election at which candidates can be nominated for office.

Sec. 1232. Counting of Votes for Qualified Write-in Candidates.

Any name written upon a ballot, or separate form provided for that purpose, or entered into an electronic voting system for a write-in candidate qualified pursuant to Section 312 of this Code, including a reasonable facsimile of the spelling of a name, shall be counted for the office.

Sec. 1233. Not Counting of Over-Votes Resulting for a Vote for a Write-In Candidate.

Neither a vote cast for a candidate whose name appears on the ballot nor a vote cast for a qualified write-in candidate shall be counted if the voter has indicated, by a combination of marking and writing, a choice of more than one candidate to be nominated or elected to the office.

Sec. 1234. Inclusion of Valid Write-in Votes in the Election Results.

All valid write-in votes shall be counted and certified by the City Clerk on forms provided for this purpose, and the write-in votes shall be added to the results of the count of the ballots at the counting place and be included in the official returns for the precinct and the election.

Sec. 1235. Processing and Counting Provisional Ballots.

(a) Prior to counting provisional ballots cast pursuant to Chapter IX of this Code, the City Clerk shall review each provisional ballot according to the following procedures and procedures applicable in Article B of this Chapter:

(1) Compare the voter information on the provisional ballot envelope to the voter registration file to determine if the voter is entitled to vote in the election.

(2) compare the voter registration information to the type of ballot presented at the polling place where the provisional ballot was cast to determine if the voter was able to vote on any office or measure for which they were not entitled to vote.

ELECTION CODE

(3) review the roster(s) of voters, the vote-by-mail return system log, and the early voting system log to ensure that the voter has not already voted in the election by another means.

(b) If the voter is not entitled to vote in the election or voted in the election by another means, the provisional ballot shall be challenged and shall not be counted. The provisional ballot envelope shall not be opened and the reason for the challenge shall be noted on the provisional ballot envelope.

(c) If the voter is entitled to vote in the election and did not vote in the election by any other means, the provisional ballot shall be counted as follows:

(1) if the voter was only able to vote for those offices and measures for which the voter was entitled to vote, then the ballot shall be removed from the provisional ballot envelope and counted in the same manner as other regular ballots during the official canvass.

(2) if the voter was able to vote for offices and measures for which the voter was not entitled to vote, then the ballot shall be removed from the provisional ballot envelope and a duplicate ballot shall be created as provided in Section 1217(b) containing only the votes cast for those offices and measures for which the voter was entitled to vote. Thereafter the duplicate ballot shall be counted in the same manner as other regular ballots during the official canvass.

Sec. 1236. One Percent Manual Tally.

(a) During the official canvass of every election in which an electronic vote counting system is used, the City Clerk shall manually recount the ballots in at least one percent of the voting precincts, chosen at random, for comparison to the electronic vote tally results. If one percent of the voting precincts should be less than one whole precinct selected for manual recount, the manual recount shall be conducted in one precinct chosen at random by the City Clerk.

(b) In addition to the one percent manual recount, the City Clerk shall, for each group of precincts voting on the same offices and measures not represented in the initial randomly selected group of precincts, count one additional precinct.

(c) Additional voting precincts for the manual recount may be selected at the discretion of the City Clerk.

(d) The manual tally shall be a public process. The City Clerk shall provide at least a five-day public notice of the beginning of the manual tally starting with the selection of precincts. The public notice shall include the date, time, and location of the manual tally.

Sec. 1237. Ballot Security.

After the ballots are counted, the City Clerk will ensure that they are secured in a location where the ballots may not be removed by anyone other than the City Clerk for election related reasons.

Sec. 1238. Compiling and Posting Results.

Upon completion of the vote count utilizing electronic tally equipment, the City Clerk shall add to the results as so determined, the results of the write-in votes, and the vote totals from any election jurisdiction conducting a portion of the election on behalf of the City, and thereupon shall issue the results and forthwith post one copy at the counting place for public inspection. In addition, vote results by precinct will be made available to the public.

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. 1240. Format of the Certified Results.

The Certified Results shall include:

- (a) The total number of ballots cast.
- (b) The total number of votes cast for each candidate and for and against each measure.
- (c) Candidates receiving less than one percent of the votes may be grouped together and listed under "Scattered" on the Certified Results.

Sec. 1241. Declaration of Results.

The City Council or other governing body shall declare the results of the election and shall order the issuance of certificates of nomination or election as appropriate. The City Council or other governing board shall also declare the results of each election under its jurisdiction as to each measure voted on at the election.

Sec. 1242. Certificate of Election or Nomination.

The City Clerk shall make out and deliver to each candidate elected or nominated for City or LAUSD office, as declared by the City Council or other governing body, a certificate of election or nomination, signed and authenticated by the City Clerk.

CHAPTER XIII

**DISPOSITION OF RECORDS
AND SUPPLIES BY THE CITY CLERK**

Sec. 1300. Authority for Retention and Disposition of Election Records and Supplies.

The records and supplies of election when received by the City Clerk shall be retained and disposed of as set forth in this Chapter and in accordance with State Law.

Sec. 1301. Preservation of Rosters.

(a) The City Clerk shall preserve all Rosters of Registered Voters or combined Rosters of Registered Voters and Indices of Registered Voters, if applicable, until five years after the date of the election, after which they may be destroyed.

(b) In lieu of preserving the original Roster of Registered Voters, the City Clerk may, by filming or other suitable method, record the original Roster of Registered Voters and destroy the Roster of Registered Voters following the next subsequent general election.

Sec. 1302. Preservation of Ballots and Related Materials.

(a) The City Clerk shall preserve the following ballots and related materials for a period of six months after the date of the election: voted polling place ballots, voted Vote-By-Mail Ballots, Vote-By-Mail Ballot Return Envelope, spoiled ballots, canceled ballots, unused Vote-By-Mail Ballots surrendered by voters pursuant to Section 1020, ballot receipts, tally sheets, copies of the Index of Registered Voters used as the voting record, challenge lists, and assisted voters lists.

(b) If a contest is not commenced within the six-month period, or if a criminal prosecution involving fraudulent use, marking or falsification of ballots or forgery of Vote-By-Mail voters' signatures is not commenced within the six-month period, either of which may involve the vote of the precinct from which voted ballots were received, or the City Clerk has received a written request from the U.S. Attorney, Attorney General, District Attorney, City Attorney, a Grand Jury, the Secretary of State, the Fair Political Practices Commission, the City Ethics Commission or the City Council that ballots be preserved for use in a pending or ongoing investigation into election irregularities, or in a pending or ongoing investigation into violation of the Political Reform Act of 1974 or City law, the City Clerk may have the materials destroyed or recycled.

Sec. 1303. Preservation of Precinct Board and Polling Place Materials.

The City Clerk shall preserve the following records reflecting appointment of precinct officials for a period of six months after the date of the election: written oaths or declarations of Precinct Board Member oaths, if any are required; applications of Precinct Board Members and notifications appointing Precinct Board Members and designating the polling places as specified in Chapter VIII herein.

CHAPTER XIV

RECOUNTS AND CONTESTS

Sec. 1400. Voter Initiated Recounts.

(a) Procedure. Within five days after the City 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 set forth the following:

(1) The name and address of the person requesting the recount, together with a statement that the person is a registered voter of the City, or of the Los Angeles Unified School District in the case of a Board of Education election, who voted in the election for which the recount is sought;

(2) The candidate or position on a measure (whether for or against) on behalf of which the recount is sought;

(3) A statement of the facts supporting the basis for the recount.

(4) If the recount requested shall be a manual recount or an electronic recount.

(b) 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 registered voter 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.

(c) Recount Board. The Mayor, the City Attorney and the City Clerk or their designated representatives, shall constitute a recount board. If any of these recount board members is a candidate for the office that is subject to the recount, the City Council shall designate a disinterested registered voter of the City to be a member of the recount board in the place of that recount board member. The recount board shall conduct the recount publicly. The recount shall commence within seven calendar days after the City Clerk's acceptance of the recount request.

(d) Recount Results. Upon completion of the recount, the recount board shall certify the result to the City Council in writing, and the City Council shall then declare the result. If any candidate who had not been declared nominated or elected is found upon a recount conducted pursuant to Subsection (c) to be entitled to nomination or election, the City

Council shall so declare and direct that the proper certificate of nomination or election be issued. If by the recount it is determined that the result of a ballot measure election is different than as already declared, the City Council shall so declare.

(e) Fees and Bonds. It shall be the duty of the City Clerk, at least three months prior to each biennial Primary Nominating Election, to recommend to the City Council the amount of the bond to be required of any registered voter demanding a recount pursuant to this Chapter. It shall be the duty of the City Council, prior to each Primary Nominating Election, to fix the fees and amounts of bonds to cover these items.

(f) This Chapter applies only to elections conducted by the City Clerk.

Sec. 1401. Election Contests Authorized by California Elections Code.

In addition to the recounts provided for in this Chapter, any registered voter may contest any election at which the voter was entitled to vote by way of a judicial challenge pursuant to the California Elections Code.

Sec. 1402. Recounts - Location.

After a petition for a recount has been filed and the City Clerk determines that the conditions for the recount have been met, the City Clerk shall immediately select a suitable location open to the public and the City Clerk shall post a notice on the bulletin board of the City Council designating the particular location selected and the time at which the recount will be conducted.

Sec. 1403. Employment of Recount Clerks.

The City Clerk is authorized to employ all clerks necessary to conduct any recount conducted under the provisions of Charter Section 406. All clerks employed under the provisions of this section shall be selected from either present or past regular or as needed employees of the Election Division, from persons who served as Precinct Board Members, or other persons disinterested with the subject of the recount and the provisions of the Charter respecting the classified Civil Service of the City shall not apply to the persons so employed.

Sec. 1404. Oath of Office for the Recount.

At the beginning of the recount canvass all persons assisting shall take the following oath: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California and the Charter of the City of Los Angeles, and that I will faithfully discharge the duties of the office of (here inserting the name of the office) according to the best of my ability."

CHAPTER XV

RECALL ELECTIONS

Sec. 1500. General Conduct of Recall Elections.

Except as provided in this Chapter and Chapter VII, Article D of this Code and in the applicable portions of Charter Sections 430 through 440, Recall Elections shall be conducted and the votes tallied in the same manner as provided for Primary Nominating, General Municipal and Special Elections.

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. 1502. One Recall Election to Remove More than One Official.

One election is sufficient for the recall of one or more elective officials, but a separate petition is necessary to propose the recall of each official.

Sec. 1503. Filing of Declaration of Intention to Become a Candidate, Statements of Economic Interest and Statements of City Related Business in a Recall Election.

(a) Except as provided in this Section, the rules governing the filing of the Declaration of Intention to Become a Candidate, Statements of Economic Interest, and Statements of City Related Business in connection with Primary Nominating Elections shall apply to the nomination of candidates to replace an elective City officer or member of the Board of Education sought to be removed from office by recall.

(b) For persons seeking to be candidates to succeed the officer sought to be recalled, the first day to file the Declaration of Intention to Become a Candidate and Statement of Economic Interests shall be the day the City Clerk certifies to the sufficiency of the recall petition, and the last day to make those filings shall be established in the ordinance calling the Special Election for the recall.

Sec. 1504. Circulation and Filing of Nominating Petitions by Replacement Candidates.

(a) Except as provided in this Section, the rules governing the circulation, filing and examination of nominating petitions, including supplemental petitions, in connection with Primary Nominating Elections shall apply to the nomination of candidates to replace an elective City officer or member of the Board of Education sought to be removed from office by recall.

(b) Beginning on the day the City Clerk certifies to the sufficiency of the recall petition, the City Clerk shall make available for circulation nominating petitions to persons seeking to be candidates to succeed the officer sought to be recalled who have filed a Declaration of Intention to Become a Candidate and a Statement of Economic Interests.

(c) Within one business day after the City Clerk issues the certification of sufficiency of the recall petition, the City Clerk shall also publish in a newspaper of general circulation a notice of the recall petition's sufficiency; information regarding the candidate filing process; and the availability of the nominating petitions for candidates seeking to succeed the officer sought to be recalled.

(d) The candidates shall circulate those petitions and shall file them with the City Clerk by the filing date established in the ordinance calling the Special Election for the recall. In no case shall a filing date be established which is less than 20 days after the date that the City Clerk certifies to the sufficiency of the recall petition.

(e) The City Clerk shall examine the nominating petitions within 10 days of filing and shall certify whether the petition has been signed by the requisite number of voters. If the City Clerk certifies that a nominating petition is sufficient, the City Clerk shall issue a certificate of sufficiency and the name of the candidate shall be placed on the recall ballot as a candidate to succeed the officer whose recall is sought.

(f) If the City Clerk determines that the petition is insufficient, the City Clerk shall issue a certificate of insufficiency. Upon issuance of a certificate of insufficiency, the candidate may circulate and file a supplemental petition as provided for in this Code for nominating petitions, provided however that the supplemental petition shall be filed before the expiration of the time for filing nominating petitions as set forth in the ordinance calling the Special Election for the recall.

Sec. 1505. Write-In Candidates in Recall Elections.

The rules of this Code governing write-in candidates for Primary Nominating Elections shall apply to write-in candidates in recall elections.

Sec. 1506. Recall Ballot Arguments.

(a) The official whose removal is sought may file with the City Clerk an Argument Opposing the Recall. The proponents who filed the recall petition, or the person or organization on whose behalf the recall petition was filed, may file with the City Clerk an Argument Supporting the Recall.

(b) The recall arguments described above shall not exceed 300 words each.

(c) The deadline for submission of the recall arguments described above shall be set by the ordinance calling the Special Election for the recall. No changes to an argument shall be allowed once it has been filed and officially accepted by the City Clerk.

(d) Except as provided for in this Section, the provisions of this Code pertaining to ballot measure arguments, including the form of arguments, transmittal of arguments and signatures, certifications to the accuracy of facts contained in the arguments and publication of arguments in election materials, shall apply to recall arguments.

Sec. 1507. Form of Ballot - Recall Election.

(a) Except as provided in this Section, the ballot used in a recall election shall conform to the requirements of this Code for Primary Nominating, General Municipal and other Special Elections.

(b) The following question shall be printed or displayed on ballots or voting equipment pages or screens used at every recall election:

“Shall (name of the officer sought to be recalled) be removed from the office of (title of the office) by the recall?”

(c) Opposite and to the right of the recall question described in (b) above, the words “Yes” and “No” shall be printed or displayed on separate lines with voting areas provided for each. If a voter marks or punches in the voting area after the word “Yes,” the vote shall be counted in favor of the recall of the officer, and if a voter marks or punches in the voting area after the word “No,” the vote shall be counted against the recall.

(d) If the officer sought to be recalled is an elective City officer or member of the Board of Education, then after each recall question described in (b) above, there shall also be printed or displayed on the ballots, voting equipment pages or screens the names of all persons who have been nominated as candidates to succeed the officer whose removal is sought. The name of the officer sought to be recalled shall not appear on the ballot as a candidate for the office.

Sec. 1508. Majority Vote Required to Recall.

If one-half or more of the votes cast on the recall question described in Section 1507 are “No,” the officer sought to be recalled shall continue in office. If a majority of the votes cast on the recall question described in Section 1507 are “Yes,” then the officer sought to be recalled shall be removed from office effective on the date the successor qualifies.

Sec. 1509. Succession in Case of Recall.

(a) If the vote at a recall election results in the recall of an elective City officer or member of the Board of Education, then the candidate who receives a majority of the votes cast for candidates to succeed the recalled officer shall be declared elected to the office for the remainder of the term. If no candidate receives a majority of the votes cast, then the two candidates receiving the highest number of votes shall be the candidates at a Special Runoff Election, and whichever candidate receives the majority vote at that election shall be elected to succeed the recalled officer.

(b) An elective City officer or member of the Board of Education who has been removed from office as a result of a recall election shall continue to perform the duties of the office until the City Council has declared the results of the recall election and, if applicable, Special Runoff Election and the candidate declared elected to succeed the recalled officer has qualified.

(c) If a vacancy in office occurs after the date of the City Clerk’s certification of sufficiency of the recall petition and before the City Council declares the results of the election, whether through resignation of the officer whose recall is sought or from other cause, the recall election shall nevertheless proceed.

Sec. 1510. Resignation While Recall Proceedings are Pending.

For purposes of Charter Section 434, proceedings for the recall of any elective City officer or member of the Board of Education shall be deemed to be pending from the date of the City Clerk’s certification of the sufficiency of the recall petition. If the officer resigns at any time after that, the recall election shall be held notwithstanding the resignation.