

KARA INAE CARLISLE
PRESIDENT

JEHAN F. AGRAMA
PHILIP BARTENETTI
LORRAINE BRADLEY
LENI BOORSTIN
YASMIN DELAHOUSSAYE
FRANCISCO J. DUEÑAS
EVELINA FERNÁNDEZ
NIRINJAN SINGH KHALSA
KEITH ROHMAN
PAULE CRUZ TAKASH

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

RABBI ALLEN I. FREEHLING
EXECUTIVE DIRECTOR

FRANCES (ELLIE) SEARS
DEPUTY DIRECTOR
ADMINISTRATIVE SERVICES

PATRICIA M. VILLASEÑOR
DEPUTY DIRECTOR
FIELD SERVICES

200 NORTH SPRING STREET
CITY HALL, ROOM 1625
LOS ANGELES, CA 90012
(213) 978-1660 OFFICE
(213) 978-1671 FAX
(213) 978-0835 TDD

Rabbi.Allen.Freehling@lacity.org

To: Department of Neighborhood Empowerment

From: **Gary De La Rosa, Policy Advisor**
City of Los Angeles Human Relations Commission

Re: **Venice Neighborhood Council (VNC) Election,
September 20, 2007 -- Final Decision Maker Report**

Date: **October 15, 2007**

The City of Los Angeles Human Relations Commission (HRC) was asked to serve as the Final Decision-Maker (FDM) for the Venice Neighborhood Council’s (VNC) September 20, 2007 election. The role of the FDM is to render a fact-based decision upon all challenges received, using the duly voted upon and approved VNC by-laws and election procedures as the foundation of any decision.

Three challenges were received by HRC in the proper and duly allotted time frame:

The first challenge:

I - Voters had to fill out a “*sheet with much personal information to answer. A number was placed on the bottom of this personal ballot.*”

II- That a candidate for treasurer was “*not on the ballot of the date of the election but is still on the VNC e-mail as a candidate. My second challenge is why this individual was not listed on the ballot?*”

After reviewing the written challenges, interviewing the IEA for this election, DONE representatives, and reviewing the VNC election procedures and by-laws, as well as the Citywide Plan, the following is our decision.

HRC could find neither malice nor ill-intent in any actions taken by the Independent Election Administrator nor the election’s few volunteers.

The challenges:

Voters had to fill out a “*sheet with much personal information to answer. A number was placed on the bottom of this personal ballot.*”

HRC found out that the sheet mentioned above was the election registration form. As called for by the VNC election procedures, there was “day of the election” registration for all stakeholders who’d not registered previously.

Further, the election procedures, which were available at the election site for anyone to read, clearly notes what the guidelines are for verifying ones stakeholdership for a VNC election. The form used, which we acquired a copy of, asked for those specific points of information required by VNC’s own procedures:

- 1) Stakeholder status - Live, work, or own property within the VNC boundaries
- 2) Qualifying stakeholder address
- 3) Stakeholder signature certifying, under penalty of perjury, that the above information is true.

All of the above information requested falls well within the VNC election procedures and by-laws, and is not a request for “much personal information.”

As to the “**number...placed on the bottom of this personal ballot,**” this is clearly addressed in the VNC election procedures in section XXI, f, which reads:

If ballots are numbered in such a way that a specific ballot can be tracked to a specific voter through the registration or sign-in forms, then that ballot identification process is to be used solely by the Independent Election Administrator or the Final Decision Maker to facilitate resolution to election challenges. If such a ballot numbering or other tracking system is used, the voters must be informed, either on the ballot or with in the instructions or sign-in forms, that the Independent Election Administrator or the Final Decision Maker will be the only ones permitted to review both documents and to do so solely for the purpose of resolving formal challenges to the election.

On the VNC election ballot, of which we acquired a copy of, the following was duly written:

Ballots may be numbered in such a way that a specific ballot can be tracked to a specific voter through the registration form. The independent Election Administrator or the Final Decision Maker will be the only ones permitted to review both documents and to do so solely for the purpose of resolving formal challenges to the election.

HRC’s review of the VNC by-laws and election procedures indicate that the areas challenged

above did indeed fall well within the prescribed and duly approved VNC election process.

The second challenge:

That a candidate for treasurer was “*not on the ballot of the date of the election but is still on the VNC e-mail as a candidate. My second challenge is why this individual was not listed on the ballot?*”

The question of a candidate's name not being on the ballot the day of the election while still on the VNC e-mail as a candidate seems to be a product of process.

The candidate in question decided to withdraw from the process and tendered his resignation from the election on or about September 7th. This information was apparently sent to the VNC, and not directly to the IEA, to whom such information/decisions should have been for the purpose of preparing the Election Day ballot. The IEA did receive this information on or about September 12th, with no time to eliminate the name of the now withdrawn candidate from the ballot.

Among the IEA's duties, as prescribed by the duly accepted VNC by-laws, is to take charge the “processing of candidates...” (Section IX, B Responsibilities), and for the “overseeing and approving the preparation of the ballot to be used in the election.” (Section IX, D Responsibilities). That the name was then withdrawn by the IEA, as requested by the candidate themselves, from the ballot falls within the responsibilities of the IEA and was not an omission of information from the VNC stakeholders.

The third Challenge:

That VNC removed standard election procedures on and/or before Election Day which made it quite difficult for individuals to find election challenge rules as they were removed possibly on purpose.

This challenge appears to have been born out of confusion on the challengers part about whether a specific form was needed to submit a challenge to the election per the election procedures. The challenger didn't find the election procedures on the VNC website when he went to find them for his challenge. He was advised by the IEA, however, that no form was needed.

Nowhere in the VNC by-laws does it state that the VNC election procedures must be on the VNC website. After some investigation HRC found that the election procedures had indeed been on the website prior to and up to the day of the election. Having the procedures clearly available on, in this case, the VNC website, on and even after any election, is a very convenient and desirable practice for any and all NC's. However, *providing* the information and mandating to *have* the information listed are two different points.

The Human Relations Commission feels that all neighborhood councils should make all of their council information accessible. Keeping the information available until the challenge period is closed would be a best practice for the future. However, while it would have been convenient, no evidence of malicious intent was provided nor found by the HRC. Additionally, the election procedures were at the election site on the day of the election, and available by request through DONE or the IEA.

Still, this raises an interesting point. If this challenger and others find this to be a concern, the HRC strongly recommends that VNC and its stakeholders discuss this before the next election.

Additionally, no evidence was submitted to show that the election procedures might have been “**removed possibly on purpose.**”

CONCLUSION

After reviewing the challenges for the VNC September 20, 2007 election, and finding no deliberate nor systemic infractions, the Human Relations Commission of the City of Los Angeles **declare this election valid and binding.**

A look at the numbers of votes cast in this election, your fifth neighborhood council election, shows a slight decline of 58 voters from 2006. The Human Relations Commission hopes that the Venice Neighborhood Council and its Election Committee will continue their efforts at outreaching to all of their stakeholders and not be discouraged.

While it may appear to be a difficult goal, it is the work of civic engagement such as this to help the NC process build to its potential as a representative of all community members. Each election then should be seen as an opportunity to improve the process, and thereby enhance all aspects of the Venice Neighborhood Council’s way of doing things.

We know that outreach is an arduous effort, but it is the good work that must be done. To that end, we offer our assistance to this particular Neighborhood Council in the coming year.