Board Report 20-46

Date: December 15, 2020

To: Board of Deferred Compensation Administration

From: Plan Governance & Administrative Issues Committee and Staff

Subject: Proposed Revisions to Board of Deferred Compensation Administration Election Policies and Procedures

Recommendation:

That the Board of Deferred Compensation Administration (Board) approve proposed modifications to the Board Election Policies and Procedures.

Discussion:

A. Background

In 1983, the City of Los Angeles established the Deferred Compensation Plan (DCP) under Internal Revenue Code Section 457 and City of Los Angeles Administrative Code (LAAC) Division 4, Chapter 14, as a voluntary supplemental retirement savings program for all employees who are members of one of the City's three primary defined benefit retirement plans.

The Board was established by the City Council to oversee the DCP and has broad program oversight and administrative responsibilities, including contracting authority. The nine-member Board includes three elected employee representatives from the Los Angeles City Employees' Retirement System ("LACERS"), Los Angeles Fire and Police Pensions ("LAFPP"), and the Department of Water and Power Employees' Retirement Plan ("WPERP"); the LACERS General Manager; the LAFPP General Manager; the WPERP Retirement Plan Manager; the Personnel Department General Manager; a certified Union Representative; and a retired or separated from City service participant representative.

The Board adopted its Election Policies and Procedures on March 20, 2007 which establishes the procedures for the conduct of elections for DCP member representatives to the Board (LACERS employee representative, LAFPP employee representative, WPERP employee representative, and the retired or separated from City service participant representative). Since their adoption,

the Election Policies and Procedures have been amended four times on January 20, 2009, February 17, 2009, February 21, 2012, and most recently on March 31, 2020.

On March 31, 2020, the Board adopted the addition of a new Section O to the Election Policies and Procedures providing the Board with emergency powers relative to the conduct of Board elections in the event of a local emergency. The Board further directed staff to conduct a full review of the Election Policies and Procedures for possible refinements and improvements, particularly as those may relate to unusual contingencies given the COVID-19 pandemic and its impact on the conduct of upcoming elections. The Board also referred this item to the Plan Governance & Administrative Issues Committee (Committee) and directed the Committee to return to the Board with recommendations.

B. Proposed Revisions to Board Election Policies and Procedures

Staff, in consultation with the City Attorney and with assistance from the Office of the City Clerk (City Clerk), conducted a comprehensive review of the Board Election Policies and Procedures and completed a draft of proposed revisions and updates which were presented to the Plan Governance & Administrative Issues Committee on November 18, 2020. A summary of the proposed revisions and updates to the Election Policies and Procedures (**Attachment A**) is summarized below and is further detailed in the following table.

- Edited section headers, terms, and statements throughout the Election Policies and Procedures document for consistency and clarity.
- Added option to provide for the submission of nominating petitions and nominating petition signatures electronically in lieu of hard copy petitions and original signatures; although this change is in part a response to the specific circumstances arising from the COVID-19 pandemic and its impact on gathering physical signatures, more generally it reflects the growing acceptance and utilization of electronic signatures in a wide variety of business and administrative transactions.
- Reduced the number of nominating petition signatures for the LACERS, LAFPP, and WPERP employee representative from a minimum of 100 and a maximum of 200 to a minimum of 50 and a maximum of 100 to encourage greater participation in DCP elections. A reduction in the required number of nominating signatures would strike a better balance between the objective of nominating signatures, which is to demonstrate that a candidate has some level of support from the constituency the candidate will be representing, relative to the risks that a too onerous obligation may discourage interested and capable candidates from participating in the process.
- Eliminated the nominating petition signatures requirement (minimum of 10 and a maximum of 20) for the retired or separated from City service participant representative. The Committee found that this constituent group is physically located in multiple different locations making it extremely difficult for candidates running for this Board seat to collect signatures especially during unusual circumstances like the current pandemic, and that eliminating the requirement would encourage greater participation in DCP elections.

Current Election Policies and Procedures – Revised 3/31/2020	Updated Election Policies and Procedures – Revised X/X/2020	Description of Proposed Changes to Board Election Policies and Procedures
Section A. Purpose	Section A. Purpose	• Revision of shorthand for Pensions to LAFPP • Revision of shorthand for DWP to WPERP
N/A	Section B. Definitions	• Addition of new section to provide for defined terms as they are used throughout the Board Election Policies and Procedures document
Section D. Nomination of Candidates	Section E. Nomination of Candidates and Official Ballot	• Deletion of sample language contained on nominating petitions • Addition of provision for the submission of nominating petitions and nominating petition signatures electronically in lieu of hard copy petitions and original signatures • Reduction of nominating petition signatures requirement for the LACERS, LAFPP, and WPERP employee representative from a minimum of 100 and a maximum of 200 to a minimum of 50 and a maximum of 100 • Elimination of the nominating petition signatures requirement (minimum of 10 and a maximum of 20) for the retired or separated from City service participant representative
All Other Sections	All Other Sections	• Addition of numbered subsections throughout the Board Election Policies and Procedures document • Revision of language for clarity and consistency throughout the document and to update City Clerk processes and procedures

C. Additional Information Regarding Nominating Petition Requirements, Electioneering in City Facilities, and LACERS and LAFPP Board Member Seats

At its meeting on November 18, 2020, the Committee discussed in further detail staff's proposal to reduce the nominating petition signatures requirement for the active LACERS, LAFPP, and WPERP employee representative from a minimum of 100 and a maximum of 200 to a minimum of 50 and a maximum of 100. The Committee considered the following in regards to this proposal:

- A primary benefit for retaining this requirement is that it demonstrates a candidate has some level of support from the constituent group the candidate is seeking to represent. The proposed reduction in the number of required nominating petition signatures would also encourage greater participation in DCP elections.
- However, retaining this requirement also poses a few challenges. The Committee discussed the difficulty a candidate may have in obtaining signatures if he/she cannot meet with employees at their physical work location due to telecommuting and/or City ethics ordinances which may prohibit electioneering in City facilities. The Committee further discussed the merits of eliminating nominating petition requirements entirely.

The Committee requested that the City Attorney report back regarding a review of State and City regulations related to electioneering in City facilities, as it might have some bearing on consideration of the nominating petition signatures requirement. Staff consulted with the City Attorney and the City Attorney advises, in summary, that Board elections are not subject to State and City campaign laws and the City has not otherwise prohibited Board candidate campaign activity at City facilities or on City property. The City Attorney is available to address any further questions from the Board on this matter.

Staff also conducted additional research into the nomination process for the active employee and retired member seats on the LACERS and LAFPP Boards. A summary of these findings is provided below:

Board Member Seat Type	Nominating Petitions Signature Requirement	Administrative Code Section Reference
LACERS Board – Active Employee Member Seat	Minimum of 100 and maximum of 200 signatures	Division 23, Chapter 2, Article 2. Section 23.39.1
LACERS Board – Retired Member Seat	No signature requirement – candidate submits Notice of Intent to run for office	Division 23, Chapter 2, Article 3. Section 23.42.1
LAFPP Board – Active and Retired Employee Member Seats	No signature requirement – candidate submits Notice of Intent to run for office	Division 23, Chapter 5, Article 5. Section 23.102.3 and Section 23.103.3

The Committee did not take any action to amend staff's recommendation regarding the reduction of the nominating petition signatures for the active LACERS, LAFPP, and WPERP

employee representative Board seats. Accordingly, this proposed revision is included in **Attachment A**. Given the additional information provided by the City Attorney and staff regarding the active employee and retired member seats on the LACERS and LAFPP Boards, the Board may 1) adopt the proposed modifications to the Board Election Policies and Procedures as they are currently presented in **Attachment A** or 2) amend any provisions in the Board Election Policies and Procedures that are not currently included in **Attachment A** for the Board to vote on. The proposed modifications to the Board Elections Policies and Procedures will be effective on the date that the Board adopts those changes. Staff recommends that the Board approve proposed modifications to the Board Election Policies and Procedures.

D. Electronic Voting Options

At its meeting on June 16, 2020, a Board member question was raised about the possibility of electronic voting options for future elections as a cost savings measure and to increase voter participation. Per Los Angeles City Administrative Code Division 4, Chapter 14, Section 4.1407 and the Board Election Policies and Procedures, the City Clerk is charged with conducting all Board elections. Accordingly, staff consulted with the City Clerk on this matter. At this time, the City Clerk indicates that while they are researching electronic voting options, they are not currently considering a move to electronic voting methods, and will continue with the current mail-in and in-person voting process that is conducted for Board elections.

The next Board member elections are scheduled to be conducted in May 2021 for the WPERP employee representative and the retired or separated from City service participant representative seats. The term for both seats end on June 30, 2021.

Submitted by: _____
                  Jenny M. Yau, Senior Management Analyst II

Approved by: _____
                  Steven Montagna, Chief Personnel Analyst

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**BOARD OF DEFERRED COMPENSATION ADMINISTRATION
ELECTION POLICIES & PROCEDURES**

Adopted by the Board of Deferred Compensation Administration on March 20, 2007
*Revised January 20, 2009; revised February 17, 2009; revised February 21, 2012;
revised March 31, 2020; revised X, 2020*

Section A. Purpose

To establish election procedures for the Board of Deferred Compensation Administration (hereafter "Board") members representing the active participant membership of the (a) Los Angeles City Employees Retirement System (hereafter "LACERS"); (b) Fire and Police Pensions (hereafter "~~Pensions~~LAFPP"); and (c) Water and Power ~~Employees~~Employees' Retirement Plan (hereafter "~~DWP Retirement Plan"); as well as~~WPERP"); and (d) the member representing participants who have retired or otherwise separated from City service.

Section B. Definitions

When the initial letter of a word or phrase is capitalized herein the meaning of such word or phrase shall be as follows:

1) "Ballot Statement" shall mean a statement signed by the Office of the City Clerk (City Clerk) stating that all ballots received by the City Clerk have been counted.
2) "Ballot Tally" shall mean the counting of the ballots received by the City Clerk following an election in the manner described under Section K.
3) "Election Day" shall mean the date an election is to be held and the last day for ballots to be cast.
4) "Spoiled Ballot" shall mean a ballot that has been determined to be void by the City Clerk which may include a ballot that has stray marks or is damaged.
5) "Challenged Ballot" shall mean a ballot where the intent of the voter or voter information cannot be ascertained.
6) "Tally Results" shall mean the official results of the Ballot Tally.

Section C. Term of Office

The terms of all elected positions shall be for three years beginning on the first day in July of the year of their respective elections ~~as determined under~~pursuant to City of Los Angeles Administrative Code Division 4, Chapter 14, Section 4.1407.

Section ~~C. Elections: General~~D. Time of Election

1) ~~All elections~~The election shall be held triennially during the month of May that precedes the month in which the term of office for a member of the Board is set to expire. The date of the election shall be designated by the Deferred Compensation Plan (DCP) staff not sooner than 90 days before the Election Day.

2) The election shall be held by secret ballot and shall be ~~conducted~~administered by the City Clerk. The City of Los Angeles Deferred Compensation Plan shall reimburse the

City Clerk for all necessary expenses incurred in the administration of ~~employee~~Board member elections and special elections.

3) ~~The regular election shall be held in May of any year in which the term of office for an employee member of the Board expires.~~ Eligible voters shall be only those ~~Plan~~DCP participants with a balance in the DCP and who are members of ~~the Plan as well as members of~~ a constituent group for which an election is being held on that ~~election day.   To be a member of the Plan means that an employee maintains a balance in the Plan.~~Election Day. To be a member of a constituent group means that one is either: (a) an active employee member of LACERS, ~~Pensions~~LAFPP, or ~~the DWP Retirement Plan~~WPERP; or (b) a participant who has retired or otherwise separated from City service. ~~The Personnel Department, in its administrative support capacity,~~

4) DCP staff shall provide to the City Clerk a primary roster, in alphabetical order, of eligible voters as of 30 days prior to ~~an election.~~ Election Day. The roster shall contain the name, address, and last four digits of the social security number (~~Employee~~employee ID ~~Numbers~~numbers for ~~DWP Employees~~WPERP employees) of each eligible voter.

Section ~~D~~E. Nomination of Candidates and Official Ballot
Only members of the appropriate constituent group who have been nominated as provided in this article shall be eligible to have their names placed on the *~~ballot. Nominating petitions shall be furnished by the Board.   These petitions shall be in substantially the following form:~~*official ballot for the election. In order to have their name placed on the official ballot, the member seeking to run as a candidate for a Board seat shall submit a completed nominating petition as provided for in this section. Failure to submit a completed nominating petition as provided for in this section shall result in the candidate's name not being placed on the official ballot.

NOMINATING PETITION FOR CANDIDATE FOR
THE BOARD OF DEFERRED COMPENSATION ADMINISTRATION

We, the undersigned, hereby certify, each for himself/herself and not one for the other, that we are members of the City of Los Angeles Deferred Compensation Plan and (insert: "active employee members of the City Employees Retirement System" or "active employee members of the Fire/Police Pensions" or "active employee members of the DWP Retirement Plan" or "have retired or otherwise separated from service with the City of Los Angeles", and collectively we hereby nominate _____ (insert name as it will appear on the ballot), a member of the Plan, for the office of _____ for the term beginning _____, and ending _____.

If this is a special election to fill an unexpired term, the petition shall be modified at the end to read instead: "…for the remainder of the unexpired term ending _____."

Beneath the foregoing, and in columnar form, space shall be provided for the signature of each nominator, the department in which each nominator is employed or the designation "Separated from City Service," as applicable, and the date on which the petition is signed by the nominator. Each person signing a petition shall write his/her name, department (if applicable) and the date of signing. Space shall be provided on each petition for one hundred signatures and two, and only two, petitions shall be available for each candidate at the office of the Plan each year in which the term of office of an employee member of the Board expires.

1) In order for Active Employee Member Candidates to qualify for a place on the election ballot, the petitions shall be signed by no fewer than 100 nor more than 200 individuals who are members of the Plan and respective constituent group. In order for Candidates Separated from City service to qualify for a place on the election ballot, the petitions shall be signed by no fewer than 10 nor more than 20 individuals who are members of the Plan and respective constituent group. Nominating petitions shall be made available at the DCP staff office in City Hall or, if the Board designates, electronically to members of the appropriate constituent group, not more than 60 days prior to Election Day.

2) The nominating petition shall have a designated space for each eligible voter to sign. Each person signing the nominating petition shall provide their name, the department in which they are employed, and the date of signing. The Board may designate that electronic signatures be collected in lieu of physical signatures, and both physical and electronic signatures shall be counted to satisfy any candidate requirements.

3) In order for LACERS, LAFPP, or WPERP active employee member candidates to qualify to be placed on the official ballot, the nominating petition shall be signed by not fewer than 50 and not more than 100 individuals who are members of the DCP and respective constituent group. Signatures collected on the nominating petition

shall be verified and validated by the City Clerk as described further in Section E4. In order for candidates separated from City service to qualify to be placed on the official ballot, the candidate must submit a completed nominating petition with no constituent signatures. Nominating petition signatures are not required for the separated from City service constituent group.

1) The nominating petition shall be submitted to the DCP staff by a

4) The petitions shall be filed in the office of the Plan no later than the date and time to be established by the PlanDCP staff that is within two weeks of not more than 14 days from the date that petitions are the nominating petition is first made available to the candidates. The City Clerk shall verify that those persons signing the petitionsnominating petition were members as of the date of signing, and shall certify the sufficiency or insufficiency of each nominating petition, and shall so notify the nominated memberscandidate by registered mail.

5) Along with the submission of the signed petitionsnominating petition, interested candidates have the option to include an occupational ballot designation and a 250-word typewritten statement of qualifications for office for the provision of information to the electorate. The occupational ballot designation shall be printed on the ballot immediately under that candidate's name and shall consist of a three-word designation of either: (a) the current principal profession, vocation, or occupation of the candidate, or (b) the principal profession, vocation, or occupation of the candidate during the calendar year immediately preceding the filing of the candidate's nominating petition. The standards for occupational ballot designations contained in the City's Election Code Section 306 are to be applied by the City Clerk as applicable, except that a candidate who is running for an elective office, which that person currently holds, shall have "(Incumbent)" printed on the ballot, immediately after that person's name, in addition to the candidate's occupational ballot designation.

6) The statement of qualifications for office may include information onsuch as education, work experience, years of service, and other relevant qualifications and shall not exceed 250 words in length. Any words beyond the 250 word limit shall not be printed by the City Clerk. Qualification statements that are submitted by the due date will, as established by the DCP staff under paragraph (4), shall be printed by the City Clerk and mailed with the ballot at no expense to the candidate.

7) The Boardstatement of qualifications shall provideinclude a disclaimer stating that neither the Board nor the City Clerk has verified the accuracy of the information contained in the candidates' qualification statements.

8) Should any candidate fail to submit an occupational ballot designation and/or a statement of qualifications by the specified due date, the appropriate sections for the occupational ballot designation and qualification statement will be blank/or qualification statement shall include a statement indicating that the candidate

declined to submit an occupational ballot designation and/or a statement of qualifications.

9) Prior to the ~~election~~Election Day, the City Clerk shall conduct a public drawing of the letters of the alphabet. Each of the letters of the alphabet shall be drawn by random. The order in which the letters are drawn shall ~~constitute the random alphabetical~~determine the order by which the surnames of the candidates shall be ~~arranged~~printed on the official ballot. The term "surname" shall mean the name borne in common by members of a family for this purpose.

10) Each official ballot shall contain the names of all candidates who have qualified in accordance with this section. There shall be a blank space beneath these names in which the voter may write the name of any employee member of the ~~Plan~~DCP and respective constituent group not printed on the official ballot and for whom the voter may wish to vote.

Section ~~E~~F. Third Party Candidate Support

In certain situations, funds used by third parties in order to support candidates for positions on the Board may be considered reportable gifts under State and City ethics rules and laws. These rules and laws include, but are not limited to, California's Political Reform Act of 1974, the City of Los Angeles Governmental Ethics Ordinance, and ~~their~~ related interpretations and regulations. Candidates are strongly encouraged to contact the Los Angeles City Ethics Commission for further information.

Section ~~F~~G. Notice of Election

1) Not more than 90 ~~nor~~but not fewer than 60 calendar days prior to Election Day, the ~~regular election, the Plan~~DCP staff shall notify the City Clerk ~~and the General Manager of the Personnel Department~~ of the fact of the election.

2) Not more than 30 ~~nor~~but not fewer than 20 calendar days prior to Election Day, the ~~regular election, the Plan~~DCP staff shall have prepared a Notice of Election specifying the election date, including a sample ballot containing the name of each candidate who has qualified ~~for a place~~to be placed on the ~~election~~official ballot, rules concerning eligibility to vote, and any additional information and instructions the City Clerk determines are appropriate. A copy of the ~~notice and sample ballot~~Notice of Election shall be posted in the Office of the City Clerk and to its website.

Section ~~G~~H. Observers to the Ballot Tally

~~Candidates~~Each candidate whose ~~names appear~~name appears on the ~~election~~official ballot may ~~each~~ designate no more than two observers at the tally center to observe that ballots are properly cast and votes are properly counted. In addition to these designated observers, candidates may also observe. Names of all observers, including any candidates who desire to attend, shall be presented to the City Clerk ~~no~~not less than three calendar days prior to ~~the election.~~ Election Day. Designated observers shall wear identification badges at all times, shall not interfere in the ballot tally process, and shall be subject to regulations prescribed by the City Clerk ~~shall prescribe~~.

Section ~~II~~I. Voting Procedures

1) The City Clerk shall mail a ballot packet for the election to each eligible voter listed on the roster supplied by the ~~Plan.~~ DCP staff. The mailing shall be completed ~~no~~not less than ten calendar days prior to ~~the date of election~~Election Day.

2) Employees who become members of the ~~Plan~~DCP within 30 calendar days prior to ~~an election~~Election Day and who wish to vote in that election shall obtain a certificate from the DCP staff certifying their eligibility to vote. The employee must present ~~themselves in~~ the ~~office~~certificate of eligibility to the City Clerk no earlier than seven calendar days prior to and ~~no~~not later than the close of business ~~(specific time to be designated by the City Clerk) of the day of the election with a certificate from the Personnel Department~~ on ~~a form approved by the City Clerk verifying the fact of their eligibility to vote.~~ Election Day. The City Clerk shall allow these members to vote.

3) Each ballot packet mailed or provided to voters shall consist of the following items:

   1. A mailing envelope;
   2. A return envelope;
   3. The official ballot;
   4. An identification envelope for the official ballot with space for the voter to affix the voter's name, mailing address, last four digits of the social security number (~~Employee~~employee ID ~~Numbers~~numbers for ~~DWP Employees~~WPERP employees), signature, and date of signing;
   5. A list of instructions to the voter; and
   6. The candidates' statements of qualifications, if any.

4) Upon ~~voting~~receiving and casting their vote on the ballot, the voter shall enclose the ballot in the identification envelope.~~.~~ The voter shall then affix the voter's name, mailing address, last four digits of the voter's social security number (~~Employee~~employee ID ~~Numbers~~number for ~~DWP Employees~~WPERP employees), signature, and date of signing on the identification envelope containing the ballot and shall enclose it in the return envelope. ~~The voter shall return the voted ballot~~All ballots must be returned to the City Clerk by United States mail or personal deposit. ~~During regular business hours in the~~ Ballots shall be accepted not earlier than seven calendar days preceding ~~the election~~Election Day, but no later than the close of business (specific time to be designated by the City Clerk) on ~~election day~~Election Day. During this period, voters may personally deposit the return envelope containing their ballot in the ballot box in the Office of the City Clerk, Election Division. ~~All ballots shall, in order to be counted, be~~ Ballots received by the City Clerk ~~no later than~~after the close of business (specific time to be designated by the City Clerk) on ~~the date of the election.~~Election Day shall be marked as late and shall not be counted.

5) Upon receipt of the identification envelope and its contents, the City Clerk shall date stamp the envelope, verify the name and last four digits of the social security number (~~Employee~~employee ID ~~Numbers~~number for ~~DWP Employees~~WPERP employees)

appearing on the envelope with the roster of eligible voters, and shall cause the roster to be marked showing that the member has voted. No identification envelope shall be opened prior to the commencement of the tally.

6) If a voter inadvertently spoils a ballot, the voter may return the spoiled ballot to the City Clerk, who shall furnish the voter with a replacement ballot. No more than two replacement ballots may be issued to the same voter. Spoiled ballots will be clearly marked "**SPOILED**" by the City Clerk.

7) If a voter on the roster claims not to have received a ballot, the voter may receive a replacement ballot from the City Clerk upon filing a signed affidavit claiming non-receipt of the ballot. The identification envelope of the replacement ballot shall be prominently marked "**REPLACEMENT BALLOT**" and the original ballot issued to the voter shall be challengedvoid, if received.

Section I.J. Verification of Identification Envelopes and Challenges.

1) The City Clerk may challenge a returned identification envelope on the following grounds:

1. The identification envelope is not properly completed according to the instructions and does not accurately identify the voter;
2. The voter did not include the correct last four digits of the social security number (Employeeemployee ID Numbersnumber for DWP EmployeesWPERP employees);
3. The voter did not properly sign the identification envelope;
4. The voter's name does not appear on the roster;
5. The identification envelope was received after the last date and time provided pursuant with these policies;
6. The voter has lost status as a member of the appropriate constituent group within 30 days prior to the election basedElection Day;
7. The voter has already turned in an identification envelope.

2) An authorized observer or the City Clerk, prior toduring the time that the identification envelope is openedBallot Tally, may challenge the eligibility of any person to vote in the election. Challenges by observers may be made only on the following grounds:

1. The identification envelope was not signed by the person whose name appears on the roster; or
2. The person's status as an eligible voter has changed since the person was certified.

3) Each identification envelope that is challenged shall have written on the envelope the word "**Challenge,**" the reason for the challenge, and the signature of the person imposingmaking the challenge.

4) The City Clerk shall, with substantiating evidence, sustain or overrule each challenge. Without substantiating evidence being produced within three business days of the ~~election~~Election Day, the challenge shall be overruled and the ballot shall be tallied with the other ballots. Identification envelopes ~~whose~~for which challenges have been sustained shall be retained unopened by the City Clerk for a minimum of 90 calendar days after the election results are certified.

Section ~~J~~K. Ballot Tally

1) The City Clerk shall count ballots in accordance with procedures used by the City Clerk to count ballots for other similar elections. Only the City Clerk may handle ballots. All ballots counted and uncounted shall be kept in view of the observers at all times during the tally and until the Ballot Statement is finally signed.

2) The identification envelope containing the sealed ballot envelope shall not be opened until the tally is commenced in order to preserve the secrecy of the ballot. At the commencement of the tally, the City Clerk shall audibly announce the name of each voter and shall then open the identification envelope, removing the official ballot. After all identification envelopes have been opened and set aside from the tally area, the City Clerk shall then proceed to count and tally the ballots cast for each choice, laying the ballots face up so that observers may inspect the marks. The count shall continue in this manner until all the ballots are opened and counted. When all ballots have been counted, the total number of votes cast for each candidate shall be entered on the unofficial Tally Results.

3) ~~If a ballot is torn, defaced, marked in an ambiguous fashion, or is otherwise defective, the City Clerk shall determine whether the intent of the voter can be reasonably determined and, if so, determine it. If intent cannot be reasonably determined or if the ballot directly or indirectly identifies the voter~~If a ballot is a Spoiled Ballot, the ballot shall be declared void by the City Clerk and shall be preserved for a period of 90 calendar days after the election results are certified.

4) After preparing the official Tally Results, the City Clerk shall place under seal all ballots, identification envelopes, and tally sheets, and shall retain them in a sealed condition for ~~no~~not less than 90 calendar days after the election results are certified.

Section ~~K. Regular~~L. Election Results

1) The candidate who receives ~~a plurality~~the most votes of all votes cast shall be elected to the position~~.~~ of Board member for the respective constituent group.

2) In the event that two or more candidates receive an equal number of votes cast, and no candidate receives more votes, then the candidates receiving an equal number of votes shall appear before the City Clerk at the time and place designated by the City Clerk and draw lots to determine which person shall be declared elected. The City Clerk shall determine the manner in which the lots shall be drawn and, in the event that any ~~candidates~~candidate involved ~~do~~does not appear, the City Clerk shall act for the absent person ~~or persons~~ in the drawing of the lot. The candidate who is selected

by lot shall be declared by the Board to be elected to the position of Board member for the respective constituent group.

Section ~~L~~M. Special Election

1) In the event that an elected member of the Board, prior to the expiration of such member's term, has submitted a letter of resignation or the member's office becomes vacant by virtue of death, retirement, termination of employment, or for any other reason, the City Clerk shall conduct a special election to fill the unexpired term. However, no special election shall be held where there is less than twelve months remaining before expiration of the term.

2) The Board shall designate the date of the special election. The special election shall be held not more than 90 calendar days after the submission of the letter of resignation or the receipt of notification of the vacancy. Candidates to be voted on at any special election shall be nominated in the same manner provided ~~above~~under this policy, but the nominating petition shall provide that the nomination is made for the balance of the unexpired term and specify the ending date of that term. ~~Nominating~~The nominating petitions shall be available at the office of the ~~Plan~~DCP or, if the Board designates, electronically to members of the appropriate constituent group seven weeks before the date ~~fixed for~~of the special election. The special election to fill the unexpired term shall be conducted in the same manner as a regular election, except as otherwise provided for in this section.

3) If any candidate in a special election receives ~~a plurality~~the most votes of all votes cast, the candidate shall be declared by the Board to be elected to the position of ~~employee~~Board member for the respective constituent group for the unexpired term.

4) In the event that two or more candidates receive an equal number of votes cast, and no candidate receives more votes, then the candidates receiving an equal number of votes shall appear before the City Clerk at the time and place designated by the City Clerk ~~in order to~~and draw lots to determine which person shall be declared elected. ~~The lots shall be drawn in the manner that the~~The City Clerk shall determine. In the manner in which the lots shall be drawn and, in the event that any candidate involved does not appear, the City Clerk shall act for the absent person in the drawing of the lot. The candidate who is selected by lot shall be declared by the Board to be elected to the position of Board member for the respective constituent group for the unexpired term.

~~Section M.~~

Section N. Certification and Report of Results

The City Clerk shall officially certify the results of the election within 14 calendar days ~~after the date of election furnish to the Board~~from the ~~official certified results of the election~~Election Day.

Section O.

~~Section N.~~ Protests of Election

Any interested person may challenge any proceeding, act, or omission that may be material to the election, by written notice to the City Clerk not later than three business days after the count of the ballots. The City Clerk shall review the protests and submit a report of findings and recommendations to the Board, together with the official certified results ~~within 14 calendar days after~~of the election.

Section ~~O~~P. Emergency Board Actions
The Board ~~shall be able to~~may take certain actions relative to the election process in the event of a local emergency declared by the City of Los Angeles, the County of Los Angeles, the State of California, or the Federal government that significantly impacts the conduct of an election. In such an event, the Board shall be able to ~~amend provisions in the Board~~enact temporary emergency election procedures to provide for the timely conduct of elections in accordance with the Board's Election Policies and Procedures.