

# **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*

## **Section A. Purpose**

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

## **Section B. 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 City of Los Angeles Administrative Code Division 4, Chapter 14.

## **Section C. Elections: General**

All elections shall be by secret ballot and shall be conducted 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 member elections.

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 participants 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. To be a member of a constituent group means that one is either (a) an active employee member of LACERS, Pensions or the DWP Retirement Plan; or (b) a participant who has retired or otherwise separated from City service. The Personnel Department, in its administrative support capacity, shall provide to the City Clerk a primary roster, in alphabetical order, of eligible voters as of 30 days prior to an election. The roster shall contain the name, address, and last four digits of the social security number (Employee ID Numbers for DWP Employees) of each eligible voter.

## **Section D. Nomination of Candidates**

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:

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.

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.

The petitions shall be filed in the office of the Plan no later than ~~5 p.m. on a~~ the date and time to be established by the Plan that is within two weeks of the date that petitions are first made available to candidates. The City Clerk shall verify that those persons signing the petitions were members as of the date of signing, and shall certify the sufficiency or insufficiency of each petition, and shall so notify the nominated members by registered mail.

Along with the submission of the signed petitions, 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 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. The statement of qualifications for office may include information on education, work experience, years of service, and other relevant qualifications and shall not exceed 250 words in length. Qualification statements that are submitted by the due date will be printed by the City Clerk and mailed with the ballot at no expense to the candidate. The Board shall provide a disclaimer stating that neither the Board nor the City Clerk has verified the accuracy of the information contained in the candidates' qualification statements. Should any candidate fail to submit an occupational ballot designation or a statement of qualifications by the specified due date, the appropriate sections for the occupational ballot designation and qualification statement will be blank.

Prior to the election, 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 random alphabetical order by which the surnames of the candidates shall be arranged on the ballot. The term "surname" shall mean the name borne in common by members of a family for this purpose. Each 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 not printed on the ballot and for whom the voter may wish to vote.

### **Section E. 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. Notice of Election**

Not more than 90 nor fewer than 60 calendar days prior to the regular election, the Plan shall notify the City Clerk and the General Manager of the Personnel Department of the fact of the election. Not more than 30 nor fewer than 20 calendar days prior to the regular election, the Plan shall have prepared a Notice of Election specifying the election date, a sample ballot containing the name of each candidate who has qualified for a place on the election 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 shall be posted in the Office of the City Clerk.

### **Section G. Observers**

Candidates whose names appear on the election 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 less than three calendar days prior to the election. Designated observers shall wear identification badges at all times and shall be subject to regulations the City Clerk shall prescribe.

### **Section H. Voting Procedures**

The City Clerk shall mail a ballot packet for the election to each eligible voter listed on the roster supplied by the Plan. The mailing shall be completed no less than ten calendar days prior to the date of election.

Employees who become members of the Plan within 30 calendar days prior to an election and who wish to vote in that election shall present themselves in the office of the City Clerk no earlier than seven calendar days prior to and no later than ~~5:00 p.m.~~ **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. The City Clerk shall allow these members to vote.

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 ID Numbers for DWP Employees), signature, and date of signing;
5. A list of instructions to the voter; and
6. The candidates' statements of qualifications, if any.

Upon voting 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 ID Numbers for DWP 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 to the City Clerk by United States mail or personal deposit. During regular business hours in the seven calendar days preceding the election, but no later than ~~5:00 p.m.~~ **the close of business (specific time to be designated by the City Clerk)** on election day, 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 received by the City Clerk no later than ~~5:00 p.m.~~ **the close of business (specific time to be designated by the City Clerk)** on the date of the election.

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 ID Numbers for DWP 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.

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.

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. The identification envelope of the replacement ballot shall be prominently marked "**REPLACEMENT BALLOT**" and the original ballot issued to the voter shall be challenged, if received.

### **Section I. Challenges**

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 (Employee ID Numbers for DWP 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 based;
7. The voter has already turned in an identification envelope.

An authorized observer or the City Clerk, prior to the time that the identification envelope is opened, 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.

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 imposing the challenge.

The City Clerk shall, with substantiating evidence, sustain or overrule each challenge. Without substantiating evidence being produced within three business days of the election, the challenge shall be overruled and the ballot shall be tallied with the other ballots. Identification envelopes whose 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. Ballot Tally**

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.

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.

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, the ballot shall be declared void by the City Clerk and shall be preserved for a period of 90 calendar days.

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 less than 90 calendar days.

### **Section K. Regular Election Results**

The candidate who receives a plurality of all votes cast shall be elected to the position. In the event that two or more candidates receive an equal number of votes cast, then the candidates receiving an equal number of votes shall appear before the City Clerk at the time and place designated by the 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 involved do not appear, the City Clerk shall act for the absent person or persons in the drawing of the lot.

### **Section L. Special Election**

In the event that an elected member of the Board 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.

The Board shall designate the date of the election. The 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, 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 petitions shall be available at the office of the Plan seven weeks before the date fixed for the election. The special election to fill the unexpired term shall be conducted in the same manner as a regular election, except as otherwise provided in this section.

If any candidate in a special election receives a plurality of all votes cast, the candidate shall be declared by the Board to be elected to the position of employee member for the unexpired term. In the event that two or more candidates receive an equal number of votes, 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 draw lots to determine which person shall be declared elected. The lots shall be drawn in the manner that the City Clerk shall determine. 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 for the unexpired term.

#### **Section M. Certification and Report of Results**

The City Clerk shall within 14 calendar days after the date of election furnish to the Board the official certified results of the election.

#### **Section N. Protests**

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 with the official certified results within 14 calendar days after the election.