Sec. 2. Article 3 of Chapter 2 of Division 23 of the Los Angeles Administrative Code is amended to read:

CHAPTER 2, ARTICLE 3

ELECTED RETIRED MEMBER OF THE BOARD

Section
23.41. Term of Office
23.42. Elections: General.
23.42.1. Nomination of Candidates
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Sec. 23.41. Term of Office.

The term of the elected retired member of the Board of Administration shall be for five years beginning on the first day in July of the year of election.

Sec. 23.42. Elections: General.

All elections shall be by secret ballot and shall be conducted by the City Clerk. The Los Angeles City Employees’ Retirement System (System) shall reimburse the City Clerk for all necessary expenses incurred in the administration of the retired member election.

The regular election shall be held in April of any year in which the term of office for the elected retired member of the Board expires.

Eligible voters shall be all retired members of the System. The General Manager of the System shall provide to the City Clerk a primary roster, in alphabetical order, of eligible voters as of 90 days prior to an election or a date closer to the election as determined by the City Clerk. The primary roster shall contain the name, address, and last four digits of the social security number of each eligible voter. The General Manager of the System shall provide a supplemental roster to the City Clerk on the date of the election and, if so requested by the City Clerk, on an earlier date if the City Clerk so determines. A supplemental roster shall contain two lists. The first shall list, in alphabetical order, the names of all
persons who, since the last roster was generated, have retired and qualified as eligible voters, together with the last four digits of their social security numbers and their addresses. The second shall list, in alphabetical order, the names and last four digits of the social security numbers of all persons who, since the last roster was generated, have died or otherwise lost their status as retired members. All rosters shall be certified and electronically transmitted in a format conducive to assisting the City Clerk with the mailing of election materials.

Sec. 23.42.1. Nomination of Candidates.

Only retired members of the System are eligible to be elected to the position of the retired member of the Board. Not more than 90 days nor fewer than 60 days prior to the election, the City Clerk shall mail to all retired members of the System notification that candidates are being sought to run for the position of retired member of the Board. Retired members interested in becoming a candidate must submit a Notice of Intent to run for office in writing to the City Clerk by the due date specified in the notification in order to have their names placed on the ballot.

Along with the submission of the Notice of Intent, 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 Notice of Intent to become a candidate. 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, if a candidate is retired from his or her principal profession, vocation or occupation, the candidate may choose, in addition, to have "(Retired)" printed on the ballot immediately after the occupational ballot designation and a candidate who is running for an elective office, which that person currently holds, shall also have "(Incumbent)" printed on the ballot immediately after that person's name. The statement of qualifications for office may include information on education, work experience, years of service, date of retirement, and other relevant qualifications and shall not exceed 250 words in length.

Interested candidates may submit their candidate package composed of the Notice of Intent to run for office, the optional occupational ballot designation and the optional statement of qualifications to the City Clerk by United States mail. Alternatively, interested candidates may personally deliver their candidate packet to the City Clerk during regular hours in the seven business days preceding the specified due date. In either case, the candidate packet must be received by the City Clerk no later than 5:00 p.m. of the specified due date. 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 retired member of the System not printed on the ballot for whom the voter wishes to vote.

Sec. 23.42.2. Notice of Election.

Not more than 90 days nor less than 60 calendar days prior to the regular election, the Board shall notify the City Clerk of the fact of the election, and cause a nominating package, which includes an Election Information flyer and a Notice of Intent form, to be mailed by the City Clerk to all retired members. Not more than 30 nor less than 20 calendar days prior to the regular election, the Board shall cause to be 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, rules concerning eligibility to vote, and any additional information and instructions as the City Clerk determines. A copy of the notice and sample ballot shall be posted in the Office of City Clerk.

Sec. 23.42.3. 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.

Sec. 23.42.4. Voting Procedures.
The City Clerk shall mail a ballot packet for the election to each eligible voter listed on the roster provided by the System. The mailing shall be completed no less than ten calendar days prior to the date of election. Persons who retire too late to be sent a ballot packet and who wish to vote in the 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. of the day of the election with a certificate from the System 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, signature, and date of signing,
5. A list of instructions to 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, 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 by personal deposit. During regular business hours in the seven calendar days preceding the election, but no later than 5:00 p.m. 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. 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 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 nonreceipt. 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.

Sec. 23.42.5. 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;

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 in Section 23.42.4;

6. The voter was reinstated as an active member, has died or otherwise lost status as an eligible voter based on information provided by the General Manager of the System;

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 by the General Manager of the System.

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.

Sec. 23.42.6. 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 the same in a sealed condition for no less than 90 calendar days.

Sec. 23.42.7. Regular Election Results.

The candidate who receives at least 50% plus one of all votes cast shall be elected to the position of retired member.
Should no candidate receive a majority of all votes cast in the initial election, the City Clerk shall cause the names of the two candidates receiving the highest number of votes to be placed on a ballot to be voted on in a run-off election, subject to all rules, regulations, and procedures governing the initial election. The run-off election shall be conducted within 30 calendar days after the date of certification of the initial election.

In the event that two or more candidates at the initial election receive an equal number of votes cast, and the number of votes is sufficient to entitle each of them to appear on the ballot of the run-off election, or in the event that both candidates at the run-off election receive an equal number of votes, then the following procedures shall be used.

In the initial election, if two candidates are tied for the most votes, then both shall be in the run-off election. If more than two candidates are tied for the most votes, 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 the top two to be in the run-off election. 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. If two or more candidates are tied for the second highest number of votes, then the City Clerk shall use the procedure set forth above to choose the second candidate for the run-off election. Should either or both of the two candidates receiving the highest number of votes at the initial election for any reason cease to be a member of the System prior to the printing of the ballots for a run-off election, the name or names of the candidate or candidates receiving the next highest number of votes shall be printed on the run-off election ballot.

In a run-off election, in the case of a tie, the City Clerk shall determine which person shall be declared elected from the tied candidates by using the procedure set forth above.

Sec. 23.42.8. Special Election.

In the event that the elected retired member of the Board has submitted a letter of resignation or the member’s office becomes vacant by virtue of death 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 six months remaining before expiration of the term.

The Board shall designate the date of the election. The election shall be held no less than 60 calendar days nor more than 90 calendar days after the submission of the letter of resignation or the receipt of notification of the vacancy. The Board shall notify the City Clerk of the election and cause a nominating package, which includes an Election Information flyer and a Notice of Intent form, to be mailed by
the City Clerk to all retired members no later than seven weeks before the date fixed for the election. Candidates to be voted on at any special election shall be nominated in the same manner provided above, but the Notice of Intent form shall clearly advise retired members that the election is for the balance of the unexpired term and specify the ending date of that term. 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 retired 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 the City Clerk determines. In the event that any candidate involved does not appear, the City Clerk shall act for the absent person in the drawing of the lots. The candidate who is selected by lot shall be declared by the Board to be elected to the position of retired member for the unexpired term.

**Sec. 23.42.9. 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.

**Sec. 23.42.10. Protests.**

Any interested person may challenge any proceeding, act or omission, which may be material to the election, by written notice to the City Clerk no 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.

**Sec. 23.43. Rules and Regulations.**

The Board is authorized to adopt rules and regulations that are necessary to implement the provisions of this article.