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To: Department of Neighborhood Empowerment

From: **Michael de la Rocha, Policy Advisor**
City of Los Angeles Human Relations Commission

Re: **Arroyo Seco Neighborhood Council - November 26, 2007 Election**
Final Decision Maker Report

Date: **December 18, 2007**

As the Final Decision Maker for the Arroyo Seco Neighborhood Council, one challenge for the November 26, 2007 election was received by the scheduled deadline. The role of the Final Decision-Maker (FDM) is to render a fact-based decision regarding challenges pertaining to an election. As a neutral entity with no interest in the outcome of an election except to ensure that said election is equitable and fair to the entire community, the City of Los Angeles Human Relations Commission (HRC) ensures that process and procedures are not violated.

As a result of this role, the HRC has reviewed the challenges with the duly approved Arroyo Seco Neighborhood Council Bylaws and Election Procedures and the following is our decision on this election.

Challenge:

The challenge was submitted by Mr. Joseph Riser whose challenging the outcome of the election based upon an error on the instructions of the original ballot mailed out to 459 Mount Washington (MW) stakeholders. Mr. Riser is requesting a re-vote for only the two MW geographic representative seats. The challenge is as follows:

"The portion of the election that involved votes cast by mail for the two 'geographic representatives' seats for the community of Mount Washington (MW) was very obviously and seriously affected by an error in the instructions on the original ballot mailed.

On that ballot, 459 registered Mount Washington stakeholders were told in writing in at least one location that they should ONLY vote for 'one' of the four listed candidates for that position -- when in reality, there have always been multiple seats open each election year."

According to the Arroyo Seco Neighborhood Council Election Procedures, Article XI. Section A and H,

The Independent Election Administrator will be responsible for overseeing and approving the design of the ballot(s) to be used in the election.

Voter instructions will be included on the ballot or accompanying material to assist the voter in completing the ballot correctly.

Review and Findings:

In his challenge, Mr. Riser states that the mistake on the original mail-in ballots contributed to a 33% "under-vote" which significantly affected the outcome of the MW geographic representative seats. Although this may be one of the factors that contributed to the "under-vote," there are a number of other factors, including the need for increased outreach and the low overall voter turnout in general that may have also contributed to the "under-vote." Whatever the reason may be, the Election Procedures clearly state that the correct protocol and/or practice is to immediately inform the IEA of any mistakes in regards to the ballot design, as he is the entity responsible for overseeing and approving the preparation of the ballot to be used in the election. If a discrepancy and/or error are indeed discovered then the IEA, along with the Election Committee, would then take appropriate steps to correct the mistake and inform all eligible stakeholders.

An interview with the Independent Election Administrator (IEA), Jerry Kvasnicka, informed the Human Relations Commission that prior to the election several MW stakeholders did report inconsistencies on the ballot noting that the text of the ballot stated "vote for 2" while the top of the ballot stated "vote for 1." As a result, immediate attempts were taken on November 16, 2007 to correct this mistake after the error was discovered, including the mailing and e-mailing of a correction postcard to all MW stakeholders informing them of the error and that they could vote for two, not just one candidate. In addition, those who received the email and correction postcard were also informed that if they had already mailed in their ballot that they could contact the IEA and get a replacement ballot and/or attend the polling location on the day of the election and recast their vote.

Although the IEA, along with the Election Committee, took immediate action to correct the unintentional mistake on the original ballot, the fact that only 30 votes separated the top three candidates and only 8 votes separated the second place finisher from the third place candidate places serious doubt about whether the election result would have been different if the unfortunate mistake had not occurred. By not informing the MW stakeholders of the appropriate voting instructions from the onset of the election, the IEA and Election Committee unfortunately broke Article XI, Section H of the Election Procedures which states that "Voter instructions will be included on the ballot or accompanying material to assist the voter in completing the ballot correctly." In addition to the infraction of the Election Procedures, the IEA mailed out only two replacement ballots and received a couple of additional phone calls inquiring about the corrected ballot, thus casting even more uncertainty of whether or not all eligible stakeholders were indeed aware of the replacement ballot.

Looking at the latest Arroyo Seco email spreadsheet also reveals that less than half of all stakeholders signed on to the email list again casting doubt as to whether or not every stakeholder was notified in ample time to correct their vote. Of the 409 eligible voters listed on the ASNC spreadsheet, only 182 gave email addresses, which mean that a significant amount of voters could not be reached by email. Although the IEA and ASNC Election did mail out a correction postcard to every registered ASNC voter, the small number of votes separating the candidates and the fact that there is no way to ensure that every voter was indeed aware of the correction jeopardizes the integrity and fairness of the overall election process.

Final Decision:

The IEA, along with the Election Committee, must be acknowledged for immediately taking action to correct the error on the ballot. Their immediate actions prove that their intent and spirit was indeed to correct the unintentional error on the initial ballot and ensure that every ASNC stakeholders was aware of the correction in a timely and fair manner. However, in order to ensure and uphold a fair and transparent process for all, the Human Relations Commission calls for the Arroyo Seco Neighborhood Council to re-vote ONLY the Mount Washington representative positions. Re-voting only the MW representative positions will eliminate any doubt about the legitimacy of the election and allow all stakeholders to feel confident in the overall election process and the integrity of the newly elected representatives of the Arroyo Seco Neighborhood Council.

Therefore, effective, December 18, 2007, the City of Los Angeles Human Relations Commission recognizes the following stakeholders, except for the Mount Washington representatives, as the official, newly elected representatives of Arroyo Seco Neighborhood Council:

Hermon Representative (1 position) Joseph Riser	Education and Youth (1 position) Clifford R. Moseley (Hermon)
Montecito Heights Representative (1 position) Tina Zabala	Recreation, Culture and the Arts (1 position) J. Michael Walker (Monterey Heights)
Monterey Hills Representative (1 position) Darlene Roker	Environment (1 position) Marybelle Cam Ang (Hermon)
Sycamore Grove Representative (1 position) Sylvia Robledo (write-in)	Community Non-Profits (1 position) Ernest Sanchez (Monterey Heights)
Retail, Wholesale and Services (1 position) Efren Chepi (Sycamore Grove)	Health Care and Seniors (1 position) Amado Machorro (Hermon)
Faith-based Organization (1 position) A. J. Mora (Hermon)	Mt. Washington Representative (2 positions) TBD

Looking at the number of votes that were cast in this election, the Human Relations Commission hopes that the Arroyo Seco Neighborhood Council and its Election Committee will not be satisfied with a voter turnout of 283 people for this election out of a potential resident stakeholder population of at least 24,521. Each election should be seen as an opportunity to improve the process, and thereby enhance all aspects of the Arroyo Seco Neighborhood Council's way of doing things. If Neighborhood Councils are to succeed, each and every one of them must be diligent in reaching out to all of their possible constituencies and be accessible to the community they profess to represent.

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