

CITY OF LOS ANGELES CHARTER AMENDMENT
PROVIDING FOR ELECTIONS BY SINGLE TRANSFERABLE VOTE
(RANKED CHOICE, INSTANT RUNOFF VOTING)

Section 400 of the Charter of City of Los Angeles is amended to read:

Sec. 400. Types of Elections.

Municipal elections held in the City of Los Angeles shall be classified as primary nominating elections, general municipal elections and special elections. No primary nominating elections shall be held after the year 2009. Beginning January 1, 2010, elections for office shall be by the system of the single transferable vote.

Section 401 of the Charter of City of Los Angeles is amended to read:

Sec. 401. Election Days – City of Los Angeles and Board of Education.

For City offices and elections of the Board of Education, primary nominating elections shall be held on the first Tuesday after the first Monday in March in every odd-numbered year until and including 2009, and general municipal elections shall be held on the third Tuesday in May in every odd-numbered year. However, if holding the election on that day would conflict with a significant event or occurrence, and the Council finds that holding the election on that day would substantially reduce voter participation, the Council may set the election on a specific alternate day not earlier than the previous Tuesday nor later than the subsequent Tuesday from the regularly scheduled election day. The Council may set the alternate day only if it finds that holding the election on such alternate day would not substantially reduce voter participation. Any action setting an alternate election day must be adopted by the Council by resolution no later than six months before the date on which the affected election would otherwise take place.

Section 409 of the Charter of City of Los Angeles is amended to read:

Sec. 409. Filling Vacancies in the Offices of Mayor, City Attorney, Controller and Member of the City Council.

Vacancies in the offices of Mayor, City Attorney, Controller and members of the City Council shall be filled by either appointment or election in the manner set forth in this section.

(a) **Appointment.** The Council may fill a vacancy by appointing a person to hold the office for the portion of the unexpired term remaining through the next June 30 of an odd-numbered year. If any portion of the term remains after that date, the Council shall also call a special election ~~or elections~~ to fill the remainder of the term, and shall consolidate the election with the primary nominating election ~~and or~~ general municipal election next following the appointment. If a vacancy is filled by appointment after the first date fixed by law for filing a

Declaration of Intention to become a candidate at the next primary nominating election or, after 2009, the first date fixed by law for filing a Declaration of Intention to become a candidate at the next general municipal election, the person appointed shall hold the office for the remainder of the unexpired term.

(b) **Special Election.** Instead of filling a vacancy by appointment, the Council may call a special election, and special runoff election, if necessary, by ordinance for the purpose of filling the vacancy for the remainder of the unexpired term. The Council shall provide in the ordinance for the consolidation of the election with any other election and for the procedure for nominating candidates, including the amount of the filing fee, if any, to be paid by candidates and other matters pertaining to the election. In the case of a tie vote, the Council shall decide which candidate receiving an equal number of votes is elected to fill the vacancy.

(c) **Recall.** Any person appointed or elected to fill a vacancy may be removed from office by the recall in the same manner as if he or she had been elected to office.

Section 410 of the Charter of City of Los Angeles is amended to read:

Sec. 410. Filling Vacancies in the Office of Members of the Board of Education.

Vacancies in the office of Members of the Board of Education shall be filled by either appointment or election in the manner set forth in this section.

(a) **Appointment.** The Board of Education may fill a vacancy by appointing a person to hold the office for the portion of the unexpired term remaining through the next June 30 of an odd-numbered year. If any portion of the term remains after that date, the Board shall also contract with the City of Los Angeles for the calling and conducting of a special election or elections to fill the remainder of the term, and the Council shall consolidate the election with the primary nominating election ~~and~~ or general municipal election next following the appointment. If a vacancy is filled by appointment after the first date fixed by law for filing a Declaration of Intention to become a candidate at the next primary nominating election or, after 2009, the first date fixed by law for filing a Declaration of Intention to become a candidate at the next general municipal election, the person appointed shall hold the office for the remainder of the unexpired term.

(b) **Special Election.** Instead of filling a vacancy by appointment, the Board of Education may contract with the City of Los Angeles for the calling and conducting of a special election ~~or elections~~ for the purpose of filling the vacancy for the remainder of the unexpired term. The contract shall be subject to approval by the City Council, and shall contain a provision that the Los Angeles Unified School District shall pay for all costs incurred in conducting the special election or elections. Unless otherwise specified in the contract, within 30 days of the Council's approval of the contract, the Council shall adopt a resolution calling a special election, and special runoff election, if necessary, for the purpose of filling the vacancy and provide in that ordinance the time for holding the election, whether consolidation with any other scheduled

election will be sought; the procedures for nominating candidates, including the amount of the filing fee, if any, to be paid by candidates; and other matters pertaining to the election.

(c) **Recall.** Any person appointed or elected to fill a vacancy may be removed from office by the recall in the same manner as if he or she had otherwise been elected to office.

Section 421 of the Charter of City of Los Angeles is amended to read:

Sec. 421. Declaration of Intention.

(a) **Form and Timing.** Each candidate for nomination to any elected office shall sign and file with the City Clerk a sworn Declaration of Intention to become a candidate for the office designated in the Declaration. The Declaration of Intention must be made on a form furnished by the City Clerk, and shall include an affidavit by the candidate that he or she possesses all necessary legal qualifications to be a candidate for the designated office. The Declaration of Intention shall be filed not earlier than 120 days, nor later than 115 days prior to the primary nominating election or, after 2009, the general municipal election.

(b) **Restrictions; Withdrawal.** A candidate may not file a Declaration of Intention to become a candidate for more than one office at the same primary nominating election or general municipal election. Prior to the issuance of a Nominating Petition, a candidate may withdraw the Declaration of Intention to become a candidate for the office designated therein by filing a written statement with the City Clerk. In that case, a candidate may file a new Declaration of Intention to become a candidate for another office not later than 115 days prior to the primary nominating election or, after 2009, the general municipal election.

(c) **Statement of Economic Interests.** Each candidate for Mayor, City Attorney, Controller and member of the City Council shall file a Statement of Economic Interests that itemizes investments, interests in real property and income, except for gifts, received in the previous 12 month period. The Statement shall be filed with the City Ethics Commission no later than the final filing date for filing the Declaration of Intention. A Declaration of Intention shall not be valid unless a Statement of Economic Interests has been submitted by the final filing date for the Declaration of Intention.

Section 422 of the Charter of City of Los Angeles is amended to read:

Sec. 422. Nominating Petition.

(a) **Form and Requirements.** The City Clerk shall prepare and furnish a Nominating Petition to each candidate who has filed a valid Declaration of Intention. The Nominating Petition shall specify the name of the office and the name of the candidate to be nominated, and shall otherwise comply with the requirements of the City Election Code. In order to qualify a candidate for placement on the primary nominating ballot or, after 2009, the general municipal election ballot, the Nominating Petition shall be signed by at least 500 registered voters of the

City, in the case of nomination to an office elected at large, or of the Council district or Board district in the case of nomination to the City Council or Board of Education. Only signatures of registered voters living within the Council district or Board district, as the case may be, shall be counted in determining the sufficiency of those petitions. Voters may sign more than one petition for a candidate for the same office. A petition presented to the City Clerk shall not be valid if it contains blanks for more than one thousand signatures.

(b) **Filing and Certification.** Nominating Petitions shall be filed with the City Clerk not more than 115 days and not less than 90 days prior to the primary nominating election or, after 2009, the general municipal election. No Nominating Petition shall be filed with the City Clerk until any filing fee requirement has been satisfied. The City Clerk shall examine the Nominating Petition, and determine whether it contains the requisite number of signatures of qualified registered voters, in accordance with procedures contained in the City Election Code. When the City Clerk has completed the examination of the petition, the Clerk shall prepare a dated certificate showing the result of the examination.

(c) **Supplementing the Petition.** The City Election Code shall govern the process by which and circumstances under which an insufficient Nominating Petition may be supplemented. However, no supplement to a Petition shall be allowed after the expiration of the time for filing the Nominating Petition set forth in the Charter, and no signature may be withdrawn from a Nominating Petition after its presentation to the Clerk.

Section 423 of the Charter of City of Los Angeles is amended to read:

Sec. 423. Withdrawal of Nominating Petition.

Within three days after the expiration of the time for filing a Nominating Petition, any person for the nomination of whom a petition has been filed, may cause his or her name to be withdrawn from nomination by filing a request in writing with the City Clerk. No name so withdrawn shall be printed on the primary nominating election ballot or general municipal election ballot. If after a withdrawal, or by the death or other disqualification of any person for the nomination of whom a petition has been filed, only one candidate remains for any given office, then other nominations for that office may be made by filing petitions within ten days after the expiration of the time for the filing of Nominating Petitions, but no supplement to any Petition shall be allowed.

The heading of Section 424 of the Charter of City of Los Angeles is amended to read:

Sec. 424. ~~Primary Nominating~~ Election Ballot.

Section 425 of the Charter of City of Los Angeles is amended to read:

Sec. 425. Results of Primary Nominating Election.

(a) In the event that any candidate receives a majority of the votes cast for an office at ~~the a~~ primary nominating election, that candidate shall be elected to the office.

(b) In the event no candidate receives a majority of the votes cast for an office at a primary nominating election, the two candidates receiving the highest number of votes for the office shall be the candidates, and the only candidates, for that office whose names shall appear on the ballots to be used at the general municipal election.

(c) In the event that two or more persons receive an equal number of votes as candidates for an office at the primary nominating election, so that the result of the election does not determine which of the persons are entitled to be nominated as candidates, the Council shall draw lots to determine which of the persons shall be the candidate or candidates for the office. The lots shall be drawn at the next regular Council meeting occurring later than five days after the declaration of the result of the election, in the manner the Council prescribes. However, if a recount of the ballots with respect to the office in question is timely requested, lots shall not be drawn until and unless the recount also fails to result in a determination of which persons are entitled to be nominated as candidates for the office.

Section 426 of the Charter of City of Los Angeles is deleted:

~~Sec. 426. General Election Ballot.~~

~~—The ballot for any general election shall be in the same general form as for the primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.~~

Section 436 of the Charter of City of Los Angeles is amended to read:

Sec. 436. Nomination of Candidates to Replace Recalled Officer.

Any candidate to be voted for at a recall election, other than the incumbent sought to be removed, may be nominated by petition, which petition shall conform to the provisions of the Charter, so far as applicable, relating to nominating petitions ~~at primary nominating elections~~. Nominating petitions may be circulated upon the City Clerk's certificate of sufficiency of the recall petition. Each nominating petition must be filed with the City Clerk within the time established in the ordinance calling the special election. The City Clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters of the City, Council district, or Board district, as the case may be, in accordance with the requirements of the Charter and the City Election Code. The City Election Code shall govern the circumstances under which and process by which insufficient petitions may be supplemented.

Section 437 of the Charter of City of Los Angeles is amended to read:

Sec. 437. Election of Candidate to Succeed Recalled Officer.

~~¶~~Until the end of the year 2009, if the vote at any recall election shall recall an officer of the City of Los Angeles, or a member of the Board of Education, then the candidate who receives a majority of the votes cast for candidates to succeed the officer removed shall be declared elected for the remainder of the term. If no candidate receives a majority of the votes cast, the two candidates receiving the highest number of votes at the recall election shall be candidates at a special runoff election, and whichever candidate receives the majority vote at that election shall be elected to succeed the recalled officer. Beginning January 1, 2010, if the vote at any recall election shall recall an officer of the City of Los Angeles, or a member of the Board of Education, then the candidate elected by the system of the single transferable vote shall be declared elected for the remainder of the term.