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TO: Jamiko Bell, Senior Project Coordinator  
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FROM: Victoria Minetta, Project Coordinator  
Human Relations Commission of the City of Los Angeles  
  
DATE: July 26, 2005  
  
RE: Greater Wilshire Neighborhood Council Election  
Final Decision Maker Report

The City of Los Angeles Human Relations Commission (HRC) was asked to be the Final Decision-Maker for the 2005 Greater Wilshire Neighborhood Council (GWNC) election.

After reviewing the nine challenges received, and applying the GWNC election procedures and bylaws to those challenges, it is the HRC's recommendation that the election results stand and that the Greater Wilshire Neighborhood Council election be certified.

What follows are the nine challenges received by the Commission within the GWNC's own subscribed election bylaw challenge deadline. Also, you will find the HRC recommendations offered, so that future GWNC elections may proceed in a fashion smoother than the recent election.

**Challenge #1**

Susan and Philip Mayer submitted a challenge regarding the distribution of membership cards on Election Day, so voters could be instantly qualified to vote in more than one category. Mr. and Mrs. Mayer expressed their strong opposition to what they believed to be an unfair election practice.

According to the Greater Wilshire Neighborhood Council's own election procedures, this action of on the spot qualifying is not prohibited. In addition, the GWNC election procedures give the Independent Election Administrator (Mr. Jerry Kvasnicka) the final determination on election day as to who is and who is not qualified to vote. Section IX.d.3. of the election procedures states that the IEA shall be responsible for, among other duties: "Overseeing the processing of voters including pre-registration and verification of eligibility as applicable."

## **Challenge #2**

The second challenge was signed and submitted by three people: C. Edward, Shondell and Auriell P. Spiegel. The Spiegels protested this election due to electioneering and the aforementioned on the spot qualification of voters, stating "...an area well within the 100 feet limit for electioneering was used as a gathering place for the distribution of "envelopes" given to those individuals who had been pre-notified. While standing in line, we observed that these envelopes contained a pre-printed slate of those individuals who should receive votes..." See their attached challenge.

Electioneering within 100 feet of the polling place is indeed prohibited by the GWNC election procedures. Mr. Jerry Kvasnicka, the IEA, stated that he monitored and spoke to anyone found to be too close to the polling place, and asked them to move back and to remain beyond 100 feet. No violations of this procedure could be shown or proven to have affected the election outcome.

## **Challenge #3**

Mr. Alan Stern challenged the election based on the long wait to vote, the lack of sufficient space for voting, the lack of parking spaces available to voters, electioneering, and the on-site qualification of voters.

The voting site was approved by the Board of Neighborhood Commissioners and Section II d of the procedures states:

"Los Angeles City Fire Department Station 29 complies with the American's with Disabilities Act (ADA)."

Again, this site was chosen and approved by the Department of Neighborhood Empowerment (DONE) and by the Board of Neighborhood Empowerment Commissioners (BONC), and issues, such as this on, should be taken up with them prior to the next election.

The long wait time for voting will be addressed in our subsequent recommendations.

As for the question of electioneering and on-site qualification, please see our response to Challenge # 1.

## **Challenge #4**

Ms. Eva Gurman also challenged the on-site qualification. She wasn't able to vote in as many categories as she thought she would be able to. In terms of the overall question of "on-site" qualification, please see our response to Challenge 1.

As for her challenge regarding how many categories she qualified for, again this was up to the IEA and his trained volunteers to determine.

## **Challenge #5**

Mr. Brian Franklin left work early to vote and he could not find a parking space. He believed that this was unfair. While we can understand his frustration, the voting site was approved by the Board of Neighborhood Commissioners and is itself ADA compliant; thus, it doesn't violate anything within the GWNC election procedures or by-laws. However, please see the HRC's recommendations found below.

## **Challenges 6,7, 8**

Mr. Michael Rosenberg submitted several challenges via three separate letters to the Department of Neighborhood Empowerment.

The first letter focused on Mr. Kvasnicka's enlisting the help of DONE staff to safeguard the election ballot boxes overnight.

Section IX b of the election procedures states:

*"The IEA may utilize the staff, material, equipment and facility resources of the Neighborhood Council or the DONE to assist them in carrying out the election administration duties..."*

That section also gives the IEA the final determination, on Election Day, regarding any unforeseen issues. With so many ballots cast, Mr. Kvasnicka was unable to transfer all of the ballot boxes all by himself. It was then, within Mr. Kvasnicka's purview as the IEA, to make a decision about the best way to conduct the election and to enlist DONE's staff help with taking care of the ballots cast. If, in the future GWNC wants the IEA to handle all ballot boxes exclusively, it must find a way to accommodate that assignment.

Mr. Rosenberg's remaining challenges had to do with the lack of proper voting space and the length of time for an individual to vote. This matter will be addressed in our recommendation section.

He also challenged a number of issues (see attached challenges) that were geared towards actions already taken by DONE and BONC. These issues are not in our purview to judge. We are confined to addressing matters related to the bylaws and the election procedures, which were approved by both the Neighborhood Council and BONC.

## **Challenge 9**

This challenge was submitted by Amy Stark who brought her son to the polls hoping to show him the power and importance of democracy but found herself very disappointed with her experience.

First she thought that she was unable to vote in all the categories which she believed that she should have been eligible. I could find nothing that directly violated her rights to vote in more categories, per the election procedures and the GWNC by-laws. However, if some people believe that these procedures and by-laws need reviewing and amending, then it can and needs to be brought up at GWNC meetings.

Next, regarding the fact that the wait to vote was so long that it turned into a negative experience for her, while we can appreciate her frustration, once again the election site was approved by the Board of Neighborhood Commissioners and is ADA compliant. However, while her challenges did not reach the level of overturning this election, they are addressed in our recommendations that follow.

### **Recommendations**

The City Human Relations Commission staff recommends the following:

That a Committee be organized to review and then make recommendations to BONC about obstacles causing problems related to voting such as space limitations, parking difficulties and long lines forming at polling places. As an example, having to wait an hour and a half to vote, while not illegal, is somewhat of a hindrance, this is an unfortunate part of the democratic process.

A review of the ballot process is also in order and specifically looking at on-site verification viz.-a-viz. everyone's perception of the fairness of a particular process. We recommend that these issues be addressed prior to the next election so that it might run smoother than the one just experienced.

VM/vm

Cc: file