

# Greater Wilshire Neighborhood Council



## Greater Wilshire Neighborhood Council Special Meeting #2 of 2

**June 9, 2010**

Approved by the Board  
07/14/10

### MINUTES

#### Call to Order

A duly noticed meeting of the Board of Directors of the Greater Wilshire Neighborhood Council (“GWNC”) was held on Wednesday, June 9, 2010, at the Ebell of Los Angeles, 743 South Lucerne Blvd. President Charles Dougherty called the meeting to order at 7:55 p.m.

#### Roll Call

The Secretary, Elizabeth Fuller, called the roll. Board of Directors members in attendance at the roll call were: Charles D’Atri (alt. Jared Abrams), Yigal Arens, Patti Carroll, Charles Dougherty, Elizabeth Fuller, Jane Gilman, Rudy Gintel, John Gresham, Alex Jones-Moreno, Patty Lombard (alt. Shar Penfold), Owen Smith, Jane Usher and James Wolf. Directors Charles Bergson, Moon Chung, Sam Cunningham, Frances McFall, Margaret Hudson, Clinton Oie, Martha Schuur and Russell Sherman were absent and not represented by an alternate.

The Secretary stated that a quorum was present

#### Response to GWNC Election Challenge Denial

Secretary Elizabeth Fuller reported that in the Area 7 (Larchmont Village) race in our recent elections, the “unofficial” vote totals showed candidate Karen Gilman with 16 votes and candidate Federico Mariscal with 14. A few days later, the “official” totals released by the City Clerk showed Ms. Gilman with 16 votes and Mr. Mariscal with 17, changing the outcome of the race. Because of the altered outcome, a challenge was filed by a stakeholder, asking that the eligibility of all voters in that race be verified. But the Clerk’s office declined to review the challenge, saying there was no valid basis for a challenge. When our officers reviewed the Clerk’s elections Policy 29 (which sets out the guidelines for election challenges), however, we saw that “stakeholder eligibility” is indeed on the list of legitimate bases for challenges. And our officers want to make sure that a challenge fairly submitted is fairly considered by the Clerk.

President Dougherty read a draft of a letter the officers are proposing to send to the City Clerk and the City Attorney offices:

*"Dear Ms. Torres & Mr. Martinez:*

*We are writing to formally protest the recent action by the City Clerk to reject a challenge that was submitted to the results of our May 13, 2010 election.*

*We have been advised that one of our voting stakeholders submitted a timely challenge to the results for the Area 7 seat, Larchmont Village. We have further learned, telephonically from the City Clerk, tat this challenge was rejected for consideration on the incorrect grounds that challenges to voter eligibility are improper. (We were informed of the rejection when our secretary called the Clerk's office on June 3. Formal e-mail notification of the decision did not arrive until June 9.)*

*While the GWNC takes no position on the outcome of the Area 7 race, we have a significant interest in ensuring that the rules and procedures of our election and our by-laws are honored in full. We have been advised that the rejected challenge contested the eligibility of "stakeholders" who were permitted to cast ballots for the Area 7 race. Pursuant to the GWNC Election Stipulation Procedures and By-Laws, only stakeholders who live, work or own property in Area 7 and who properly document their status under one of those three criteria were eligible to vote for the Area 7 seat. In addition, so-called "factual basis" stakeholders were not eligible to vote in this race. The challenge asked that any improperly documented or undocumented ballots of stakeholders who claimed to live, work, or own property in Area 7 be set aside, as these stakeholders did not meet the eligibility requirements to vote. The challenge further asked that any ballots that were counted in Area 7 of "factual basis" stakeholders be set aside, as these stakeholders were not eligible to vote.*

*The official Neighborhood Council Election Challenge Process correctly states (see Policy 29, Attachment C, under the heading "Challengeable") that "stakeholder eligibility" is a proper topic for an election challenge in a neighborhood council election, such as ours, where stakeholder documentation is required.*

*Please advise us immediately whether the challenge filed to our election results will be accepted, as it must be. Our alternative will be to encourage our stakeholders to bring suit against the City for violating our election rules and procedures. Those litigants will of course seek all available damages, attorney's fees, and costs.*

*We would ask that you reply by email and that you copy our entire board on your reply so that they can each know the outcome and so that we are not in a position of violating the Brown Act. DONE has all of our board member's email*

*addresses.*

Director John Gresham suggested that we add a copy of Policy 29, which is mentioned in the letter. Ms. Fuller said we would, along with a document request form, asking to see the actual voter registrations.

Director Yigal Arens asked what “factual basis stakeholder” means. Director Jane Usher said that, in law, “factual basis” means there are facts that support whatever the documents say. She said DONE has policy that there are many kinds of stakeholders, including “factual basis” stakeholders, who must provide a document to support their claim or stake.

Mr. Arens said the letter implies that some such people were allowed to vote when they should not have been. Ms. Usher said that is correct – as we have discussed at prior meetings, there was some confusion within city hall as to what qualifies as factual basis stakeholder. And there is no one right answer. A few years ago DONE said that just shopping in the neighborhood wasn’t enough to give someone a stake. But now they’re less sure. DONE has the taken position that each NC must allow factual basis stakeholders (i.e. those who don’t live, work, own property or claim a tie to an organization represented by one of our special interest seats) to vote for at least one seat on our board. But our bylaws can specify which seat. In our election, factual basis stakeholders were allowed to vote for our At Large seat only.

Mr. Arens asked if the challenge that was filed is alleging that some factual basis voters may have been incorrectly allowed to vote in area 7. Ms. Usher said yes. Director Rudy Gintel asked if DONE allowed factual basis stakeholders to vote even though our bylaws said people must live, work or own property in the area. Ms. Usher said yes, but we did eventually agree to let them vote for the one seat (At Large). Mr. Gintel asked if factual basis stakeholders voted in an area race, they should be disqualified. Mr. Dougherty said yes, and that would apply for any of our area seats.

Director John Gresham asked what the vote totals were in the unofficial and official results. Mr. Dougherty said there was a two or three vote swing, that changed the outcome between the two sets of results. He also said he and Ms. Fuller went down to the Clerk’s office to look at the registrations, but they were only allowed to see the anonymously-cast ballots, not the registrations. He said the main set of ballots showed one outcome, but the addition of two provisional ballot and one that required visual inspection changed the outcome. He said they were also told that when the challenge was reviewed, the documents would be re-examined, but then we learned the challenge had been rejected without investigation of any of the challenge’s claims.

Mr. Gintel asked if they weren’t allowed to verify that each vote cast had a basis in eligibility and Mr. Dougherty said that was correct.

Director Patti Carroll asked what provisional ballots are. Ms. Fuller explained that they were from people who didn’t have proper identification when they arrived to

vote. They were given 24 hours to produce the ID, and then they did, their ballots were deemed official.

Ms. Usher said that regardless of the outcome, we're going to end up with a great board member in the seat in question, but that Mr. Dougherty and Ms. Fuller are trying to protect us and have gotten the runaround from the City Clerk, which isn't right.

Mr. Dougherty concurred, saying the GWNC has no interest in the specific outcome of the election, but we are concerned about transparency. If the Clerk's office had been more transparent, we'd be seating our new board today.

Ms. Lombard asks where this leaves us with seating our new board? Mr. Dougherty said we would discuss that after we deal with a motion on the letter.

Mr. Gresham moved that we endorse and send the letter with the attachments mentioned. Mr. D'Atri seconded the motion.

Ms. Fuller said the Clerk's representative told her that we are not allowed to challenge on the basis of stakeholder eligibility, because if people hadn't proved they were eligible to vote, they wouldn't have been allowed to vote...when the "proof" they provided is exactly what was being challenged.

Federico Mariscal (one of the candidates in Area 7), said the way the elections are run is "ridiculous" – there are different rules in different areas, and very few people vote or are even aware of the NC's existence. He said that moving forward, we have to make sure it's very clear to the city that this is how it works. Also that we have to make it easier to vote or find another way to submit votes (because a lot of people simply couldn't get to the polls during the required hours). He said we also have to make sure that everyone's on the same page.

Mr. Dougherty agreed, noting we've been fighting about these and other issues for years, first with DONE and now with the City Clerk, whose office has changed key rules and been inflexible throughout the process.

Benjamin Rosenberg (a candidate in the Citrus Square race), asked if this delay will in any way affect the new board's two-year tenure. Mr. Dougherty said he doesn't think it will be of any consequence, but Ms. Usher noted that we no longer control our election schedule, which has been turned over to the City Clerk (in fact, the current board, which was elected for a two-year tenure, has been sitting for three years now because of the Clerk's changes to our election schedule).

Ms. Lombard asked what will happen next in this process and Mr. Dougherty said he doesn't know – it will depend on the responses we get to our letter. He called the question on the motion on the floor. It passed unanimously.

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Board Member Comments/New Business

There were no Board Member Comments

Public Comments

There were no Public Comments

Announcements and Adjournment

The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

Elizabeth Fuller  
Secretary