



County of Los Angeles  
**CHIEF ADMINISTRATIVE OFFICE**

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DAVID E. JANSSEN  
Chief Administrative Officer

Board of Supervisors  
GLORIA MOLINA  
First District

YVONNE B. BURKE  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

February 24, 2006

To: Mayor Michael D. Antonovich  
Supervisor Gloria Molina  
Supervisor Yvonne B. Burke  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe

From: David E. Janssen  
Chief Administrative Officer

**SUBJECT: LACERA ELECTION**

On September 20, 2005, your Board adopted the Executive Officer's recommendation to declare the identified elected persons to the relevant positions on the Board of Investments and the Board of Retirement pursuant to the Los Angeles Employees' Retirement Association (LACERA) election. In addition, your Board instructed this Office to review the current LACERA election process and make recommendations to your Board on how to improve the process.

Accordingly, this Office convened a workgroup consisting of representatives from Auditor-Controller, County Counsel, the Executive Officer of the Board of Supervisors, LACERA and the Registrar-Recorder/County Clerk to develop recommendations that focused on augmenting the LACERA election process to achieve uniform candidate compliance with the election resolutions that govern this process.

In summary, and as further outlined below:

- The election resolution, which governs the LACERA election process, allows for any candidate to protest the results of the election by filing a written protest that specifies the grounds for the protest with the Executive Officer of the Board of Supervisors.
- With input from the Executive Officer and County Counsel and an investigation by the Auditor-Controller, your Board determined that the candidates who filed the joint protest in the 2005 election cycle failed to adequately support their protest by showing that an error, omission or neglect occurred that would change the result of the election.

- The election resolution with the recommended amendments to further enhance the election process will be presented to your Board for adoption in March 2006 by the Executive Officer. Other actions intended to enhance the process will also be undertaken as outlined below.

### **Election Process**

State law mandates that the Board of Supervisors conduct an election to fill vacant or expired seats on the LACERA Board of Investments and Board of Retirement. LACERA is a public entity separate from the County that was created to provide retirement, disability and death benefits to County employees. The primary objective of the Executive Officer in coordinating the LACERA board member elections is to ensure that elections are conducted in an equitable manner in accordance with established procedures, and to ensure that all eligible LACERA members have the opportunity to participate in the election process. The Auxiliary Services staff of the Executive Officer are responsible for coordinating the elections to select LACERA board members.

Pursuant to Government Code Sections 31520.1, 31520.2, 31520.5 and 31523, your Board approves the procedures for elections to fill vacancies on the Board of Investments and the Board of Retirement. After the Registrar-Recorder/County Clerk certifies the election results, your Board must also declare the election results official. The person who receives the highest number of votes in each race is declared elected.

In accordance with the resolution establishing the procedures for the elections, a candidate may file a protest of the result of the election and describe the grounds for the protest. The written protest must be accompanied by supporting documentation. The resolution provides that in lieu of declaring the result of the election official, your Board may order a new election if it determines, on the basis of written protest or on your Board's own determination, that any error, omission or neglect occurred that was attributable to the County in the administration of the election sufficient to change the result.

Despite the implementation of previous recommendations to enhance the election process, a joint protest was filed during the 2005 election cycle by two unsuccessful candidates alleging that there were instances of County employees assisting candidates with their campaigning during their working hours, improper use of County mail and the County e-mail system, and the removal of campaign material from County bulletin boards.

The Executive Officer and County Counsel reviewed the protest and determined the protest lacked the required supporting documentation to show any error, omission or neglect occurred in the administration of the election. The Executive Officer recommended to your Board to reject the protests and declare the election results

official. However, your Board delayed the certification of the election results for one week to provide the Auditor-Controller time to interview additional employees in response to the protests and file a confidential report with your Board. The Auditor-Controller investigated the matter and provided your board with a report that indicated the allegations were unsubstantiated. Your Board then unanimously adopted the Executive Officer's recommendation to certify the election results and instructed this Office to review the current LACERA election process and make recommendations on how to improve the process.

### **Prior Recommendations**

On January 4, 2000, the Auditor-Controller, in conjunction with the Executive Office, issued a report following an investigation of similar allegations of improper electioneering. That report included recommendations to reduce the incidence of future misconduct and clarify the election process, including the implementation of mandatory training for all departmental election coordinators, amendment of the Election Resolution to clearly state that election rule violations by employees may result in administrative discipline, a direct prohibition against candidates soliciting campaign contributions from LACERA fund managers, and suggestions that the County explore possible legislative changes regarding election rules violations. With the exception of the legislative changes which were determined to be infeasible, these recommendations were implemented prior to the start of the 2005 election cycle.

### **Recommendations for 2006 Election Cycle**

The workgroup has reached a consensus in making the following recommendations to immediately strengthen and enhance the LACERA election process:

- Revise the election resolution to:
  - Clarify that each department head allow all nominees to solicit nominating signatures **and engage in campaign-related activity** during working hours on County property, provided such solicitation **and activity** is conducted during the solicited employees' lunch, break time, or other off-duty time and does not interfere with County operations or the conduct of County business.
  - Clarify the public inspection period as defined as five business days excluding weekends (Saturday and Sunday) and holidays.
  - Provide for mandatory pre-election training for all departmental election coordinators and alternates.

- Urge that department heads with work locations which have more than 100 employees who are eligible to vote designate an on-site election coordinator at each of these locations.
- Request that LACERA place the candidate's statements and the departmental election coordinators' contact information on the LACERA Website.
- Update the candidate information booklet to include the important provisions of selected election resolutions.

Unless otherwise instructed by your Board, these recommendations will be implemented as applicable by the responsible departments. Please note that despite the implementation of these best practices recommendations, there will still remain the possibility of alleged candidate misconduct or non-compliance with the election resolutions.

If you have any questions, please let us know, or your staff can contact Vincent Amerson of this Office at (213) 974-1168 or at [vamerson@cao.co.la.ca.us](mailto:vamerson@cao.co.la.ca.us).

DEJ:MKZ  
VLA:ib

c: All Department Heads  
LACERA  
Board of Investments  
Board of Retirement