

FILE NO. 020888

CHARTER AMENDMENT  
PROPOSITION \_\_\_\_\_

**Clarifying that Charter section 13.104.5 does not prohibit City personnel from providing to the Department of Elections services that are indistinguishable from services provided to other City departments and unrelated to the conduct of elections; authorizing the Board of Supervisors to grant a waiver, applicable before, during and after election day, to the prohibition on use of City employees; eliminating the requirement that, prior to seeking a waiver from the Board of Supervisors, the Elections Commission make a finding that the Department of Elections will not have adequate staffing to conduct an election without the waiver; and specifying that the Sheriff is responsible for transporting voted ballots and other documents and devices used to record votes from the polls to the central counting location and approving a security plan.**

Be it ordained by the People of the City and County of San Francisco:

SEC. 13.104.5. USE OF OTHER CITY EMPLOYEES AND OFFICERS.

Except as provided below, no City employee or officer, other than the Director of Elections, an appointee of the Director of Elections or a member of the Elections Commission, may in any capacity perform any function relating to the conduct of an election that this Charter places under the Department of Elections. This section prohibits City personnel from providing to the Department

of Elections services that are unique to that department. This section does not prohibit City personnel from providing to the Department of Elections ordinary services that are unrelated to the conduct of an election and that are indistinguishable from services performed for other City departments. These general support services include, but are not limited to, services relating to human resources, personnel processing, payroll, workers compensation, budgeting, accounting, procurement, contracting, and the maintenance of telephone and voice mail systems. The Elections Commission may, upon the recommendation of the Director of Elections ~~and a finding that the Department will not have adequate staffing to conduct an election,~~ request from the Board of Supervisors a waiver of this prohibition so as to allow City employees and officers to assist the Department of Elections ~~on the day of an election.~~ The Board of Supervisors shall approve or deny such requests from the Elections Commission by motion.

The City Attorney shall serve as legal counsel to the Elections Commission and the Department of Elections. The Commission may, by a majority vote of its members hire outside legal counsel to advise the Commission and the Department on matters that directly involve the election or campaign of the City Attorney, if the City Attorney is standing for election. All outside legal counsel hired pursuant to this Section shall be a member in good standing of the California State Bar. In selecting outside legal counsel, the Commission shall give preference to engaging the services of a city attorney's office, a county counsel's office or other public entity law office with an expertise regarding the subject-matter jurisdiction of the Elections Commission. In the event that the Commission concludes that private counsel is necessary, it may, by a majority vote, engage the services of a private attorney who has at least five years' experience in the subject-matter jurisdiction of the Elections Commission. Any

private counsel retained pursuant to this Section shall be subject to the conflict of interest provisions of Section 13.103.5. Any contract for outside legal counsel authorized by this section shall be paid for by the Commission and shall be subject to the budgetary and fiscal provisions of this charter.

The Sheriff shall be responsible for ~~preserving the security and integrity of elections in all matters including but not limited to~~ transporting all voted ballots and all other documents or devices used to record votes from the polls to the central counting location and approving a security plan ~~providing security~~ for the ballots until the certification of election results. This requirement shall not become operative following its adoption until the Sheriff has completed meeting and conferring required by state law. The Director of Elections shall develop and submit for the approval of the Elections Commission an alternative transportation and security plan if an incumbent sheriff is running for election. The Elections Commission shall send a copy of the approved transportation and security plan to the Board of Supervisors.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
JULIE A. MOLL  
Deputy City Attorney