



City and County of San Francisco  
**Department of Elections**

John Arntz, Director

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**Memorandum**

**To:** Elections Commission  
**From:** John Arntz, Director  
**Date:** June 5, 2015  
**RE:** Alternative Security Plan for November 3, 2015 Municipal Election

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The purpose of this memorandum is to submit a proposed alternative security plan for the November 3, 2015 election to the Elections Commission (Commission) for consideration and approval. The reason for developing an alternative security plan is Sheriff Ross Mirkarimi will participate in the November 3, 2015 election to seek re-election as the incumbent Sheriff. San Francisco Charter (Charter) section 13.104.5 requires the Director of Elections to develop an alternative security plan and submit the plan to the Commission for approval whenever an incumbent Sheriff seeks re-election to that office. The Commission is to provide the approved alternative plan to the Board of Supervisors. Additionally, to fulfill the requirements of this Charter section, this memorandum will be forwarded to the Secretary of State for comment.

**Background**

San Francisco Charter section 13.104.5 states that

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 Director of Elections shall invite the Secretary of State to comment on any alternative transportation and security plan. The Elections Commission shall send a copy of the approved alternative transportation and security plan to the Board of Supervisors. The Board of Supervisors shall have the authority to enter into any contracts or take whatever actions are necessary to meet the alternative security requirements of this section.

The intent of this Charter provision is to avoid any potential conflict of interest on the part of the Sheriff regarding the security and integrity of an election; however, the Charter does not provide guidance regarding the criteria for an alternative security plan. Yet, even without a set criteria to contemplate when developing an alternative security plan, any successful plan will provide for the proper resources and personnel necessary to fulfill election security similar to when the Sheriff oversees election security. The following proposed security plan removes the Sheriff from any involvement with security for the November 2015 election. Further, this proposed alternative plan permits Sheriff's Deputies to utilize their training and experience from previous elections to provide election security. Thus, the alternative security plan serves both objectives of avoiding potential conflicts of interest for the Sheriff as well as meeting election security objectives required by the Charter.

**Alternative Security Plan**

The alternative security plan proposed for the November 2015 election is to place Chief Deputy Sheriff Albert Waters II, who commands the Sheriff Department's Field and Operations Division (FOD), as the person who oversees all actions the Sheriff's Department undertakes when providing election security, and to remove Sheriff Mirkarimi from this role. This alternative security plan would apply to all aspects of election security and would end upon the certification of the November 2015 election. In the event of any recount or challenge to the election, the Sheriff would continue to be screened from any aspect related to election security, pending resolution of any such issues.

Chief Deputy Waters II would be responsible for the Deputies who are assigned to work on election security and all Deputies would report to Chief Deputy Waters II. The Deputies assigned to election security would perform the same security functions as in prior elections. These functions include collecting all of the voted ballots and delivering them to the Department of Elections' processing center on Pier 48, collaborating with Parking and Control Officers from the Department of Parking and Traffic to collect memory packs and results cartridges from the polling places and transport them to City Hall for uploading, and ensuring security of the voted ballots until the results of the election are certified.

Chief Deputy Waters II, who is a permanent civil service employee, will have final authority over any election security issues and would not report to Sheriff Mirkarimi on these matters.<sup>1</sup> Additionally, the alternative plan provides for the physical separation of Chief Deputy Waters II from Sheriff Mirkarimi since the location of the Field and Operations Division is 120 14th Street while the Sheriff's office is located in City Hall.

To effectuate the alternative security plan, Sheriff Mirkarimi will formally express his agreement to this plan, once approved, in a letter addressed to the Director of Elections and to Chief Deputy Waters II. Sheriff Mirkarimi will state that he agrees to remove himself from all involvement in any matters associated with election security for the November 2015 election in accordance with Charter section 13.104.5. Chief Deputy Waters II will then distribute a memorandum to the personnel in the Sheriff's Department indicating his assumption of election-related responsibilities in place of the Sheriff that the Sheriff's Department will fulfill for the upcoming election.

## **Conclusion**

This alternative security plan serves the purposes of Charter section 13.104.5 by avoiding any potential conflict of interest on the part of the Sheriff while also ensuring that the same high level of security is provided for the November 2015 election as was provided in prior elections. Given Chief Deputy Waters II's permanent civil service status, as well as the physical separation of the Division from the Sheriff's office, implementation of the screening mechanism should adequately protect against any potential conflict of interest.

Chief Deputy Waters II and the Field and Operations Division are well-prepared to provide security for the election, as the Division has been performing this function, including under the direction of Chief Deputy Waters II, for the past several years.

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<sup>1</sup> Under the Charter, certain other high level assistants in the Sheriff's office are appointed by the Sheriff, and therefore the Department has not proposed placing election security under the direction of any of those individuals. See S.F. Charter § 6.105 ("The Sheriff shall appoint, and at his or her pleasure may remove, an attorney, one under-sheriff, one assistant sheriff and one confidential secretary.").