Memorandum

To: Elections Commission

From: John Arntz, Director

Date: July 16, 2021

RE: Waiver Allowing City Employees to Assist the Department of Elections with the September 14, 2021, California Gubernatorial Recall Election

This memorandum provides the Department of Elections' (Department) recommendation to the Elections Commission to request that the Board of Supervisors waive the prohibition under Charter section 13.104.5 that disallows City employees from assisting the Department in the conduct of elections, in relation to the September 14, 2021, California Gubernatorial Recall Election. The Department seeks a general waiver of this prohibition so that the Department is able to utilize the services and expertise of City personnel when necessary.

As in past elections, the Department seeks the technical assistance of City employees to upload the vote tallies contained in the memory cards that are transported from each polling place to an upload site the Department organizes. The memory cards record the voting results from vote tabulation equipment in each polling place. City Hall will be the location of the upload site.

Additionally, the Department asks that this waiver allow City employees to serve as poll workers, especially those employees who are bilingual Chinese-, Filipino-, Spanish-, Thai-, Korean-, Japanese-, Vietnamese-, and Burmese-speakers. While the Department asks that this waiver allow all City employees to volunteer as poll workers, the greatest need is for volunteers with bilingual skills.

Although the uploading of the voting information from the memory cards requires a few hours of activity after the polls close, and volunteering as poll workers requires service for one day, the Charter prohibits City personnel from providing such assistance to the Department. (13.104.5).

> 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. . . . The Elections Commission may, upon the recommendation of the Director of Elections 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. The Board of Supervisors shall approve or deny such requests from the Elections Commission by motion.

The Department seeks to conduct every election exclusively with its permanent and temporary personnel, and poll workers who are not employed with the City. However, the Department finds it necessary in some instances to utilize the skills of City personnel who work with other departments. Thus, after considering staffing needs and the number of applications received from people interested in serving as poll workers for the September 14, 2021, California Gubernatorial Recall Election, I recommend that the

Elections Commission request from the Board of Supervisors a waiver of the prohibition of City employees performing election-related tasks and allowing City personnel to assist the Department in conducting this election.

The Department asks that this be a general waiver in order to provide flexibility in planning for the election. At this time the Department has identified the need for the assistance of approximately 10 people from other City departments to assist with the uploading of voting information. The attached list indicates the City departments whose personnel may support the uploading of voting data. The Department cannot provide a similar list associated with City employees who volunteer as poll workers since the Department has yet to complete its recruitment and assignment of poll workers to individual polling places.

Attachment 1: List of Departments that employ City personnel who may assist with uploading voting information from polling places.