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MEMORANDUM

TO: MEMBERS,
San Francisco Elections Commission

FROM: Julia A. Moll 
Deputy City Attorney

DATE: July 1, 2005

RE: Restrictions on Political and Other Outside Activities by Elections Commissioners

In advance of each election, the City Attorney's office issues a memorandum reminding City officers and employees of the laws that restrict the use of City resources for political activities. A copy of the most recent memorandum, dated August 2, 2004, is attached.

In addition to the laws summarized in the attached memorandum, the City Charter places special restrictions on political and other outside activity of Elections Commissioners. Specifically, during his or her tenure, members of the Elections Commission are subject to the following restrictions:

- **Restrictions on Holding Office.** No member of the Elections Commission may hold any other City or County office or be an officer of a political party.
- **Restrictions on Employment.** No member of the Elections Commission may be a registered campaign consultant or registered lobbyist, or be employed by or receive gifts or other compensation from a registered campaign consultant or registered lobbyist. No member of the Elections Commission may hold any employment with the City and County.
- **Restrictions on Political Activities.** No member of the Elections Commission may participate in any campaign supporting or opposing a candidate or ballot measure that will appear on the San Francisco ballot, other than candidates seeking election to federal or statewide office. For purposes of this section, participation in a campaign includes but is not limited to making contributions or soliciting contributions to any committee, including general purpose committees; publicly endorsing or urging endorsement of any candidate or ballot measure; or participating in decisions by organizations to participate in a campaign.

Charter § 13.103.5. Similar restrictions apply to the Director of Elections, the Elections Commission Secretary and the Department of Elections staff. Charter §§ 13.103.5, 13.104.

Also, the City is in the process of developing a *Statement of Incompatible Activities* for each commission and department, including the Elections Commission and Department of Elections. These statements, customized for each commission and department, are intended to guide officers and employees about the kinds of activities that are incompatible with their public duties and therefore prohibited. S.F. Campaign & Governmental Conduct Code ("C&GC Code") § 3.218. Engaging in the activities that are prohibited by these statements may subject an officer or employee

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to discipline, including possible removal from office, as well as to monetary fines and penalties. C&GC Code § 3.242. Although these statements are not yet in effect, commissioners should be aware that the City is in the process of finalizing the statements and that the statements will become effective in the future.

It is not certain when the *Statements of Incompatible Activities* will be finalized. City law required that each department and commission develop and submit to the Ethics Commission a *draft* statement no later than August 1, 2004, and the Elections Commission and Department of Elections complied. C&GC Code § 3.218. Before any statement is effective, it must be reviewed by the Civil Service Commission and approved by Ethics Commission. *Id.* The Civil Service Commission has reviewed and commented on most of these drafts, and the Ethics Commission staff is now revising the drafts based in part on the Civil Service Commission's comments. Before the Elections Commission and Department of Elections *Statement* is finalized, the Commission and Department will have an opportunity to review and comment on the revised draft.

If you have questions about any of the restrictions that apply to members of the Elections Commission, please call me at 554-4705.

J.A.M.

cc: John Arntz
Shirley Rodriques