

Review of Sheriff's Elections Security
For the
October, November and December of 2003
Elections in San Francisco

Budget Analyst
For the
Board of Supervisors

March, 2004

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

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March 25, 2004

Honorable Aaron Peskin
and Members of the Board of Supervisors
City and County of San Francisco
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San Francisco, Ca 94102-4689

Dear Supervisor Peskin and Members of the Board of Supervisors:

In response to your request for the Budget Analyst to conduct a detailed assessment of the required level of Sheriff's Department security staffing and the related costs needed for elections, the Budget Analyst undertook an independent review of the Sheriff's Department security staffing services and the related costs which were incurred during the October, November and December of 2003 elections held in San Francisco. This review was conducted by staff of the Budget Analyst riding with the Deputy Sheriffs in their vehicles, interviewing Deputy Sheriffs and other personnel involved in the elections, reviewing pertinent documents and through direct observations of the Sheriff's operations during these three elections.

This report contains numerous findings and 22 recommendations. In general, the Budget Analyst found that the Sheriff's Department incurred excessive costs in providing security staffing for elections.

If the 22 recommendations made by the Budget Analyst were fully implemented, the Sheriff could accommodate the proposed election assignments with a maximum of 60 Deputy Sheriffs, which is approximately 140 or 70 percent less Deputy Sheriffs than the more than 200 Deputy Sheriffs that were deployed in 2003 on each election day. Assigning these 60 Deputy

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Sheriffs would also result in little, if any, Deputy Sheriff staff required to be transferred from the County jails on election day, which would minimize the Sheriff's use of overtime, compensatory time off and backfill assignments.

Implementation of the Budget Analyst's recommendations is estimated to result in total costs of approximately \$74,605 per election. In contrast, the average cost of each of the three elections in October, November and December, 2003 was \$214,193. Therefore, if our recommendations were implemented, the City would realize an average savings of approximately \$139,588, or over 65 percent per election, of which \$57,812 would be direct savings to the Department of Elections and \$81,776 would be a reduction to the productivity losses in the Sheriff's Department.

The Budget Analyst met with representatives of the Elections and Sheriff's Departments to discuss our preliminary observations and findings after both the October and November of 2003 elections. The Sheriff's Department implemented many recommendations of the Budget Analyst, as well as some of the Sheriff's own recommendations, and the security assignments for the December of 2003 elections became significantly more efficient. As a result, the Sheriff's Department expended \$168,850 on the December 9, 2003 election, a savings of \$83,328, or 33 percent as compared to the \$252,178 total expenditures for the October 7, 2003 election.

On November 6, 2001, the voters of San Francisco approved Proposition E, an elections reform measure that among other provisions, provided that "The Sheriff shall be responsible for preserving the security and integrity of elections in all matters...". A year later, on November 5, 2002, the voters of San Francisco approved Proposition G, another elections reform measure, which amended Proposition E to reduce the scope of the Sheriff's responsibilities for elections security.

Proposition G charges the Sheriff with "approving the security plan for the ballots until the certification of election results", yet is silent regarding who develops this Elections Security Plan. In practice, the Sheriff both develops and approves each Elections Security Plan. Overall, the Budget Analyst found that there are insufficient incentives for both the Sheriff's Department and the Department of Elections to provide election security tasks in the most efficient and economical manner. The Budget Analyst found that the Sheriff provided significantly enhanced security services for both the

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October and November of 2003 elections because the Sheriff failed to limit the scope of work as required by Proposition G.

As a result of this failure to comply with the mandate of the voter approved Proposition G, the hours worked by the Sheriff's Department and the number of Deputy Sheriffs assigned for pre-election tasks and elections day security were excessive for both the October and November of 2003 elections (see Section III for specific staffing and costs). Additionally, the Budget Analyst found that the Department of Elections is neither (1) fully aware of many of the activities and functions that the Sheriff's Department is performing, nor (2) knowledgeable about the effectiveness of these Sheriff's security operations.

The Budget Analyst recommends:

- The Sheriff's Department only include Charter mandated transportation and security services in the Elections Security Plan.
- The Department of Elections familiarize itself with the operational aspects of the Security Plan and the effectiveness of the transportation and security services that are provided by the Sheriff's Deputies, and recommend that the Sheriff's Department eliminate those activities that are not required.

While Proposition G requires that the Elections Commission transmit a copy of each approved Security Plan to the Board of Supervisors, the Budget Analyst found that the Elections Commission did not transmit the Elections' Security Plans to the Board of Supervisors for either the October 7, 2003 election or the December 9, 2003 election.

- The Budget Analyst recommends that the Elections Commission submit each Elections Security Plan to the Board of Supervisors, as required by Proposition G.

Proposition G specified that an Alternative Security Plan be developed by the Director of Elections and approved by the Elections Commission if (a) an incumbent Sheriff is running for election or (b) there is a measure on the ballot that would have a "material, financial effect" on the Sheriff or the uniformed personnel of the Sheriff's Department, as determined by the Ethics

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Commission. The incumbent Sheriff ran for reelection on November 4, 2003 and the Elections Commission approved an Alternative Security Plan, which simply removed the Sheriff himself from any direct involvement with the November 4, 2003 election, while still permitting the Deputy Sheriffs to provide elections transportation and security. The San Francisco Deputy Sheriffs Association endorsed the incumbent Sheriff for reelection in November of 2003. Ms. Julie Moll of the City Attorney's Office states that the November, 2003 Alternative Security Plan satisfied the legal requirements of Proposition G.

Regarding two other potential conflicts of interest, the Ethics Commission found that Proposition G does not define "material financial effect" and unanimously adopted motions that Alternative Security Plans were not required to be developed for either (a) a proposed Charter amendment to create a seven-member committee to study the transfer of the Police Department's functions, assets and operations to the Sheriff's Department or (b) a Charter amendment on the March 2, 2004 ballot (Proposition F), that was approved by the voters, to change the labor negotiation deadline date from the current date of June 30th to no Charter deadline date for Deputy Sheriffs. The Budget Analyst notes that the Deputy Sheriff's Association endorsed, and actually sponsored Proposition F. In the professional judgment of the Budget Analyst, these two Charter amendments could have potential financial impacts on Deputy Sheriffs.

Propositions E and G were intended to provide for open, fair, honest and accountable City elections by removing potential conflicts of interest. Both Propositions specifically provided that Alternative Security Plans be developed in the event that the Sheriff's Department had potential conflicts of interest. The Budget Analyst questions why, for these three occasions, which appear to have potential conflicts of interest for the Sheriff's Department, the Sheriff's Department and the Deputy Sheriffs were not removed or prohibited from transporting the ballots.

- The Budget Analyst considers the issue of whether the existing provisions of Proposition G regarding the Alternative Security Plan are being implemented as intended, to be a policy matter for the Board of Supervisors. If the Board of Supervisors believes the Alternative Security Plan provisions are not being implemented as intended under Proposition G, the Board should introduce a Charter

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amendment to (a) specify whether the Alternative Security Plan envisioned that the same Deputy Sheriffs would continue to transport voted ballots alone, and (b) define "material financial effect" or more clearly specify for the Ethics Commission what constitutes a potential conflict of interest for Deputy Sheriffs to transport voted ballots and devices alone.

The Sheriff's Department could not provide the Budget Analyst and does not provide the Department of Elections with the total actual costs incurred for the Sheriff's transportation and security services for each election. Although the Sheriff's Department actually incurred total costs of approximately \$642,579 for the three elections, the Sheriff's Department, including the Department of Parking and Traffic, only charged \$310,044 to the Department of Elections for the three elections, which is \$332,535 or 51.8 percent less than the actual costs incurred. The Sheriff's Department does not charge the Department of Elections for (1) the costs of any on-duty Sheriff Deputies who are paid at straight time rates when assigned to election related duties, even when such assignments result in the required backfilling of such personnel in the jails on overtime and (2) the costs of Sheriff Deputies who work on election activities and receive compensatory time off, rather than direct cash pay, even when such compensatory time off results in additional overtime costs in the jails at a later date. The Budget Analyst identified \$40,966 of overtime expenses were incurred from backfilling positions in the jail on election days. These costs were absorbed in the Sheriff's Department FY 2003-2004 budget.

All of the Department of Elections and Sheriff Department costs are paid by the City's General Fund. By not fully calculating and itemizing the total costs of each election, (1) the Sheriff's Department does not know what each election actually costs the City, and (2) the Department of Elections does not know the full cost of the Sheriff's services and cannot make fully informed decisions regarding the need for such Sheriff's security services relative to their costs.

The Budget Analyst recommends:

- The Sheriff's Department calculate all of the costs incurred for each election, including backfill and compensatory time, and submit an itemized accounting of all such costs to the Department of Elections to allow the

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Department of Elections to make security staffing decisions based on need and the actual cost of those services.

- The Sheriff's Department charge all direct expenses and overtime costs to the Department of Elections in order to accurately reflect the additional expenses incurred.

Transporting the documents or devices used to record votes is one of the primary responsibilities of the Sheriff's Department, in accordance with Proposition G. The Sheriff's Department relies primarily on Parking Control Officers (PCOs) from the Department of Parking and Traffic (DPT) working on overtime to collect the majority of the memory packs from the individual precincts. Additionally, the Sheriff's Department assigns between 10 and 16 Deputy Sheriffs, who work in two-person teams in Sheriff's patrol vehicles, to collect memory packs in the so-called "dangerous areas" of the City. These "dangerous areas", as referred to by the Deputy Sheriffs, were initially identified by the DPT supervisor who requested that individual PCOs on Cushman vehicles not be assigned to those areas of the City.

The Budget Analyst found that these two-person armed Deputy Sheriff teams, were assigned 14 hours of staff time (consisting of two Deputy Sheriffs at 7.0 hours each), or over 204 percent more hours, to perform the same work that each PCO performed in an average of 4.6 hours. The Budget Analyst also found that the memory pack collection is actually completed in an average of three hours of work. Therefore, the Sheriff's Department was assigning 14 hours of staff time, which is 11 additional hours, or over 366 percent more paid time than required. In the professional judgment of the Budget Analyst, such staffing by the Sheriff is unnecessary.

- The Budget Analyst recommends the Sheriff's Department reduce the two Deputy Sheriffs assigned to each of the "dangerous areas" collection routes (areas identified by DPT and the Sheriff's Department), to one Deputy Sheriff per route, given that (a) each Deputy Sheriff is in a Sheriff's vehicle, (b) each Deputy Sheriff is armed, (c) PCOs are unarmed, and (d) most of the other routes in the City are assigned only one PCO on a Cushman vehicle.

Transporting the voted ballots is the other primary responsibility of the Sheriff's Department, pursuant to Proposition G. Since the passage of

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Proposition G, the Sheriff's Department has deployed approximately 111 Deputy Sheriffs on each election night to individually transport the voted ballots from an average of five precincts. The Budget Analyst found that each Deputy Sheriff was paid an average of 8.9 hours to collect the voted ballots from an average of five precincts in the October and November, 2003 elections. However, the Budget Analyst also found that this work only actually required up to a maximum of five hours for each Deputy Sheriff, which is 3.9 more hours or approximately 78 percent more time than required to complete these ballot collection activities. Based on an hourly rate of \$39.22¹, and an average of 3.9 hours of unproductive time for each of the 111 Deputy Sheriffs assigned to ballot collection activities, the Budget Analyst conservatively estimates total unnecessary costs of \$47,263 were incurred by the Sheriff's Department for these three elections. During this unproductive time, staff of the Budget Analyst observed, by riding in the vans with the Deputy Sheriffs, the Deputy Sheriffs listening to music on their radios, stopping for coffee, continuing to drive around, parking and talking, revisiting the polling places, eating dinner and calling other Deputy Sheriff's assigned to ballot collection to find out what they were doing.

Based on a survey conducted by the Budget Analyst of five large counties in California (San Mateo, Santa Clara, Alameda, Los Angeles and San Diego), all five of these other counties rely on pollworkers or temporary elections staff to transport the voted ballots or the devices used to record the election results. Only in Los Angeles County are 130 Deputy Sheriffs assigned to one of 63 Centers, from which the Deputy Sheriffs transport the ballots to the central voting headquarters. This is because having pollworkers transport voted ballots from 4,571 polling locations to 63 Centers allows Los Angeles Deputy Sheriffs to transport voted ballots more efficiently. In San Francisco, the Sheriff's Department assigned for each election, between 205 and 231 Deputy Sheriffs. Yet, Los Angeles has 4,571 polling locations as compared to 553 polling locations in San Francisco, such that the San Francisco Sheriff's Department assigns between 57.7 percent to 77.7 percent more Deputy Sheriffs than the Los Angeles Sheriff's Department. Yet, San Francisco has 4,018, or 87.9 percent fewer polling locations than Los Angeles County.

The Budget Analyst found that the Sheriff's Department does not rely on existing Department of Elections staff to assist in any of the Sheriff's

¹ Based on the average hourly rates, including fringe benefits, paid to Deputy Sheriffs who worked in the October and November, 2003 elections.

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security and transport activities, which results in increased costs. As an example, the 50 Field Elections Deputies (FEDs), hired by the Department of Elections, visit their assigned precincts at least once and up to three times between 8 p.m. and approximately 10:30 p.m., when the last ballots are finally collected, and then return to Pier 29, in a separate van. As a result, 50 FEDs and 111 Deputy Sheriffs are visiting each precinct after the polls close on election night, in separate rented vans and working until approximately 11:30 p.m., when they both separately return to Pier 29, resulting in duplicative efforts and unnecessary costs.

The Budget Analyst also found that the FEDs were in immediate and direct communication via cell phones with the pollworkers in each precinct, and with the Elections Command Center. In contrast, the Deputy Sheriffs relied on radio communication, which requires them to communicate with their separate Command Center, and prevents both immediate and direct communication with the precincts and the pollworkers. The Budget Analyst also found that the FEDs were much more familiar with the pollworkers, precinct locations, election responsibilities and precinct closing procedures than the Deputy Sheriffs.

- The Budget Analyst recommends that the Board of Supervisors urge the Sheriff to supervise, similar to the DPT collection of the memory packs, the existing Field Election Deputies (FEDs) to directly collect and transport the voted ballots, with an experienced pollworker, and eliminate the use of most of the 111 Deputy Sheriffs who individually collect and transport voted ballots on election night.

Chief Deputy Sheriff Vicki Hennessy states that the Budget Analyst's recommendation to have the FEDs pick up the voted ballots, under the supervision of the Sheriff, is not feasible because the FEDs are part-time, as needed, Department of Elections staff that may or may not be accountable to the Sheriff's Department. In contrast, Chief Deputy Sheriff Hennessy advises that the "DPT staff are a uniformed, paramilitary group, much the same as the Sheriff's Department who are accountable to the City and to the Sheriff". The Director of the Department of Elections is also opposed to the Budget Analyst's recommendation, and states that the Deputy Sheriffs are currently doing an effective job of transporting the voted ballots on election day.

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The Budget Analyst does not consider the DPT staff to be a “paramilitary group”. Further, the Budget Analyst questions why other counties can rely on pollworkers and part-time election staff, but San Francisco officials state that they cannot. In the professional judgment of the Budget Analyst, the FEDs could more effectively and efficiently transport the voted ballots under the supervision of Deputy Sheriffs, (a) similar to the memory pack operation by DPT, which is under the supervision of Deputy Sheriffs, and (b) similar to the five other surveyed counties that primarily rely on pollworkers to transport voted ballots.

In addition to the overstaffing for memory pack collection and voted ballot collection, the Budget Analyst found numerous other examples of Sheriff’s Department inconsistent assignment of staffing, overstaffing, and an excessive number of hours assigned and paid by the Sheriff’s Department to Deputy Sheriffs assigned to each of the following areas: (1) Sheriff’s Command Center, (2) mobile support units, (3) uplink sites, (4) Elections Command Center, (5) City Hall and (6) Piers 29 and 30/32.

This overstaffing, which the Budget Analyst found, is consistent with the Sheriff’s Department failure to (a) reduce the scope of election security as provided by Proposition G, (b) utilize existing Department of Elections staff, (c) directly communicate with field election staff, (d) streamline supervision, and (e) develop a meaningful, and efficient standard for the security of the voted ballots.

For example, the Sheriff assigns between 14 and 17 Deputy Sheriffs to a separate Sheriff’s Command Center to supervise the Deputy Sheriffs that are assigned on election day. However, the Budget Analyst found that this Sheriff’s Command Center commenced operation on December 9, 2003 at 3 p.m.², which is five hours before the polls closed at 8 p.m. The Budget Analyst notes that the first problem call related to ballot and memory pack collection, which is the only Charter requirement of the Sheriff, cannot occur before the polls close at 8 p.m. Similar to the ballot collectors, the Budget Analyst again found that Deputy Sheriffs assigned to the Command Center were paid for an average of seven to nine hours of work, although their actual work

² The Sheriff’s Command Center also operated in the morning beginning at 5 a.m. in the October and November, 2003 elections to support the morning mobile support units, which is separately discussed in the Additional Elections Security Section of this report.

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assignments only required an average of 4.5 hours, such that these Deputy Sheriffs were paid for nonproductive time of up to 4.5 hours or 100 percent more hours than needed.

In addition to being paid for such nonproductive time, the Budget Analyst found that for most of the election day, there were an excessive number of Deputy Sheriffs assigned to the Command Center, with the 14 to 17 Deputy Sheriffs all working for only a total of approximately 45 minutes, between 9:15 p.m. and 10 p.m., when the 111 ballot collectors were picking up and transporting the ballots. Their remaining up to 8 hours and 15 minutes of non-productive time was spent primarily (a) waiting for calls to come in, (b) eating and (c) watching television, including the World Series baseball game during the October 7, 2003 election. According to Captain Richard Dyer of the Sheriff's Department, this lack of nonproductive activity for up to 8 hours and 15 minutes, with only 45 minutes of productive work is because "we spend a lot of time doing nothing in the Command Center, but, when the bell goes off, like in a firehouse, we are ready". The Budget Analyst found that even given an hour to set up the Command Center, the Sheriff's Command Center does not need to open any earlier than 7 p.m., or one hour before the polls close, and that the Sheriff's supervision in the Command Center could be reduced from between 14 to 17 Deputy Sheriffs to eight Deputy Sheriffs, a reduction of between 42.8 percent to 52.9 percent.

The Sheriff also assigns four Deputy Sheriffs to the City Hall Elections Command Center during the evening on each election day. The Budget Analyst found that these four Deputy Sheriffs are not necessary if the Sheriff's Command staff were located in City Hall and the Deputy Sheriffs used telephones to communicate, thus eliminating the Sheriff's duplicative communication structure.

The Sheriff also assigns three to four Deputy Sheriffs as tactical mobile support units that supervise the Sheriff's operations "from the field" and provide additional back-up support. According to Lieutenant Alan Kennedy of the Sheriff's Department, two layers of command structure is standard policing procedures, such that in addition to the need for the Sheriff's Command Center, a tactical, or supervising mobile support unit is necessary to supervise the other mobile support units because commands must come from the field in any "combat environment". In the professional judgement of the Budget Analyst, a San Francisco election is not a combat environment. Therefore,

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these additional supervising mobile support units are unnecessary and should be eliminated.

The Sheriff provided security before the election at City Hall, where early voting begins 29 days before the election. For the October of 2003 election, the Sheriff provided 24 hours of additional City Hall security Monday through Friday, from September 8 to September 26, 2003. Beginning on September 27th and continuing through the election on October 7th, the Sheriff provided an average of 54 additional hours of security at City Hall each day. The Budget Analyst notes that the Sheriff already secures City Hall when the building is open to the public with 27 Deputy Sheriffs and Cadets.

The Sheriff also provided security after the election for the voted ballots at Pier 29, Piers 30/32, City Hall and Brooks Hall until the election results were certified by the Department of Elections. This level of security being provided by the Sheriff before, during and after the election is not only excessive, but also assignments are not consistently applied. For example, the Budget Analyst observed that the absentee voted ballots, which were being processed by at least two Department of Elections staff at City Hall, were not always guarded by the Deputy Sheriffs. Yet, the voted paper ballots in Brooks Hall, which were being processed by at least two Department of Elections staff, were guarded by the Deputy Sheriffs 24 hours per day until the certification of the elections results.

In addition, the Budget Analyst found that five Deputy Sheriffs were responsible for delivering lunches and dinners to the other Deputy Sheriffs who were providing election security services at other sites. In the professional judgment of the Budget Analyst, the City should not be paying Deputy Sheriffs to deliver lunches and dinners to other Deputy Sheriffs. If food is provided, food vendors, instead of Deputy Sheriffs, can provide such services at greatly reduced costs.

Finally, a sleeping Deputy Sheriff, after being awakened by Budget Analyst staff at approximately 2 p.m., explained that the Deputy Sheriffs were assigned to Pier 29 to secure the location for the voted ballots that would arrive at around 9:30 p.m., or approximately 7 ½ hours later.

The Budget Analyst recommends that the Sheriff's Department:

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- Reduce the number of hours that each Deputy Sheriff works to be commensurate with the actual work required for each task, including: (1) memory pack collection activities to no more than 3.0 hours, a reduction from 7.0 hours to 4.0 hours per Deputy Sheriff; (2) ballot collection activities to no more than five hours, a reduction from an average of 8.9 hours to 3.9 hours per Deputy Sheriff; (3) mobile support unit activities to five hours, a reduction from ten hours to five hours; (4) Sheriff's Command Center and the uplink sites to 4.5 hours, a reduction from up to nine hours to up to 4.5 hours per Deputy Sheriff.
- Reduce the Sheriff's supervisory staffing level at the Command Center from between 14 to 17 Deputy Sheriffs to eight Deputy Sheriffs, a reduction of between 42.8 percent to 52.9 percent, which reflects a more reasonable supervision of those transporting the ballots.
- Eliminate (1) the supervising mobile support units, (2) the mobile support units, and related staffing at the City Hall and the Sheriff's Command Centers before 7 p.m. on election day, (3) the Sheriff's separate Command Center in the evening and transfer this supervisory Sheriff's function to the City Hall Command Center, and (4) the four Deputy Sheriffs assigned to the City Hall Elections Command Post.
- Provide additional City Hall security before each election day to secure City Hall for early voting only when the building would otherwise be closed to the public.
- Secure (1) Piers 30/32 with one Deputy Sheriff throughout Election Day, and if lunch and dinner are provided, have such meals delivered by food vendors and not by other Deputy Sheriffs, and (2) Pier 29 only after 7 p.m. on election day.

The Budget Analyst also recommends that:

- The Sheriff's Department and the Department of Elections develop a meaningful, yet efficient standard in their election plan as to when

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security is required for the voted paper ballots and consistently apply such standards for guarding of all of the voted ballots.

- The Department of Parking and Traffic reduce the level of supervision at City Hall by two staff, given that the Sheriff has now provided two to three additional Deputy Sheriff supervisory staff at City Hall to oversee the memory pack operation.

Response from the Sheriff's Department

The written response from the Sheriff begins on page 41 of our report. The written response from the Sheriff expresses full or partial agreement with 10 of the 18 recommendations contained in the report that specifically address the Sheriff's Department.

The Sheriff states that the Sheriff's Department is performing its duties with efficiency, but he then qualifies that statement by stating that "we must always plan for the unexpected contingency or emergency that may affect our ability to do our job". The Budget Analyst strongly disagrees with the Sheriff's statement that, it is "prudent and reasonable" to have "the ballot collectors come into work prior to the rush hour traffic, and sent out to their respective precincts", when these Deputy Sheriff ballot collectors cannot even begin to collect any voted ballots until after the precincts close at 8 p.m., or three to five hours after the Deputy Sheriffs start work. As a result of such early assignments, the Budget Analyst's report details how Deputy Sheriff ballot collectors were paid for an average of 8.9 hours of work, which is 78 percent more time than the maximum of five hours required to perform their tasks for the October and November, 2003 elections.

The Sheriff also states in the fourth page of his response, that the Sheriff's Department "costs are fully" calculated, in response to our recommendation that "The Sheriff's Department fully calculate the total costs incurred for each election, including backfill and compensatory time". Yet, on the top of the same page 4 of his response, the Sheriff states that the Sheriff's Department "provided the Elections Department with our proposed budget for each election. That budget includes an estimate of all expenses except any backfill overtime costs for detailed staff that require replacement." That is exactly the point that the Budget Analyst is making. The Department of Elections only receives an estimated budget, and not a detailed accounting of the actual costs incurred for each election from the Sheriff's Department.

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Furthermore, such estimates do not include all of the Sheriff Department's costs, such as the overtime costs that result from backfilling positions in the jail and from granting compensatory time off.

In response to our recommendation to reduce from two Deputy Sheriffs to one Deputy Sheriff, those assigned to what the Department of Parking and Traffic (DPT) identified and what the Sheriff's Department refers to as the "dangerous areas" of the City's ballot collection routes, the Sheriff responds that "The logic behind this statement escapes me". The Budget Analyst's logic behind our recommendation is, as explained in our report, that (a) these Deputy Sheriffs are in a Sheriff's vehicle, (b) each Deputy Sheriff is armed, and (c) most of the other routes in the City are picked up by one unarmed Parking Control Officer (PCO). Furthermore, the Budget Analyst notes that in these areas, referred to by the DPT and the Sheriff's Department, as so-called "dangerous areas", City residents are expected to vote and pollworkers, often sitting in open garages, are assigned until late in the evening, until these two-person, armed Deputy Sheriffs arrive. Further, it should be noted that on-duty Police are available for calls in the so-called "dangerous areas".

In the Sheriff's response to the Budget Analyst's recommendation that the Board of Supervisors urge the Sheriff to assign Deputy Sheriffs to supervise the existing Field Election Deputies (FEDs) to directly collect and transport the voted ballots, instead of assigning 111 Deputy Sheriffs to individually collect and transport voted ballots on election night, the Sheriff states, "It is our understanding that the intent of Proposition E was to insure that the ballots were collected and guarded by Sheriff's deputies". The Budget Analyst notes that the Sheriff continues to reference Proposition E. As specifically detailed in our report, the Sheriff erroneously provided election security services under the provisions of the more expansive, yet outdated, Proposition E in October and November, 2003, instead of Proposition G, which subsequently modified Proposition E, to reduce the scope of work to be provided by the Sheriff.

In response to our recommendation to "reduce the Sheriff's supervisory staffing level at the Command Center from between 14 to 17 Sheriff's Deputies to eight Deputy Sheriffs, a reduction of up to 50 percent, which reflects a more reasonable supervision of those transporting the ballots", the Sheriff states that "Most of the staff assigned to this area was detailed and not charged to the Election Event. The reason for staffing was twofold: to provide enough staff at

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the critical times when the polls close and problems arise and to train staff in the Incident Command System for future elections and other events". The Budget Analyst's recommendation is based on the fact that the 14 to 17 Deputy Sheriffs assigned to the Command Center were all only working for a total of approximately 45 minutes, between 9:15 p.m. and 10 p.m., when all 111 Deputy Sheriff ballot collectors were picking up the voted ballots. Yet, for those 45 minutes of work, the Sheriff assigned and paid those 14 to 17 Deputy Sheriffs up to an average of nine hours of work, resulting in up to eight hours and 15 minutes of pay for nonproductive time.

In the professional judgment of the Budget Analyst, paying for up to nine hours of work when only 45 minutes of work is required is a waste of taxpayer's funds. Furthermore, the Budget Analyst notes that these Deputy Sheriffs could have been assigned to other more critical assignments, and thus reduced the Sheriff's overall overtime costs charged to the Department of Elections.

The following two statements made by the Sheriff on the first and seventh pages of his written response, that "Our ability to communicate with our staff in the field is one of the hallmarks of a solid plan", and "the proximity to the Election Command Post caused confusion and duplication of effort", indicate that the Sheriff misunderstands our recommendations regarding eliminating the Sheriff's unnecessary and duplicative layers of communication. The Budget Analyst notes that the Deputy Sheriffs in the Command Center, the mobile support units and the ballot collectors cannot communicate directly with the pollworkers in the precincts or with the Field Election Deputies (FEDs) who are assisting the pollworkers.

In response to our recommendation to discontinue the Sheriff's practice of having Deputy Sheriffs deliver catered lunches and dinners to other Deputy Sheriffs that are on duty on election day, the Sheriff stated that those Deputy Sheriffs delivering meals are also engaged in delivering other items and transporting staff. The Budget Analyst notes that at no time during our interviews either with the Deputy Sheriff lunch and dinner delivery crews, or with senior management, was this explanation, now given by the Sheriff, previously given as the justification for Deputy Sheriffs to deliver catered meals. The Budget Analyst continues to recommend that this costly practice be discontinued, and that instead of having Deputy Sheriffs deliver meals to

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other Deputy Sheriffs, food vendors should deliver the catered meals to Deputy Sheriffs at a greatly reduced cost to San Francisco taxpayers.

The Sheriff's response also states that Table 6 in our report "is not accurate", and that the "accurate numbers, solely for Election Security, including increased security to deal with the increase in traffic on Election Day are: October-10 staff, November-10 staff and December-9 staff." However, the Budget Analyst notes that we used the Sheriff Department's own election assignment data to compile Table 6. Furthermore, the Budget Analyst notes that although the Sheriff's Department had an opportunity to review an earlier draft copy of this report and the Sheriff's Department provided specific comments on that draft report, at no time was this inaccuracy in the Sheriff's data previously disclosed. And finally, after receiving this Sheriff's written response, the Budget Analyst and staff of the Sheriff's Department reexamined the source data, to determine that the Sheriff's response data is still not accurate for October, November or December, 2003. The Budget Analyst confirmed that Table 6 correctly describes the December, 2003 additional staffing at City Hall, with 12 Deputy Sheriffs, rather than the revised data provided by the Sheriff's Department. Furthermore, the Budget Analyst notes that there were at least 16 Deputy Sheriffs assigned in October and 15 Deputy Sheriffs in November of 2003, which is not consistent with the revised data provided by the Sheriff.

Response from the Department of Elections

The written response from the Department of Elections begins on page 50. The written response from the Department of Elections does not specifically fully address each of the recommendations contained in the Budget Analyst's report. Overall, the Director of Elections states that "The Charter no longer holds the Sheriff's Department exclusively responsible for 'preserving the security and integrity of elections,' but this does not mean that these critical elements of every election should be ignored". However, the Budget Analyst notes that that specific language was deleted from the Charter, under the provisions of Proposition G.

The Director of Elections further states that "The Department of Elections also strongly recommends maintaining a separate command center for the Sheriff's Department" due to "space restrictions" and the "Department of Elections does not have the equipment or expertise to appropriately

Honorable Aaron Peskin
Chair of the Finance and Audits Committee
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coordinate the activities of law enforcement personnel". However, the Budget Analyst notes that our recommendation would only result in four additional staff in the Elections Command Center. Also, the Budget Analyst has concluded that the need for effective coordination between the Sheriff's Department and the Department of Elections is paramount to reducing the level of duplication and resulting excessive costs.

Furthermore, the Budget Analyst notes that none of the Director of Elections' responses address the financial considerations, that are the focus of the Budget Analyst's report. And finally, the Director of Elections does not comment on the Budget Analyst's specific recommendations to (1) familiarize the Department with the operational aspects of the Security Plan and the effectiveness of the Sheriff's security services in order to eliminate those activities of the Sheriff that are not required, and (2) for the Elections Commission to submit each Elections Security Plan to the Board of Supervisors, as required by Proposition G.

Respectfully submitted,

Harvey M. Rose
Budget Analyst

cc: President Gonzalez
Supervisor Alioto-Pier
Supervisor Ammiano
Supervisor Daly

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Supervisor Dufty
Supervisor Hall
Supervisor Ma
Supervisor Maxwell
Supervisor McGoldrick
Supervisor Sandoval
Clerk of the Board
Controller
Katie Petrucione
Ted Lakey
Sheriff Michael Hennessey
John Arntz, Director, Department of Elections
Mabel Ng, Ethics Commission
Gerald Norman, Department of Parking and Traffic

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Background

In response to the Chair of the Finance Committee's request for the Budget Analyst to conduct a detailed assessment of the required level of Sheriff's Department security staffing and the related costs needed for elections, the Budget Analyst undertook an independent study of the Sheriff's Department security staffing services and the related costs which were incurred during the October, November and December of 2003 elections held in San Francisco.

Propositions E and G

On November 6, 2001, the voters of San Francisco approved Proposition E, an elections reform measure that among other provisions, provided that "The Sheriff shall be responsible for preserving the security and integrity of elections in all matters including but not limited to transporting all ballots and all other documents or devices used to record votes from the polls to the central counting location and providing security for the ballots until the certification of election results The Director of Elections shall develop and submit for the approval of the Elections Commission an alternative security plan if an incumbent sheriff is running for election. The Elections Commission shall send a copy of the approved security plan to the Board of Supervisors."

A year later, on November 5, 2002, the voters of San Francisco approved Proposition G, another elections reform measure, which amended Proposition E to reduce the scope of the Sheriff's responsibilities for elections such that "The Sheriff shall be responsible for 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 for the ballots until the certification of election results. . . . The Elections Commission shall send a copy of the approved transportation and security plan to the Board of Supervisors. The Director of Elections shall develop and submit for the approval of the Elections Commission an alternative transportation and security plan (Alternative Security Plan) if an incumbent sheriff is running for election or if there is a measure on the San Francisco ballot that would have a material financial effect on the Sheriff or the uniformed personnel of the Sheriff's department as determined by the Ethics Commission." Proposition G also provides that any alternative security plans be sent to the Board of Supervisors and specified that the Board of Supervisors has the authority to enter into any contracts or take whatever actions are necessary to meet these alternative security requirements.

The Sheriff's Department provided security under the provisions of Proposition E for three elections held in San Francisco on March 5, 2002, November

5, 2002 and December 10, 2002. The Sheriff's Department provided security under the provisions of Proposition G for four elections held in San Francisco on October 7, 2003, November 4, 2003, December 9, 2003 and March 2, 2004.

Methodology

The Budget Analyst staff assessed all aspects of the Sheriff's elections security operations for the three elections held on October 7, 2003, November 4, 2003 and December 9, 2003. This assessment included direct observations of the Sheriff's election security operations. In addition, the Budget Analyst reviewed supporting documents, including the Sheriff's Transportation and Security Plans (Security Plan) and the related proposed budgets for each election, the Sheriff's time records, training materials, ballot collection routes, radio and telephone call logs, incident reports and payroll records. The Budget Analyst also interviewed management, finance and other Department of Elections staff, Deputy Sheriffs, pollworkers, and City information technology staff who supported the three elections held in San Francisco.

Acknowledgements

The Budget Analyst would like to thank the Elections and Sheriff's Departments for their cooperation during the October, November and December of 2003 elections. The Sheriff's Department arranged for our direct observations and ride-alongs, the Elections Department provided the necessary badges to obtain access for our staff, and both Departments fully assisted our efforts in collecting the required data and information, without which this study would not have been possible. The Budget Analyst staff also met with representatives of the Elections and Sheriff's Departments to discuss our preliminary observations and findings after both the October and November of 2003 elections. The Department of Elections and the Sheriff's Department implemented various recommendations of the Budget Analyst, as well as many of their own recommendations, such that the security assignments became more efficient for the December of 2003 elections.

The Elections Security Plan

Development of the Elections Security Plan

Proposition G is silent regarding who is responsible for developing the Elections Security Plan. In practice, the Budget Analyst found that the Sheriff's Department, working with the Department of Elections, has developed the Security Plan for each election. As noted above, Proposition G provides that the Sheriff approve the security plan for the ballots until the certification of election results.

Therefore, in practice the Sheriff both develops and approves each Elections Security Plan.

The Sheriff's Department and the Department of Elections advised the Budget Analyst that they collaborate, meet weekly and work closely together to develop, review and revise this overall security plan. Yet, the Budget Analyst found that (1) the Sheriff was erroneously providing enhanced security services at additional costs under the provisions of Proposition E, rather than Proposition G, (2) the Sheriff does not fully charge the Department of Elections for the costs to provide such transportation and security services, (3) the Department of Elections is not fully aware of many of the activities and functions that the Sheriff's Department is actually performing on behalf of the Elections Department, (4) the Department of Elections was not knowledgeable about the effectiveness of the Sheriff's operations that were provided and (5) there are insufficient incentives for either the Sheriff's Department or the Department of Elections to provide election security tasks in the most efficient and economical manner.

The Budget Analyst found that the Sheriff provided significantly enhanced security services for both the October and November elections because the Sheriff failed to limit the scope of work as required by Proposition G. Instead, the Sheriff developed the Elections Security Plan and then provided services under the provisions of the more expansive Proposition E, which stated that "The Sheriff shall be responsible for preserving the security and integrity of elections in all matters." The Budget Analyst notes that the Department of Elections did not catch this error, and in fact, the Department of Elections submitted their Alternative Security Plan, which was approved by the Elections Commission, for the November 4, 2003 election, also under the provisions of the more expansive, yet outdated Proposition E. As a result of this failure to comply with the mandate of the voter approved Proposition G, the hours worked by the Deputy Sheriffs and the number of Deputy Sheriffs assigned for pre-election tasks and elections day security was excessive for both the October and November, 2003 elections (See Section III for specific staffing and costs).

The Budget Analyst also found that the Sheriff's Department actually incurred total costs of \$642,579¹ for the three elections in October, November and December of 2003. However, the Sheriff's Department only charged the Department of Elections for Deputy Sheriff's direct overtime costs and the related fringe benefits. As a result, the Sheriff's Department only charged the Department of Elections \$320,570 for the three elections, or \$322,009 less than the actual costs incurred (See Table 2 for further details).

¹ This total cost of \$642,579 excludes the Sheriff's overhead costs. Including Sheriff's overhead based on a 17.82 percent rate, the cost for the three elections would total \$719,369.

The Budget Analyst acknowledges that election security is only one component of the overall Department of Elections responsibilities and that the Director of Elections has significantly improved the overall operations and budgetary controls within the Department of Elections. Nevertheless, the Budget Analyst found that the Director of Elections was not fully aware of many of the activities and functions that the Sheriff's Department is actually performing on behalf of the Elections Department. For example, the Director of Elections advised the Budget Analyst that he had never been to the Sheriff's 14th Street Command Center and could not comment on the activities or level of staffing that the Sheriff provided at the Sheriff's Command Center. Furthermore, although the Director of Elections requested a reduction in the number of Deputy Sheriffs assigned to the hallway in City Hall directly outside the Elections Command Center, when the Sheriff's Department did not implement the requested reduction in staffing, the Director of Elections was not aware that the requested staffing reduction did not take place. Furthermore, when the Budget Analyst informed the Director of Elections regarding this discrepancy in Deputy Sheriff's staffing in City Hall, the Director of Elections again informed the Chief Deputy Sheriff regarding the requested change, which simply resulted in the additional Deputy Sheriff being reassigned to another post in City Hall, rather than an actual reduction in staffing.

The Budget Analyst also found that the Department of Elections was not directly knowledgeable about the effectiveness of the Sheriff's operations that were provided. For example, in response to the Department of Elections request for the October of 2003 election, the Sheriff provided three mobile support units that roved the entire City, staffed with six Deputy Sheriffs beginning at 6 a.m. on election day. By beginning work at 6 a.m. on election day, the Sheriff provided staff 14 hours before the polls closed at 8 p.m. These mobile support units, which were not required under the provisions of Proposition G, only responded to a total of nine calls during this 14-hour period, of which only two calls the Deputy Sheriff participated in any type of response (See Section X: Additional Elections Security for further details).

In conclusion, the Budget Analyst found that there are insufficient incentives for both the Sheriff's Department and the Department of Elections to provide election security tasks in the most efficient and economical manner. In fact, the Department of Elections has an incentive to shift responsibilities and related costs to the Sheriff in order to reduce the responsibilities of the temporary Elections staff, the Elections Department's direct costs and the potential blame for issues that may arise on election night. At the same time, as a result of the funds provided by the Election's Department to the Sheriff's Department, the Sheriff's Department receives additional overtime funds to perform many election tasks and the Deputy Sheriffs who participate in the elections security program receive time away from the jails. Based on observations and interviews with Deputy Sheriffs, the Deputy Sheriffs consider it

a perk to be assigned to elections security duties in order to be temporarily relieved of their jail responsibilities.

Based on these findings, the Budget Analyst makes the following recommendations:

- The Elections Security Plan only include Charter mandated (Proposition G) transportation and security services.
- The Department of Elections familiarize itself with the operational aspects of the Security Plan and the effectiveness of the transportation and security services that are provided by the Sheriff's Deputies, and recommend that the Sheriff's Department eliminate those activities that are not required.

Approval of the Elections Security Plans

As noted above, Proposition G requires that the Elections Commission transmit a copy of each approved Security Plan to the Board of Supervisors. While Proposition G does not require that the Elections Commission approve each Security Plan, Proposition G does provide that the Elections Commission approve any Alternative Security Plan, and send such approved Alternative Security Plans to the Board of Supervisors. Alternative Security Plans are discussed in greater detail in the next section of this report.

The Budget Analyst found that the Elections Commission did not transmit the Elections' Security Plans for either the October 7, 2003 election or the December 9, 2003 election to the Board of Supervisors, as required by Proposition G. The Elections Commission only transmitted their approved Alternative Security Plan for the November 4, 2003 election. A review of the Elections Commission's minutes found that the Elections Commission actually approved the December 9, 2003 Elections' Security Plan, which was not required under the provisions of Proposition G. However, the Commission failed to transmit a copy of this approved Plan to the Board of Supervisors.

The Budget Analyst recommends that the Elections Commission submit the Security Plan for each election to the Board of Supervisors, as required by Proposition G.

Alternative Election Security Plans

As stated in the proponents arguments authored by the Board of Supervisors in the Voter Information Pamphlet, Propositions E and G were intended to provide for open, fair, honest and accountable City elections by removing potential conflicts of interest. In doing so, both Propositions E and G provided for an Alternative Transportation and Security Plan (Alternative Security Plan) to be developed by the Director of Elections and approved by the Elections Commission, instead of the regular Elections Security Plan in which the Sheriff is responsible for transporting all voted ballots and other documents or devices used to record votes, in the event that the Sheriff's Department had a potential conflict of interest. Proposition E specified that an Alternative Security Plan be developed by the Director of Elections and approved by the Elections Commission if an incumbent Sheriff is running for election. Proposition G provided these same provisions and added that such an Alternative Security Plan also be developed by the Director of Elections and approved by the Elections Commission "if there is a measure on the San Francisco ballot that would have a material, financial effect on the Sheriff or the uniformed personnel of the Sheriff's Department, as determined by the Ethics Commission". Proposition G also provided that the Board of Supervisors has the authority to enter into any contracts or take whatever actions are necessary to meet these alternative security requirements.

The Budget Analyst notes that the incumbent Sheriff ran for reelection on November 4, 2003 and the Elections Commission approved an Alternative Security Plan, which was submitted to the Clerk of the Board of Supervisors. However, this Alternative Security Plan simply removed the Sheriff himself from any direct involvement with the November 4, 2003 election, while still permitting the same Deputy Sheriffs in the Sheriff's Department, who report to the incumbent Sheriff, to provide elections transportation and security on November 4, 2003. In fact, the Budget Analyst notes that the San Francisco Deputy Sheriffs Association endorsed the incumbent Sheriff for reelection in November of 2003. The Sheriff's union also endorsed individual candidates that were on both the November and December of 2003 ballots. Ms. Julie Moll of the City Attorney's Office states that this November Alternative Security Plan satisfied the legal requirements of Proposition G, even though Deputy Sheriffs were involved at the same time that the incumbent Sheriff was running for reelection. However, the Budget Analyst questions whether the potential conflicts of interest were fully removed, given the fact that just the Sheriff himself was removed from any direct involvement with the Alternative Security Plan, and yet the Deputy Sheriffs, who still had direct involvement under the Alternative Security Plan, endorsed the incumbent Sheriff who was on the same ballots transported by these Deputy Sheriffs.

Regarding two other potential conflicts of interest, the Ethics Commission unanimously adopted motions that Alternative Security Plans were not required to be developed by the Elections Department for either (a) a proposed Charter amendment to create a seven-member committee to study the transfer of the Police Department's functions, assets and operations to the Sheriff's Department or (b) a proposed Charter amendment on the March 2, 2004 ballot (Proposition F) to change the labor negotiation deadlines from the current date of June 30th to no Charter deadline for Deputy Sheriffs.² Ms. Mabel Ng of the Ethics Commission stated that because Proposition G does not define "material financial effect", the Ethics Commission determined that the intent of the voters was "to remove the Sheriff from providing security in any matter where personal financial interests could conflict significantly with the duty of loyalty to the City". Ms. Ng further stated that the Ethics Commission found that the potential benefits of the two proposed Charter amendments relating to Deputy Sheriffs did not rise "to the level where it would interfere with the ability of the deputy sheriffs to perform their duties of transporting and safeguarding the ballots".³ In addition, the Ethics Commission found that an Alternative Security Plan would likely result in greater costs to the City than having the Sheriff's Department provide security. As a result, the Ethics Commission determined that a material financial effect on the Sheriff or the uniformed personnel of the Sheriff's Department was not apparent, an Alternative Security Plan would likely result in greater costs, and, therefore, the Department of Elections was not required to develop an Alternative Security Plan. The Budget Analyst also notes that the Deputy Sheriff's Association endorsed, and actually sponsored Proposition F that was on the March 2, 2004 ballot. In the professional judgment of the Budget Analyst, these two Charter amendments could have potential financial impacts on Deputy Sheriffs.

² The Controller's statement in the Voter Information Pamphlet on Proposition F states that "a change in the timing of the negotiations between the City and the Deputy Sheriffs could affect the outcome and increase or decrease the City's costs under the labor agreement, but the amendment would not in and of itself result in new costs or savings".

³ In the first proposed Charter amendment, the Ethics Commission found that the financial effect was remote and speculative because before a merger could occur, several events must occur, including the creation of a seven-member committee to study and make recommendations; an affirmative finding by the Board of Supervisors that the merger would result in long-term savings, preserve the right of citizens to file complaints and enhance public safety and the occurrence of meet-and-confer sessions between the City and the unions. In the second proposed Charter amendment, the Commission found that although Proposition F will have a financial effect on Deputy Sheriffs, it is not clear that the financial effect will be material because any changes in wages, benefits and working conditions are speculative, given that Deputy Sheriffs will still have to negotiate with the City over the terms and conditions of employment and such terms are subject to budget and other limitations. The Ethics Commission noted that a determination that Proposition F would have a material financial effect would mean that the Department of Elections would be required to develop an alternative security plan at considerable expense to the City, and that while this consideration does not change whether there is a financial effect, it was relevant to assessing whether the financial effect rises to the level of materiality that the voters intended to warrant an alternative security plan.

Propositions E and G were intended to provide for open, fair, honest and accountable City elections by removing potential conflicts of interest. Both Propositions specifically provided that Alternative Security Plans be developed in the event that the Sheriff's Department had a potential conflict of interest. Therefore, the Budget Analyst questions why for these three occasions, which arose in the past year and which appear to have potential conflicts of interest for the Sheriff's Department (i.e., the election of the incumbent Sheriff on November 4, 2003 and the two Charter amendments noted above with direct potential financial impacts on Deputy Sheriffs) the Sheriff's Department and the Deputy Sheriffs were not removed or prohibited from providing elections transportation and security.

The Budget Analyst also notes that under the current arrangements, one Deputy Sheriff transports the voted ballots alone on election night. The State Elections Code provides that a minimum of two pollworkers must deliver the voted ballots to the elections official (State Elections Code Chapter 4, Division 14, Section 14434). While State Elections Code does not specify how elections officials are authorized, Mr. John Arnst, the Director of the Department of Elections advises that he considers the Deputy Sheriffs to be election officials and therefore the Deputies are permitted to be alone with the voted ballots on election day.

The Budget Analyst considers this issue, of whether the existing provisions of Proposition G regarding the Alternative Security Plan are being implemented as intended, to be a policy matter for the Board of Supervisors. If the Board of Supervisors does not believe the Alternative Security Plan provisions are being implemented as intended under Proposition G, the Board should introduce a Charter amendment to (a) specify whether the Alternative Security Plan envisioned that the same Deputy Sheriffs would continue to transport voted ballots alone, and (b) define "material financial effect" or more clearly specify for the Ethics Commission what constitutes a potential conflict of interest for Deputy Sheriffs to transport voted ballots and devices alone. The Budget Analyst also notes that the proposed recommendation (see Section on Transporting Voted Ballots), to require that two Election staff transport ballots, rather than one Deputy Sheriff, would address this potential conflict of interest for the Sheriff's Department, by assigning the Sheriff the responsibility of supervising, but not directly transporting the voted ballots, if there is an incumbent Sheriff running for reelection or if there is a measure on the ballot that would provide a material financial effect on the Sheriff.

Sheriff's Staffing and Costs to Provide Transportation and Security

The Sheriff assigned 231, 228, and 205 Deputy Sheriffs to work directly on the October, November and December election days, respectively. Overall, the Sheriff's Department has a total of 825 uniformed Sheriff's Deputies, such that approximately

27 percent of all uniformed Deputy Sheriffs are assigned to work on elections. Approximately 111, or approximately 50 percent of these Deputy Sheriffs were responsible for transporting the voted ballots on each of the three election nights. In addition to the Deputy Sheriffs assigned to work on the day of the election, the Sheriff's Department assigns additional Deputy Sheriffs to (1) the jails on election day to cover (or "backfill") for those Deputy Sheriffs who would normally work in the jails that day, but who are instead assigned to transport the ballots, (2) secure the ballots before and after election day, and (3) plan and coordinate the Sheriff's elections security operations.

Sheriff's Reported Costs versus the Total Actual Costs Incurred

The Sheriff's Department could not provide the Budget Analyst with the total costs of the Sheriff's transportation and security services for each of the three elections which the Budget Analyst assessed. Instead, the Sheriff's Department provided the Budget Analyst with estimated costs to provide elections security for each election, as shown below, and acknowledged that their estimates did not include planning and coordination or backfill expenses. Therefore, the Budget Analyst obtained the actual total costs for each election by combining payroll reports with staffing assignments, and reviewing Sheriff Department time sheets. All of these election costs are paid by the City's General Fund.

Table 1

**Total Reported versus Actual Transportation and Security Costs
For October, November and December of 2003**

<u>Election Date</u>	<u>Sheriff's Reported Costs*</u>	<u>Actual Total Costs**</u>	<u>Difference</u>
October 7, 2003	\$212,256	\$252,178	(\$39,922)
November 4, 2003	209,319	221,551	(12,232)
December 9, 2003	<u>173,875</u>	<u>168,850</u>	<u>5,025</u>
Total	\$595,450	\$642,579	(\$47,129)

**Includes Department of Parking and Traffic Memory pack collection charges.*

*** This does not include overhead costs, which would result in additional costs of \$31,829, \$26,750, and \$18,211 for October, November, and December elections, respectively, for a total election cost of \$719,369.*

As shown in Table 1 above, the overall costs, as determined by the Budget Analyst based on data provided by the Sheriff's Department, for the elections transportation and security operations for the October, November and December of 2003 elections, were \$252,178, \$221,551, and \$168,850, respectively, for a total cost of

\$642,579 for these three elections⁴. As a result, the total actual cost of \$642,579 was \$47,129 or eight percent more than the \$595,450 amount estimated by the Sheriff's Department. The Budget Analyst notes that the Sheriff's reported costs compared to the actual total costs became closer from the October to the December of 2003 elections.

Costs Charged to Department of Elections versus Sheriff's Absorbed Costs

Although the Sheriff's Department actually incurred total costs of \$642,579 for the three elections, the Sheriff's Department only charged the Department of Elections for Deputy Sheriff's direct overtime costs. As shown in Table 2 below, the Sheriff's Department charged the Department of Elections \$310,044 for the three elections, which is \$332,535 or 51.8 percent less than the actual costs incurred. This remaining \$332,535 of the actual total costs were absorbed by the Sheriff's Department in their FY 2003-2004 budget⁵.

Table 2

**Elections Charged Costs versus Sheriff's Absorbed Costs
For October, November and December of 2003**

<u>Election Date</u>	<u>Elections Cost*</u>	<u>Sheriff Costs</u>	<u>Total Cost</u>
October 7, 2003	\$124,351	\$127,827	\$252,178
November 4, 2003	102,559	118,992	221,551
December 9, 2003	<u>83,134</u>	<u>85,716</u>	<u>168,850</u>
Total	\$310,044	\$332,535	\$642,579

**Includes Department of Parking and Traffic memory pack collection charges and vehicle and equipment costs incurred by the Department of Elections specifically for Sheriff Deputies.*

The Sheriff's Department assigns Deputy Sheriffs on both overtime and straight time for each election. In October, November and December, the Sheriff's

⁴ These total costs include fringe benefits and are based on the top pay rate for the Deputy Sheriffs. Further, these cost estimates include the costs for the Sheriff's Department to provide elections security both before and after each election and backfill in the jails on election day for those Deputies who were paid overtime. However, these costs do not include the costs of those Deputy Sheriffs who were paid for backfill using straight time because, as of the writing of this report, the Sheriff's Department could not provide such details. Attachments I, II, and III to this report provide a more detailed accounting of the costs to the City for the October, November and December elections for transporting the memory pack and voted ballots and providing additional elections security.

⁵ Based on the total cost of \$642,579 for the three elections, the average cost of each election was \$214,193, of which the Department of Elections was charged an average of \$103,348 and the Sheriff's Department absorbed an average of \$110,845 per election.

Department expended a total of 10,703 hours on election activities, of which approximately 42 percent, or 4,468 is overtime hours, and the remaining 58 percent, or 6,235 hours is straight time hours. However, the Sheriff's Department does not charge the Department of Elections for the costs of any on-duty Sheriff Deputies who are paid at straight time rates when assigned to election related duties, even when such assignments result in the required backfilling of such personnel in the jails on overtime. The Budget Analyst identified \$40,966 (\$21,656 in October, \$11,825 in November and \$7,485 in December) of overtime expenses incurred from backfilling positions in the jail. These costs were absorbed in the Sheriff's Department FY 2003-2004 budget.

In addition, the Sheriff's Department is not charging the Department of Elections for Deputy Sheriffs who work on elections activities that receive compensatory time off, instead of overtime pay, even when such compensatory time off results in additional overtime costs in the jails at a later date. In addition, the compensatory time off may be earned at time and a half, like overtime, such that a Deputy Sheriff who works eight hours on elections activities, actually earns 12 hours of compensatory time off. The Sheriff's Department could not identify the amount of additional cash overtime needed to be paid at a later date as a result of Deputy Sheriffs taking compensatory time off incurred on the three election days in October, November and December of 2003. Again, such additional overtime costs are absorbed within the Sheriff's annual budget. The Budget Analyst notes that the Sheriff has overexpended its annual budget and required supplemental appropriations for four of the past five fiscal years.

By not fully calculating the total costs of each election, the Sheriff's Department does not know what each election actually costs the City. Furthermore, by only charging the Department of Elections for the direct overtime costs to provide the transportation and security activities, the Department of Elections does not know the full cost of the Sheriff's services and cannot make fully informed decisions regarding the need for such Sheriff's security services relative to their costs. And finally, by absorbing overtime costs within the Sheriff's annual budget, that are actually an expense that should be borne by the Department of Elections, the Sheriff's Department is vulnerable to overexpending its annual appropriation, and requiring additional supplemental appropriations of General Fund monies.

Based on these findings, the Budget Analyst makes the following recommendations:

- The Sheriff's Department fully calculate the total costs incurred for each election, including backfill and compensatory time, and submit an itemized accounting of all such costs to the Department of Elections in

order to allow the Department of Elections to make security staffing decisions based on the actual cost of those services.

- The Sheriff's Department charge all direct expenses and overtime costs to the Department of Elections in order to accurately reflect the additional expenses incurred.

It should be noted that if all of the recommendations included in this Budget Analyst report are implemented, the Sheriff could accommodate the proposed election assignments with minimum use of overtime or backfill assignments in the jails because far fewer Deputy Sheriffs would be required for the effort.

Transporting Documents or Devices Used to Record Votes (Memory Packs)

As discussed above, transporting the documents or devices used to record votes is one of the primary responsibilities of the Sheriff's Department, in accordance with Proposition G. Prior to the passage of Propositions E and G, the Department of Elections relied on Parking Control Officers (PCOs) from the Department of Parking and Traffic (DPT) who worked on an overtime basis to retrieve the memory packs from the election precincts and to deliver these memory packs to the eight uplink sites throughout the City using DPT's Cushman vehicles. Since the passage of Propositions E and G, the Sheriff's Department has continued to rely on PCOs working on overtime to collect the majority of the memory packs from the individual precincts and to transport these memory packs to the eight uplink sites.⁶

Additionally, the Sheriff's Department assigns between 10 and 16 Deputy Sheriffs to collect memory packs in the "dangerous areas" of the City. These "dangerous areas" were identified by the DPT supervisor who requested that individual PCOs on Cushman vehicles not be assigned to those areas of the City. In collecting these memory packs from the "dangerous areas", the 10 to 16 Deputy

⁶ The Department of Elections currently uses an elections technology in each precinct that records and stores each vote in a computerized memory pack, as each paper voted ballot is fed into the voting machine. On election day, the precincts close at 8 p.m. and these memory packs are retrieved and transported to the eight uplink sites (1-Claire Lilenthal School, 2-Pier 1, 3-Richmond Police Station, 4-City Hall, 5-Mission Police Station, 6-Bayview Police Station, 7-Ingleside Police Station and 8-Taraval Police Station) by approximately 9 p.m. At each uplink site, the recorded results from the memory packs are immediately transmitted through a laptop computer and modem operated by information technology support staff via telephone lines to the Department of Elections at City Hall. This computerized system enables the election night results to be released to the public as they are transmitted from the uplink sites to the Department of Elections in City Hall with all of the precinct election results in by approximately 9:30 p.m.

Sheriff work in two-person teams in Sheriff's vehicles, similar to the PCO assignments in which one PCO picks up the memory packs. Chief Deputy Hennessy advises that prior to the passage of Proposition E, the Police Department deployed two Police Officers in a patrol car to retrieve the memory packs in the "dangerous areas" of the City and that this continues to be a safety issue for the Deputy Sheriffs. However, the Budget Analyst notes that in these areas, referred to by the DPT and the Sheriff's Department, as so-called "dangerous areas", City residents are expected to vote and pollworkers, often sitting in open garages, are assigned until late in the evening, until these two-person, armed Deputy Sheriffs arrive. Further, it should be noted that on-duty Police are available for calls in the so-called "dangerous areas" on election days.

As shown in Table 3 below, DPT deployed a total of 104 to 106 PCOs during the October, November and December of 2003 elections to pick up the memory packs at an overtime cost of approximately \$25,000 per election. The memory pack collection is completed between 8 p.m. and 9:30 p.m., or 1.5 hours. However, the Budget Analyst found that each PCO is paid an average of 4.6 hours of overtime, which includes approximately 1.5 hours for travel and training time, the above noted 1.5 hours for the actual memory pack collection, and 1.6 hours of unproductive time. DPT advises that the each PCO shift includes significant unproductive time because (1) approximately 50 percent of the PCOs assigned to the memory pack collection begin receiving overtime pay after they finished their normal PCO work shifts at 4:30 p.m., although the memory pack collection cannot start until the polls close at 8 p.m. and (2) there is a four-hour minimum for overtime if a PCO is specifically called into work for the memory pack collection.

Table 3

Number of Staff Assigned, Hours Worked and Costs Incurred for Transporting the Memory Packs

	Average Shift**	October 7, 2003			November 4, 2003			December 9, 2003		
		Number Assigned	Hours	Cost*	Number Assigned	Hours	Cost*	Number Assigned	Hours	Cost*
DPT	4.6	104	499.8	\$ 26,297	105	465.5	\$24,495	106	440.25	\$ 23,166
Deputy Sheriffs	7.0	10	84	\$ 3,401	14	84	\$ 4,647	16	unknown**	unknown**
	Total	114	584	\$ 29,698	119	550	\$29,141	122	unknown**	unknown**

**With the exception of DPT costs, which include both overhead and fringe costs, these costs include fringe benefits, but exclude overhead costs.*

***In December, once the Deputy Sheriffs assigned to collect memory packs had retrieved and delivered the memory packs to the uplink sites, these Deputy Sheriffs staffed the mobile support units, therefore the average length of shifts excludes December because the actual time spent on each task has not been determined. The Deputy Sheriffs spent a total of 96.75 hours on memory pack collection and staffing the mobile support units on December 9, 2003, at an estimated cost of \$3,824.*

As outlined in Table 3 above, the Budget Analyst also found that the two-person armed Deputy Sheriff teams who worked in the “dangerous areas” and who were responsible for the same workload as the individual PCOs on a Cushman vehicle that operate in most of the other areas of the City, were paid for an average of 7.0 hours, or 2.4 hours more than the average of 4.6 hours for each PCO for the same amount of work in October and November. Therefore, the Sheriff was assigning 14 hours of staff time (2 Sheriff Deputies at 7.0 hours each), or over 204 percent more hours, to perform the same work that each PCO performed in an average of 4.6 hours. As noted above, the memory pack collection is actually completed between 8 p.m. and 9:30 p.m., which including an additional 1.5 for training and travel time totals an average of 3.0 hours of work. Therefore, for each three hours of documented productive work, the Sheriff’s Department was assigning 14 hours of staff, which is 11 additional hours, or over 366 percent more paid time than required for the October and November elections. In the professional judgment of the Budget Analyst, such staffing by the Sheriff is unnecessary and excessive.

The Budget Analyst notes that for the December election, once the Deputy Sheriffs assigned to collect memory packs had retrieved and delivered the memory packs to the uplink sites, these Deputy Sheriffs were then assigned to the mobile support units to provide additional assistance to the Deputy Sheriffs assigned to ballot collection.

Based on the above findings, the Budget Analyst makes the following recommendations:

- Reduce the two Deputy Sheriffs assigned to each of the “dangerous areas” collection routes to one Deputy Sheriff per route, given that (a) each Deputy Sheriff is in a Sheriff’s vehicle, (b) each Deputy Sheriff is armed, (c) PCOs are unarmed, and (d) most of the other routes in the City are assigned only one PCO on a Cushman vehicle. This would result in an overall reduction of between five to eight Deputy Sheriffs assigned to this task on election night.
- Reduce the average number of hours that each Deputy Sheriff works on the memory pack collection activities to no more than 3.0 hours, a reduction from 7.0 hours to 4.0 hours per Deputy Sheriff. These same Deputy Sheriffs could then be assigned to the mobile support units for the remainder of their shifts, as was the Sheriff’s practice in December of 2003.

Transporting Voted Ballots

In addition to the responsibility of transporting the devices used to record the votes, transporting the voted ballots is also a primary responsibility of the Sheriff's Department, pursuant to Proposition G. Prior to the passage of Proposition E, after the polls closed at 8 p.m., two pollworkers from each precinct transported the voted ballots from their precinct to five to seven Department of Elections collection sites located throughout the City.⁷ Since the passage of Propositions E and G, the Sheriff's Department has deployed approximately 111 Deputy Sheriffs⁸ on each election night to individually transport the voted ballots to Pier 29, a Port facility located on the Embarcadero that is used by the Department of Elections as the central ballot collection center on election day.

Based on the 553 current precincts and the 111 Deputy Sheriffs actually deployed on election night to collect ballots, each Deputy Sheriff is responsible for picking up the voted ballots from an average of approximately five precincts. As shown in Table 4 below, the Sheriff assigned 111 Deputy Sheriffs who expended a total of 979 and 991 hours in October and November respectively, or an average of 8.9 hours per Deputy Sheriff at a cost of approximately \$38,700 to collect and transport the voted ballots on each election night. The Sheriff also deployed Deputy Sheriffs to act as mobile support units in the field to assist the ballot collectors in October and November, for an additional average cost of \$3,596 per election, as shown in Table 4 below.

Table 4

Number of Staff Assigned, Hours Worked and Costs Incurred for Transporting the Voted Ballots

		October 7, 2003			November 4, 2003			December 9, 2003		
	Average Shift**	Number Assigned	Hours	Cost*	Number Assigned	Hours	Cost*	Number Assigned	Hours	Cost*

⁷ Under the City's election procedures, the voted paper ballots are deposited by individual voters into the voting machines in each of the 553 precincts on election day. When the polls close at 8 p.m., the pollworkers are responsible for accounting for all of the voted paper ballots deposited in the voting machine. The head pollworker from each precinct which is called "the Inspector", is then responsible for completing all of the required documentation and assembling all of the voted ballots and other related voting materials into specified packages for pickup.

⁸ In the October 7, 2003 and November 4, 2003 elections, the Sheriff deployed 111 Deputies to pick up the voted ballots. In the December 9, 2003 election, the Sheriff deployed 117 Deputies to pick up the voted ballots.

Sheriff's Ballot Collectors	8.9	111	979	\$38,665	111	991	\$38,694	117	622	\$26,950
PM Mobile Support Units	10.2	8	86.25	\$ 3,779	9	87.5	\$ 3,413	16	Unknown**	unknown**
Total		119	1065	\$42,444	120	1079	\$42,107	133	Unknown**	unknown**

*Costs include fringe benefits, but exclude overhead costs.

**In December, Deputy Sheriffs assigned to collect memory packs later staffed the mobile support units, such that the average shift length excludes December. The Deputy Sheriffs spent a total of 96.75 hours on memory pack collection and staffing the mobile support units on December 9, 2003, at an estimated cost of \$3,824.

Ballot Collection Process and Unproductive Time

All of the approximately 111 Deputy Sheriffs that are assigned to ballot collection report to Pier 30/32 for training in three consecutive hourly shifts, of approximately 30 minutes each, beginning at 3 p.m.⁹ The approximately 30-minute training is conducted by the Department of Elections staff in rented tents at Pier 30/32. It then takes approximately another 30 minutes for each Deputy Sheriff to be assigned their collection routes, and to be provided with a rented van and a boxed meal.

The Budget Analyst found that all of the Sheriff's staff need to be trained for each election since (1) Deputy Sheriffs are primarily responsible for guarding prisoners in the City's jails and are not necessarily familiar with election requirements, precinct closing and collection procedures, and (2) some Deputy Sheriffs, who have not previously worked an election, are assigned to election duties. In addition to the staff time, this training operation for the ballot collectors at Pier 30/32 results in equipment costs of \$2,070 for the rental of tents and folding chairs, \$18,000 for approximately 100 rented minivans for the Deputy Sheriffs who are ballot collectors and approximately \$2,000 or an average of \$8.65 to \$9.75 per boxed meal for the 205 to 231 Deputies assigned on election day. Overall, these vehicle, equipment and meals costs total approximately \$22,070 per election.

After leaving Pier 30/32, the Deputy Sheriffs then have an average of 3.5 hours (between 2.5 and 4.5 hours depending on their training start time), to take a meal break (each Deputy Sheriffs is given a boxed meal) and locate their five designated precincts, which are in close proximity to each other in the City. Based on our direct observations from riding in the rented vans with the Deputy Sheriffs assigned to ballot collection, the Deputy Sheriffs drive to their designated locations, often visiting the assigned precincts to check in with the pollworkers to introduce themselves and let the pollworkers know they will return to pick up their voted

⁹ Based on preliminary recommendations of the Budget Analyst, the Sheriff's Department moved back the initial shift start time for the training from 3 p.m. to 4 p.m.

ballots after the polls close. However, based on our direct observations, the Deputies then have an average of two to three hours of non-productive time in which they waited for the polls to close in October and November¹⁰.

During this downtime, staff of the Budget Analyst observed Deputy Sheriffs listening to music on their radios, stopping for coffee, continuing to drive around, parking and talking, revisiting the polling places, eating dinner and calling other Deputy Sheriff's assigned to ballot collection to find out what they were doing. The Budget Analyst found that Deputy Sheriffs were assigned to begin work between 3 p.m. and 5 p.m., for training, although the voted ballots cannot be picked up until approximately 8:30 p.m., resulting in the above noted average of two to three hours of paid waiting time for each of the 111 Sheriff's ballot collectors.

After the polls close at 8 p.m., the pollworkers are responsible for accounting for all of the ballots, completing the required documentation and assembling the related voting materials into specified packages for pickup. Most of the pollworkers complete these closing procedures by approximately 8:30 p.m. Each Deputy Sheriff is then responsible for picking up the voted ballots and related voting materials from an average of five precincts and transporting these ballots and materials to Pier 29 on election night. The Budget Analyst found that it takes the Deputy Sheriffs up to 2½ hours, or from approximately 8:30 p.m. to 11:00 p.m. to completely collect and transport the ballots and related materials to Pier 29. After dropping off the elections materials at Pier 29, the Sheriff's Department advises that it then takes each Deputy Sheriff another 45 minutes to an hour to drive to Pier 30/32 to return their rented minivan and complete their action reports and timesheets.¹¹

Thus, the Budget Analyst directly observed that it takes each Deputy Sheriff up to 4.0 hours, including approximately 1.5 hours for training, vehicle assignment and travel time to their assigned precincts and then 2.5 hours from approximately 8:30 p.m. to 11:00 p.m. to completely collect and transport the ballots and related materials to Pier 29. In addition, the Sheriff's Department advises that it takes each Sheriff's Deputy up to another hour to return their rented vehicles to Pier 30/32 and complete their paperwork, for a total of up to 5.0 hours. However, each Deputy Sheriff ballot collector was actually paid for an average of 8.9 hours for the October and November election days, which is 3.9 more hours or approximately 78 percent more time than required to complete these ballot collection activities. Based on an hourly

¹⁰ In December, the Sheriff's Department shifted the start time for training to an hour later, such that the average non-productive time prior to picking up the ballots was reduced from 2.5 hours to 1.5 hours.

¹¹ Although Piers 29 and 30/32 are less than a five minute drive apart, the Budget Analyst did not directly observe the van rental return and report activities at Pier 30/32 to determine the amount of time each Deputy Sheriff requires to complete these tasks.

rate of \$39.22¹², and an average of 3.9 hours of unproductive time for each of the 111 Deputy Sheriffs assigned to ballot collection activities, the Budget Analyst conservatively estimates that a minimum of \$16,978 of unnecessary costs (or unproductive time for detailed staff) were incurred by the Sheriff's Department for each of the elections in October and November and another \$13,307 was incurred in December of 2003 (assuming an average of 2.9 hours of downtime and 117 assigned Deputies), for a total cost to the Sheriff's Department of \$47,263 as a result of this downtime. Such assignments and pay are unnecessary and excessive in the professional judgment of the Budget Analyst.

Our review found that this excessive time and additional pay per Deputy Sheriff occurred because (1) as noted above, the Deputy Sheriff schedules the training too early in the day, resulting in an average of 2.5 hours of downtime for each of the 111 Deputy Sheriffs prior to their ballot collection activities, and (2) an average of 65 percent of the Deputy Sheriff ballot collectors were reassigned from their regular 8 to 12 hour shifts and were therefore entitled to receive a full days pay, regardless of whether they actually worked the entire time. In conclusion, the Budget Analyst found that each Deputy Sheriff was paid an average of 8.9 hours to collect and transport the voted ballots from five precincts in October and November of 2003, such that having the Deputy Sheriffs directly transport the voted ballots results in work assignments that are approximately 78 percent longer than required and cost \$47,263 in excessive costs and unproductive time.

Field Elections Deputies (FEDs) and Duplication of Effort

The Budget Analyst's direct observations revealed that the majority of the delays in the Sheriff's collections of the voted ballots were due to pollworkers who had difficulty closing their precincts. If the pollworkers require assistance in closing their polls, currently 50 Field Elections Deputies (FEDs) are available to provide such assistance. The 50 FEDs are assigned by the Department of Elections in a rented van to an average of 11 precincts each on election day to provide direct support and supervision from approximately 5 a.m. to 11 p.m. Each FED also has a cell phone and can communicate immediately and directly with the pollworkers in each precinct and with the Elections Command Center.

In interviewing several FEDs, the Budget Analyst found that, under the current procedures, when the FED assisted in closing a precinct, the pollworkers, who were tired after working typically 15 hours, could not leave because they had to wait for the Deputy Sheriffs to pick up their voted ballots. Further, the FEDs are currently instructed to remain in their precinct areas, with no specific assignments,

¹² Based on the average hourly rates actually paid to Deputy Sheriffs for the October and November of 2003 elections, including straight time, overtime and fringe benefits.

until all of the voted ballots have been returned to Pier 29 by the Deputy Sheriffs. Only then can the FEDs return with their election supplies in their rented vehicles to Pier 29. As a result, 50 FEDs and 111 Deputy Sheriffs are visiting each precinct after the polls close on election night and working until approximately 11:30 p.m., resulting in excessive duplication of time, staff and efforts at each precinct. FEDs described visiting their polling places at least once and up to three times between 8 p.m. and approximately 10:30 p.m., when the last ballots were finally collected, and returning to Pier 29, in a separate van. The Budget Analyst also found that the FEDs were in immediate and direct communication via cell phones with the pollworkers in each precinct whereas the Deputy Sheriffs relied on radio communication, which requires them to communicate with their Command Center, and prevents both immediate and direct communication with the precincts and the pollworkers.

The Budget Analyst also found that the FEDs are much more familiar with the pollworkers, City streets, precinct locations, election responsibilities and precinct closing procedures than the Deputy Sheriffs and the FEDs could pick up the voted ballots from more precincts than the Sheriff in approximately the same amount of time, while incurring significantly less cost. As noted above, currently, each Deputy Sheriff picks up voted ballots from an average of five precincts. Instead of the Deputy Sheriffs, the Budget Analyst recommends that the Field Elections Deputies (FEDs) transport the voted ballots and related materials, under the supervision of the Sheriff. The proposed recommendation to have the Deputy Sheriffs supervise rather than directly transport the voted ballots is consistent with the existing procedures in which the PCOs retrieve and transport the memory pack devices, under the supervision of the Sheriff.

Jurisdictional Comparison

Based on a survey conducted by the Budget Analyst of five large counties in California (San Mateo, Santa Clara, Alameda, Los Angeles and San Diego), the Budget Analyst also found that all five of these other counties rely on their pollworkers or temporary elections staff to transport the voted ballots or the devices used to record the election results¹³. Only in Los Angeles County are Sheriff's Deputies directly involved in security for the elections, and in that case, the Sheriff's Deputies are assigned to one of 63 Check in Centers where the ballots are returned by the pollworkers, and then transported by the Sheriff's Deputies to the central Registrar of Voters headquarters. Approximately 130 Sheriffs are assigned to transport the voted ballots from these 63 Check in Centers. The Budget Analyst notes that Los Angeles County has over 4,571 polling locations.

¹³ Results of the survey are contained in Attachment IV of this report.

In comparison, San Francisco has 553 polling locations and assigns between 205 and 231 Deputy Sheriffs, which is between 57.7 percent and 77.7 percent more Deputy Sheriffs than are assigned by Los Angeles County on election day. Yet, San Francisco has 4,018 or 87.9 percent fewer polling locations than Los Angeles. This is because having pollworkers or other election staff transport voted ballots and elections materials from 4,571 polling locations to 63 Check in Centers allows Los Angeles Deputy Sheriffs to secure and transport voted ballots more efficiently.

Alternative Ballot Transport

According to Chief Deputy Sheriff Hennessy of the Sheriff's Department and Ms. Moll, the Sheriff's Department supervision of the memory pack collection satisfies the provision of Proposition E requiring that the Sheriff be "responsible for transporting all other documents or devices used to record votes from the polls to the central counting location." Chief Deputy Sheriff Hennessy states that the current system works well because the PCOs are knowledgeable about the City streets and have the appropriate vehicles to quickly collect the majority of the memory packs. Chief Deputy Sheriff Hennessy also advises that the Sheriff's Department does not have a sufficient number of Deputy Sheriffs to transport all of the memory packs and the voted ballots on election day.

However, Chief Deputy Sheriff Hennessy states that the Budget Analyst's recommendation to have the FEDs pick up the voted ballots, under the supervision of the Sheriff, would not work because the FEDs are part-time, as needed Department of Elections staff that may or may not be accountable to the Sheriff's Department. In contrast, Chief Deputy Sheriff Hennessy advises that the "DPT staff are a uniformed, paramilitary group, much the same as the Sheriff's Department who are accountable to the City and to the Sheriff". The Director of the Department of Elections is also opposed to the Budget Analyst's recommendation, because he states that the Sheriff's Deputies are currently doing an effective job of transporting the voted ballots on election day. Chief Deputy Hennessy advises that given the Charter provisions, it is ultimately the Sheriff's decision to determine.

The Budget Analyst does not consider the DPT staff to be a "paramilitary group". Further, the Budget Analyst questions why other counties can rely on pollworkers, but San Francisco officials state that they cannot. In the professional judgment of the Budget Analyst, the FEDs, assisted by pollworkers, could more effectively and efficiently transport the voted ballots under the supervision of the Sheriff's Department, similar to the memory pack operation by DPT, under the supervision of the Sheriff through his Deputy Sheriffs, and similar to the five other surveyed counties that primarily rely on pollworkers to transport voted ballots.

Evening Mobile Support Units

As shown in Table 4 above, for the October and November of 2003 elections, the Sheriff assigned eight and nine Deputy Sheriffs who expended a total of 86.25 and 87.5 hours respectively, or an average of approximately ten hours per Deputy Sheriff at an additional average cost of \$3,596 per election to provide mobile support units. The mobile support units are roving teams of two Deputy Sheriffs in a vehicle who respond to problems in the field and provide assistance to the approximately 111 Deputy Sheriff ballot collectors, as directed by the Sheriff's Command Center.¹⁴ The Budget Analyst found that assigning each mobile support unit to an average of ten hours of work was excessive, given that the mobile support units actual work requirements were commensurate with the ballot collectors activities which required up to 5.0 hours of work. As a result, each mobile support unit was assigned and paid for ten hours of work, which was 5.0 hours or 100 percent more time than required to conduct the estimated 5.0 hours of work required.

Based on the above findings, the Budget Analyst recommends:

- The Sheriff's Department reduce the number of hours assigned to and paid to each ballot collector from an average of 8.9 hours to five hours, a reduction of 3.9 hours, to be commensurate with the actual work required for this task.
- The Sheriff's Department reduce the number of hours assigned to and paid for each mobile support unit from ten hours to five hours, a reduction of five hours, to be commensurate with the actual work required for this task.
- The Board of Supervisors urge the Sheriff to supervise the existing FEDs to directly collect and transport the voted ballots, similar to the DPT collection of the memory packs and eliminate the use of most of the 111 Deputy Sheriffs that individually collect and transport voted ballots on election night.

Should the Sheriff implement the first two recommendations in this section, the Budget Analyst estimates the cost savings to the City would be approximately \$23,528 per election. In addition, if the Sheriff's Department fully implemented all three of these recommendations, the Sheriff's Department could fulfill their election staffing tasks with the deployment of approximately 50 Sheriff's Deputies who could be assigned on straight time and absorbed within the Sheriff's annual budget,

¹⁴ These Sheriff's mobile support units also operated in the morning, which are separately discussed in the Additional Elections Security Section of this report.

without the use of additional overtime, or backfilling costs to the Department of Elections.

Supervision and Communication for Transport of the Memory Packs and Voted Ballots

In order to transport the above described memory packs and voted ballots, the Sheriff has created two layers of communication and three layers of supervision, in addition to DPT's own supervision for the memory pack collection. As shown in Table 5 below, this level of supervision and communication staffing costs between \$17,514 and \$22,609 per election. The Budget Analyst's review of this supervision and communication structure revealed it to be redundant, resulting in excessive costs to the City.

Table 5

Number of Staff Assigned, Hours Worked and Costs Incurred for Communication and Supervision of the Memory Packs and Voted Ballots

	October 7, 2003			November 4, 2003			December 9, 2003		
	Number Assigned	Hours	Cost*	Number Assigned	Hours	Cost*	Number Assigned	Hours*	Cost*
Sheriff's Command Center, PM	17	154.75	\$ 7,082	16	138.75	\$ 6,730	14	99	\$ 4,748
Election's Command Post, PM	4	40	\$ 2,038	4	37.5	\$ 1,885	4	32	\$ 1,737
Uplink Sites	18	164.5	\$ 6,388	18	145	\$ 5,313	19	140	\$ 5,488
DPT Supervisors	10	49.75	\$ 4,681	11	57.5	\$ 4,725	12	54	\$ 4,384
Tactical and Logistical Mobile Support Units, PM	4	49.5	\$ 2,420	4	41	\$ 1,861	3	26.5	\$ 1,157
Total	53	459	\$22,609	53	419.75	\$ 20,514	52	351.5	\$ 17,514

**With the exception of DPT costs, which include both overhead and fringe costs, these costs include fringe benefits, but exclude overhead costs.*

***In December, once the Deputy Sheriffs assigned to collect memory packs had retrieved and delivered the memory packs to the uplink sites, these Deputy Sheriffs staffed the mobile support units.*

Sheriff's Command Center

As shown in Table 5 above, the Sheriff's Department assigns between 14 and 17 Deputy Sheriffs during the evening to a separate Sheriff's Command Center, located at 120 14th Street near Van Ness Avenue, to supervise the Deputy Sheriffs that are assigned on election day. The 14 to 17 Deputy Sheriffs serving as supervisors cost between \$4,748 to \$7,082 per election. This Sheriff's Command Center is responsible for receiving calls from the ballot collectors and memory pack collectors, determining solutions to any problems, sending assistance if necessary, via the Sheriff's mobile support units in the field, and tracking any problems to resolution. Additionally, the Sheriff's Command Center records the return of the ballots to Pier 29 and the memory packs to the uplink sites. The Sheriff's Department advises that they set up this separate Command Center because the Sheriff must rely on radio communication to transmit information to the Deputy Sheriffs in the field, and the Command Center acts as the main radio dispatching center. Furthermore, the Sheriff advises that there is not sufficient room in the Elections Command Center in City Hall to accommodate all of the assigned Sheriff's supervisory and command staff.

However, the Budget Analyst found that the Sheriff's Command Center commenced operation on December 9, 2003 at 3 p.m.¹⁵, which is five hours before the polls closed at 8 p.m. The Budget Analyst notes that the first problem call related to ballot and memory pack collection, which is the only Charter requirement of the Sheriff, cannot occur before the polls close at 8 p.m. Similar to the ballot collectors, the Budget Analyst again found that Deputy Sheriffs assigned to the Command Center were paid for an average of seven to nine and a half hours of work, although their actual work assignments only required an average of 4.5 hours, between 7:00 p.m. and 11:30 p.m., including their set up time. Therefore, these 14 to 17 Deputy Sheriffs were being paid for nonproductive time of up to 4.5 hours or 100 percent more hours than needed.

In addition, the Budget Analyst found that for most of the election day, there were an excessive number of Deputy Sheriffs assigned to the Command Center. The Budget Analyst found that the 14 to 17 Deputy Sheriffs working in the Command Center all had elections security work for a total of approximately 45 minutes, between 9:15 and 10 p.m., when all 111 ballot collectors were picking up and transporting the ballots. The Deputy Sheriffs in the Command Center spent their remaining up to eight hours and 15 minutes of non-productive time primarily (a) waiting for calls to come in, (b) eating and (c) watching television, including the

¹⁵ The Sheriff's Command Center also operated in the morning beginning at 5 a.m. in the October and November, 2003 elections to support the morning mobile support units, which is separately discussed in the Additional Elections Security Section of this report.

World Series baseball game during the October 7, 2003 election. According to Captain Richard Dyer of the Sheriff's Department, this lack of nonproductive activity for up to eight hours and 15 minutes, with only 45 minutes of work is because "we spend a lot of time doing nothing in the Command Center, but, when the bell goes off, like in a firehouse, we are ready". In contrast, the Budget Analyst found that even given an hour to set up the Command Center, the Sheriff's Command Center does not need to open any earlier than 7 p.m., or one hour before the polls close and that the Sheriff's supervision in the Command Center could be reduced from between 14 to 17 Sheriff's Deputies to eight Sheriff Deputies, a reduction of between 42.8 percent and 52.9 percent.

Election's Command Center

As shown in Table 5 above, in addition to this Sheriff's Command Center at 14th Street, the Sheriff also assigns four Deputy Sheriffs to the City Hall Elections Command Post during the evening on each election day. The Deputies assigned to the City Hall Command Post are responsible for reviewing calls and relaying information that comes in via telephone from the pollworkers and other Elections staff in the field to the Deputies in the Sheriff's Command Center. The Budget Analyst found that these four Deputy Sheriffs are not necessary if the Sheriff's Command staff, presently located at the 14th Street facility, were located in City Hall and used telephones to communicate, thus eliminating the Sheriff's duplicative communication structure.

Uplink Sites and Memory Pack Supervision

Table 5 shows that 18 to 19 Deputy Sheriffs are assigned to the eight uplink sites to oversee the receipt of the memory packs who are paid an average of eight hours of work per election. This staffing level includes two Deputy Sheriffs assigned to each of the eight uplink sites, for a total of 16 Deputy Sheriffs and two to three Deputy Sheriffs in City Hall to supervise this memory pack collection operation. Similar to the other assigned Deputies, these assignments only require up to 5.0 hours of productive work, although the Sheriff Deputies were assigned and paid for an average of seven to nine hours of work.

As shown above, DPT also assigns 10 to 12 dispatching and supervisory staff to City Hall to directly oversee the PCOs in the field who are retrieving and transporting the memory packs. DPT assigned the same level of supervision both prior to and after the implementation of Propositions E and G. Therefore, the Budget Analyst found that the Sheriff has simply added another duplicative layer of two to three Deputy Sheriffs to this supervision, after the implementation of Proposition E and G. As detailed in Table 5, DPT bills the Elections Department between \$4,384 and \$4,725 to provide their direct supervision and the Sheriff charges another \$5,313

to \$6,388 to provide their oversight and supervision of the same memory pack collection staff, or a total of \$9,872 to \$11,069 per election. Therefore, the Budget Analyst recommends that DPT reduce their level of supervision by two staff, to eliminate the duplication of supervisory staff assigned to the memory pack collection activities in City Hall.

Supervising Mobile Support Units

As shown in Table 5 above, the Sheriff also assigns three to four Deputy Sheriffs as tactical mobile support units that supervise the Sheriff's operations "from the field" and provide additional back-up support for the mobile support units that assist the Deputy Sheriffs that are collecting and transporting the ballots. According to Lieutenant Alan Kennedy of the Sheriff's Department, two layers of command structure is standard policing procedures, such that in addition to the need for the Sheriff's Command Center, a tactical, or supervising mobile support unit is necessary to supervise the other mobile support units because commands must come from the field in any "combat environment". In the professional judgement of the Budget Analyst, a San Francisco election is not a combat environment, such that these supervising mobile support units are unnecessary and should be eliminated.

Communications

The Budget Analyst found that in order for the Sheriff's mobile support units to respond to emergency or other elections calls, each call must be transmitted by telephone and radio, involving multiple personnel. This communication structure results in delays in transmitting calls to the Deputy Sheriffs. The Department of Elections staffs the Command Center in City Hall and is able to receive telephone calls from all of the pollworkers or other Elections staff in the field. However, if a call is received by the Elections staff that involves the Deputy Sheriffs, such as a pollworker who has closed the poll and no longer wants to wait for the ballots to be picked up, the Elections staff must separately transmit this information to the Deputy Sheriffs assigned to the Elections Command Center. These Deputy Sheriffs in City Hall then review the information and radio the call into the separate Sheriff's Command Center. The Deputies assigned to the Sheriff's Command Center then review the need and location and radio the closest mobile support unit or the Deputy Sheriffs who are ballot collectors in the field to respond to the specific problem. In contrast, the Election Department's FEDs in the field directly communicate with the pollworkers and the Elections Command Center in City Hall via cellphones.

Based on these findings, the Budget Analyst makes the following recommendations:

- The Sheriff's Department reduce the Sheriff's supervisory staffing level at the Command Center from between 14 to 17 Sheriff's Deputies to eight Deputy Sheriffs, a reduction of up between 42.8 percent and 52.9 percent, which reflects a more reasonable supervision of those transporting the ballots.
- The Sheriff's Department eliminate the supervising mobile support units.
- The Sheriff's Department reduce the average number of hours that each Deputy Sheriff is assigned and paid for their elections work in the Command Center and the uplink sites to 4.5 hours, a reduction from up to nine hours to up to 4.5 hours per Deputy Sheriff .
- The Sheriff's Department reduce the DPT level of supervision at City Hall by two, given that the Sheriff has provided two to three additional supervisory staff at City Hall to oversee this operation.
- The Sheriff's Department eliminate the Sheriff's separate Command Center and transfer this supervisory Sheriff's function to the City Hall Command Center.
- The Sheriff's Department eliminate the four Deputy Sheriffs assigned to the City Hall Elections Command Post, and directly transmit the information received by the Elections Department from the precincts and the FEDs to the Deputy Sheriff's who would then be at City Hall.

These recommendations would result in a cost and productivity savings of approximately \$11,216 per election.

Additional Elections Security

In addition to transporting the voted ballots and the devices that record the election results, including the Sheriff's supervision of such activities, the Sheriff's Department provides additional security for elections, that are not specified by the Charter. As noted above, Proposition G states that "The Sheriff shall be responsible for ... approving a security plan for the ballots until the certification of election results." Unlike the provisions of Proposition E, which required that the Sheriff provide security for the ballots until the certification of the election results, Proposition G offers the possibility that the voted ballots be secured by someone other than the Sheriff, if such a security plan were approved by the Sheriff. In practice, the Sheriff's Department directly provides security for the ballots until the certification of election results and provides additional elections security not required by the Charter.

As shown in Table 6 below, to provide this elections security, the Deputy Sheriffs work from between 1,046 to 2,068 hours at a cost of between \$42,723 to \$89,021 per election. The wide range of hours worked and related costs is a result of (1) the varying amount of time it takes for the Department of Elections to certify the elections results and (2) the reduced number of Deputy Sheriffs assigned to election security in December of 2003, from the number of Deputies assigned in October and November of 2003.

Table 6

Number of Staff Assigned, Hours Worked and Costs Incurred for Additional Security

	October 7, 2003			November 4, 2003			December 9, 2003		
	Number Assigned	Hours	Cost*	Number Assigned	Hours	Cost*	Number Assigned	Hours	Cost*
Day of the Election									
City Hall	23	239.5	\$ 10,057	22	210	\$ 8,364	12	91	\$4,049
Pier 29	10	102	\$ 4,051	7	78	\$ 2,960	8	54.75	\$ 2,500
Pier 30/32	14	154	\$ 6,233	11	115	\$ 4,735	11	103.5	\$ 4,736
Mobile Support Units, AM	6	58	\$ 2,359	6	60	\$ 2,492	0	0	\$ -
Elections Command Post, AM	1	11.5	\$ 645	1	10.5	\$ 576	0	0	\$ -
Sheriff's Command Center, AM	4	45	\$ 1,917	3	33	\$ 1,422	0	0	\$ -
Security Provided Before and After Election Day***	146**	1458	\$ 63,759	122**	1213	\$51,468	80**	797	31,438
Total	204	2068	\$ 89,021	172	1719	\$72,017	111	1046	\$ 42,723
<i>*Costs include fringe benefits, but exclude overhead costs.</i>									
<i>**The actual number of Deputies assigned to elections security before and after the election was not available. The figure shown is based on the total hours, divided into 10-hour shifts.</i>									
<i>***Security is provided at City Hall, Pier 29, Pier 30/32 and Brooks Hall up to three weeks before and 28 day after an election.</i>									

Our review of the Sheriff's additional security services for elections revealed that for the October and November of 2003 elections, the Sheriff did not limit their scope of work as required by Proposition G. Instead, the Sheriff developed their plan and provided security under the provisions of the more expansive Proposition E, which provided that "The Sheriff shall be responsible for preserving the security and integrity of elections in all matters." As a result, the hours worked and the number of Deputy Sheriffs assigned for pre-election tasks and elections day security was excessive in October and November of 2003.

Security Services Provided Before and After the Election

As shown in Table 6, the Sheriff has provided between 797 and 1,458 hours, at a cost of between \$31,438 and \$63,759 for security provided before and after each election day. The Sheriff provided security before the election at City Hall, where

early voting begins 29 days before the election, by (1) escorting the absentee ballots from the mail truck outside City Hall to the sorting area in Room 59 in City Hall, and (2) securing public access to the polls. Security was also provided at Piers 30/32 up to three days prior to the election, to secure the rented tents and rented equipment for the Sheriffs training, and the rented vehicles used by the FEDs and Deputy Sheriffs. However, 1,949 hours, or 56 percent of the total 3,468 hours that are provided before and after the election are provided on an overtime basis. The remaining 1,519 hours or 44 percent of the hours are detailed staff on straight time before and after the election. The Budget Analyst questions why the Sheriff only assigns 44 percent of the hours on a straight time basis before and after the election when there are no more than ten Deputies assigned on any given day, yet the Sheriff is able to assign 3,792 hours, or 69 percent of the Deputies on straight time on election day, when over 200 Deputy Sheriffs are assigned to this effort.

Using the October election as an example, pre-election security began on September 8, 2003 or 29 days before the October 7, 2003 election. The Sheriff provided 796.25 hours of security at a cost of \$31,493, including fringe benefits, in the 29 days that preceded the October election. The Budget Analyst notes that the Sheriff already secures City Hall when the building is opened to the public. According to Ms. Suzanne Berg of the Department of Elections, early voting occurs when City Hall is regularly opened to the public, with the exception of Sundays, from 9 a.m. to 5 p.m. According to Chief Deputy Sheriff Hennessy, the Sheriff's Department is able to escort the absentee ballots from the mail truck outside City Hall to the sorting area in Room 59 in City Hall using existing City Hall security staffing, at no additional cost to the Elections Department.

Additional security for City Hall should only be necessary on Sundays, from 9 a.m. to 5 p.m. for early voting to provide public access to City Hall when the building would otherwise be closed. For the October of 2003 election, the Sheriff provided 24 hours of additional City Hall security Monday through Friday, during the weeks of September 8-12, 15-19, and 22-26. Beginning on September 27th through the election on October 7th, the Sheriff provided an average of 54 additional hours of security at City Hall each day. This additional security is clearly excessive. The Budget Analyst recommends that the Sheriff only provide additional City Hall security before an election day to secure City Hall for early voting when the building would otherwise be closed to the public.

The Sheriff also provided security after the election for the voted ballots at Pier 29, Piers 30/32, City Hall and Brooks Hall until the election results were certified by the Department of Elections. Using the October 7, 2003 election as an example, post election security began on October 8 and ended on October 23, or 15 days after the October 7 election. The Sheriff provided 661.4 hours of this post-election security at a cost of \$32,266, including fringe benefits.

The security being provided by the Sheriff before, during and after the election is not only excessive, but also is not consistently applied. For example, the Budget Analyst observed that the absentee voted ballots, which were being processed by at least two Department of Election's staff at City Hall, were not always guarded by the Deputy Sheriffs. Yet, the voted paper ballots in Brooks Hall, which were being processed by at least two Department of Elections staff, were guarded by the Deputy Sheriffs 24 hours per day until the certification of the elections results.

Election Day Security at City Hall

Based on the data initially provided by the Sheriff's Department, and as shown in Table 6 above, in the October 7, 2003 election day, the Sheriff assigned 23 Deputy Sheriffs to provide security at City Hall at a cost of \$10,057. According to Undersheriff Janet Dempsey of the Sheriff's Department, the Sheriff assigns 27 Deputy Sheriffs and Cadets to provide regular weekday security at City Hall. The initial Sheriff's Department data showed that the 23 Deputy Sheriffs assigned to City Hall were in addition to the 27 Deputy Sheriffs regularly assigned to City Hall. However, a reexamination of this data by the Sheriff revealed that some of the 27 regular Deputy Sheriffs were included in the election security assignments for October and November, 2003.

In the Sheriff's response to this report, the Sheriff states that Table 6 "is not accurate", and that the "accurate numbers, solely for Election Security, including increased security to deal with the increase in traffic on Election Day are: October-10 staff, November-10 staff and December-9 staff." After examining this new information with the Sheriff's representatives, the Budget Analyst found that the Sheriff's response data is still not accurate for October, November or December, 2003. It is unclear how many additional Deputy Sheriffs were assigned to City Hall on election day in October and November of 2003. However, the Budget Analyst was able to confirm that Table 6 correctly describes the December, 2003 additional staffing at City Hall, with 12 Deputy Sheriffs. Furthermore, the Budget Analyst notes that there were at least 16 Deputy Sheriffs assigned in October and 15 Deputy Sheriffs in November of 2003, which is not consistent with the revised data provided by the Sheriff.

While the Budget Analyst notes that City Hall receives increased traffic on election day and the voted ballots are present, assigning more than 12 additional Deputy Sheriffs to City Hall on election day is excessive. Of note, the Budget Analyst found that none of these City Hall assigned Deputy Sheriff's actually secured the voted absentee ballots as mentioned above, but rather secured various public passageways in City Hall. The Budget Analyst discussed this excessive level of City Hall security with the Sheriff and the Department of Elections and recommended

that any security in addition to that required by the Charter be eliminated. In December of 2003, the Sheriff reduced the additional security on election day at City Hall to 12 Deputy Sheriffs, which was in addition to the 27 regularly scheduled Deputy Sheriffs and Cadets assigned to City Hall, for a total of 40 Sheriff's Department staff at City Hall.

Election Day Security at Piers 30/32 and Pier 29

As shown in Table 6 above, the Sheriff's Department assigned 14 Deputy Sheriffs to Pier 30/32 on the October 7 election day, including six Deputy Sheriffs from 5 a.m. to 4 p.m., seven Deputy Sheriffs from 3 p.m. to 2 a.m., and one Deputy Sheriff from 11 p.m. to 8 a.m. the following day, for a cost of \$6,233 including fringe benefits. As previously stated, the reason these Deputy Sheriffs were assigned to Pier 30/32 on election day was to secure the assembled rented tents, equipment and vehicles. Additionally, five of the six Deputy Sheriffs assigned from 5 a.m. to 4 p.m. were responsible for delivering lunches and dinners to the other Deputy Sheriffs who were providing election security services at City Hall, the Sheriff's Command Center, and the Piers. In the professional judgment of the Budget Analyst, the City should not be providing Deputy Sheriffs to deliver lunches or dinners to other Deputy Sheriffs. Food vendors can provide such services at greatly reduced costs. The Budget Analyst found this level of staffing to secure equipment and rented vehicles excessive and that having Deputy Sheriffs delivering lunches is irresponsible and uneconomical. Therefore, the Budget Analyst recommends that Piers 30/32 be secured by one Deputy Sheriff throughout election day and that, if meals are required, such meals be delivered directly by food vendors, instead of Deputy Sheriffs.

As shown in Table 6 above, the Sheriff's Department assigned 10 Deputy Sheriff's to Pier 29 on the October 7 election day, three Deputies from 8 a.m. to 3 p.m., five Deputies from 3 p.m. to 1 a.m., one from 7 p.m. to 7 a.m., and 1 from 9 p.m. to 7 a.m. the following day, for a total cost of \$4,051, including fringe benefits. A sleeping Deputy Sheriff, after being awakened by Budget Analyst staff at approximately 2 p.m., explained that the Deputy Sheriffs were assigned to Pier 29 to secure the location where voted ballots would be stored starting at around 9:30 p.m. that evening, or approximately 7.5 hours later. The Budget Analyst finds that any security for this site before 7 p.m. on election day, or one hour before the polls close, is totally unnecessary.

Mobile Support Units, Elections and Sheriff's Command Centers

For the October and November elections, the Sheriff provided three mobile support units beginning at 6 a.m., or one hour before the polls opened, to respond to problems at the polling places. In order to provide information and supervision for

the mobile support units, the Sheriff stationed one Deputy Sheriff at City Hall beginning at 4:30 a.m., or 2.5 hours before the polls opened, to transfer “Sheriff related” information received by the Elections Department to the Sheriff’s Command Center. The Sheriff’s Command Center was staffed by between three and four Deputy Sheriffs beginning at 5 a.m. to communicate the information received from the Deputy Sheriffs at City Hall to the mobile support units via radio.

The Budget Analyst reviewed the call logs for these mobile support units, which included a description of each complaint and resolution. The call logs show that in October, the mobile support units responded to a total of nine calls during the 14 hour period between 6 a.m. and 8 p.m. Of these nine calls, six were personnel related, such as “rude and rowdy poll workers”, and three were health and safety related, such as “voter throwing objects at the polling location.” The call logs also showed that of the nine calls received, five of the problems were resolved before the Sheriff’s mobile support unit even arrived and for two of the calls, the Sheriff’s mobile support units contacted the San Francisco Police Department for resolution of the problem. The remaining two calls were resolved by Department of Elections workers, in the Deputy Sheriffs presence. In response, the Sheriff’s Department reduced and consolidated the daytime mobile support units for the December of 2003 election.

The Budget Analyst recommends that the mobile support units continue to be used only to assist with the ballot and memory pack collection work, and therefore not begin work until 7 p.m., or one hour before the polls close, since providing security for the polls is not a requirement of Proposition G and the mobile support units provide little added value. The Budget Analyst further recommends that the Department of Elections handle personnel related matters because they are better situated to do so than Deputy Sheriffs. If the Department of Elections cannot resolve these personnel matters, the Department of Elections should contact the San Francisco Police Department. We further recommend that the Department of Elections contact the Police Department to respond to health and safety issues.

Based on our findings, the Budget Analyst makes the following recommendations:

- The Sheriff’s Department should only provide additional City Hall security before an election day to secure City Hall for early voting when the building would otherwise be closed to the public.
- The Sheriff and Elections Departments should develop a meaningful, yet efficient standard in their election plan as to when security is required for the voted paper ballots and consistently apply such standards for guarding of all of the voted ballots.

- The Sheriff's Department should secure Piers 30/32 with one Deputy Sheriff throughout Election Day, a reduction of ten Deputy Sheriffs, and if lunch and dinner are provided, have such meals be delivered by food vendors, and not by other Deputy Sheriffs.
- Secure Pier 29 only after 7 p.m. on election day.
- Eliminate the mobile support units, and related staffing at the City Hall and the Sheriff's Command Centers before 7 p.m. on election day.

These recommendations would result in a cost and productivity savings of approximately \$33,400 per election.

Sheriff's Security Reductions Already Implemented

The Budget Analyst met with representatives of the Elections and Sheriff's Departments to discuss our preliminary observations and findings after both the October and November of 2003 elections. As a result, the Sheriff's Department implemented the following recommendations of the Budget Analyst, as well as some of their own recommendations, such that the security assignments for the November and then the December of 2003 elections became increasingly more efficient:

- Elimination of the mobile support units during the day;
- Reduction of mobile support supervision at the Sheriff's Command Center during the day;
- Reduction and reallocation of security at City Hall;
- Reduction of security at Pier 29;
- Reduction of security at Piers 30/32; and
- Reduction of 4.6 hours, or 43 percent in the average length of Deputy Sheriff shifts on election day from 10.8 hours in October to 6.2 hours in December.

As a result of these and other changes, the Sheriff's Department expended \$168,850 on the December 9, 2003 election, a savings of \$83,328, or 33 percent as compared to the \$252,178 total expenditures for the October 7, 2003 election.

This report contains 22 major Budget Analyst recommendations for the Sheriff's Department and the Department of Elections. If all of these recommendations were fully implemented, the Sheriff could accommodate the proposed election assignments with a maximum of 60 Deputy Sheriffs, which is approximately 140, or 70 percent fewer Deputy Sheriffs than the more than 200 Deputy Sheriffs that are currently required for this effort on election day. The Sheriff's Department currently assigns approximately 50 to 60 Deputy Sheriffs from

their administrative and warrants divisions, on straight time, without requiring backfilling of their assignments on election day. Therefore, assigning these 50 to 60 Deputy Sheriffs would result in little, if any Deputy Sheriff staffing required from the jail divisions on election day, which would minimize the Sheriff's use of overtime, compensatory time, and backfill assignments.

Table 7

Summary of Average Election Security Costs and Potential Savings from Implementing Budget Analyst's Recommendations

	<u>Elections</u> <u>Cost*</u>	<u>Sheriff</u> <u>Costs</u>	<u>Total</u> <u>Cost</u>
Average Costs (October 7, November 4, and December 9, 2003)	\$103,348	\$110,845	\$214,193
Budget Analyst's Recommendation	<u>45,536</u>	<u>\$29,069</u>	<u>\$74,605</u>
Savings	\$57,812	\$81,776	\$139,588
<i>*Includes Department of Parking and Traffic memory pack collection charges.</i>			

As shown in Table 7 above, the average cost of the three elections in October, November and December, 2003 was \$214,193. Implementation of all of these Budget Analyst recommendations is estimated to result in total costs of approximately \$74,605 per election. As shown in Table 7 above, these total costs of \$74,605 include \$45,536 for the Department of Elections, including approximately \$24,000 for DPT's overtime, fringe benefit and overhead expenses and approximately \$21,536 for Sheriff's overtime and direct (meals, vehicle and equipment) costs. The remaining \$29,069 (\$74,605 total costs less \$45,536 Department of Elections cost) is straight time Sheriff costs, which would result in a reduction to the productivity losses in the Sheriff's Department for the time that Deputy Sheriffs are assigned to election tasks. Therefore, as shown in Table 7 above, if all of these recommendations were implemented, the City would realize an average savings of approximately \$139,588 per election, of which \$57,812 would be direct savings to the Department of Elections and \$81,776 would be a reduction to the productivity losses in the Sheriff's Department.

**Attachment I: Total Sheriff's Security and Transportation Costs for the
October 7, 2003 Election**

Description	Date(s)	Hours	Cost
Election Day Ballot Transportation and Security	7-Oct-03	2,177.75	\$ 82,743
Deputies assigned to backfill assignments*	7-Oct-03	387.51	21,656
Memory Pack Collection - DPT, including fringe benefits and overhead	7-Oct-03		26,297
Security at City Hall, Pier 29, Pier 30/32 and Brooks Hall before and after Election Day	September 8, 2003 - October 23, 2003**	1,457.65	60,774
Planning and Coordination (approximately 6 weeks prior to election)	August 15, 2003 - October 7, 2003	308.00	13,438
Sheriff's Fringe Benefits based on 13.16 percent for straight time			10,749
Sheriff's Fringe Benefits based on 1.65 percent for overtime			1,599
POST Pay (additional 6% for certain level of education)			3,039
Night Differential			9,823
Meals			1,989
Vehicles, 100 Minivans with no seats			18,000
Tents at Pier 30/32			2,070
	Total***		\$ 252,178

**Deputies assigned to backfill assignments represents only overtime hours charged as pay or compensatory time. Overtime hours based on payroll report and compensatory hours were estimated based on 43 percent of the Sheriff's election staff selecting compensatory time instead of overtime pay. The backfill staffing on straight time is not included.*

*** Excludes October 7, 2003 Election Day Assignments.*

****Excludes overhead costs. If overhead costs are included, based on the Sheriff Department's 17.82% rate, it would cost an additional amount of \$31,829, for a total election cost of \$284,006.*

**Attachment II: Total Sheriff's Security and Transportation Costs for the
November 4, 2003 Election**

Description	Date(s)	Hours	Cost
Election Day Ballot Transportation and Security	November 4, 2003	2,067.25	\$ 76,039
Deputies assigned to backfill assignments*	November 4, 2003	246.00	11,825
Memory Pack Collection - DPT, including fringe benefits and overhead	November 4, 2003		24,495
Security at City Hall, Pier 29, Pier 30/32 and Brooks Hall before and after Election Day	October 14, 2003 - November 13, 2003**	1,213.00	48,807
Planning and Coordination (at least 6 weeks prior to election)	September 15, 2003 - November 4, 2003	308.00	13,438
Sheriff's Fringe Benefits based on 13.16 percent for straight time			10,917
Sheriff's Fringe Benefits based on 1.65 percent for overtime			1,108
POST Pay (additional 6% for certain level of education)			3,039
Night Differential			9,823
Meals			1,989
Vehicles, 100 Minivans with no seats			18,000
Tents at Pier 30/32			2,070
	Total***		\$ 221,551

**Deputies assigned to backfill assignments represents only overtime hours charged as pay or compensatory time based on time sheet cards.*

*** Excludes November 4, 2003 Election Day Assignments.*

****Excludes overhead costs. If overhead costs are included, based on the Sheriff Department's 17.82% rate, it would cost an additional amount of \$26,750, for a total election cost of \$248,301.*

**Attachment III: Total Sheriff's Security and Transportation Costs for the
December 9, 2003 Election**

Description	Date(s)	Hours	Cost
Election Day Ballot Transportation and Security	December 9, 2003	1,273.75	\$ 52,084
Deputies assigned to backfill assignments*	December 9, 2003	159.00	7,485
Memory Pack Collection - DPT, including fringe benefits and overhead	December 9, 2003		23,166
Security at City Hall, Pier 29, Pier 30/32 and Brooks Hall before and after Election Day	November 24 - December 16, 2003**	797.00	29,189
Planning and Coordination (approximately 6 weeks prior to election)	October 16, 2003 - December 9, 2003	308.00	13,438
Sheriff's Fringe Benefits based on 13.16 percent for straight time hours			6,723
Sheriff's Fringe Benefits based on 1.65 percent for overtime hours			843
POST Pay (additional 6% for certain level of education)			3,039
Night Differential			9,823
Meals			1,989
Vehicles, 106 Minivans with no seats			19,000
Tents at Pier 30/32			2,070
	Total***		\$ 168,850

*Deputies assigned to backfill assignments represents only overtime hours charged as pay or compensatory time based on time sheet cards.

** Excludes December 7, 2003 Election Day Assignments.

***Excludes overhead costs. If overhead costs are included, based on the Sheriff Department's 17.82% rate, it would cost an additional amount of \$18,211, for a total election cost of \$187,061.

Attachment IV: Survey Results from Five Counties in California

Contact Information	San Mateo	Santa Clara	Alameda
Contact person name	Mr. David Tom	Ms. Kate Kay	Ms. Elaine Ginnol
Position	Elections Manager	Executive Assistant to Assistant Registrar	Assistant Registrar of Voters
Name of agency	Elections Division of the Assessor Clerk-Recorder & Elections Office	Registrar of Voters	Registrar of Voters
Telephone	(650) 312-5301	(408) 282-3006	(510) 272-6933
Date of phone interview	2/27/04	2/25/04	VMs 2/25 & 2/26/04
Questions	San Mateo	Santa Clara	Alameda
1. What election system the county has?	Eagle system	"touchscreen" system	"touchscreen" system
2. How paper ballots are brought back from precincts? <Summary>	Two pollworkers (in most cases they are inspectors) bring ballots to one of the 21 Receiving Stations between 8:30 to 10:00 PM. (There are 70 to 120 polling places. Each Receiving Station is assigned 4 to 6 precincts.) Once all ballots are brought back to Receiving Stations from precincts by pollworkers, one truck per Receiving Station delivers a bag with all ballots to the central Elections Office. Memory packs are delivered separately to Receiving Stations by two pollworkers. Some pollworkers deliver both ballots and memory packs altogether. Receiving Stations have approximately 95% of memory packs by 9:15 PM. Elections staff deliver memory packs from Receiving Stations to one of the 5 Transmission Sites, which can also be Receiving Stations, for uploading.	Two Election Officers deliver "results cartridges" from one of the 783 polling places to one of the 18 Return Centers (or Central Counting Places). Although the Field Inspector is the ultimate person responsible for ensuring that "result cartridges" are returned to Return Centers, election officers actually transport the result cartridges along with roster books and other precinct materials.	Two pollworkers (a polling site inspector and other person of the precinct's Elections Board) deliver the PC MCIA Memory Cards and precinct supplies to one of the 27 Return Centers between 8:45 PM to 11:00 PM. Each Return Center is assigned 30 to 40 precincts. The Captain of each Return Center ensures that all memory packs of all assigned precincts are delivered. The Captain checks memory cards and puts them into a "transport box", which is delivered by Return Center drivers to the Accumulation Site for uploading. (For next elections, there are approximately 33 drivers, who are county and non-county employees.)
3. Who transports ballots after precincts are closed?	Pollworkers send ballots to Receiving Stations, and elections staff (in trucks) from there to Elections Office.	Pollworkers deliver results cartridges to Return Centers. (No paper ballots are used.)	Pollworkers deliver memory cards to Return Centers. (No paper ballots are used.)

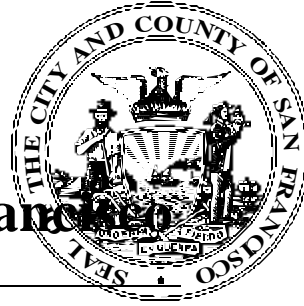
4. What is the cost (i.e. hourly rate of ballot collector) for ballot transportation?	Costs involved are related to pollworkers and Elections staff costs, and the approximately 21 trucks used to transport ballots from receiving centers to central Elections Office.	Depends upon classification of Elections Officers, who could be county employees and student pollworkers. Most Elections Officers are not county employees. Other related costs are the trucking company for equipment delivery.	Pollworkers delivering memory pack and supplies from precincts to Return Centers are paid \$100 per day, plus \$5.00, which is split between the inspector and the other pollworker. Regardless of number of trips from Return Centers to Accumulation Sites, drivers are paid \$30 plus \$10 for attending a training class. 18-20 county cars are used; they are charged less than \$12/hr. About 13 drivers use their own cars for which the County pays them mileage.
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Questions (cont.)	San Mateo	Santa Clara	Alameda
5. How many individuals are in the vehicle?	Two pollworkers	Two Elections Officers (for security purposes)	Two pollworkers
6. How many precincts the ballot collector(s) visit?	Nobody collects ballots at precincts. Each precinct sends ballots with 2 pollworkers to Receiving Stations.	Each precinct sends two elections officers to the return center to drop off result cartridges. (Field Inspector is responsible for 10 precincts on average, so that they could visit each precinct at least twice.)	Nobody collects ballots or memory cards at precincts. Each precinct sends memory packs and supplies with pollworkers to Return Centers.
7. Where do they take them?	Receiving Stations and then to Elections Office	Return Centers	Return Centers
8. When collected ballots are dropped off at collection centers?	All ballots are dropped off at Elections Office approximately by 11:00 PM.	The goal is to have all results cartridges returned by 11:00 PM.	Approximately, by 11:00 PM.
9. Is there a position like a FED?	Field Tech, who carries supplies, a spare Eagle machine, blank ballots, etc. Two Field Techs drive together.	(1) Field Inspector and (2) Field Technician, who is responsible for election machinery.	Precinct Coordinator, who is not responsible for memory cards delivery to return center.

Attachment IV: Survey Results from Five Counties in California (cont.)

Contact Information	Los Angeles	San Diego
Contact person name	Mr. Denis Sarro and Mr. Tom Lopez	Mr. Richard Pollard
Position	Mr. Sarro: Asst. Division Manager for Finance and Management Division; Mr. Lopez: Manager for Network & Voter Systems	Elections Supervisor, Precincts Services Division
Name of agency	Registrar-Recorder/ County Clerk	Registrar of Voters
Telephone	(562) 462-2654	(858) 694-3420 or 565-5800
Date of phone interview	2/26/04	2/27/04
Questions	Los Angeles	San Diego
1. What election system the county has?	(1) Optical scan ballot for Elections Day and (2) touchscreen system for early voting	DIEBOLD touchscreen system (3/2/04 will be first time it is used.)
2. How paper ballots are brought back from precincts? <Summary>	Two members of the Precinct Board (regularly the Precinct Inspector and one clerk) of each of the 4,571 polling locations are responsible for delivering voted ballots and precinct supplies in a sealed "Red Box" to one of the 63 Check In Centers (CICs). CIC staff check off in a master log at what time ballots of each precinct are dropped off to the center. CIC staff then put boxes of voted ballots of several precincts into a gray fire proof bag, also with a master list of included precincts. The bag is then sealed, logged in, and handed to Sheriff Deputies to transport them, by vehicle or helicopter, to the tally center at Registrar of Voters headquarters.	Two precinct officers (Inspector and Assistant Inspector) of every precinct deliver PIC MCIA media (memory) cards to one of the 56 Collection Centers between 8:30 to 10:00 PM. There are approximately a total of 1,620 precincts. Pollworkers also deliver all precinct supplies, machines, etc. to Collection Centers, which are trucks parked in parking lots across the county. From the Collection Center, memory cards are delivered by either Sheriff reserves or Elections staff to the central office for counting (Uploading Center). Approx. 25 elections staff members make an early pick up of memory cards between 8:30 PM to 8:45 PM. These election staff collect memory cards representing about 5-10% of total votes from approximately 25 collection centers and deliver them early to the central uploading center. There are 6 to 8 sheriff reserves located at each Collection Center for loading into trucks all elections equipment and supplies. When trucks are loaded and ready, reserves can sign off with the exception of the two who will drive trucks to central office to deliver the remaining elections materials and equipment between 9:30 PM to 12:30 AM.
3. Who transports ballots after precincts are closed?	Pollworkers deliver ballots to Check In Centers, and Sheriffs deliver ballots from there to the tally center at Elections headquarters.	Polling place inspectors send memory cards to Collection Centers, and the sheriff reserves or election staff from there to the central uploading center.
4. What is the cost (i.e. hourly rate of ballot collector) for ballot transportation?	There are approximately 130 sheriffs assigned to the Elections Day, approximately 2-3 assigned to each CIC center. (They are working overtime or on their day off, and their shift starts at 6:00 PM.) Helicopter services, which are used for distant areas and charged in a hourly basis by the Sheriff's Dept., are also part of ballot transportation costs. (Pollworkers are paid a stipend of \$55 for the day and receive \$25 for attending a training class.)	There are 5 sheriff reserves on average in each Collection Center. At least, there are 112 sheriffs (2 per each of the 56 collection centers) who are assigned as drivers on the Elections Day. Each sheriff reserve is paid \$100 per night, as other assistant inspectors. (Before it was \$80.) Shift of sheriff reserves starts at 6:00 PM. They have to be at sites by 7:30 PM. The Registrar of Voters do not know before the Election Day the final number of sheriff reserves that will work that day. (It depends on how many show up on the Elections day.)
5. How many individuals are in the vehicle?	First, two pollworkers for ballots delivery to CICs, and one Sheriff per vehicle for delivery from CIC to tally center.	Two pollworkers for the collection center. One election officer for the early pick up of memory cards, and two sheriffs who will drive trucks back to central office.

Questions (cont.)	Los Angeles	San Diego
6. How many precincts the ballot collector(s) visit?	Sheriffs do not visit precincts. They go back and forward from assigned CIC to tally center.	Sheriffs do not visit precincts. They wait at collection sites until all precinct materials, equipment, and supplies are brought back by pollworkers, and then make only one trip to central office for unloading.
7. Where do they take them?	Check in centers, and then to tally center at Registrar of Voters' headquarters.	Memory cards go first to Collection Centers (trucks), and then to uploading center at central office.
8. When collected ballots are dropped off at collection centers?	(Approx., by 1:00 AM) Red boxes to CICs, by 10:00 PM. To tally center, 1st bag arrived around 9:00 PM and all are received by 2:00-3:00 AM. Mr. Lopez states that 90% of ballots were at Registrar of Voters by 1:00 AM in last elections.	Memory cards arrive to collection centers between 8:30 to 10:00 PM. All memory cards are at uploading center approximately by 12:30 AM .
9. Is there a position like a FED?	Probably there is a position, but does not know its name.	



Michael Hennesse,
SHERIFF

City and County of San Francisco

OFFICE OF THE SHERIFF

Mr. Harvey Rose
Board of Supervisor's Budget Analyst
1390 Market Street Suite 1025
San Francisco, CA 94102

March 17, 2004
REF: 04-038

RE: Response to Budget Analyst's Review of Sheriff's Elections Security for the October, November and December of 2003 Elections in San Francisco

I am writing this letter in response to the information and recommendations contained in the Report prepared by the Budget Analysts Office on the Sheriff's Election Security.

I would like to thank the budget analysts assigned to this project who worked hard to thoroughly understand the mission and operations of the Sheriffs Department when completing the tasks mandated by charter for the election process. Since we had the unusual opportunity of three elections occurring in the space of two months, we were able to work collaboratively with them in the ongoing identification and refinement of our operation in an effort to make it more cost effective while maintaining the efficiency we have worked so hard to develop.

Background

In the context of this report, it is important to remember the amount of public dissatisfaction with the election process in San Francisco in 2001. This led to an enormous amount of government, public and media scrutiny for each facet of the November 2001 Election and the passage of Proposition E in that same election. The entry into the world of election security, as mandated first by Proposition E and since by Proposition G and now in force through Charter Section 13.104.5, has been an ever evolving process for the Sheriff's Department. We were and are committed to fulfilling our mandates by performing our duties with integrity, efficiency and in a manner that secures public trust. This commitment requires us to plan and coordinate all our activities with the Department of Elections (DOE) while insuring we provide the best service possible. The experience received during each of the seven elections we have participated in has shaped our approach to each subsequent election in determining efficiencies and refining operations as well as reducing costs. However, no matter how well we are able to accomplish our mission, it is my firm belief that in order to conduct this task responsibly, we must always plan for the unexpected contingency or emergency that may affect our ability to do our job. Our ability to communicate with our staff in the field is one of the hallmarks of a solid plan. This allows us to redirect staff in the event of an emergency. One such contingency occurred during the November 2002 election when our deputies who were assigned to collect ballots were the

first on the scene of a shooting. In that instance the female victim died in the arms of one of our lieutenants. While making sure that our staff was available to the Police Department as witnesses, we were able to make adjustments, reassign available staff and continue to collect ballots. This was all accomplished through the use of our Sheriff's Command Post and our Mobile Support Units.

Another example of contingency planning is having the ballot collectors come into work prior to rush hour traffic, and sent out to their respective precincts early enough to touch bases with the poll workers and make plans for the collection of the ballots at the closing of the polls. While the budget analyst has described this as "unproductive time", we describe it as a prudent and reasonable way to establish communication and expectations with the poll inspectors prior to the closing of the polling location. After the October and November elections your staff recommended that we have the ballot collectors report later in the evening in order to reduce the number of hours worked. We tried that in the December Election, however there was a storm that day and City traffic was backed up. This resulted in the ballot collectors assigned to the west side of town not being able to adequately prepare their polling locations for poll closure and thus experiencing some attendant problems.

When we entered the recent election cycle, beginning in August of 2003 in preparation for the October 7th Recall Election, we met many times with staff from the Department of Elections (DOE). Since there had not been an election in the previous ten months, the DOE was concerned that the number of qualified poll workers might be insufficient, thereby leading to problems at the polling locations throughout the day. These problems, such as workers getting into fights, workers reporting under the influence of one or more substance, or workers unable to correctly conduct their duties, had been some issues we had addressed under our previous mandate. As a result, we provided mobile support units during the day and evening hours on Election Day for the October 7, 2003 Recall election.

After the October Election, we reviewed the after action reports, activity logs and radio logs to determine our needs for the next election on November 4, 2003. We decided to dispense with the daytime mobile support units and only staff the night units. Due to the high media and public interest in the local races, we received a request from John Arntz, the Director of Elections requesting us to provide the daytime units and the staff to support them. The DOE work ordered money to the Sheriff's Department for these specific tasks as well as others.

After the November Election, we once again reviewed the after action reports, activity logs, radio logs and met with Debra Newman and Elaine Forbes of your office. They made some recommendations that we accepted and acted upon for the December Election and they made others with which we did not agree. One recommendation, that we accepted, was to dispense with the daytime mobile support units. After reviewing the number of times the units were called, we suggested this reduction to the Director of Elections and he agreed. This, in turn, reduced the hours of the Sheriff's Command Post. We also combined two tasks into one. We decided that the deputies who collect the Memory Packs could provide the Mobile Support required in the evening hours. We did not agree with the Budget Analysts' recommendations regarding the efficiency, relocation and necessity of the Sheriff's Command Post.

We made changes for the December Election, based on our experience with the November Election and once again, realized even more efficiencies. Now that we had developed a cadre of experienced ballot collectors, we were able to select only staff that could be detailed without replacement or who were on overtime to be assigned at a reduced number of hours. We changed to later reporting times which in turn reduced the hours of the Sheriff's Command Post. We reduced the hours at Pier 29 and 31/32. We completed our duties on Election Day in record time.

We continued to refine the plan for the March Consolidated Primary Election. However, that election provided some other concerns, specifically the size of the ballot (more to transport), the number of different ballot types and the probability that the polling locations would take longer to close. We benefited by the fact this was the fourth election in a relatively short amount of time so most of the poll workers and FEDs had worked the previous three elections and were now well trained. Our experience has taught us that the longer between elections, the less likelihood that the part-time as needed FEDs, poll workers and poll inspectors will be as experienced or well trained.

One theme that runs through the report is the amount of money that should be charged to the Department of Elections for our work. It has been my policy to charge the Department of Elections only for "out of pocket" expenses. These are defined as any salary or costs that would not routinely be charged against the Sheriff's budget. These "out of pocket" expenses include paid overtime costs and expenditures for equipment and food. They do not include any time that deputies were detailed to the Election assignment on straight time or the recovery of "indeterminate" compensatory overtime costs. We have not charged for overhead administrative costs as well. I chose to do this in order to keep the costs down for the City and absorb as much of the costs of elections into my own budget as possible. In order to do this, we have consistently detailed as many staff as possible to this event at their regular straight time salary. When reviewing the Budget Analyst's figures, it is important to note that they have included all straight time, overtime and compensatory time costs in all of their calculations. If it is the Board's desire, we can prepare one final report at the conclusion of each election that reflects all expenses as noted by the Budget Analyst.

The Budget Analyst's Recommendations

My responses to the specific recommendations made by the Budget analyst follow in italics:

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1. The Elections Security Plan only include Charter mandated transportation and security services.

The Election Plan does only include Charter mandated transportation and security service. These naturally include the tasks necessary to support those services.

2. The Sheriff's Department fully calculate and disclose to the Department of Elections the total costs to provide all transportation and security costs for each election.

We have provided the Elections Department with our proposed budget for each election. That budget includes an estimate of all expenses except any backfill overtime costs for detailed staff that require replacement. In the December Election the backfill amounted to 82.5 paid overtime hours and 65 earned compensatory hours. In the most recent March election, the back fill for detailed staff amounted to 24 paid overtime hours and 32 earned compensatory hours.

3. The Department of Elections familiarize itself with the operational aspects of the Security Plan and the effectiveness of the transportation and security services that are provided by the Sheriff's Deputies.

The Department of Elections is fully aware of the services provided by the Sheriff's Deputies and in fact has at times, requested additional services, which they have paid for and we have provided. The effectiveness is proven by the ever-improving service we have provided for the last seven elections.

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4. The Sheriff's Department fully calculate the total costs incurred for each election, including backfill and compensatory time, and submit an itemized accounting of all such costs to the Department of Elections in order to allow the Department of Elections to make security staffing decisions based on the actual cost of those services.

These costs are fully calculated. The policy of the Sheriff's Department has been to only charge for "out of pocket expenses". Detailed time is salary that would be paid to staff regardless of whether there was an election or not.

5. The Sheriff's Department charge all direct expenses and overtime costs to the Department of Elections in order to accurately reflect the additional expenses incurred.

These seem to be the same recommendation as number 4 above.

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6. Reduce the two Deputy Sheriffs assigned to each of the "dangerous areas" collection routes to one Deputy Sheriff per route, given that (a) each Deputy Sheriff is in a Sheriff's vehicle, (b) each Deputy Sheriff is armed, (c) PCOs are unarmed, and (d) most of the other routes in the City are assigned only one PCO on a Cushman vehicle. This would result in an overall reduction of between five to eight Deputy Sheriffs assigned to this task on election night.

The logic behind this statement escapes me. PCOs are not assigned to these districts precisely because they are not armed law enforcement officers. This is a union and an officer safety issue.

7. Reduce the average number of hours that each Deputy Sheriff works on the memory pack collection activities to no more than 3.0 hours, a reduction from 7.0 hours to 4.0 hours per Deputy Sheriff. These same Deputy Sheriffs could then be assigned to the mobile support units for the remainder of their shifts, as was the Sheriff's practice in December of 2003.

We agree with this recommendation. This was something we implemented, prior to the Budget Analyst's recommendation, for the elections that occurred in December and March.

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8. The Sheriff's Department reduce the number of hours assigned to and paid to each ballot collector from an average of 8.9 hours to five hours, a reduction of 3.9 hours, to be commensurate with the actual work required for this task.

While we will continue to try and reduce the number of hours that ballot collectors are assigned, the Sheriff does not agree with the assessment by the Budget Analyst. The Sheriff believes that the time spent prior to the election at briefing as well as the time spent at each precinct before the polls close prevents issues from arising that may delay the closing of the polls.

We do not consider this "unproductive time". In addition, deputies have a required mandated break. That aside, the Budget Analysts numbers combined all three elections when they provided the average of 8.9 hours. In the December Election, based on the Budget Analyst's figures in Table 4, the ballot collectors were paid for an average of 5.3 hours. This reduction was due to our decision to move to a later reporting time, but as discussed elsewhere in this report the bad weather and traffic combined to cause us some additional problems.

In March we decided to have the ballot collectors report earlier than in December in order to insure they could visit all their polls prior to closing, and that, combined with the later pick ups caused by a more complicated ballot, resulted in an average of 7.0 hours.

9. The Sheriff's Department reduce the number of hours assigned to and paid for each mobile support unit from ten hours to five hours, a reduction of five hours, to be commensurate with the actual work required for this task.

This is a duplicate recommendation. As stated previously, we have already combined two tasks into one.

10. The Board of Supervisors urge the Sheriff to supervise the existing FEDs to directly collect and transport the voted ballots, similar to the DPT collection of the memory packs and eliminate the use of most of the 111 Deputy Sheriffs that individually collect and transport voted ballots on election night. However, the Budget Analyst acknowledges that, given the current Charter provisions, this is ultimately a decision for the Sheriff.

The recommendation made by the Budget Analyst is very close to the process that was in place prior to the passage of Proposition E. It is our understanding that the intent of Proposition E was to insure that the ballots were collected and guarded by Sheriff's deputies. We are confident that the service we have been providing is in the best interests of the City and insures the efficient collection of the ballots while providing the capability to respond to unexpected contingencies.

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11. The Sheriff's Department reduce the Sheriff's supervisory staffing level at the Command Center from between 14 to 17 Sheriff's Deputies to eight Deputy Sheriffs, a reduction of up to 50 percent, which reflects a more reasonable supervision of those transporting the ballots.

Most of the staff assigned to this area was detailed and not charged to the Election Event. The reason for staffing was twofold: to provide enough staff at the critical times when the polls close and problems arise; and, to train staff in the Incident Command System for future elections and other events.

12. The Sheriff's Department eliminate the supervising mobile support units.

The hours have been greatly reduced for the supervising team and their presence is necessary when we have units on the street. They not only respond to problems directed to the mobile support units, but may go to any location in the City to supervise our staff.

13. The Sheriff's Department reduce the average number of hours that each Deputy Sheriff is assigned and paid for their elections work in the Command Center and the uplink sites to be commensurate with the actual work required for such tasks.

We agree that we can now reduce the number of hours at the Uplink sites. However, we reserve the right to staff the Command Center, as our needs require.

14. The Sheriff's Department reduce the DPT level of supervision at City Hall by two, given that the Sheriff has provided two to three additional supervisory staff at City Hall to oversee this operation.

The DPT levels of supervision are determined by the Department of Parking and Traffic.

15. The Sheriff's Department eliminate the Sheriff's separate Command Center and transfer this supervisory Sheriff's function to the City Hall Command Center.

*The Sheriff's Command Center is an integral part of our support operation for each election. When we first began providing security under Proposition E, we located the Command Center at City Hall. While our mission was successful, the proximity to the Election Command Post caused confusion and duplication of effort. Our current Command Post structure provides the oversight and communication that has worked extremely well in the last five elections and provides us the ability, **at no additional cost to the City**, to train staff in Command Post Operation.*

16. The Sheriff's Department eliminate the four Deputy Sheriffs assigned to the City Hall Elections Command Post, and directly transmit the information received by the Elections Department from the precincts and the FEDs to the Deputy Sheriff's who would then be at City Hall.

In December and March we reduced our number at the City Hall Elections Command Post to two supervisors. This staff is supervisory and has always been detailed on straight time, so there would be no savings.

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17. The Sheriff's Department should reduce the scope of elections security to reflect the provisions of the 2002 voter approved Proposition G, not the 2001 voter approved and more expansive Proposition E.

We believe we have done just that.

18. The Sheriff's Department should only provide additional City Hall security before an election day to secure City Hall for early voting when the building would otherwise be closed to the public.

We will discuss this with the Director of Elections and determine whether the voted ballots on site are adequately protected with this recommendation. Our regular staffing at City Hall is the minimum necessary for the building and we often are required to bring in additional staff for special commission or committee meetings or other civic events. Our on duty staff is also required to respond in the event of a disturbance or criminal act. One of our established rules has been that a deputy sheriff be present whenever live ballots are moved through public corridors from one area of City Hall to another. Existing staff cannot take on this responsibility so we have one staff member on duty that is assigned only to election matters.

19. The Sheriff and Elections Departments should develop a meaningful, yet efficient standard in their election plan as to when security is required for the voted paper ballots and consistently apply such standards for guarding of all of the voted ballots.

Our current standard is to provide patrol in all areas where voted ballots are stored, provide escort for movement of voted ballots as requested by the DOE and document those rounds and requests. We have no problem in revisiting this protocol to determine efficiencies.

20. The Sheriff's Department should secure Piers 30/32 with one Deputy Sheriff throughout Election Day, a reduction of ten Deputy Sheriffs, and if lunch and dinner are provided, have such meals be delivered by the food vendor.

The Sheriff and the Department of Elections move a large number of vehicles, tables, and other equipment onto the pier in the days preceding the election. It is prudent to provide security to insure that our items are protected and in place, ready for service on Election Day. In consultation with the DOE, we provided staff from the evening before to secure the Pier. Since both departments have an interest in securing all the items, the Director of Elections work orders additional monies to the Sheriff to defray half of the costs. The other staff is necessary to provide traffic control, and site supervision to the deputies reporting in and reporting out. This includes insuring that all after action reports are completed, activity logs are completed and payroll reports are completed. While delivering food, the deputies are also engaged in delivering other items and transporting staff.

21. Secure Pier 29 only after 7 p.m. on Election Day.

We agree with this recommendation in that we have reduced the hours of staff at this location and will look at this recommendation more closely for future elections.

22. Eliminate the mobile support units, and related staffing at the City Hall and the Sheriff's Command Centers before 7 p.m. on Election Day.

This is included and responded to in a previous recommendation.

Comments on Other Budget Analyst Observations

Table 6

The table is not correct as follows:

The table states: "**Day of the Election Staffing**" at City Hall is not accurate for October, November or December. The numbers in this table show all staff, including our regularly assigned security staff.

The accurate numbers, solely for Election Security, including increased security to deal with the increase in traffic on Election Day are: October-10 staff, November – 10 staff and December –9 staff.

The table states: "**Security Provided Before and After Election Day***** *Security is provided at City Hall, Pier 29, Pier 30/32 and Brooks Hall up to three weeks before and 28 days after an election.*"

This caption is misleading because it sounds like security is provided at all those sites for the entire time noted. A more accurate representation is:

Except for the October Election, additional charged security is provided at **City Hall** the two weekends prior to an election. All other security is provided on straight time or absorbed into our regular staffing.

At Pier 29 The evening of the election and up to two days after the election, dependent upon when the ballots are moved to Brooks Hall.

At Pier 30/32 the day before the Election until the day following the election.

At Brooks Hall – Two days after the election up to 28 days after the election, depending upon the length of the canvas.

Conclusion

It has been our pleasure to serve the City by providing the mandated security for elections since March of 2002. We are acutely aware of financial issues associated with the cost of this security. As you can see by the reduction in expense for each election, we have been able to refine our operation and reduce costs each time. It is our established practice to seek ways in which to save costs, but without sacrificing our ability to effectively perform our duties and to plan for response to contingencies. We intend to continue this practice.

Please contact Chief Deputy Vicki Hennessy at 734-2323 if you have any further questions or concerns.

Sincerely,

Michael Hennessey
SHERIFF



To: Debra Newman, Budget Analyst, Board of Supervisors
From: John Arntz, Director, Department of Elections
Re: Budget Analyst's Review of Sheriff's Elections Security
Date: March 17, 2004

The Department of Elections appreciates the Budget Analyst's *Review of Sheriff's Elections Security for the October, November and December of 2003 Elections in San Francisco* and acknowledges the time and effort required to complete such a report. The Department takes seriously its responsibility to conduct transparent, efficient elections in accordance with all state, local and federal laws. We also take seriously our responsibility to reduce the cost of conducting elections, an objective that we have accomplished in the last two years by significantly reducing staffing and materials costs, and eliminating cost overruns.

The Department of Elections would like to note that it has already implemented several of the Budget Analyst's recommendations in planning for the security of the December 2003 and March 2004 elections. This included reevaluating the Department's security needs for the securing and transportation of voted ballots, both on election day and during the period of early voting, providing a request to the Sheriff's Department for any security required in addition to what is required by the City Charter, and working with the San Francisco Police Department to provide any necessary polling place security in place of Mobile Support Units from the Sheriff's Department.

The Department of Elections also would like to take the opportunity to respond to a few of the remaining recommendations.

The Budget Analyst's review contains evaluations of the elections process that seem contradictory – it asserts the importance of upholding the spirit of the Charter and elections laws, but seems to argue that Sheriff participation in elections security, beyond the narrowest possible interpretation of the Charter, should be eliminated.

The Department agrees with the Budget Analyst that the Charter is “intended to provide for open, fair, honest and accountable City elections” (p. 5). Reducing the use of the Sheriff's Department to minimally allowable levels, as the review suggests, would compromise these goals. We believe that, when the need arises, Sheriff's Deputies should be able to assume responsibilities beyond the Charter's minimum requirements. The Charter no longer holds the Sheriff's Department exclusively responsible for

“preserving the security and integrity of elections,” but this does not mean that these critical elements of every election should be ignored.

Among the activities that the Department believes are best carried out by Sheriff’s Deputies is the transportation of voted ballots from polling places to the processing center. Maintaining Sheriff’s Deputies in this capacity provides the maximum security for the most basic evidence of voters’ choices, and speeds both election night activities and ballot counting in the following days. It also adheres to the plain language of the Charter as amended by Propositions G and E.

In past elections, either poll workers or Field Election Deputies (FEDs) have been responsible for collecting ballots. When FEDs picked up ballots, collection was significantly slower than it currently is because FEDs had to assist in closing polling places before collecting any ballots. When poll workers have been responsible for transporting ballots, it has often taken until the early hours of the next morning for the City to recover all voted ballots. Past elections repeatedly showed the inefficiency of having FEDs or poll workers collect voted ballots – exhausted FEDs would complete their rounds at the end of nearly 24-hour shifts; overburdened and irate poll workers were tardy and disorganized. The results were increased overtime for staff at all levels, slower ballot processing and a loss of public trust in the elections process.

Since the division of responsibility between the FEDs and the Sheriff’s Deputies, the ballot collection process takes place more swiftly and is improved at every level. The Sheriff’s Deputies are only responsible for ballot collection, so they are able to coordinate their pickups to start with precincts that complete their closing procedures first while the FED attends to precincts that need assistance closing. This coordinated effort speeds ballot collection and reduces poll workers’ waiting time. The Sheriff’s Deputies also perform a secure and complete job that allows the Department of Elections to collect all ballot cards early on the night of the election. This is particularly important in the case the Department has to review the voted cards, as was the case with write-in votes in one of the primary contests in the March 2, 2004 election. In this case the Department of Elections was able to complete the review very quickly partly because, unlike elections in which poll workers and FEDs have been responsible for ballot collection, all voted ballots were immediately available for review.

Experience has shown that Sheriffs have the means and accountability to complete ballot collection with organization, rigor and authority, resulting in a smoother and ultimately more efficient election.

The Department of Elections also strongly recommends maintaining a separate command center for the Sheriff’s Department. The City Hall cafeteria, which serves as the Election Command Center on election day, does not have the space and resources to accommodate more than the incident-reporting and -solving phonebanks and dispatching networks currently in place. In addition to the space restriction, the Department of Elections does not have the equipment or expertise to appropriately coordinate the activities of law enforcement personnel.

We would like to point out that, in addition to staffing and budgetary suggestions, the Budget Analyst's review makes some conjectures about the motives, awareness and accountability that the Department of Elections has assumed in the past elections cycle. We hope that, as we collaborate to find the best possible elections procedures, we can work from a productive consensus that this Department is sincerely committed to improving the efficiency of our elections staffing and assignments, and to making the City and County of San Francisco a leader in maintaining the fundamental integrity, security and accountability of the elections process.

J.A.

cc: Michael Hennessey, Sheriff