CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

DENNIS J. HERRERA
City Attorney

MEMORANDUM

TO: MEMBERS,
San Francisco Elections Commission

TAMMY HAYGOOD,
Director of Elections

FROM: CHAD A. JACOBS
Deputy City Attorney

DATE: February 11, 2002

RE: Primary Ballots

We have confirmed with John Mott-Smith, Chief of the Elections Division of the California Secretary of State's office, that in accordance with California Elections Code section 13317, it is proper for the City to use photocopies for primary absentee ballots until the City receives actual ballots from the printer. Mr. Mott-Smith stated that the Department of Elections must follow certain procedures to protect the security and integrity of these ballots. These procedures include:

- Although not legally required, the photocopied ballots should be given serial numbers. Because the City needs to use a photocopy of only one of the three cards that make up the primary ballot, the photocopied portion should be given the same serial number as the other two printed cards.

- In accordance with Elections Code section 15210, the Department of Elections should remake the photocopied ballots with actual ballots. The remade ballots must be a true duplicated copy of the ballot used by the voter, and must be clearly labeled as a duplicate. In addition, the serial number of the duplicate copy must be placed on the original photocopied ballot.

- In accordance with Elections Code section 15101, the process of remaking the photocopied ballots should begin on the seventh day before the election. In accordance with Elections Code section 15104, this process must be open to the public. Further, the Department of Elections should provide advance notice of the time period and location in which the photocopied ballots will be remade so that members of the public may observe the process.

Please let us know if you have any questions regarding this memorandum or if we can be of any assistance in making sure that the Department of Elections complies with the legal requirements described above.

Memorandum
Privileged & Confidential

TO: MEMBERS,
San Francisco Elections Commission

TAMMY HAYGOOD,
Director of Elections

DATE: March 1, 2002
PAGE: 2
RE: Primary Ballots

C.A.J.