

MEMORANDUM OF LAW

DATE: June 24, 1987

TO: Mayor Maureen O'Connor
FROM: City Attorney
SUBJECT: Registering Voters

In a recent memorandum, you inquired if there were any legal impediments to instituting a voter registration program that would utilize City personnel and City facilities in assisting citizens to register as voters.

While the specifics of the program have not been formulated, we find no legal impediment in the use of City personnel and facilities in the nonpartisan activity of assisting the public in filling in voter registration cards.

The public policy of the State of California is to "promote and encourage" voter registration. California Elections Code section 302. This is accomplished in a variety of ways, but significantly for purposes of this analysis, the Elections Code specifically references voter assistance and use of public facilities.

(c) It is also the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote. Therefore, appropriate efforts should be made to minimize obstacles to registration by citizens who lack sufficient skill in English to register without assistance.

....

(e) In furtherance of the purposes of this section, the governing board of any county, city, city and county, district, or other public agency, may authorize and assign any of its officers or employees to become

deputy registrars of voters and to register qualified citizens on any premises and facilities owned or controlled by such public agencies during the regular working hours of such officers or employees; provided, that with the exception of firemen, any compensation to which said officer or employee may be entitled in payment for the services of such officer or employee as a deputy registrar

may be paid by the authority which appointed such officer or employee as a deputy registrar to the public agency which regularly employs such officer or employee.

(f) It is the intent of the Legislature that no limitation be imposed on the number of persons appointed to act as deputy registrars of voters.

California Elections Code section
302(c), (e) and (f)
Emphasis added. Accord, 28
Cal.Jur.3d Elections, section 52,
p. 519-520 (1986)

Hence the use of City personnel as deputy registrars and the use of public facilities are explicitly authorized in the Elections Code. Further the restrictions of San Diego City Charter section 31 apply to political activities related to the opposition or support of candidates or causes and therefore would not restrict the nonpartisan activity of voter registration. See, City Attorney Memorandum of Law, August 20, 1985, and accompanying attachments for restrictions on political activity unrelated to voter registration.

In conclusion, we will be happy to review the final program but find no present impediment to the use of City personnel and facilities to further voter registration.

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

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