

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

**Subject**

Voluntary Medical and Property Damage Coverage for  
Non-County-Owned Polling Places

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**Purpose**

To establish and clarify Board policy concerning voluntary (no fault) coverage for medical claims and property damage claims extended to privately owned polling places during the actual voting process.

**Background**

Since the County maintains virtually no control over the physical or structural conditions of non-County-owned polling places, the County generally cannot be held legally liable for tort occurrences that take place on these premises. However, the Registrar of Voters is finding it increasingly difficult to recruit such premises for voting purposes without some guarantee from the County that the Registrar and the County will voluntarily assume limited liability for injuries and/or property damage that may occur on or accrue to such premises during the hours of voting operations.

Recognizing the valuable services performed by the owners of property made available for voting purposes, it is the desire of the Board to offer some degree of no-fault indemnification in the event of bodily injury to the public voter or property damage to the property owner resulting from the use of these premises.

**Policy**

It is the policy of the Board of Supervisors that:

**ACCIDENTAL INJURY AND PROPERTY DAMAGE**

There is established, within the Risk Management Division of the Department of Human Resources funds for voluntary no-fault medical coverage to voters who suffer accidental injury while on non-County-owned premises for voting purposes. Within that fund there shall also be provided no-fault coverage to the property owner for property damage to the premises during the hours of voting, directly resulting from voting operations.

**BENEFIT/LIMIT OF COVERAGE**

The limits of this coverage, per occurrence, are as follows:

1. Accidental Death \$ 10,000.00
2. Accidental Dismemberment \$ 10,000.00

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3. Accidental Actual Medical Expense \$ 10,000.00

4. Accidental Actual Dental Expense \$ 500.00

5. Accidental Actual Property Damage \$ 2,000.00

**CONDITIONS**

If as the result of any one accident, coverage is afforded under Benefit 1, 2 and 3, the total combined single limit of County liability with respect to all such Benefits shall be \$10,000.00.

The word injury as used means accidental bodily injury, from which loss results directly and independently of all other causes, sustained by the voter, provided such injury is sustained while participating in the voting process sponsored by the County and occurring on the physical premises of the voting place.

The word property damage means damage to the premises of the voting place caused by the actions of others through no fault of the polling place property owner. Such coverage is not extended for losses resulting from fire, plumbing failure or natural causes, nor is it extended to losses to motor vehicles.

**LIMITS OF LIABILITY**

The extent of the County's obligation for Bodily Injury and Property Damage is limited to the voluntary indemnification as stated above. By offering such voluntary indemnification, the County of San Diego assumes no liability whatsoever. Losses directly resulting from improper maintenance or design of non-County owned premises used for voting purposes will remain the liability of the property owner. The County will hold harmless and defend and indemnify the property owner for any and all claims and losses caused specifically by the County, its officers and employees.

**SUBROGATION**

In the event the Bodily Injury or Property Damage caused by the negligence of third parties (i.e., other than the injury party, the property owner and/or the County) the County will retain the right of subrogation to those third parties to the extent of its losses.

Sunset Date

This policy will be reviewed for continuance by 12-31-12.

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Board Action

10-28-80 (27)

11-6-84 (20)

8-8-89 (34)

4-4-95 (28)

6-15-04 (25)

12-9-08 (33)

CAO Reference

1. Department of Human Resources