



## BOARD OF SUPERVISORS

**KEITH CARSON**  
Supervisor, Fifth District

September 16, 2024

Honorable Board of Supervisors  
Alameda County Administration Building  
1221 Oak Street, Suite 536  
Oakland, CA 94612

**SUBJECT: DIRECT THE ALAMEDA COUNTY REGISTRAR OF VOTERS TO ADOPT A POLICY OF  
RELEASING THE TEXT CAST VOTE RECORD REPORTS CONCURRENT WITH ELECTION  
RESULTS**

Dear Board Members:

**RECOMMENDATION:**

- A. Direct the Alameda County Registrar of Voters to adopt a policy releasing the text Cast Vote Record reports in the November 2024 election and for all subsequent elections in Alameda County, as follows:
  - i. The first Cast Vote Record report will be released on election night or immediately after the first election results have been released.
  - ii. Subsequent Cast Vote Record reports will be released each day at the same time as the new release of election results.
- B. Release Cast Vote Records for all elections and all races in Alameda County;
- C. Report back to the Elections Commission regarding progress toward implementation of Cast Vote Records within 30 days following adoption by the Board of Supervisors; and
- D. After this policy is adopted by the Board of Supervisors, inform all city clerks in Alameda County of the policy change.

**SUMMARY/DISCUSSION:**

On May 16, 2024, the Alameda County Elections Commission unanimously recommended that the Alameda County Board of Supervisors instruct the Alameda County Registrar of Voters to adopt a policy for the November 2024 Election and all future elections. This policy would require the release of Cast Vote Record (CVR) reports at the same time as election results.

Cast vote records are anonymous, text-based electronic records that show how individual voters' marks on ballots are counted as votes for candidates and measures. Ballot images, on the other hand, are digital or photographic renderings of every paper ballot. The recommendation specifically focuses on publicly releasing only the text data of cast vote records, not the ballot images.

By releasing CVR reports concurrently with initial election results and with every subsequent update until the results are certified, voters gain more confidence in the election process. This transparency helps identify counting errors and enhances accountability. It could also reduce the number of public records requests, which have previously required significant staff time from the Registrar's office.

Many other counties in the U.S. already release text CVR reports on Election Night. In California, San Francisco County publishes their CVR reports online whenever election results are updated. Since San Francisco uses the same voting equipment vendor as Alameda County, this practice is feasible to implement here as well.

**FINANCING:**

There is no impact on net County cost.

**VISION 2026 GOAL:**

Adopting a policy releasing the text Cast Vote Record reports of all elections supports the 10X Goal pathway of **Accessible Infrastructure** in support of our shared vision of a **Thriving and Resilient Population**.

Sincerely,

A handwritten signature in blue ink that reads "Keith Carson". The signature is written in a cursive style with a vertical line separating the first and last names.

Keith Carson  
Supervisor, Fifth District

Enclosures: Alameda County Elections Commission CVR Recommendation.

KC:aes

**Campbell-Belton, Anika, CBS**

---

**From:** Dave Robinson <dbrdbr@gmail.com>  
**Sent:** Monday, September 30, 2024 7:12 AM  
**To:** Clerk of the Board  
**Subject:** Comment on 10/1/2024 Supervisors' meeting item 33, cast vote records

I support Supervisor Carson's recommendation to direct the Registrar of Voters to promptly and regularly release cast vote records as ballots are counted after every election, following the lead of San Francisco. This information enables independent analysis of results to help ensure that no errors were made during counting, a minimum of errors were made by voters, and that ballot instructions and layout were clear enough. These records can also be used to evaluate claims that at-large elections lead to fair or unfair results, and whether enough ranked-choice columns were provided. The registrar's office does not conduct such analyses on its own, so it is best left to members of the public.

I request that the Supervisors and Registrar ensure that the released records are not purged of voter errors such as overvotes or votes for unqualified write-ins so that we can learn how to reduce voter errors in future elections. (The names of the unqualified write-in candidates would be unimportant for that purpose.)

The Registrar has previously raised objections related to privacy of voters in small precincts. In that regard, cast vote records present a risk comparable to that of the published Statement of Vote. The best remedy in the long run is to forbid creation of convoluted, crisscrossing district lines that result in small precincts. To mitigate this in the short term, in preliminary cast vote record releases, the Registrar could omit metadata that do not meet the Elections Code 19271(d) definition of a cast vote record, such as the precinct and ballot type manifest.

Elections Code 19271(d) states: "Paper cast vote record" means an auditable document that corresponds to the selection made on the voter's ballot and lists the contests on the ballot and the voter's selections for those contests. A paper cast vote record is not a ballot. [The Elections Code refers to, but does not define, non-paper cast vote records.]

Thank you for your attention to this issue.  
Dave Robinson  
Hayward

**\*\* This email was sent from an external source. If you do not know the sender, do not click on links or attachments. \*\***

**Campbell-Belton, Anika, CBS**

---

**From:** Jim Lindsay <jim@jerel.com>  
**Sent:** Friday, September 27, 2024 5:20 PM  
**To:** Clerk of the Board; BOS District 4; Márquez, Elisa, BOS Dist2; Supervisor Keith Carson  
**Cc:** Shrago, Amy, BOS Dist 5; Butter, A. Karen; Dupuis, Tim, ITD-ROV  
**Subject:** Communication from the ACEC re. CVRs  
**Attachments:** CVR Memorandum to BOS.docx

Dear President Miley and the Board of Supervisors:

On October 1st, the BOS will consider the issue of Cast Vote Record releases by the ROV's office.

Please see the attached letter to you and the Board of Supervisors from the Alameda County Elections Commission regarding this issue.

Best,

-- Jim Lindsay  
President, Alameda County Elections Commission

-----  
[To Amy and the Clerk of the Board -- can you please make sure the attached letter goes into the agenda packet and to Supervisors Haubert and Tam? Thanks.]

\*\* This email was sent from an external source. If you do not know the sender, do not click on links or attachments. \*\*

## MEMORANDUM

To: Alameda County Board of Supervisors  
From: Alameda County Elections Commission  
Date: September 19, 2024

Re: Update on Implementing Cast Vote Record Reports

Board of Supervisors,

In May 2024, the Alameda County Elections Commission unanimously passed and sent to you a recommendation regarding the county's policy for the public release of cast vote record (CVR) reports during an election. In that recommendation, we stated that the "best practice" to ensure maximum transparency, accuracy, security and accountability of elections would be to publicly release the CVRs early during the elections canvass.

Since then, we have worked diligently to address each of the Registrar of Voters concerns. Here are our findings:

**1. Clarity in legislation.** The Secretary of State's office amended Senate Bill No. 1328 to clarify that no one can be charged with a felony for implementing a CVR policy. The bill with amendments has now been passed by the legislature, enrolled, and is awaiting the governor's signature.

Chris Morales, legislative director for Senator Steven Bradford, the chief legislative sponsor of SB 1328, has written a letter about the final amendments to their bill that emphatically states: "Many of the changes made are technical and were made to clarify differences in language between SB 1328 and AB 2249 by ASM Pellerin. **There is no language in our bill prohibiting the release of the cast vote records report early in the canvassing.**" (Emphasis in original.)

**2. Easy Implementation.** There are several ways to implement the proposed CVR policy. San Francisco has been releasing CVRs early in the canvass for many years using the same equipment and vendor. Its method of allowing the downloading of the CVR file from its election website is the best method. But if it is not possible to enact that method before November, in the short term, there is a simple and easy option building upon *prior practice of the registrar's office -- to email the CVR file during the canvass to those who have requested it.*

FairVote has communicated with the county's vendor, Dominion Voting Systems, who says that its voting equipment used in Alameda County *automatically generates the cast vote record report.* There is little the registrar's office must do to generate this report. And this can be done in a way that preserves the privacy of voters. Once generated, emailing that CVR file is as easy as sending an email with a file attached. This could be done as an interim step to updating the website.

In conclusion, there is nothing in state law, including in the recently passed SB 1328, that prohibits a county registrar from officially releasing CVRs early in the elections canvass. In addition, the charters or election statutes of the cities of Oakland, Berkeley, and San Leandro *require* that the CVRs shall be released as early as possible during the canvassing process. And there is an easy and fast way to implement this policy in time for this November's election.

**3. On September 16 PALS forwarded the AEC recommendation to the BOS.**

**We urge the Board of Supervisors to direct the registrar's office to implement the Election Commission's proposed CVR policy, just as previously you directed the registrar to implement YouthVote.**