

**County of Alameda  
Elections Commission  
Agenda**

Location: Via Zoom/In person  
Alameda County Training & Education Center  
125 – 12<sup>th</sup> Street, 4<sup>th</sup> Floor  
Suite 400 Hayward/Union City Rooms  
Oakland, CA 94612

Date: March 21, 2024

Time: 4:00PM

Zoom Link: <https://us06web.zoom.us/j/84385201511>

1 -- Call To Order / Roll Call at 4pm (5 minutes)

2 -- Swearing In of New Commissioners Benita Tsao and Judy Fletcher (3 minutes)

3 -- Approval of Minutes of February 18, 2024 (2 minutes)

**See attached minutes**

4 -- Announcements (5 minutes)

*No discussion on these items.*

(a) From staff

(b) From commissioners

5 -- Public Comment on Agenda Items (20 minutes)

*Comments can also be emailed to the Commission at [eoc@acgov.org](mailto:eoc@acgov.org).*

6 -- Presentations and Reports

*Discussion is allowed, but no action, on these items.*

(a) Report from Registrar of Voters Office (15 minutes)

*Update on the March 5th election, signature drives, and future elections.*

*Berkeley special election May 21. Information on possible San Leandro special election and District Attorney recall election.*

(b) Voter Education and Voter Outreach briefing and discussion (15 minutes)

*Background: Some organizations and media have raised concerns about Voter Education and Outreach in our county. What is the Elections Department role and the role of cities in voter education and in voter outreach? Other than the Voter Information Guide, What does the Elections Department do to educate and reach out to voters? Is it clear to voters who don't speak a major language exactly how they can get help? Is it clear to incarcerated and ex-incarcerated voters exactly how and when they can vote?*

(c) Training and discussion on the Ordinance that formed this commission (15 minutes)

*Led by Ray Lara*

*Background: Providing as much clarity as possible for commissioners, staff, and the public on what the Commission is charged with, how it is to do its work, and things that aren't specified in the ordinance.*

(d) Voter Database Maintenance (15 minutes)

*Background: Learn how the Department of Elections manages the voter database. What is the standard schedule for inactivating and removing records from the voter registration database? When was this last done, and when will it next be done? Address comments from the public that people who have moved and that people who are not citizens are getting VIG (voter information guides) and ballots. What is the process for removal when someone dies or moves? How could a non-citizen get a ballot? What should they do if that happens?*

7 -- Action Items

(a) Report from sub-committee on nominations [Ramon, Singer], discussion, and possible action regarding nominations for the last two seats set aside as at-large commission members from impacted groups. (10 minutes)

*See attached committee report.*

(b) Report and discussion from sub-committee re. ROV possibly being a full-time position [Singer, Valentine] (10 minutes)

*See attached committee report: "Subcommittee Report March 2004"*

*Possible actions would be related to the committee doing its work, not on the main issue.*

(c) Issue of releasing Cast Vote Records before elections are certified. (10 minutes)

*Report, Discussion, Possible Action*

*Background: Release of CVRs allow for third party verification of election tallies. What is the department's and county's current policy regarding the release of CVRs for 2024 and moving forward. When will they be released, and how can they be accessed? In what form are they released? How does this affect the privacy of voter ballots?*

8 -- Public Comment on Agenda or Non-Agenda Items (20 minutes)

9 -- Requests for Future Agenda Items (5 minutes)

*Commissioners and Staff may suggest future agenda items. Requests for future agenda items can also be emailed to the commission at [eoc@acgov.org](mailto:eoc@acgov.org).*

10 -- Adjournment

*The next meeting will be April 18, 2024.*

[Videos of the meetings](#), and minutes once they are drafted or approved

# 2024 March Report

## Committee on Nominations

[Agenda Item #7a]

Two promising candidates for nomination were unable to commit to attending meetings in person.

We have made a good faith effort to contact community groups to invite applications from impacted communities. This effort has not yielded any applicants. Our options going forward include:

- (1) Active Support from the Registrar of Voters
- (2) Active Support from an alternative organization; or
- (3) Suspend recruitment efforts.

The subcommittee believes that the best option is for the Registrar of Voters to actively support, with budget and/or staff time, the subcommittee so that outreach to impacted communities may be accomplished.

## **Subcommittee Report - March 2024**

Subcommittee formed to consider the merits of changing the role of  
Alameda County ROV to a full time position  
[agenda item #7b]

**Issue:** Numerous concerns have been raised regarding the Alameda County Registrar of Voters' (ROV) interpretation of legal requirements related to oversight of elections, as well as the responsiveness of the Alameda Co. ROV to the public. Examples include:

- Incorrect tabulation in the 2022 election, leading to certification of the wrong candidate for a school board seat and a recount of the Oakland mayoral contest<sup>1</sup>
- Disenfranchisement of over 100 voters in 2020<sup>2</sup>
- Lack of transparency and responsiveness<sup>3</sup>
- Public complaints to the Alameda County Elections Commission (EC) about access for election observation
- Public complaints to the EC about slow response to public records requests

Public trust in elections is a cornerstone of democracy, and in a democracy, foundational to productive civic cooperation, collaboration and comity. Specifically, robust public engagement and trust and confidence in democratic institutions such as the electoral process translates directly into legitimacy of elected officers, civic institutions and government itself.

**Possible Solutions:** One way to address the above concerns may be to make the Alameda Co. Registrar of Voters a full time position rather than shared with another department. While our primary objective is to determine whether this step seems likely to help address the issues signaled above, we also will keep an open mind to the likelihood that there are other interventions that could be as or more helpful, and if those come up we will share that information with the Commission as well. We want to acknowledge here that we have full confidence in the intentions of ROV staff to deliver the highest possible service to the residents of Alameda Co, and look forward to identifying steps that better enable them to do so.

### **Plan of Action:**

- Gather information about Alameda County and comparable counties.
  - *How are IT and election departments organized?*

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<sup>1</sup><https://oaklandside.org/2022/12/28/alameda-county-registrar-miscounted-ballots-oakland-election-2022/>

<sup>2</sup><https://oaklandside.org/2020/11/18/alameda-countys-election-was-marred-by-systemic-problems-say-voting-rights-groups/>

<sup>3</sup><https://oaklandside.org/2023/01/10/alameda-supervisors-approve-recount-oakland-mayor-ousd-district-4-ranked-choice/>

- *How much responsibility for operations and time-critical response lies with the head of each department, and how much is delegated?*
- *What conditions, challenges or obstacles is the Alameda ROV experiencing, and are there opportunities for those circumstances to be managed differently? What do ROV staff recommend?*
- Present to the Commission at least two options, if the research supports this, with pros and cons.

**County of Alameda County**  
**Elections Commission**  
**Minutes**

Location: Via Zoom/In person  
Alameda County Training & Education Center  
125 – 12th Street, 4th Floor  
Suite 400 Hayward/Union City Rooms  
Oakland, CA 94612

Date: February 15, 2024

Time: 4:00PM – 6:00PM

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## **Minutes**

### **A. Call To Order / Roll Call at 4pm**

The monthly elections Commission meeting of February 15, 2024 convened at 4:00 p.m. in the Hayward/Union City Rooms. The clerk, Noe Lucio, ROV, called to order the meeting.

#### **Present**

*Commission Members:* Zabrae Valentine, James R. Lindsay, Stephanie F. Singer, Irene Dieter, Karen A. Butter, Alexander H. Ramon, Avni Desai, Susan R. Henderson; *Registrar of Voters:* Tim Dupuis, Cynthia Cornejo, Lolita Francisco, Noe Lucio; *County Counsel:* Ray Lara.

#### **Not Present**

*City Clerk:* Anna Brown

### **B. Swearing In of New Commissioner**

Commissioner Dieter was sworn in in public.

### **C. Approval of Minutes of January 18, 2024**

A motion was made to accept the meeting minutes by Stephanie Singer, seconded by Irene Dieter, approved unanimously.

#### **D. Announcements**

(a) Announcements from staff: there were no announcements

(b) Announcements from commissioners

Commissioner Valentine announced that she plans to review the arrangements the Registrar of Voters has constructed for the March 5, 2024 election process observers. Commissioners Ramon and Singer expressed interest in joining Ms. Valentine.

Commissioner Lindsay checked with staff regarding the workings of the sound system. As it only seems to affect one person, that person may move to the other side of the room.

Mr. Lindsay noted that the agenda is now published on both the Alameda County Supervisors' and the Registrar of Voters' websites.

Mr. Lindsay announced a new email address that will reach all the commissioners and the staff supporting the commission: [EOC@acgov.org](mailto:EOC@acgov.org)

#### **E. Public Comment on Agenda Items**

Public comment was allowed for all agenda items.

#### **F. Presentations and Reports**

(a) Report from Registrar of Voters Office

Registrar Dupuis listed current voter issues seen by the office as well as known elections and potential upcoming elections.

(b) Presentation of the Alameda County Election Administration Plan

Mr. Dupuis noted that Alameda became a Voter's Choice Act County in 2022. Alameda County followed the Voters Choice Act statutes, and the Secretary of State approved the process and both resulting versions of the Election Administration Plan. The second version is in place and will be reviewed again four years hence. The plan is posted on both Alameda County's and the Secretary of State's websites.

(c) Questions and answers about the Brown Act

Mr. Lindsay confirmed that any one commissioner may speak with a member of the public or press, but he will need to confirm with the caller that he can't comment on hearsay regarding the subject opinions of any other commissioner. Mr. Lara said that doing so violates the Brown Act.

#### **G. Action Items**

(a) Report from sub-committee on nominations and consideration of nominating Benita Tsao, Judy Belcher, and Lila Hensler as at-large commission members from impacted groups.

A motion was made that the commission nominate Benita Tsao and Judy Belcher for the Elections Commission by Mr. Ramon and seconded by Ms. Dieter, approved unanimously.

(b) Consideration of recommending to the Board of Supervisors that the ROV be made a full-time position.

A motion was made to form a subcommittee to research the nature of the position by Ms. Valentine and seconded by Ms. Singer, approved unanimously.

A motion was made that Commissioners Valentine and Singer form the sub-committee by Ms. Singer and seconded by Mr. Ramon, approved unanimously.

- (c) Discussion and possible action on Election Department appropriate responsiveness to questions and comments from commissioners, government staff, the press, and the public.

A motion was made to postpone Item G(c) to as soon as possible, preferably to the April meeting by Ms. Dieter and seconded by Ms. Singer, approved unanimously.

Ms. Valentine requested the registrar compile a list of the categories of inquiries received, and the scope of the conditions the ROV experiences, Ms. Singer asked that the registrar include the number of inquiries received by category, Ms. Dieter asked that the registrar add to the descriptions the legal constraints or time limits imposed for each category.

#### **H. Public Comment on Non-Agenda Items**

Public comment was allowed for non-agenda items.

#### **I. Requests for Future Agenda Items**

Ms. Butter would like to discuss voter engagement and how the registrar can make that stronger, legal compliance regarding ranked choice voting and public records, the processes of voter role maintenance, and a response to the document, "A Troubling Anomaly in the 2022 Election" by Hunter Cobb and John Guerrero.

#### **J. Adjournment**

The meeting was adjourned at 6:24 p.m.