

**County of Alameda
Elections Commission
Agenda**

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: April 18, 2024

Time: 4:00PM

Zoom Link:

To View the Livestream: <https://us06web.zoom.us/j/88635815272>

The video of the livestream is normally posted 2-3 days after the meeting. You can find it at: bos.acgov.org

- 1 -- Call To Order / Roll Call at 4pm (5 minutes)
- 2 -- Swearing In of New Commissioners -- none
- 3 -- Approval of Minutes of March 21, 2024 (2 minutes) *See Exhibit A.*
- 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.
- 6 -- Items Carried Over From Previous Meeting
 - (a) Voter Database Maintenance (20 minutes)
For Discussion Only -- ROV office
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?
 - (b) Report and discussion from sub-committee re. ROV possibly being a full-time position

For Discussion Only -- [Singer, Valentine] (10 minutes)

*See attached committee report: "Subcommittee Report March 2004" See Exhibit B
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. (20 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?

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

7 -- Presentations and Reports

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

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

Update on issues such as the March 5th election, signature drives, and future elections. Berkeley special election May 29. See Exhibit C

8 -- 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)

(b) Amend ordinance to allow for an alternate city clerk (5 minutes)

See attached motion. See Exhibit D

(c) Regular Elections Commission reporting to AC BOS (5 minutes)

[Commissioner Henderson]

Discussion and possible action on providing regular reports to the Alameda County Board of Supervisors on the Commission's activities pursuant to Ordinance 2023-21.

Reports may include, but not be limited to, findings or recommendations related to voter registration, election plans, voter participation, election integrity, post-election assessments, and administration and practices of the Registrar of Voters.

(d) Dept. response time to communications (10 minutes or more, depending on available time)

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

See attached background and information. See Exhibit E

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

10 -- 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.

11 -- Adjournment

The next meeting will be May 16, 2024.

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

**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: March 21, 2024

Time: 4:00PM – 6:00PM

Minutes

1. Call To Order / Roll Call at 4pm

The monthly elections Commission meeting of March 21, 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: James R. Lindsay, Zabrae Valentine, Stephanie F. Singer, Irene Dieter, Karen A. Butter, Susan R. Henderson, Benita Tsao, Judy Belcher; *Registrar of Voters:* Tim Dupuis, Cynthia Cornejo, Lolita Francisco, Noe Lucio; *County Counsel:* Ray Lara.

Not Present

Commission Members: Alexander H. Ramon, Avni Desai; *City Clerk:* Anna Brown

2. Public Swearing in of New Commissioners

Commissioners Benita Tsao and Judy Belcher were sworn in in public.

3. Approval of Minutes of February 15, 2024

A motion was made to accept the meeting minutes as amended by Karen Butter, seconded by Irene Dieter, approved unanimously.

4. Announcements

- (a) Announcements from staff: there were no announcements
- (b) Announcements from commissioners

Commissioner Singer noted that, as reflected in the minutes, Vice President Valentine requested from the Registrar of Voters a list of the categories of inquiries received, the scope of the conditions experienced; Ms. Singer requested a tally of inquiries by category; Commissioner Dieter requested the legal constraints affecting each category and though requested, this report has not been received.

5. Public Comment on Agenda Items

Public comment was allowed for all agenda items.

6. Presentations and Reports

(a) Report from Registrar of Voters Office.

*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.*

March 5th Election:

Mr. Dupuis noted that 200,000 mailed ballots were received on or after March 5th, and, following the election code, each envelope must be vetted for postmark (no later than March 5, 8:00 p.m.), have the signature verified, opened and ballots hand extracted.

The 1% tally begins on March 25. The Registrar plans to certify the election on April 1st.

Future Elections:

Future known elections: for Berkeley City Council seats, April 16th District 7, and May 28th District 4; for the Sunol Glen Unified School District recall on July 2nd, and the November 5th General Election.

Possible San Leandro Special Election:

The City of San Leandro chose to appoint for Council District 1, so there will be no election.

District Attorney Recall Election:

The Registrar is simultaneously verifying every signature on the District Attorney recall petition, as well as verifying signatures on two state petitions.

- (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?

Outreach goals: to promote voter registration, to educate the public about resources and stimulate participation in voting communities, including language, disability, senior, unhoused, LGBTQ+, Restored (former felons), faith-based and underserved communities.

In-person outreach activities include providing question and answer information at festivals, registration drives; voter education weeks at county high schools; ballot drop-stop tour events, restoration events at the Santa Rita jail, voter education at disability centers, and ranked choice voting events.

The ROV advertises on public transportation (buses, BART stations), radio, television and streaming platforms as well as social media and on digital billboards.

The state requires each county to send two direct mailers that includes election information, to registered voters for state-wide elections.

The ROV's AC Vote on the Go program partners with senior facilities, rehabilitation facilities and hospitals, to coordinate sending a team from our office to assist those particularly confined voters with receiving replacement ballots, marking the ballot, and returning the ballot.

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

Ray Lara provided a report and gave highlights. There are two essential roles given to this commission: oversight and reporting to the Board of Supervisors. Establishment and purpose, overview of meetings, membership, member restrictions (loyalty is to the county, not to a community or the appointing supervisor).

Discussions were made about whether the commission would be given access to data and information that is normally not accessible to the public. Per County Counsel, the information will not be available to the commission.

Discussions were made regarding providing secretarial support to the commission and for ROV to provide reports in a timely manner.

(d) Voter Database Maintenance

A motion to postpone Item 6(d) to a later meeting was made by Ms. Tsao, seconded by Ms. Singer, and approved with a vote of 7 to 1.

7. Action Items

(a) Report from sub-committee on nominations and action regarding nominations.

Ms. Singer noted that the two promising candidates previously presented are now unable to commit to the meeting schedule. The committee has spoken with Allie Whitehurst of the NAACP; she has outreach experience to seniors, the incarcerated, through her church and the NAACP.

A motion to nominate Allie Whitehurst for membership on the Elections Commission was made by Ms. Singer, seconded by Ms. Belcher, passed 5 to 1 nay and 2 abstentions.

A motion was made that Jim Lindsay be added to the sub-committee, that the sub-committee contact the supervisors to seek new candidates from impacted communities by Ms. Dieter, seconded by Ms. Butter. Mr. Lindsay then requested more discussion.

A new motion was made by Ms. Dieter and seconded by Ms. Butter that the sub-committee would contact the supervisors to seek new candidates from impacted communities.

The motion came to the vote and was passed 7 to 1 abstention.

(b) Report and discussion from sub-committee considering making the Registrar of Voters a full-time position.

(c) Discussion on releasing Cast Vote Records before elections are certified; current policy, third party.

A motion to postpone Items 7(b) and 7(c) to the next scheduled meeting was made by Ms. Valentine, seconded by Ms. Belcher, and was passed unanimously.

H. Public Comment on Non-Agenda Items

Public comment was allowed for non-agenda items.

I. Requests for Future Agenda Items

Mr. Lindsay asked that any requests for future agenda items be emailed to him.

J. Adjournment

The meeting was adjourned at 6:49 p.m.

The next meeting will be April 18, 2024

CALIFORNIA COUNTY ELECTION OFFICIALS with MULTIPLE ROLES

COUNTY	ROLE
Alameda	Chief Information Officer/Registrar of Voters
Alpine	County Clerk/Registrar of Voters
Amador	County Clerk/Registrar of Voters
Butte	County Clerk/Registrar of Voters
Calaveras	County Clerk/Registrar of Voters/Clerk of the Board of Supervisors
Colusa	County Clerk/Registrar of Voters
Contra Costa	County Clerk/Registrar of Voters
Del Norte	County Clerk/Registrar of Voters
Fresno	County Clerk/Registrar of Voters
Glenn	Assessor/Clerk-Recorder/Registrar of Voters
Humboldt	Clerk-Recorder/Registrar of Voters
Inyo	Clerk-Recorder/Registrar of Voters
Lassen	Clerk-Recorder/Registrar of Voters
Los Angeles	County Clerk/Recorder/Registrar of Voters
Madera	County Clerk/Recorder/Registrar of Voters
Mariposa	County Clerk/Registrar of Voters
Mendocino	Assessor/County Clerk/Recorder/Registrar of Voters
Modoc	Auditor/Clerk/Registrar of Voters
Mono	Clerk-Recorder/Registrar of Voters/Clerk of the Board of Supervisors
Napa	Assessor/Recorder/County Clerk/Registrar of Voters
Nevada	County Clerk-Recorder/Registrar of Voters
Placer	County Clerk/Recorder/Registrar of Voters
Plumas	County Clerk/Recorder/Registrar of Voters
San Benito	County Clerk/Recorder/Registrar of Voters
San Mateo	Assessor/County Clerk/Recorder/Chief Elections Officer
Santa Barbara	Clerk/Recorder/Assessor/Elections
Santa Cruz	County Clerk/Registrar of Voters
Sierra	Clerk-Recorder/Registrar of Voters/Clerk of the Board of Supervisors
Solano	Chief Information Officer/Registrar of Voters
Stanislaus	County Clerk/Recorder/Registrar of Voters
Sutter	Clerk-Recorder/Registrar of Voters/Clerk of the Board of Supervisors
Tehama	Clerk-Recorder/Registrar of Voters
Trinity	County Clerk/Recorder/Assessor/Registrar of Voters
Tuolumne	Auditor/County Clerk/Registrar of Voters
Ventura	County Clerk/Recorder/Registrar of Voters
Yolo	Assessor/Clerk-Recorder/Registrar of Voters
Yuba	Clerk-Recorder/Registrar of Voters

Exhibit B

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 #6b]

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 contest¹
- Disenfranchisement of over 100 voters in 2020²
- Lack of transparency and responsiveness³
- 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?*
 - *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.

Update (4/11/24)

A paid Summer Fellowship for a Goldman School of Business student to assist the Subcommittee in research is now accepting applications. We thank Common Cause and the GSB for arranging and funding this assistance.

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

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

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

ROV Report – Election Commission Meeting, April 18, 2024

6 -- Items Carried Over From Previous Meeting

a. Voter Database Maintenance (20 minutes)

For Discussion Only -- ROV office

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?

1. Maintain Active, Inactive and Deficient Registration Records

- a. All voter records are submitted and maintained through the statewide database.
 - b. Deficient registration records that do not contain the required substantive information are returned to the Elections Official for notification to the registrant for compliance.
 - c. Processing new voter registration applications or changes to existing registration records.
 - d. File maintenance, using the National Change of Address, the SOS conducts monthly list maintenance using the NCOA database to identify address changes for registered voters. The state automatically transmits data on change of address notices. The ROV will process and change the addresses.
 - e. File maintenance, DMV change of Address processing. Data transmitted from SOS to the ROV to make the address changes.
 - f. File maintenance, State Death, Felony Status Records, and Duplicate Status. The SOS transmits death records monthly, felony records weekly, and duplicate records throughout the day to the ROV for processing.
2. Our office, in addition to the transmitted file maintenance from the SOS, performs the same name, same address, duplicate DLN, language, review of inactive status (NVRA notification), preparation for cancellation status and other variations.

(c) Issue of releasing Cast Vote Records before elections are certified. (20 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? Possible actions would be related to the commission doing its work, not on the main issue.

1. AB1559 – Proposed Legislation

CHAPTER 7. Preservation of Electronic Data Elections Code Section 17600.

For purposes of this chapter, the following terms have the following meanings:

(a) "Ballot image" means an electronically captured or generated image of a ballot that is created on a voting device or machine, which contains a list of contests on the ballot, may contain the voter selections for those contests, and complies with the ballot layout requirements. A ballot image can be considered a cast vote record.

(b) "Certified voting technology" means any certified voting technologies certified by the Secretary of State, including voting systems, ballot on demand printing systems, electronic poll book systems, or adjudication systems, and the hardware, firmware, software, proprietary intellectual property they contain, any components, and any products they generate, including ballots, ballot images, reports, logs, cast vote records, or electronic data.

7 -- Presentations and Reports

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

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

Update on issues such as the March 5th election, signature drives, and future elections. Berkeley special election May 28.

1. Certified the March 5, 2024, Primary Election on March 1, 2024
2. Conducted the April 16, 2024, City of Berkeley, District 7, Special Election
3. Upcoming Elections:
 - a. May 28, 2024, City of Berkeley, District 4, Special Election
 - b. July 2, 2024, Sunol Glen Unified School District, Special Recall Election
 - c. November 5, 2024, General Election
4. Statewide Initiatives – signature verification
 - a. #1963-Restricts Spending by Health Care Providers Meeting Specific Criteria
 - b. #1964-Add One Semester Personal Finance Course to High School Graduation Requirements
 - c. #1966-Provides Permanent Funding for Medical Health Care Services
 - d. There is 19 State Initiatives in circulation per the SOS website
5. Recall Efforts in circulation
 - a. State Senate 10

Exhibit D

ITEM: ACEOC Meeting 4/18/24 Item 8b

RE.: Amend ordinance to allow for an alternate city clerk (5 minutes)

Motion by board president Jim Lindsay

Whereas:

- (1) Alameda County clerks have informed the president of the EOC that they need an alternate city clerk appointed in case the primary city clerk cannot attend, and
- (2) Due to a misunderstanding, no language was put in the ordinance to allow such an appointment, and
- (3) That the City Clerks' perspective and advice is absolutely critical to the smooth and effective functioning of this commission,

The Alameda County Election Commission requests and advises:

- (a) That, as soon as is viable, the Board of Supervisors amend the ordinance that established the EOC so that it allows the BOS to appoint an alternate city clerk to the commission, and
- (b) That the city clerks submit a nomination to serve as an alternate to the commission,
- (c) That the BOS consider the appointment of the nomination as soon as is viable.

Exhibit E

ITEM: ACEOC Meeting 4/18/24 Item 8d

RE.: Dept. response time to communications

An Important Note: This is *not* about assigning blame! This is about recognizing there is a problem, seeking to better understand it, and finding workable solutions.

The problem:

- Over the years, and continuing to the present, a great number of people have complained about responsiveness from the department of elections to emails mainly, but also to phone calls.
- This causes extra frustration and anger towards the department and their workers, and is a no-win situation. Greater responsiveness and communication is part of the formula to ease pressure and anger on the department as a whole and on election workers in particular.
- The complaints have been:
 - Complete lack of response,
 - Responding only after many attempts to get an answer,
 - People being told that they will get a response within a certain time frame, and then there is no response at all,
 - People getting a response, but actually no answer,
 - Re. Public Record Act requests, complaints include responses of slow fulfillment, or no fulfillment, or incorrect fulfillment of these requests.
- The complainants include but are not limited to city clerks, city councilmembers, EOC commissioners, election integrity activists, language advocates, youth advocates, good government groups, and electoral reform advocates.

Complexities and Understanding the Issue:

- The department is not large, but has a very large and important job to do.
- The influx of emails and phone calls can be very large.
- The types of requests vary from quickly answerable to it being a large research project or demands for documents that the worker may not know where to find or that do not exist.
- Some requests are from parties that are hostile to the department, often in preparation for litigation, or suspected preparation for litigation. In some cases, legal advice may be to not respond to an email.

Recommendation: A sub-committee be formed to work with staff and stakeholders for solutions, and to bring their recommendations back to the EOC.