

County of Alameda Elections Commission Agenda
February 2025

Meeting Date: Thursday, February 20, 2025
Time: 4:00 PM
Location: Via Zoom/In person
San Lorenzo Library
395 Paseo Grande, Greenhouse Room
San Lorenzo, CA 94580

Zoom Link for Meeting: <https://us02web.zoom.us/j/82777905938>
The video recording of the meeting is normally posted 2-3 days after the meeting.
It can be found at: bos.acgov.org

1 -- Call To Order / Roll Call at 4pm -- 2 minutes

2 -- Swearing In of New Commissioners -- David Wagner -- 2 minutes

3 -- Approval of Agenda -- 1 min
Modifications to the agenda can be made here

4 -- Approval of Minutes of January 2025 -- 5 minutes
See attached minutes

5 -- Announcements and Communications -- 5 minutes
No discussion on these items.
(a) From staff
(b) From commissioners

- President: (a) An unintentional Brown Act violation on the topic of number of rankings allowed; (b) Size of Commission, Quorum, maximum Brown Act Group size
- possible other announcements

6 -- Public Comment on Agenda Items -- 15 minutes
If we have 5 or less commenters, then they will have up to 3 minutes each. 5-14 commenters will be limited to 2 minutes each. If we have 15 or more people then they will be limited to one minute each.
We encourage and appreciate written comments to be emailed to the Commission at eoc@acgov.org.

7 -- Monthly Update from Registrar of Voters Office -- 10 minutes
See attachment for topics to be covered and statistics

8 -- Business Items
(a) Old Business -- for action

- (1) Asking for major progress on the Request List -- 10 minutes

This item was carried over from the January meeting.

The ROV Office has offered to provide dedicated staff support for the commission

Recommendation: To accept the offer for the new research and admin support positions in the ROV Office. Amendments are possible if the acting ROV agrees.

- (b) Ongoing Items from Committees

All of these will be for possible action. See attachments for each committee report.

The convener / lead for each subcommittee has an asterisk by their name.

- (1) Structure of the ROV position (subcmte: Z Valentine*, J Belcher, Whitehurst) -- 30 min

Background: This is the issue about having Alameda County Registrar's position being a standalone position, as opposed to managing multiple departments.

See attached report and recommendation

- (2) Cast Vote Record Releases (subcmte: K Butter*, I Dieter, J Belcher) -- 10 min

Background: This committee is working to ensure the early release of cast vote records effectively.

See attached report and recommendation -- (1) Send a closing letter to the BOS, and (2) dissolve committee.

- (3) Dedicated Staff Support to the ACEC (Ramon*, Tsao) -- 20 minutes

Background: This committee is working on evaluating whether the BOS should hire a staff person who is dedicated to supporting the commission.

See attached report and recommendation.

- (4) 2024 Post-election Assessment (Belcher*, Butter) -- 5 minutes

Background: This committee is preparing a draft 2024 post-election assessment to send to the BOS as required by county ordinance.

See attached update.

- (5) Voting Participation (A Moore*, Whitehurst, and Lindsay) -- 5 minutes

Background: Certain populations, but most notably Black men, have a low rate of voting. This committee is looking into how the ROV can move the needle for Black men and other populations that have a low voting rate.

- (6) Nominations (Tsao*, Ramon) -- 5 minutes

Background -- we still need a commissioner from District 2, and the Nominations Cmte has agreed to try to find a strong candidate for the District 2 supervisor.

See attached update.

- (c) New Business -- for discussion and possible action -- 10 minutes

Poll Pad Issue

Background: AB 126, Elections Code Section 3016.5, requires that voters be allowed to turn in their mail at voting centers, using a device called a “poll pad” to make sure they do not vote more than once. This has not yet been implemented in Alameda County.

Recommendation: That the ROV conduct a pilot project on it in the upcoming special election.

9 -- Special Report from the ROV -- none this month

The president and vice-president decided to remove this agenda this month, so that we have sufficient time to deal with a number of very important topics at this meeting.

10 -- Public Comment on Agenda or Non-Agenda Items -- 15 minutes

The 15 minutes here is a fixed allocation of time, and will be divided equally among all who wish to comment, with a maximum of 3 minutes per person.

If your comments are complex or if you didn't have enough time, we always appreciate it if you send your input to the Elections Commission at eoc@acgov.org.

11 -- Requests for Future Agenda Items

Commissioners can make requests directly to the president of the commission. Requests for future agenda items from the public can also be emailed to the commission at eoc@acgov.org.

12 -- Adjournment (as close to 6:30 as is viable)

The next meeting will be March 20, 2025.

ACEC February 20, 2025

ATTACHMENT FOR AGENDA ITEM #4 -- Minutes from January 16, 2024 Meeting

Location: Via Zoom/In person
San Lorenzo Library Greenhouse Community Room
395 Paseo Grande
San Lorenzo, CA 94580

Date: January 16, 2025

Time: 4:00 p.m.

Minutes

1. Call To Order / Roll Call

The Elections Commission meeting of January 16, 2025, convened at 4:09 p.m. in the San Lorenzo Library Greenhouse Community Room. The president, James R. Lindsay, called to order the meeting.

Present

Commission Members: Judy Belcher, Karen A. Butter, Irene Dieter, Susan R. Henderson, James R. Lindsay, Alissa Moore, Karl I. Seabrook, Benita Tsao, and Allie Whitehurst; *ROV:* Cynthia Cornejo, Noe Lucio, and Charles Smithline; *County Counsel:* Jason Allen.

Absent

Commission Members: Alexander Ramon and Zabrae Valentine.
Registrar of Voters: Tim Dupuis.

2. Swearing-In of New Commissioners

There were no new commissioners to swear-in.

3. Approval of Agenda & Election of Officers

(a) Modifications to the agenda can be made here.

Modifications to the agenda were made.

(b) Election of President and Vice-President for 2025

After discussion, a motion to elect Jim Lindsay as president and Irene Dieter as vice president for the 2025 term was made by Commissioner Belcher, seconded by Commissioner Seabrook, and passed 7 to 0.

4. Approval of Minutes of October, November, and December 2024

A motion to approve the minutes as amended was made by Commissioner Belcher, seconded by Commissioner Butter, and passed 8 to 0.

5. Announcements and Communications

(a) From staff

As a response to an inquiry by Ms. Belcher, Deputy Registrar Cornejo said that the San Lorenzo Library space was not reserved for the year, and that she will continue to search for location that has the necessary technology and space for the monthly meetings.

(b) From commissioners

Ms. Belcher requested feedback from the commissioners for inclusion in the post-election assessment report.

4. Public Comment on Agenda Items

Public comments were made on agenda items.

5. Monthly Update from the Registrar of Voters office

Ms. Cornejo highlighted a few items and statistics from the staff report and explained the registrar's reasons for utilizing the entire certification period.

6. Old and New Business

(a) Items carried over from a previous meeting.

No items were carried over.

(b) Ongoing Items from Ad Hoc Committees

(1) Cast Vote Record Releases

The committee is not ready to dissolve the committee as they are considering what is within its purview and what is coming up in state legislation.

(2) Commission Rules, Procedures and Best Practices

Commissioner Henderson stated the rules are finalized and ready to be published on the commission's webpage, so the committee has completed its work. A motion to dissolve the Committee was made by Ms. Henderson, seconded by Ms. Belcher and passed 9 8 to 0.

(3) Structure of the ROV position

President Lindsay reported Commissioner Valentine promised a report for the February meeting.

(4) Dedicated Staff Support to the Elections Commission

The subcommittee drafted a letter to the Board of Supervisors asking for a management analyst position to be funded within the registrar of voters' budget. As a response to Ms. Tsao's inquiry, Ms. Cornejo said the registrar's office generally does not ask for more positions but sticks within the parameters of their budget provided by the county. Discussion ensued.

The commission will take up this item at the next meeting under items carried over.

(5) ACEC Assessment of the Nov 2024 Election

This item was deferred to a future meeting.

(6) Ad hoc Committee on Voting Participation

Commissioner Moore reported to the commission on the disparity in the amount of Black male voters in the City of Oakland, the committee found that this issue warrants further review through community-based organizations. Several organizations have been contacted, and they are researching the problem and how it may be addressed.

(7) Nominations Committee

A motion was made to recommend to the board, David Wagner, for the expertise in elections and election technology was made by Ms. Tsao, seconded by Ms. Dieter and passed 8 to 0.

7. Special Report from the Registrar of Voters

This item was deferred to a future meeting.

8. New Business

(1) Oakland Special Elections -- Recommendation on RCV voter instructions and number of rankings.

- **Suggestions were made for the ROV to work with Drake Rambke from FairVote to use the same wording and graphics as San Francisco**
- **Ms. Belcher and Mr. Lindsay suggested the commission to encourage and facilitate the registrar of voters to use 10 rankings for all future RCV elections. County counsel advised that it was outside the scope of the commission and the registrar's office, saying the registrar does not tell or encourage a city to choose a certain number of rankings or how to interpret its own city charter. Discussion ensued.**
- **A motion was made to advise the ROV office to encourage that 10 rankings be used in Oakland RCV elections by Ms. Belcher, seconded by Commissioner Whitehurst and passed 5 to 3 with one abstention.**

(2) Approval of Drake Rambke, FairVote

- **The organization Fair Vote has offered to fund and conduct research on why Alameda County ranked choice voting cities have significant over votes. Ms. Cornejo said the registrar of voters is interested in making sure that voters understand how to exercise their right to vote and welcome feedback for improvements. Drake Rambke is a former Colorado Election Administrator. Commissioners discussed specifically what the research would involve, how soon his report would be delivered, and whether he's conducted this research on other elections.**
- **A motion was made that the Alameda County Elections Commission strongly recommends to the ROV's office to work with Drake Rambke to implement changes regarding the Alameda County overvoting anomaly by Mr. Lindsay, seconded by Ms. Belcher and went to discussion.**
- **The motion passed 9 to 0.**

9. Asking for major progress on the Request List

This item was referred to a future meeting.

10. Public Comment on Agenda or Non-agenda Items

Public comments were made on the agenda and non-agenda items.

11. Requests for Future Agenda Items.

There were no requests for future agenda items.

12. Adjournment

The meeting was adjourned at 6:35 p.m.

The next meeting will be held February 20, 2025.

ELECTION COMMISSION MEETING – FEBRUARY 20, 2025

Agenda Item #7 – Registrar of Voters Monthly Report

1. Election:

a. April 15, 2025, City of Oakland Special Municipal Election

- i. On the ballot – Mayor, City Councilmember, District 2, Measure A (Transactions and Use Tax Ordinance)
- ii. Vote Centers – 9 (April 5th 5 will be open, April 12th 4 additional will open)
- iii. Drop Boxes – 18 will be open in the City of Oakland
- iv. Ranked Choice Voting Instructions – Our office received requests from the public to revise the instructions to clarify how to mark a ballot and how the vote is counted. We reviewed RCV instructions and best practices from San Francisco County Elections, The RCV Resource Center, The Center for Civic Design, feedback from Elections Commission members, FairVote and the public. The ROV Team and the Oakland City Clerk’s Office met to review the revised design, which was approved. The instructions have been redesigned to include images, language on how to mark and how not to mark a ballot. The revised instructions will be included in the Official Ballot, voter materials, and ROV website and used at outreach and education events.
- v. The ROV will announce the revision of the instructions in a press release.
- vi. Important Dates
 1. Voter Information Guide Mailing Period – March 6, 2025 (E-40) – March 25, 2025 (E-21)
 2. First Day of Mailing Vote by Mail Ballots – March 17, 2025 (E-29)
 3. Last Day to Register to Vote – March 31, 2025 (E-15)
 4. 11- Day Voter Centers Open – April 5, 2025
 5. 4 -Day Vote Centers Open – April 12, 2025

2. Elections Commission Requests:

- a. The ROV as completed items requested by Commission members, as assured by February 15th. We will update each member with their requested information.

3. FY 2025 – 2026 Budget Process

- a. County agencies are working on the proposed Maintenance of Effort (MOE) budget proposals to outline spending and review needed to continue services, staffing and programs.
- b. County agencies will submit their budget narratives (accomplishments, goals and performance measures) on February 21, 2025.

Alameda Elections Commission Ad Hoc Committee
to Consider Whether the ROV Should Be a Full Time Position
Monthly Reports: March 2024 - February 2025

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 Co. Elections Commission (EC) about election observation access
- 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?*

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/>

- *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.

Update (4/11/24)

A paid Summer Fellowship for a Goldman School of Public Policy student to assist the subcommittee and research is now accepting applications. We thank Common Cause and the GSP for arranging and funding this assistance.

Update (5/16/24)

The Subcommittee interviewed all three of the talented, accomplished applicants from the Goldman School of Public Policy for the summer Policy Fellowship. Our top choice has accepted our offer.

Update (6/20/24)

The subcommittee has started working with our Goldman School fellow, Darlene Azarmi, to identify counties to which we can compare Alameda County's ROV experience. We are looking at population, racial diversity, # languages into which ballots are translated, Voter Choice Act status, diversity of electoral systems being implemented, elected vs. appointed ROV, agency leadership, and aspects of Budget/Staffing. *If Commissioners have any additional thoughts here they are of course always welcome.*

We also will be scheduling a call with ROV leadership/staff to gain a greater understanding of why they have managed past circumstances in the ways they have done, what impediments they face internally, and thoughts they have on what could work better etc., with an initial focus on public concerns related to timely and productive communications and sharing of information. Additionally, we will consider whether their available resources and budget allocations shed light on the question at hand.⁴

Update (7/18/24)

The subcommittee met (via Zoom) with ROV leadership/staff to discuss a subset of the issues we are examining, including how the office manages general communications with the public as well as public information requests, and budgeting issues. We also discussed pros and cons of operating with a combined ROV-CIO.

Ms. Azarmi has identified a set of comparable counties (Contra Costa, Sacramento, Santa Clara, San Diego, San Francisco and probably Solano), which she will be contacting to collect information that hopefully will give us a sense of whether the issues experienced in Alameda are considered typical or atypical when compared to other County ROVs as well as what steps other counties take to ameliorate or avert similar types of problems.

⁴ Budget questions might include things like, what are the major subcategories of "Discretionary and nondiscretionary Services & Supplies", how much of the "Salaries & Employee Benefits" budget is for full-time year-round staff vs. temporary staff, and how Mr. Depuis's compensation is split between the RoV budget and the ITD budget.

Update (9/19/24)

Ms. Azarmi has conducted interviews with Contra Costa, Santa Clara, San Francisco and Solano County ROV's. San Diego Co. emailed her information and Sacto Co. declined to meet and did not share information in any other way. In her conversations she discussed with staff the structure of their departments, roles, general communications, public records requests, language accessibility, poll worker training with an emphasis on facsimile ballots, and central office support of/ communication with polling sites (these were the issues that had been initially flagged as potentially deficient or irregular in some way during discussion of the formation of this Committee). For Solano, due to their combined role, Darlene also discussed pros and cons of a combined structure. For SF, they discussed that ROV's RCV vote count practices and their practices related to logic and accuracy testing. Darlene is now compiling organizational charts, and information on role responsibilities and allocation of labor in other offices where the ROV has more than one role.

We also are in the process of soliciting input from community groups that work in various ways to educate voters and ensure and improve access, and would welcome any Commissioner recommendations of groups to contact regarding concerns they may have with past ROV performance as well as positive experiences they may wish to share.

Update (10/17/24)

We have solicited input from community groups that work in various ways to educate voters and ensure and improve access, and, as noted last month, would welcome any Commissioner recommendations of groups to contact regarding concerns they may have with past ROV performance as well as positive experiences they may wish to share.

Additionally, our Goldman School Fellow Darlene Azarmi hails from North Carolina, and very sadly has had to take an emergency leave of absence from her studies and her fellowship with the Commission (which was nearing its end) to attend to severely damaged property and other issues in the wake of Hurricane Helene.

Update (1/16/25)

We have prepared a draft report that provides an overview of the issue, descriptions of the key events that prompted voting rights groups and the Commission to decide to explore this question, and our findings and recommendations. We are in the process now of reviewing it for accuracy, and expect to bring it to the Commission for consideration and a motion to act at our February meeting.

Update (2/20/25)

We have submitted our final report, and are prepared to recommend action by the Commission at the 2/20/25 meeting.

DRAFT FINAL REPORT

The Efficacy of A Combined ROV/ CIO in Alameda County

An Analysis of Whether the Decision to Combine Alameda County’s Registrar of Voters and Chief Information/Technology Officer Into One Position is Producing Good Results for Alameda County’s Residents, Voters and Taxpayers

Prepared by: The Alameda County Elections Commission’s Ad Hoc Committee formed for the purpose of considering this question.⁵

(February 2025)

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- IV. Discussion & Recommendations (p. 15)

APPENDICES

- A. Alameda County Regular and Special Elections, By Year
- B. Nov 12, 2020 Letter from ACLU and Other Voting Rights Groups
- C. April 14, 2021 Letter to Alameda BOS re Nov 2020 election (Includes Nov 12, 2020 Letter from ACLU and Other Voting Rights Groups)
- D. Oct 6, 2022 Letter from LAAC and VAAC members
- E. Oct 26, 2023 Letter from Democratic Clubs calling for ROV position to be full time
- F. Jan 31, 2024 Incorrect Parole Voting Information
- G. News Coverage of Elections Irregularities Throughout Bay Area (2018 - 2024)
- H. California County Comparison Data

⁵ Committee members: Commissioners Judy Belcher, Zabrae Valentine, and Allie Whitehurst

I. Purpose and Overview

One of the first actions the Alameda County Elections Commission took in early 2024 was the formation of an ad hoc committee to explore whether combining the roles of the Alameda County Register of Voters and the Alameda County Chief Information Officer⁶ in 2012 has contributed to a series of developments that appear to be compromising voter access and undermining confidence in the electoral process in Alameda County, as reported by numerous voting rights and civic watchdog groups in the County.

From February to December 2024, the Ad Hoc Committee was in communication with the Alameda County Registrar of Voters and Registrar's Office staff on a range of issues including many referenced in this report. Throughout that period, the Ad Hoc Committee members were impressed by the commitment and dedication of the ROV and all staff with whom we interacted.

The information we have compiled does however show numerous challenges with how critical elections-related decisions are being made and executed, that threaten voter confidence, and fall short of comparable performance in surrounding counties. Presuming, as we do, that ROV Office staff are doing their best with the resources they have, the logical explanation for the circumstances documented herein is that staff lack the capacity to perform at the level required to earn and sustain voter trust and confidence in our local electoral process.

If the Board of Supervisors (BOS) agrees with the findings summarized here, we urge you to consider the underlying causes, so the situation can be remedied in a comprehensive manner. We have sought to illuminate what sort of interventions are likely needed in order to enable the system to work better for voters. We hope this can help the BOS determine what changes can produce better results, so that you can act expeditiously to institute them, ideally before the 2026 election cycle.

As the Board of Supervisors knows, the Alameda County Elections Commission is an all-volunteer body with no staff or budget to do in-depth research or analysis. Fortunately we were able to receive assistance from U.C. Berkeley Goldman School fellow Darleen Azarmi, who helped compile a substantial quantity of data over the summer of 2024, conducted interviews with staff from other counties and voting rights groups, and helped organize and synthesize the data that informed this analysis.⁷ We also have drawn heavily on robust reporting by local news outlets (such as The Oaklandside and The Mercury News), as well as interviews and correspondence with voting rights advocates and elections observers (see signatures on the letters in the appendices). This report would have been impossible to compile without the considerable and much appreciated contributions of each of these parties, and we thank them all.

This document has not yet been shared with the Alameda County ROV Office. It obviously is essential that key Elections Staff have a chance to respond to this material, as they will be able to provide critical context and insight. We look forward to their additions to this analysis.

⁶ In Alameda County the individual serving as the director of digital technology has the title of Chief Information Officer.

⁷ Thanks to California Common Cause for making this fellowship possible.

KEY TAKE-AWAYS

- The ROV and ROV Office staff are dedicated public servants, and appear to operate in good faith
- Alameda County is the only county in the state running Ranked Choice Voting elections in multiple cities and now the only county running elections that include 16 and 17 year olds for one set of races only, in two cities (Berkeley and Oakland)⁸
- Alameda County is the 7th most populous county in the state, manages elections for 14 cities, administers anywhere from 1 to 5 regular and special elections per year, and an average of 3 elections per year – often with different elections in different cities. The number of voters has increased by approximately 175,112 since 2016.
- Despite the above work load, Alameda County is one of only two counties with a dual ROV-CIO (Chief of Information Technology) role, and the other (Solano County) arguably is not comparable in terms of size, number of cities, or election complexity.
- Communication by the Alameda County ROV Office with the public can be ineffective and plays an outsized role in undermining the Office’s own reputation and credibility with the public. There seems to be a misunderstanding on the part of the ROV Office of the actions that would translate into effective public transparency that again would likely improve public trust, confidence and credibility.
- No other county in the state seems to be experiencing anywhere near the volume of problems, or appearance thereof, that Alameda County has logged over the past few years, or of similar types of problems, to include in the following areas:
 - Language access, including reliable availability of facsimile ballots
 - Public access to observe electoral processes
 - Comprehensive and thorough poll worker training, including on use of ballot marking devices (BMDs)
 - Compliance with poll worker labor laws
 - Adequate availability of ballot drop boxes
 - Rapid access to accurate information from ROV Office staff during elections for workers and observers on the front lines
 - Timely availability of voter guides
 - User-friendly and relevant elections information on the ROV Office website, before, during and after elections
 - User-friendly ballot design (consider human-centered design approach)
 - User-friendly information on how and when to vote, on Ranked Choice Voting and how to avoid voter errors (such as an ‘overvoting’), and on voting rights for formerly incarcerated individuals
 - Ballot count accuracy (Example: 2022 Oakland School Board race)
 - Cast Vote Record access prior to election certification in a format that can be used to independently verify results
 - Consideration of how to expedite the vote count immediately after elections
 - Good faith compliance with municipal and state laws and city charters related to elections administration, or full publicly available explanation for not doing so

⁸ San Francisco County/City also runs RCV elections for all major offices, and Redondo Beach in LA County will do so starting in 2025, as will Eureka in Humboldt County starting in 2026.

II. A Summary of the Experiences That Prompted the Formation of This Committee, And Others That Have Emerged Since (i.e. During the 2024 Election Cycle)

BACKGROUND

Alameda County is the 7th largest county in the state by population and has 14 cities and 18 school districts.⁹ It is closest to the County of Sacramento in population, followed by the County of Santa Clara. Only six counties are larger than Alameda County,¹⁰ and since January 2016, the number of voters in the County has increased by approximately 175,112.¹¹

Alameda and San Francisco Counties currently are the only counties running Ranked Choice Voting (RCV) elections, and Alameda County is the only county running RCV elections for more than one city (Berkeley, Oakland, and San Leandro, all since 2010, and Albany since 2022).¹²

Alameda County also is now the only county in the state to oversee elections allowing 16- and 17-year-olds to vote in school board elections (only), following the approval of Measure Y1 in Berkeley in 2016 and Measure QQ in Oakland in 2020. This policy was implemented for the first time in November 2024.

With regard to the number of elections Alameda County administers per year, one might assume the ROV Office is responsible typically for primary and general elections in alternating years, with significant downtime in between except for intermittent special elections to fill an unexpected open seat. In fact, since 2012, there have been a total of 16 primary and general elections in even-numbered years, and 25 special elections over that time, in every year but three (2012, 2016 and 2020), including 1 - 5 elections per year and an average of 3 per year. (See Appendix A)

Before 2009, Alameda County's Registrar of Voters and its Chief Technology Officer (CTO) were separate roles. When ROV Elaine Ginnold left the position, Alameda County's Chief Technology Officer Dave Macdonald became the ROV as well, assuming both positions, as a cost-savings measure during the Great Recession. By 2012, the county needed a new ROV, and because the county was still suffering a budget deficit, the Board of Supervisors again opted to add the responsibility for administering elections to then Tim Dupuis's CIO duties (at some point this title changed from CTO to CIO; presumably the key terms are information and technology) rather than appointing a new dedicated Registrar of Voters (ROV). CIO Tim Dupuis assumed this increased responsibility in December 2012 in an interim capacity, and became the full-time ROV and CIO in 2013.¹³

Also during this time, but not necessarily related to the above, the Justice Department sued ROV Macdonald in late 2011 for failing to provide language-access materials to Spanish- and Chinese-speaking voters.¹⁴ The lawsuit resulted in a Consent Decree to ensure compliance with the Voting Rights Act.

⁹ See p. 13 for more information on other counties.

¹⁰ https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-4_2023_InternetVersion.xlsx

¹¹ https://alamedacountyca.gov/rov_app/edata?page=registration&h=1

¹² San Francisco County/City also runs RCV elections for all major offices, and Redondo Beach in LA County will do so starting in 2025, as will Eureka in Humboldt County starting starting in 2026.

¹³ <https://www.acgov.org/news/pressreleases/pr2013-12-19DupuisAppointment.pdf>

¹⁴ <https://www.justice.gov/crt/case-document/file/1176851/dl?inline>

Over the next several years, Mr. Dupuis made a number of upgrades to County digital systems according to reporting in The Oaklandside, including creating a new permit portal, an election results map viewer, and the modernization of a 30-year-old criminal justice portal for document case access.¹⁵

We are not aware of concerns having been raised in relation to the administration of elections in the 2014 election cycle. However, reports of inadequate provision of multilingual election material translations started to reappear in 2018, and additional concerns started to surface as well.

LIST OF ELECTION-RELATED EXPERIENCES OF CONCERN, BY YEAR

2016 Election Cycle:

During the June 2016 election, there were reports of difficulties in using audio features of voting machines, leading to extended waiting times for visually impaired voters.¹⁶

2018 Election Cycle:

According to reports by Asian Americans Advancing Justice (AAJ), poll workers were not adequately informed of policies requiring availability of facsimile ballots in multiple languages. (As noted above, The Justice Department had sued the prior ROV for failing to provide language-access materials to Spanish- and Chinese-speaking voters.)

Berkeley and Oakland leaders and voting rights advocates pressed the ROV Office to count all votes in RCV elections down to the final two candidates (as was and is the practice in other counties running RCV elections), to show the full level of support for the ultimate winner, rather than stopping as soon as an individual clears a majority of 50+1 percent. The ROV Office maintained this would increase labor requirements. Others disputed this claim, since the RCV software had the capability to do this automatically, while also arguing the benefits, including knowing the strength of the winner's mandate, would outweigh any possible costs, which they claimed would be at most minor.¹⁷

2020 Election Cycle:

In 2020, the Alameda County ROV Office was preparing for its first election as a "Voter's Choice Act" county. This meant moving from 820 small polling places to 100 large voting centers. The county was also transitioning to a new voting system: a paper-based system intended to increase security through voter ballot-verification.

¹⁵ <https://oaklandside.org/2024/11/04/why-are-people-always-getting-mad-at-the-alameda-county-registrar-of-voters/>

¹⁶ <https://apnews.com/us-news/california-san-francisco-vision-impairment-and-blindness-general-news-d24f6fdb38af70a92164cf69d482ed49>

¹⁷ <https://www.sfchronicle.com/bayarea/article/East-Bay-officials-push-for-more-transparency-in-13321986.php>

Issues in this election cycle reported by voting rights groups and the news media:

1. According to voting-access advocates, as reported by The Oaklandside, the California Secretary of State's official Voter Guide was not explicit about the location changes for voting sites, and the Alameda County ROV Office failed to post signs notifying people of the closures at the roughly 700 older county polling places.
2. The ROV Office did not install the required drop boxes in a timely manner (they were required to have 63 ballot drop boxes in place by Oct 6, 2022; as of Oct 7 they only had 25, and didn't fully meet the requirement until Oct 29, for a Nov. 3 election.
3. Poll workers were not adequately informed of policies requiring the availability of facsimile ballots in multiple languages, and so in numerous cases these were not provided to voters, potentially jeopardizing the voting experiences of thousands of limited English proficient voters. (According to Oaklandside reporting, more than 100,000 county residents qualified for this service.)
4. Asian Law Caucus election observers reported that conspicuously posted facsimile ballots were missing from at least 29 Accessible Voting Locations (AVLs). Hotline staff continued to require election observers to call in each specific incident of missing facsimile ballots rather than quickly communicating with all election voting sites to remedy the issue. This issue was resolved after three days of intensive communication from election observers to multiple ROV Office staff.
5. Poll workers, chief judges, bi-partisan captains and elections support staff were not trained in the proper use of Ballot Marking Devices (BMDs) at Mills College (and possibly elsewhere) and ROV Office staff provided erroneous instructions to these poll workers and voters. Additionally, there were no copies of the 100-page Registrar of Voters(ROV) election manual available at the vote site nor clear instructions in the digital version of the manual, which was the only version the poll workers could access (on their phones), about how to handle the printed ballots (or if it was there it was not findable). As a result – even after multiple requests directly to the ROV main office by Mills College poll workers as well as multiple election observers – 100 to 200 voters were sent home with their official ballots in hand, having been repeatedly informed they were merely receipts, from Oct 31 - midday on Election Day, Nov 2, 2020.
6. The ROV did not respond to explicit requests by voting rights organizations when they brought these concerns to the attention of the ROV to provide explanations, and or plans for immediate remedy so they could help publicize this information with the public.
7. The ROV Office did not release updates on the ROV website with any RCV tallies or final voting results. Instead, it provided only the total number of first rankings, and then instructed members of the public to individually contact the ROV Office for complete RCV results. Members of the public did that, yet were never given final RCV results.
8. Election Integrity group EITACCA (The Election Integrity Team of Alameda County, CA) reported that the increased number of in-person voting days under the Voters Choice Act resulted in some poll worker payments exceeding the threshold for Social Security and FICA withholdings, and that this was unaddressed by the ROV office.

9. In a 2021 Board of Supervisors meeting, the ROV said the ROV Office was working to ensure the errors in the 2020 election wouldn't happen again. However, the office continued to resist advocates' pressure to release documents or explain how they would operationalize this commitment.

2022 Election Cycle:

1. The County Election website incorrectly stated voters could choose to rank only three instead of the legally allowed five candidates in possible races.¹⁸
2. During the vote processing weeks after the election, the ROV Office announced that ROV personnel had made an error in their use of the Dominion voting equipment, causing the use of the wrong vote tally procedure. As a result, all RCV elections in Berkeley, Oakland and San Leandro were counted inaccurately. This error was discovered when the nonprofit group FairVote was able to take the publicly released Cast Vote Record report and tally the ballots using the correct tally procedure. FairVote found that in one race for an Oakland school board seat in District 4, the ROV error resulted in the wrong candidate being announced as the winner. This led to two lawsuits: one from the originally announced winner and another from the eventual winner. The failure of the ROV to identify the error before certifying the election results was a result of the ROV's Cast Vote Record (CVR) policy, which included not releasing text CVRs until after an election has been certified (30 days post-election), at which time a judge's order becomes necessary because ballots must be unsealed.
3. The Oaklandsiders sued the ROV to force him to produce public records of his decision-making. (The current status of this lawsuit is unknown.)
4. The contest for Governing Board Member, Trustee Area 2 was inadvertently omitted from the Official Ballot in the San Leandro Unified School District, for the November 8, 2022 General Election. Voters in Trustee Area 2 received a Supplemental Ballot in the mail.
5. Voting rights groups reported that election results were not consistently published during or after the election, returning the county to older issues of seemingly random publication of voting results.
6. EITACCA reported that again some poll worker payments exceeded the threshold for Social Security and FICA withholdings. After a whistleblower complained and the BOS intervened, the ROV hired a third-party vendor (Tryfacta) to coordinate payroll requirements for over 100 workers to complete the Nov. 8 general election. According to EITACCA, the ROV subsequently misinformed the Board of Supervisors about what had transpired.

2023 (Off-Year):

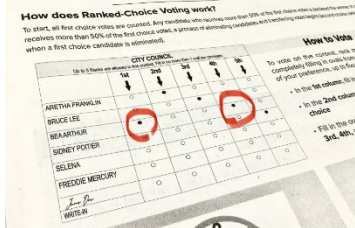
1. A coalition of voting rights and Democratic groups in the Bay Area, including the East Bay Young Democrats, the Wellstone Democratic Renewal Club, and the Coalition for Police Accountability, released an open letter contending that the ROV had disenfranchised younger voters and made other significant errors, and asked that the County BOS remove the current ROV from his "secondary position as Registrar" and immediately move to hire a "full-time Registrar". (See Appendix E)

¹⁸ In fact, the Oakland Charter states the City Clerk may allow voters to rank the maximum number of choices permitted by the equipment in use, which for cities using Dominion equipment reportedly is 10. Since there were 10 candidates in the 2022 Oakland Mayoral election, this could have significantly changed the election experience for voters.

2. The ACLU of Northern California and AAAJ filed a lawsuit expressing growing concern about Alameda County election administration.¹⁹

2024 Election Cycle (i.e. since the formation of the Alameda Co. Elections Commission):

1. County Voter Guides arrived late, impeding the ability of voters to take advantage of early voting and undermining confidence in local elections administration.
2. The County Voter Guide included erroneous instructions for Ranked Choice voting.²⁰



3. The ROV Office distributed to the public misleading information related to restoration of voting rights for formerly incarcerated people. The mailer stated, “If you are either on parole or are no longer serving a state or federal prison term for the conviction of a felony, you may be able to have your voting rights restored. If you have questions please....” The ACLU expressed concern that this language suggested that in order to regain the right to vote after prison, individuals must actively seek to have their voting rights restored, and that such restoration is not ensured. However, under current law any otherwise-eligible voter automatically regains the right to vote upon the completion of a prison term and need only reregister. (See Appendix F)
4. Despite that Voters Choice Act counties are required to hold at least one Language Accessibility Advisory Committee (LAAC) and Voting Accessibility Advisory Committee (VAAC) meeting under California Elections Code § 4005(a), and that the California Secretary of State publishes an LAAC toolkit recommending quarterly LAAC meeting(s)²¹ in general and more frequent meetings in election years, the ROV Office never responded to multiple emails from the Asian Law Caucus (ALC) and Disability Rights California (DRC) requesting to attend meetings. To the knowledge of ALC and DRC, Alameda County is the only Bay Area VCA county that does not appear to hold these meetings on a regular basis, as recommended by the SOS. (There was a meeting prior to the 2025 election, but it took place only 5 days before the election, and ALC was notified only one day in advance.)
5. Ballot design issues: the placement of recall questions created confusion, and the presentation of at-large Oakland city council candidates favored some candidates over others by having their names appear on a second page that was not easily found. It seems these design failures should have been avoidable and could have been corrected.

¹⁹ American Civil Liberties Union Foundation of Northern California, et al. v. Dupuis, et al., Superior Court of California, County of Alameda, Case No. 22CV006389

²⁰ <https://oaklandside.org/2024/11/22/7-at-large-city-council-candidates-demand-an-investigation-into-voting-touchscreens-before-the-election-is-certified/>

²¹ <https://elections.cdn.sos.ca.gov/laac/guide-create-local-laac.pdf>

6. The election data reported on the ROV website during the canvass (including voting by precinct, overall turnout, counted/uncounted ballots, when election results will be final, turnout per contest, etc.) was confusingly presented and could be significantly more user-friendly.
7. While state law does not impose time limits on poll watchers so long as they do not disrupt the process, Alameda County's March 2024 Poll Worker Guide limited poll watchers to 15 minutes of observation time.
8. The ROV Office chose not to implement Elections Code Section 3016.5 (previously AB 626 Pellerin), which authorizes voters to return their vote-by-mail ballot in-person at their designated, home precinct or a vote center, and requires ballots cast in this manner to be processed and counted like a non-provisional ballot cast in-person at the polling place; implementing this in time for the 2024 election, as other counties did, likely would have simplified the ballot counting process for election workers, expedited the count and saved taxpayer dollars.
9. After having learned in 2022 that failing to publicly release Cast Vote Records early enough in the elections canvass to allow an independent verification of election outcomes before certification can in fact lead to serious election errors, the Elections Commission recommended in May 2024 (five months before the General Election) that the ROV release text-based Cast Vote Records (CVRs) for all elections and all races early in the elections canvass, commencing with the November Election. The San Francisco County Director of Elections has done this in every election since 2015 and planned to again in 2024. Nonetheless, the Alameda County ROV argued that doing so could run afoul of various election and privacy laws and so rejected this recommendation. The BOS eventually mandated that the ROV Office release the CVRs, and in a file format that would be useful to independent monitors, but only after several weeks of intense and extremely time consuming wrangling that pushed the decision and necessary preparations until it was too late to manage the issue most effectively.

Issues Spanning Multiple Years:

1. The ROV Office creates significant obstacles to observers who wish to monitor equipment testing and ballot processing and counting, and in some cases may be in violation of laws enacted specifically to ensure public access and process transparency:
 - a. The California Elections Code requires that the public receive 48-hour advance notice of the date, time, and place for vote-by-mail (VBM) ballot processing.²² Alameda County is the only county of which we are aware that fails to provide this information in a timely and actionable manner. The current ROV Office notifications come in less than 48 hours and do not specify times for various activities, which impairs the public's ability to know when they can observe, especially when it requires traveling to the ballot counting facilities in person. The only way observers can determine whether election activities are open for observing is by checking the website to see if links are "live", by which time they have already started. Alameda County is the only county of which we are aware that makes observation this difficult.

²² https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=ELEC§ionNum=15104

- b. The ROV Office appears to fail to provide information that would enable election observers to observe and verify equipment testing, including Logic and Accuracy testing; observers have repeatedly asked for better and more timely information, to no avail.
 - c. The ROV Office appears to fail to provide information that would enable election observers to observe and verify the delivery of ballots from DHL, UPS, FedEx, etc.
 - d. The ROV Office has failed to provide the information necessary to enable election observers to observe and verify the ballot chain of custody.
 - e. The California Elections Code also states, “vote-by-mail observers shall be allowed sufficiently close access to enable them to observe the vote-by-mail ballot return envelopes and the signatures thereon...” Alameda County uses an Automatic Signature Recognition (ASR) machine to review and verify vote-by-mail signatures, and provides a video feed of this room and the process of feeding mail into the machine only. It is our understanding that there is no way for observers to observe signature checks.
 - f. Verifying signatures on vote-by-mail ballot return envelopes should involve comparing the ballot signatures to voter registration signatures.²³ Observers report that election workers are reviewing low resolution scanned images of signatures on envelopes via a computer program and screen monitor instead of verifying signatures against registrations and verifying the signatures are “wet.”
 - g. Observers find it impossible to meaningfully verify the 1% manual tally²⁴ due to lack of audio access during observation (audio was available for the 2020 Logic and Accuracy testing, so it’s known to be possible).
2. The ROV Office seems to show a pattern of concluding that it need not comply with various city and state election laws, and as far as we can tell typically provides little to no public explanation for these decisions.
- a. California law, as noted on pages 6 and 7, requires facsimile ballots be visibly posted in all in-person voting locations. The Alameda County ROV Office has repeatedly failed to ensure poll workers posted these reference documents.
 - b. As noted on page 9, to the knowledge of the Asian Law Caucus (ALC) and the Disability Rights California (DRC), Alameda County is the only Bay Area VCA county that does not have an established Language Accessibility Advisory Committee (LAAC) and Voting Accessibility Advisory Committee (VAAC) that hold meetings regularly, as required by law and recommended to all county elections offices by the California Secretary of State.

²³ <https://www.sos.ca.gov/administration/regulations/current-regulations/elections/signature-verification-ballot-processing-and-ballot-counting-emergency-regulations#20960>

²⁴ Under Elections Code section 15360(f), counties are required to report to the Secretary of State the results of a 1% manual tally conducted after each election for the purpose identifying any discrepancies between the voter verified paper audit trail shall and the electronic record. <https://www.sos.ca.gov/elections/ovsta/frequently-requested-information/county-1-manual-tally>

- c. It took eight years to implement Measure Y1 in Berkeley, and four years in Oakland; it was enacted in 2016 in Berkeley and in 2020 in Oakland and went into practice just this fall (Nov. 2024), and only after the Board of Supervisors called it a priority for the County.
 - d. Questions repeatedly arise regarding questionable compliance with Oakland, Berkeley, San Leandro and Albany charters and/or election-related laws.
3. The ROV Office seems to discount the value of offering voters a well-informed, satisfying, responsive and transparent voting experience, out of a concern for fears or hypothetical scenarios that have no precedent and that no other county we've been able to identify views as a justification for denying voters a positive experience.
- a. One example is the Cast Vote Record case. The fact that Alameda County called an election for the wrong candidate in 2022 is a big deal in the eyes of voters – and the Commission would expect ROV Office staff to do everything possible to ensure it doesn't happen again, and inform the public about what's going to be different and how they will know. That never happened, and it's not a good sign. Either the ROV Office has a truly inadequate understanding of how to communicate effectively with their constituents, or it is simply so overwhelmed that it just can't do it. To be clear, publicly releasing text CVR reports during the canvass and prior to certification would allow the following:
 - It would help election workers who provide voter information and accessibility support to identify geographic areas where communities may benefit from greater voter education and outreach, thereby improving participation and representation;
 - It would provide researchers extremely helpful and rich data with which to study the impact of elections on various diverse communities and determine whether certain areas would benefit from increased education and outreach;
 - It could reduce the number of election results-related public records requests that have consumed so much Alameda County ROV staff time;
 - It would signal to the public a commitment to transparency and accountability at a time when this is of particular importance; and
 - It would enable the ROV and independent monitors to ensure the accuracy of the election results – especially in RCV races.

The ROV Office has failed to clearly communicate to the Elections Commission or the public why they believe it is in the interest of Alameda County voters to forgo these potential benefits.

- b. Another example was the decision against implementing Elections Code Section 3016.5 to allow vote-by-mail ballots to be dropped off and counted at vote centers with the “regular” ballots. The purpose of this law was to expedite the vote counting process and decrease election staff workload by eliminating all of the manual interaction required to process a vote-by-mail ballot (for example the signature verification process) which is significant, and typically is identified as the cause of California's slowest-in-the-nation ballot count. These effects typically also translate into cost savings for taxpayers. Given Assemblywoman Pellerin's

background, it seems fair to conclude that her intent is to help ROVs across the state, and her judgement of how to do so should be well-informed.

Nonetheless, the ROV took a pass. The reason stated by the ROV is that the language in the new law requires the precinct or vote center to have “real time” access to the county elections officials election management system, to, among other things, “verify that the voter has not returned a vote-by-mail ballot for that election.” Technically, Alameda County’s software has a 5 to 10 minute delay. However, unless someone had voted elsewhere within 5 to 10 minutes of trying to vote a second time, this delay should be immaterial.

The ROV has provided the public no explanation for declining to embrace this opportunity for a faster ballot count, reduction in cost and a more efficient process overall.

III. What’s Happening In Other Counties? A Comparison of the Alameda County Registrar of Voters Office to Other Relevant County Offices, to Assess Whether Issues Observed in Alameda County Also Occur Elsewhere

The Ad Hoc Committee conducted a high-level comparison of Alameda County to nine other counties in the area or those with relevant comparable features such as similar population, in order to assess whether other counties encounter similar challenges, which would be highly relevant in considering possible remedies as well as managing expectations of what is realistic given current budget and staffing constraints, etc. Specifically, we reviewed available data and sought staff interviews for Contra Costa, San Mateo, San Francisco, Santa Clara, Solano, Sacramento, Fresno, San Diego, and Orange Counties. (See Appendix G)

With regard to professional duties, many Registrars of Voters (ROVs) have one or two job titles in addition to ROV, but only Solano County's ROV is also a CIO (Chief Information/Technology Officer) although it's notable that Solano County's population (449,218) is less than a third of Alameda's (1,636,194), and it doesn't have the same complexity as Alameda by multiple measures. In this sense, there isn't really a comparable county with the same pairing of shared roles.

Number of Counties with...

A dedicated Registrar of Voters (ROV)	21
ROV + Clerk-Recorder	22
ROV + Clerk-Recorder and Assessor	7
ROV + Clerk-Recorder and Auditor	4
ROV + Clerk-Recorder and Clerk of the Board of Supervisors	2
<i>ROV + Chief Information/Technology Officer (Alameda and Solano Counties)</i>	2

Of California’s counties with more than 1.5 million people, all but Los Angeles and Alameda have dedicated ROVs (i.e. no other responsibilities), and in LA the role is combined with County Clerk-recorder only.

Alameda County has 14 cities, which is not unusually high compared to other counties of similar size. Nine counties have more cities, including Fresno, Contra Costa and San Mateo, which all have significantly

lower total populations. Nineteen counties have more school districts than Alameda County (which has 18), including 13 with significantly lower total populations.

TOP TEN COUNTRIES
BY

COUNTY	POPULATION	CITIES	# ROLES	ROLE(S)
Los Angeles	9,761,210	88	2	Clerk-Recorder/ROV
San Diego	3,269,755	18	1	ROV
Orange	3,137,164	34	1	ROV
Riverside	2,439,234	28	1	ROV
San Bernardino	2,182,056	24	1	ROV
Santa Clara	1,886,079	15	1	ROV
Alameda	1,636,194	14	2	Chief Information Officer/ROV
Sacramento	1,572,453	7	1	ROV
Contra Costa	1,147,653	19	2	Clerk-Recorder/ROV
Fresno	1,011,499	15	2	Clerk/ROV

POPULATION

Most Counties that we used as comparisons for this report are Voter's Choice Act Counties:

- Voters Choice Act Counties (7): Orange, Santa Clara, Alameda, Sacramento, San Diego, Fresno, San Mateo
- Non-Voters Choice Act Counties (3): San Francisco, Contra Costa, and Solano

With regard to printed ballot language requirements in the comparison group...

- 3 counties print ballots in five languages
- 4 counties (including Alameda Co.) print ballots in 4 languages
- 3 counties print ballots in 3, 2, and 1 language or languages respectively

With regard to facsimile ballots required in additional languages...

- 5 counties must produce facsimile ballots in 8 - 10 additional languages (including Alameda County)
- 4 counties must produce facsimile ballots in 4 - 5 additional languages
- 4 counties must produce facsimile ballots in 2 - 4 additional languages

Of California's 22 Counties with populations of at least 400,000, 55% appoint their ROVs, and 45% elect them. Of the top 10 counties by population, the allocation is similarly split. However, around the Bay, most ROVs are elected – including Contra Costa, Santa Clara, San Mateo and Marin.²⁵

The final comparison we'd make to other California counties is that no other County appears to have been in the news for performance-related deficiencies with anywhere near the frequency of Alameda County. If the issues described in the prior pages of this report were unavoidable, or par for the course among county elections offices statewide, then we'd expect this to be reflected in local and state newspaper coverage of those counties. However, this data point suggests Alameda County is an outlier in this regard.²⁶

²⁵ San Francisco uses the title Director of Elections rather than Registrar of Voters.

²⁶ We found one case in 2020 of San Diego County distributing "Dozens of wrong ballots" at the polls; however only a few dozen voters were affected, and all were immediately notified and provided with correct ballots in time for them to vote.

IV. Discussion & Recommendations

DISCUSSION

As noted earlier in this document, all of our interactions with the Alameda County Registrar of Voters staff have informed our view that these are dedicated public servants who seek to produce high quality work in the best interest of the people of Alameda County. We sincerely appreciate their service.

Furthermore, we have highlighted that in addition to being among the most populous counties in the state, Alameda County is also among the most diverse, with residents communicating in many languages that are spoken throughout the county. And, the county is among the most complex in terms of required electoral methods and procedures.

Alameda County unfortunately is also unusual in the sheer volume of complaints registered against it, by voting rights organizations and other public observers, pertaining to performance-related deficiencies or errors, as well as the appearance of extreme delays in response times, explanations or remedies. In addition to decision making and practices that, directly or indirectly, are generating problems, the ROV Office clearly lacks the capacity by some definition to respond effectively to concerns when they are brought to its attention. In addition to the performance and accountability issues, this additionally undermines public trust and confidence in our electoral process.

There may be benefits to combining the ROV with the CIO role in terms of expertise, but it seems this qualification could just as well be achieved by including that knowledge as a requirement for the ROV position. While it is common for ROVs to hold at least one other role in light of the seasonality of elections, the other role is typically County Clerk and Recorder rather than the Director of Information Technology for a county of 1.6 million people. The performance of the office taken as a whole since the roles were combined suggests that the dual responsibility is on balance a negative rather than a positive, measured by ultimate results.

Additionally, the ROV Office does not seem to feel bound by state and city laws that should be shaping its practices. The Commission has been told on multiple occasions that the ROV Office is merely following the advice of the county's legal counsel. We strongly recommend that the Board of Supervisors examine why county legal counsel is giving starkly divergent advice from every other county in the state on a number of issues, with what appears to be an inadequate level of concern or sense of obligation to comply with municipal or state laws or accountability to the public.

With regard to the county's inability to respond to requests for information or to feedback from the public when something is wrong and can be and should be remedied, or inquiries from the press that both could help the public understand a situation and actually make the ROV's job easier, we'd recommend installing a Public Information Officer that can effectively provide critical information to the public and the press in a timely way. The other counties we've reviewed do substantially more in this area and show noticeably more robust commitments to effective and timely communication with the public.

Another option that may be considered is converting the Registrar of Voters role to an elected position, as numerous other counties have done. Our impression, based on the information we've reviewed to date is that this step would come with pros and cons. There may be more direct accountability, but it also may result in the role being more reactive in the short run than is in fact in the public interest. The elected office also could become politicized in ways that detract from public confidence. If it continues in an appointed capacity however, then the Board of Supervisors should expect to allocate more time and attention to assertive, proactive oversight of the role, in coordination with its appointed Elections Commission, especially given the ROV Office's high level of direct contact with the public before, during and immediately after elections.

In addition to the above steps, we urge the Board of Supervisors to familiarize itself with the methods other counties use to avoid the pitfalls that repeatedly plague our own county, and consider whether there are alternative approaches worth adopting. In our interviews with staff from neighboring counties we also encountered smart, thoughtful public servants who were deeply committed to the voters in their own regions and who clearly embraced opportunities to generate creative solutions to challenges when they arose; Alameda County can probably learn from them.

RECOMMENDATIONS

We believe this report confirms the presence of abundant and incontrovertible evidence that the Alameda County ROV Office lacks the capacity to adequately serve the population of Alameda County. Expecting one individual to perform two obviously extremely demanding roles, in this large and complex county, at a time when there is a perpetual demand for local or state election administration, is not producing an acceptable level of public service to Alameda County voters and taxpayers.

We recommend the Board of Supervisors take the necessary steps to produce some combination of the following interventions or at least clear movement in this direction, within the next 12 months:

Recommendation #1: Return to either a) A single, dedicated County Registrar of Voters with no other commitments, or b) Pairing the ROV responsibilities with a second set of commitments that is less demanding than the present arrangement, as all other California counties of comparable size and complexity do.

It's possible that the above may not be sufficient to address the significant problems highlighted in this report. Therefore, we also recommend the following:

Recommendation #2: Add to the ROV Office staff a Public Information Officer, or a small team of subject matter professionals, to substantially improve the quality and timeliness of public and media access to information, to respond in a timely way when problems arise (which is to be expected), and to better publicize ROV activities. This would serve both to assure public transparency and accountability, and keep voters informed of progress counting ballots. Policy change in this area should specifically include replying within 48 hours to acknowledge receipt of

any inquiry from the public or press, and then responding substantively within a reasonable time frame if an immediate response is not possible.

Recommendation #3: Engage with The Elections Center to perform a full assessment of ROV Office productivity and efficiency, including the following:

- a. Evaluate ROV Office spending to identify ways to reallocate resources in order to cover the cost of increased staffing within the current budget.
- b. Evaluate ways to improve the use of digital platforms and technology.
- c. Identify where the county is out of compliance with State and Municipal laws and act expeditiously to rectify this condition.
- d. Evaluate and report on what other counties do, and identify possible ways to improve budget allocations, staffing, and external relations (including providing information to the public and the press, responding to public inquiries and concerns, and resolving identified problems and reporting out how they are resolved)
- e. Review voter roll quality control, identify ways to be transparent in process management and share comprehensive explanation of process with the public
- f. Consider steps that can be taken to accelerate the vote count without increasing costs to taxpayers – for example, implement SB 626 prior to the upcoming special elections

Democracy Takes a Village. As members of the Alameda County community ourselves, we appreciate the Alameda County Board of Supervisors making this assessment possible through the formation of this Commission. As the Alameda County Supervisors know, the Elections Commission is a legally established body charged with playing “an oversight role for the Registrar of Voters” and “an advisory role for the Board of Supervisors”. The power to act on these issues, however, rests with our elected County Supervisors. We hope this report is useful in the Supervisors’ ongoing work to ensure taxpayer dollars are spent wisely, that elections are run competently and with maximum transparency and accountability, and that all eligible voters continue to have access to the relevant information needed to ensure public confidence in the delivery of these functions and services.

Date: February 17, 2025, for 2/20/25 Meeting
To: Alameda County Elections Commissioners
From: The Ad Hoc Committee on the Efficacy of a Combined ROV-CIO in Alameda County
(Commissioners Judy Belcher, Zabrae Valentine, and Allie Whitehurst)
RE: RECOMMENDATION FOR CONSIDERATION

The Ad Hoc Committee formed for the purpose of considering whether the decision to combine Alameda County's ROV and CIO into one position is producing good results for the Alameda County public has submitted our final report, and now wishes to submit to the full Commission the below recommendation:

In light of the findings in the recently submitted Ad Hoc Committee report related to the efficacy of a combined ROV/CIO in Alameda County, which confirm the presence of abundant evidence that the Alameda County Registrar of Voters (ROV) Office lacks the capacity to adequately serve the county population, the Committee moves that the Board of Supervisors take the necessary steps within the next 12 months to implement the following interventions:

Rec. #1: Reconsider and Reallocate Leadership Duties

- a. Restore the position of a single, dedicated County Registrar of Voters with no additional commitments; or
- b. Pair the ROV responsibilities with a second set of duties that is significantly less demanding than the current arrangement, in alignment with best practices observed in other counties of similar size and complexity.

Rec. #2: Enhance Public Communication and Transparency

- a. Allocate resources to hire a Public Information Officer or a team of subject-matter professionals to improve public and media access to election-relevant information and ROV decision making of public interest/relevance.
- b. Establish a policy requiring acknowledgment of public and press inquiries within 48 hours and substantive responses within a reasonable timeframe.

Rec. #3: Engage the Elections Center In an Assessment of ROV Office Productivity and Efficiency

- a. Engage The Elections Center in conducting a thorough evaluation of the ROV Office, including:
 - i. Analysis of office spending to identify potential resource reallocation for increased staffing within the current budget.
 - ii. Improvements in the use of digital platforms and technology.
 - iii. Identification and resolution of any areas where the county is out of compliance with state and municipal laws.
 - iv. Benchmarking Alameda County's practices against those of other counties to enhance budget allocations, staffing, and public engagement.
 - v. Assessment of voter roll quality control and transparency in process management.
 - vi. Exploration of ways to expedite the vote count without increasing costs

We urge the Board of Supervisors to take decisive action on these recommendations to ensure the Alameda County ROV Office can effectively and efficiently serve voters while maintaining public trust and transparency.

DATE: February 20, 2025
TO: Alameda County Elections Commission
FROM: Cast Vote Records Ad Hoc Committee Belcher, Butter, and Dieter

RECOMMENDATION: Approve sending a letter to the Board of Supervisors and disbanding the Committee on Cast Vote Records.

The Committee on Cast Vote Records was formed in April 2024 in order to provide assurance about the accuracy of the vote count and to allow for third-party verification of election tallies before elections are certified. Since then, the committee led the successful effort to secure the adoption and implementation of the county's policy on the early release of cast vote records (CVR). We therefore deem our work completed.

The board's policy was implemented, but there is still room for improvement as spelled out in the 2024 post-election assessment, such as (1) having a clear policy on redaction in precincts with less than 10 voters, (2) posting an advanced schedule of CVR releases, and(3) ensuring that the early release of CVR reports in JSON format is permanent policy without requiring "waivers."

Beyond the commission's oversight role, concerns still exist over the language in the legislation that the county needs to clear up or lobby for better language, so that county policy can run smoothly, as indicated in the proposed letter below.

Commissioner Belcher has volunteered to keep the commission abreast of any new CVR legislation.

[date]

Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, California 94612-4305

SUBJECT: Update and Recommendation on Cast Vote Record Policy

In October 2024, the Alameda County Board of Supervisor directed the Registrar of Voters to adopt the policy of releasing the text Cast Vote Record (CVR) reports concurrent with election results for all elections and races in Alameda County, and to post on its website a schedule of when vote tallies will be updated. In November 2024, the Board further directed the Registrar to release the CVRs in a JSON format and to redact only the IDs in ballots and precincts with under 10 voters.

The policy was implemented, but there is still room for improvement. Based on different interpretations of the law: (1) the Registrar stated that the implementation of the policy requires getting a “waiver” from the Secretary of State for every election; and (2) the Registrar removed the ballot counts from all precincts with 10 or fewer voters, instead of redacting only the precinct ID and the ballot ID.

We also recognize that it’s likely that legislation will be introduced in subsequent legislative sessions around the issue.

Recommendation: The Elections Commission recommends that the Board of Supervisors seek clarity in state legislation for cast vote records and lobby the Secretary of State’s Office for clearer language in the law, so that it is not ambiguous. It makes little sense that one county can interpret it entirely differently than another county. The policy that you adopted in 2024 is the best practice to ensure maximum transparency, accuracy, security and accountability of elections.

Staff Support Committee Report for February 20, 2025

Alexander Ramon, Benita Tsao

Action Item

The Staff Support Committee presented its recommendations to the Commission at the January 2025 meeting, which included a proposed letter to the Board of Supervisors. In that letter this committee recommended creating a full-time Management Analyst position. The primary purpose of this proposed new full-time position is to provide the Commission with the information it requires to accomplish its substantive goals, and this includes addressing the Commission's unresolved task requests to the ROV. This committee's recommendation was based on weighing the Commission's needs, the current status of unresolved tasks, and balancing how other counties have managed similar situations with the constraints of how Alameda County currently operates. Since then, this committee and representatives from the ROV's office have met to discuss this issue.

As an alternative to this committee's recommendation of creating a full-time Management Analyst position, the ROV's office proposed that it devote 1-2 of the ROV's current administrative team to address the Commission's unresolved task requests to the ROV and the Commission's future requests and needs for support. An important distinction here is that the ROV's proposal does not include a specialist who would be able to analyze data, manage or provide direction to others who would analyze data, or to produce interpretive reports of the data acquired from the ROV. Although such a position exists in other counties, that specific issue may be resolved through community partners willing to produce interpretive reports to assist the Commission in better understanding the full implications of the data presented on an as needed basis. The ROV's offered solution takes into consideration present budgetary constraints and potential delay associated with creating a new full-time position.

The ROV's office and this committee are working to produce a full list of responsibilities that the proposed 1-2 members of the ROV's current admin team would have to the Commission. Currently unresolved issues associated with relying on 1-2 members of the ROV's current admin team include but are not limited to: (1) determining their level of access to information and authority to delegate to others; (2) determining what other responsibilities beyond their duties to the Commission they will have to bear; (3) whether their duties to the Commission or the ROV will take priority over their duties to the ROV; and (3) to whom these individuals will report on Commission tasks.

If these issues as to the ROV's counterproposal remain unresolved, this committee's recommendation remains that a full-time Management Analyst position should be created consistent with the updated proposed letter to the Board of Supervisors attached here. This recommendation can co-exist with the ROV's proposal for administrative support and reassigning the clerk's responsibilities; these ideas aren't mutually exclusive.

February 20, 2025

The Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, California 94612-4305

SUBJECT: APPROVAL FOR ADDITION OF ONE POSITION IN FY 25-26 TO THE REGISTRAR OF VOTERS DEPARTMENT TO SUPPORT THE ELECTIONS COMMISSION

Dear Board Members:

RECOMMENDATIONS:

- A. Authorize the addition of 1.0 (one) Full-Time Equivalent (FTE) position, a Management Analyst to support the Elections Commission in the annual amount of \$159,169.92
- B. Authorize the Auditor-Controller to make the related budget adjustments as per the attached Financial Recommendation (note: this form has not yet been completed).

DISCUSSION/SUMMARY:

The Board of Supervisors established the Elections Commission to oversee elections conducted by Alameda County's Registrar of Voters. In contrast to most other commissions with responsibilities limited only to planning and advising, the Elections Commission's oversight mandate requires significant research and analysis. Other oversight bodies receive substantial support from county staff with relevant financial and content expertise. Currently, however, the Elections Commission only has part-time support that is strictly administrative. This limited level of staff support is inadequate for the Election Commission's oversight purpose.

The Elections Commission is capable of fulfilling its duty of advising the Board of Supervisors, only if it has access to relevant data and analysis. The list of unanswered requests for information to the Registrar of Voters Department from commissioners, however, is growing at a faster pace than the Register of Voters Department can address with current staffing levels. The resulting backlog of unanswered requests gives credence to the persistent allegations of insufficient transparency. If left unaddressed, this situation may lead to a growing loss of confidence in the Registrar of Voters Department and impede the Elections Commission's ability to function.

Administering elections in Alameda County is an ever more costly and complex responsibility as the population of eligible voters continues to grow and become more diverse. Just as the role of the Registrar of Voters has become more difficult and time-consuming in recent years, so has the job of providing sound guidance on: promoting the integrity, efficiency and accuracy of policies and procedures related to elections; encouraging the widest possible voter participation in elections; and promoting voter education and outreach. Understanding these topics well enough to make realistic and

actionable recommendations requires not only data and information but also a Management Analyst with **elections expertise and** a range of sophisticated research and analytical skills to interpret that data and information to assist the Election Commission in its duties. A full-time Management Analyst within the Registrar of Voters Department to support the Elections Commission would maximize resource utilization and operational effectiveness of the Department. **In addition to completing tasks assigned by their supervisor,** the Management Analyst would reduce concerns about any lack of transparency by:

- Conducting research and analysis on assigned projects, as the basis for recommendations **by the Commission as a whole and its ad hoc committees,**
- Responding to information requests **by commissioners and members of the public and the press,**
- **Advancing** Elections Commission recommendations and monitoring progress, and
- **Facilitating high-level interagency communication and** assisting the Elections Commission president, vice-president and committee leads liaise with the Registrar of Voters Department, Board of Supervisors, and other departments.

There are no Management Analysts currently in the department who can be assigned these tasks, **and other California counties with elections commissions or election advisory committees benefit from Management Analysts within the Registrar of Voters Department, such as in Santa Clara County. The Elections Commission welcomes the administrative support that the Registrar of Voters Department has included in the proposed ROV FY 25/26 MOE budget, and we make this recommendation for additional staffing to fulfill several identified but unmet needs.**

The Elections Commission is an especially engaged and active body after meeting for just one year, with very few vacant seats and meetings that are well-attended by members of the public. All voting members so far have joined an ad hoc committee soon after their appointments, and nearly two-thirds are already serving on at least two committees. We expect the creation and funding of a full-time Management Analyst position will sustain our momentum, boost our efficacy, and ensure progress and improvements over many election cycles to come.

FINANCING: **An additional appropriation from the General Fund to create this role for Fiscal Year 2025-2026.** This action will increase Net County Cost by an estimated **\$159,169.92 Yearly**, which covers the full-time salary and benefits at the highest end of the range for a Management Analyst **to attract the most qualified candidates; the actual cost may be less than this amount.** We recommend that in future years, the funds to cover the cost of the Management Analyst are included in any Maintenance of Effort budgets proposed by the Registrar of Voters Department.

VISION 2026 GOALS: The recommended action will help fulfill our vision for a **Thriving & Resilient Population** and meet the 10X goal of **Accessible Infrastructure**. In addition, staffing the Elections Commission in order to fully engage all eligible voters in Alameda County has the potential to advance the 10X goals **Eliminate Homelessness, Healthcare for All, and Crime Free County**, as the ballot often includes state Propositions and local measures to address these priorities.

Respectfully submitted, on behalf of the Elections Commission,

[names and titles of Elections Commission representatives]

cc:

Attachments:

Management Analyst Job Description

Financial Recommendation Form (to be added)

ACEC February 20, 2025

ATTACHMENT FOR AGENDA ITEM #8b4

2024 Election Assessment Report Sub Committee

Members:

Judy Belcher

Karen Butter

Irene Deiter

Jim Lindsey

The Final draft of the Election Assessment Report is scheduled to be sent to the Elections Commission before March 5.

The Committee has loosely followed the 2024 Alameda County Election Assessment Plan but this report is not an overall comprehensive report on the Election due to the limited resources of the subcommittee. Nevertheless, many important election concerns are addressed. Future Election reports can use this as a model.

ACEC February 20, 2025

ATTACHMENT FOR AGENDA ITEM #8b6

Nominations Committee Report for February 20, 2025

Benita Tsao, Alexander Ramon

Discussion and Possible Action

The Elections Commission unanimously recommended David Wagner to join our body at the January 16 meeting, but his appointment is not included in the Consent Calendar for the Board of Supervisors meetings on February 4 or 18. The committee requests a status update on David Wagner's appointment from the Deputy Registrar of Voters and the President. When can we expect to formalize this appointment, and what other steps need to happen to expedite this last step so David may join us as a voting member?