

**County of Alameda County
Elections Commission
Minutes**

**** As amended 4/19/2024**

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.

President Lindsay noted that he has a list of like requests and whether they have been agreed to, and what the status is.

Mr. Lindsay reminded everyone that meetings are live-streamed and recorded, and that staff cannot comment on pending litigation.

Ms. Dieter clarified that this report was not due by within any specific timeframe.

Mr. Lindsay noted that the agenda and the live stream link can be found on the Board of Supervisors' webpage.

Mr. Lindsay also noted that as there is active litigation regarding election observation so county officials cannot comment on that subject.

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 current ROV activities

Registrar Dupuis provided updates on the March 5th election 35% turnout rate, and as of this date what processes remain: if a VBM signature was mismatched or the envelope wasn't signed, the ROV must notify the voter to offer time for them to correct the error so their votes may be tallied up to eight days before certification, as well as listing the process of receiving mailed ballots properly post-marked within seven days of election close (March 5th at 8:00 p.m.). 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 voter's signature verified, opened and ballots hand-extracted.

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

The Registrar is simultaneously verifying every signature on the District Attorney recall petition, as well as verifying signatures on two state petitions. There are possible petitions within the City of Oakland potentially for recalling the mayor and rescinding Ranked Choice Voting (for city recalls the ROV would partner with the city). The ROV has completed signature verification on a state recall petition and awaits next steps from the Secretary of State.

Future known elections: for Berkeley City Council seats, April 16th District 7 and May 28th District 1; for the Sunol Glen Unified School District recall on July 2nd, and the November 5th General Election. The City of San Leandro chose to appoint for Council District 1, so there will be no election.

Mr. Dupuis further reported that he reported to the supervisors the [Registrar of Voter's intention to be ready for youth voting in Oakland and Berkeley school board elections for the upcoming general election] Registrar of Voters' progress in implementing mandated youth voting. As clarification, the cities of Berkeley and Oakland approved youth voting for school board contests; youth 16-17 years old are registered to vote in their jurisdictional school board elections. The Registrar is using the pre-registration mechanism already in place for this effort. The supervisors had also asked about the City of Oakland's non-citizen voting mandate. To date, Oakland has not engaged the Registrar's support for this effort.

Commissioner Butter asked the specific quantity remaining (1) Vote By Mail voter signatures left to cure and (2) of District Attorney recall petition signatures, addresses and occupations to verify. Mr. Dupuis answered there were about 1,000 VBM envelopes left to cure and a total of 123,000 petition entries to verify. Staff vetted the original random 5% (about 6,000), but the outcome did not show a significant probability either way, so all 123,000 petition entries must be verified unless staff reaches a total needed to quality verified entries, which is the minimum required to put a recall contest on the ballot. This effort could take up to 30 days. The elections code has two deadlines: 30 or 60 days, depending on how soon the next regularly scheduled election for consolidation purposes. It is believed the limit is 60 days.

Ms. Butter asked for clarification on how petition signatures are vetted in California. Mr. Dupuis explained that submitted petitions must be vetted in the county in which the signatures were collected, and that the Registrar expects several petitions soon.

Ms. Valentine requested a minimum of all details reported be provided in writing.

Voter education and voter outreach briefing and discussion

Outreach goals: to promote voter registration, to educate the public about resources and stimulate participation in voting communities, including language, disability, senior, unhoused, LGTQ+, 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. Since February the ROV participated in 120 events. In the 2022 election cycle the ROV participated in over 400 events.

The ROV advertises on public transportation (buses, BART stations) with over 104,000 impressions, radio, television and streaming platforms as well as social media (over 1.3 million impressions) and on digital billboards: over 3 million impressions.

The state requires each county send two direct mailers to registered voters for state-wide elections. The Alameda County ROV sends the two mailers, and includes educational and instructions with the ballot as well as the VIG (Voter Information Guide) which includes instructions of how to vote by mail or in-person, a sample ballot and information on the candidates and local measure contests on that ballot.

The ACVote on the Go program takes ROV in coordination with nursing, senior, and other facilities where voters are effectively confined to assist with replacement ballots.

Ms. Tsao asked whether the ROV measures how effectively these target communities are reached, and if so, what is the criteria evaluated. She also asked how she can get more information about how the ROV supports languages at the vote centers, particularly assigning the right language at the right vote center.

Deputy Registrar Cornejo replied the ROV meets quarterly with each of the now-mandated Language Advisory Committees (one committee for each of the four Five Percent supported languages). The committees provide a lot of feedback in these meetings. During these meetings, the committees review election-related materials, ROV outreach activities and how, given their language and culture, the ROV can better support them as voters.

At the vote centers, the ROV tries to target the concentration of language in-person support based on what those committees recommend, for the Five Percentas well as the other eleven mandated languages of Alameda County. If the ROV cannot provide an in-person bilingual translator at a particular vote center, a voter can ask the election workers for the hot line for support.

Additionally, the ROV provides facsimile (reference) ballots in the fourteen mandated languages. All mailed materials provide contact information in the mandated languages, so voters can contact the ROV and request a mailed facsimile to use in marking their ballot or can request a facsimile at any vote center. At the vote center, election workers will ask whether the voter needs language assistance.

Mr. Lindsay asked the visiting city clerk of San Leandro, Kelly Clancy, for insight on voter education. Ms. Clancy has found that the best mechanism for voter education and outreach is social media, and going where the voters are; materials are available in the city clerk's office, but residents rarely come into the office. She sees the best opportunities for outreach at the many local events residents attend, such as the upcoming Cherry Blossom Festival. City clerks often request a ROV man an information booth at local events, but Outreach team staffing precludes taking advantage of these opportunities.

Commissioner Belcher noted that she didn't see any senior centers listed among the 100 voting centers. Further, she asked what kind of education is provided for the Ranked Choice Voting education programs.

Mr. Dupuis replied that four cities (Oakland, Berkeley, Albany and San Leandro) are RCV cities, and their city clerk is the election official in their contests. The ROV meets with them before any election in which RCV is required and offer voter education. Essentially, the cities contract with the ROV to perform RCV education.

Ms. Singer reiterated Ms. Tsao's question of how the ROV measures how successfully educational messages are received. Mr. Dupuis replied that the ultimate measure is voter turnout. The ROV compares Alameda County's voter turnout to the other counties in California. Ms. Cornejo added the ROV also takes feedback from the LAAC and VACC meetings.

Ms. Dieter noted the League of Women Voters hosts candidate forums and presents ballot measures.

Ms. Butter asked whether the ROV provides education for the incarcerated. Ms. Cornejo replied that the ROV meets with the Public Defender's and Sheriff's offices, and together these entities are continually working to improve direct access to the incarcerated. Through them the ROV provides ballots to and registers the incarcerated at Santa Rita jail. The Outreach team recently conducted a form of Drop-Stop Tour, taking the ballot trolley to the cells so that the individual voter himself can deposit his ballot with the ROV rather than it being carried by a third party. The outreach team stayed half a day collecting ballots. Serving incarcerated voters has specific limits. For example, voter information guides can't be provided because they're stapled together. For the November election, the ROV will provide VIG .pdf files through the Sheriff; the voter will then be able to look at his return envelope to find his ballot type, then open the correct VIG. Whether the ROV can measure how many ballots are returned is difficult to determine because incarcerated voters use their home address, not the jail's address. Note: Santa Rita is a holding facility; the incarcerated are not convicted but are awaiting trial.

Ms. Valentine continues to be interested in measurements of the greatest impact for the money spent. She wants a full research body to do the work of the county administrator and auditor so they can pose whatever questions they want to, regardless of the ROV's actual mission and mandates.

(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).

Ms. Singer asked that if the ROV shall provide data and information – does that give the commission access to any information that is not available to the public. Mr. Lara answered, no.

Ms. Singer further detailed her request for full secretarial and staffed research support culminating in professional reports by the ROV as the commission desires in what they consider a timely manner.

Ms. Tsao added, quoting the ordinance, that "The registrar of voters shall provide secretarial and staff support to the commission and shall be responsible for providing information regarding the election process responding to information requests from the commission and reporting on follow-up matters." She explained there is no sort of mechanism for getting complex information or knowing when the ROV may deliver such reports, or when this research and formal reporting is not practical or realistic, how the commission can be informed so. There is a lack of communication channels.

Mr. Lara replied that that issue is not one he can address.

Ms. Singer stated that she's on two sub-committees and needs secretarial support. She was an one-term elected election official in Philadelphia, that she knows what it is to run an elections office, she has great respect for it, and she doesn't believe the commission has in any way been unreasonable in their requests. She would like to see a more timely response to the requests that have been made, she wants to create a sub-committee to make a request for secretarial and staff support. She stated they need this support in order the commission to function. The Board of Supervisors created this commission, the ordinance requires that the ROV provide secretarial and research support; although no budget has been allocated.

Ms. Henderson asked for the list of outstanding requests. Ms. Singer replied that there is a specific request in the February meeting minutes, and that she has made more requests to Mr. Lindsay.

Mr. Lindsay asked that commissioners to send him all their requests; he will add to his list. He noted that he maintains a list of commission requests different than the publicly shared list.

Returning to the agenda item, Mr. Lindsay asked Mr. Lara to clarify what are the limits of commissioner political engagement; could they attend partisan or issue-specific political meetings, for example. Ms. Dieter replied that she understood commissioners couldn't be involved in any organization or activity regarding any specific candidate or issue being contested in the current election cycle. Mr. Lara replied no commission member can be employed by a lobby, or a (current election) proponent, but that prohibitions on general political activity have not been clearly delineated.

(d) Voter Database Maintenance

A motion to postpone Item 6(d) to a later meeting was made by Ms. Dieter, seconded by Ms. Henderson 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 a promising candidate, Ms. Hensler, previously presented is 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.

Ms. Butter asked for more background on the candidate, such as whether she has any political activities that would disqualify her. Mr. Lindsay said the local NAACP president recommended her, that he himself found her to be level-headed, employed working with school children, knowledgeable of the election issues in the county. Ms. Singer read from Ms. Whitehurst's application emphasizing her interest in the implementation of policies that restore the public's confidence in election integrity. Ms. Belcher asked that before the full commission votes, Ms. Whitehurst meet with the commission, particularly to explain the statement that public confidence in the integrity of elections is low.

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.

Ms. Singer further reported that the sub-committee made a good faith effort to contact community groups to invite more applications to impacted communities, yet this effort did not yield additional applicants. Options to generate more applications include requiring the Registrar of Voters to generate applicants or to suspend recruitment efforts. Ms. Butter asked whether the sub-committee reviewed the previously submitted applications for the quality of impacted community. Ms. Singer replied that other than seniors, there were no qualified applicants (no applicants were from supervisor-defined impacted communities).

Ms. Dieter said it wouldn't be wise to ask the ROV to generate applicants, but the supervisors could provide names. Mr. Lindsay suggested youth are not represented and that phone calls are more successful than email messages. He also wants to seek Republicans. Ms. Dieter wants to seek Democrats.

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

Mr. Lindsay asked Ms. Clancy to opine. Ms. Clancy said as City Clerk, she receives specific, demographically detailed requests for San Leandro's boards and committee applications. She suggested the commission communicate with all 14 city clerks; all of whom work with the Registrar of Voters and all of whom have social media accounts and connections to mandated local news organs.

Ms. Valentine said the commission shouldn't be filling the positions, that it isn't realistic for the commissioners to do the work of the board, and that it is unrealistic to look for full time students to serve on the commission for the two year term.

Ms. Henderson offered to send an email to a civil rights network.

Ms. Dieter withdrew the first part of her motion.

A new motion was made: that the sub-committee contact the supervisors to seek new candidates from impacted communities and use other resources by Ms. Dieter, seconded by Ms. Butter. Mr. Lindsay stated he doesn't think the supervisors won't be of help, and again offered to assist the sub-committee in generating more candidates.

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

Unrelated to the motion at hand, there was a discussion about the commission not being provided enough information to make an informed decision.

(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