

Alameda County Elections Commission

Approved Meeting Minutes

March 19, 2026

4:00 PM

1225 Fallon Street, Room G-1
Oakland CA 94612
Zoom: <https://us02web.zoom.us/j/87981215132>

1 Call to Order / Roll Call

The Elections Commission meeting convened at 4:10 p.m. with President Dieter presiding as chair.

Present

Commission Members: Karen Butter (participated via teleconference at 39153 Curlew Reach, Sea Ranch, CA pursuant to Cal. Gov't Code § 54953(b)(3)), Irene Dieter, Susan Henderson, James Lindsay, Sasha Ritzie-Hernandez, Karl Seabrook, Tiega Varlack, David Wagner, Allie Whitehurst, and ex officio Thai Nam Pham (participated via teleconference at 34009 Alvarado-Niles Road, Union City, CA pursuant to Cal. Gov't Code § 54953(b)(3)).

Registrar of Voters: Cynthia Cornejo, Noe Lucio, and Charles Smithline.

County Counsel: Jason Allen.

Absent

Commission Members: Judy Belcher, Alissa Moore, and Alex Ramon.

2 Swearing In of New Commissioners

There were no new commissioners to swear-in.

3 Approval of Agenda

No changes were made to the agenda.

4 Approval of Minutes of February 19, 2026

Approval postponed to the April 16 meeting.

5 Announcements and Communications on non-agenda items

a. From staff

There were no announcements from staff.

b. From commissioners

Commissioner Henderson noted that as of the February meeting, the commission's video meeting recordings are now captioned. President Dieter encouraged everyone to try the League of Woman Voters' online voting literacy game called Play Verify it.

6 Public Comment on Agenda Items

No public comments were made on agenda items.

7 Monthly Update from Registrar of Voters Office (video time 4:50)

Ms. Cornejo provided a list of outreach events conducted from January through some of April of this year, as requested by the Voter Participation subcommittee, saying more events are being scheduled, and events are shown and people can sign up on the Outreach page of the website.

Commissioners asked questions about what types of events are identified, how the ROV's Outreach Team approaches established events, including high schools as well as youth voting. Ms. Cornejo explained that outreach happens by the ROV reaching out to communities and by being asked.

President Dieter said there is overlap between the Youth Participation and Voting Participation committees, and both might want to use this information.

8 Regular Agenda Items

8-A Ongoing Items from Ad Hoc Committees (video time 27:30)

8-A(1) November 2025 Post-election Assessment

Commissioner Butter reported that the committee's assessment was completed in early January. Clarifying questions were asked.

A motion to delete the subheadings entitled *ROV Response*, the bullet points about the Union City ballot drop box and the no parking available in Berkeley, and to replace the ROV's full response about observations with "the commission acknowledges that the ROV's current observation protocols exceed applicable legal requirements and that predicting precise time when a particular activity will take place is not operationally realistic or legally required as described in the ROV's response to the recent Grand Jury report. However, the Commission has a standing recommendation that the ROV make incremental improvements on alerting subscribers when a certain process is about to start, and the ROV plans to update the commission on whether any improvements will be made" was made by President Dieter, seconded by Commissioner Butter, and discussion ensued.

The commission discussed all the suggested edits. Commissioner Lindsay suggested handling the Union City ballot drop box issue at the meeting. Commissioner Wagner suggested improving the user experience on the website by possibly adding a few words. Commissioner Pham suggesting adding the words "adjacent to the flagpole" in future instructions and omitting the Union City bullet point.

President Dieter withdrew her motion, and a motion to authorize Ms. Dieter to revise this report based on the discussion and submit it to the Alameda County Board of Supervisors was made by Mr. Wagner, seconded by Commissioner Varlack, and passed unanimously.

8-A(2) Voting Participation

Commissioners Seabrook reported the committee has been meeting twice a month and stated the committee's mission statement to seek better ways to provide service and develop new outreach techniques to encourage and support all eligible disenfranchised voters to exercise the right to vote, and that their goal is to create measurable goals and monitor the outcome, focusing on Districts 6 and 7. Their challenge is to get some data. Commission Ritzie-Hernandez added that she will work an expert on gathering data before the next commission meeting. Ms. Dieter suggested narrowing the scope of their work to the issues they want to measure.

8-A(3) Youth Participation

Commissioner Varlack reported the committee will meet with the ROV to help organize their effort and learn about what the youth need to become engaged voters and about the school system, juvenile justice, and other affected populations. The committee plans to research any correlation between under-performing schools and voting participation. Mr. Lindsay said youth being able to vote at voting centers on election day and including a youth-oriented mailer insert might help increase youth turnout. Ms. Cornejo reviewed the ROV's youth participation engagement in Oakland and Berkeley.

8-A(4) Budgeting for Elections

Commissioner Wagner reported the committee will meet with the Registrar. Ms. Cornejo said the ROV has been working on messaging with city clerks and a clear billing structure, and is hoping the state continues its subcommittee on election billing to provide guidance or standardization for counties.

8-B Brown Act Update (video time 1:40)

County counsel Jason Allen gave an overview of the Brown Act and the provisions most relevant to the commission, including some of the most recent changes that took effect this year. After a motion to take public comments and postpone the ROV's special report was made by Ms. Varlack, seconded by Mr. Lindsay, and passed unanimously, Brown Act discussion ensued. Mr. Allen said he would find the answer to Mr. Pham's inquiry on whether the commission must implement a disruption policy or is that taken care of by the Board of Supervisors.

9 Special Report from the ROV

Postponed to April meeting, as noted in 8-B.

10 Public Comment on Agenda or Non-agenda Items

No public comments were made on agenda and non-agenda items.

11 Adjournment

The meeting ended at 6:42 p.m.

From: Judy Belcher
Sent: Thursday, March 19, 2026 11:48 AM
To: Dieter, Irene; Alameda County Elections Commission
Subject: Re: March 19 ad hoc committee report

This group has done quite a bit of Voter data work

Here it is:
[Berkelev IGS Poll | Institute of Governmental Studies](#)



Berkeley IGS Poll | Institute of Governmental Studies

Best,
Judy

On Thursday, March 19, 2026 at 08:36:09 AM PDT, Irene D [REDACTED] wrote:

Below is a report from the Voter Participation Committee, which will also be covered and available in hard copy at tonight's meeting.

- **MISSION STATEMENT --**

“To seek better ways to provide services and develop new outreach techniques to encourage and support all eligible disenfranchised voters to exercise their right to vote. Create measurable goals and monitor outcomes.”

We are meeting twice a month.

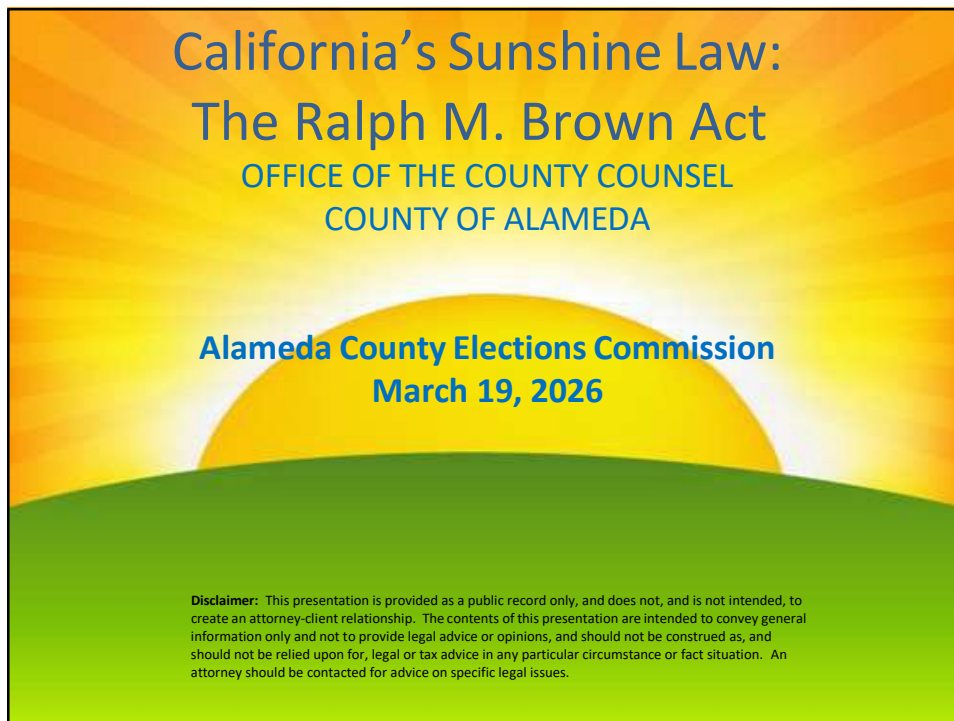
We are having a difficult time moving forward. We are at a standstill. We need specific data. We have reached out to ROV, UC Berkeley (no bandwidth) with no success.

Below is the specific data we need:

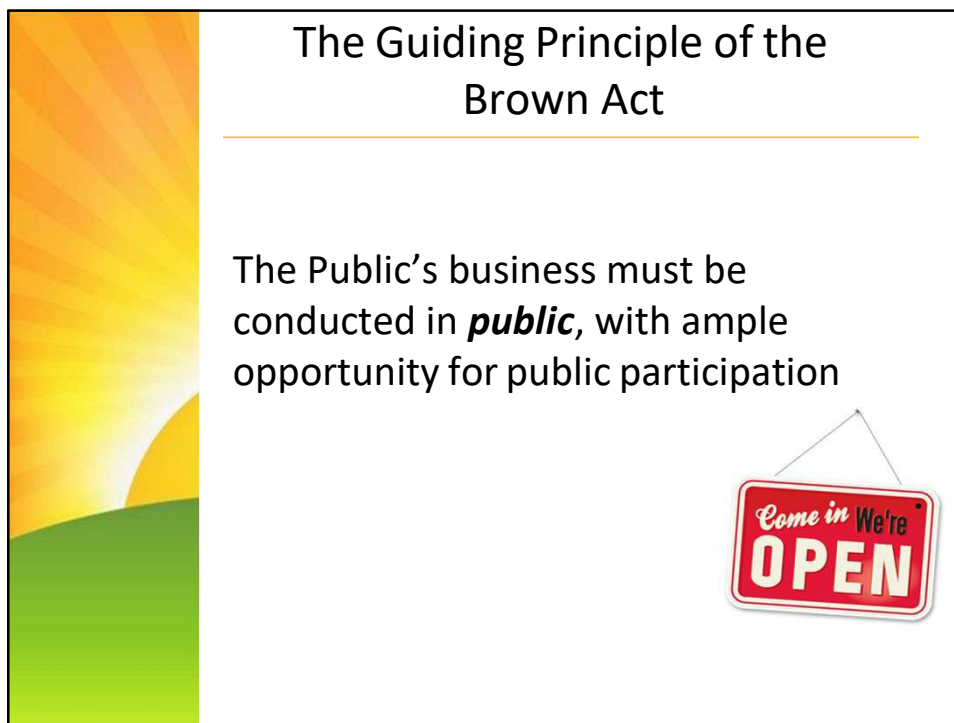
- Get voter data disaggregated by ethnicity for Districts 6 & 7 in Oakland
 - Info needed for each election within a certain time period
 - Population
 - CVAP (Citizen Voting Age Population / Eligible Voters)
 - Registered voters
 - How many people voted (actual voters)
 - Broken down by race/ethnicity, gender, and age
 - Over the last 5 elections minimum, 10 elections would be better

Best,
Karl

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



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Who is Subject to the Brown Act?

- “Legislative Bodies”: Any board, commission, committee or other body created by a charter, ordinance, resolution or other formal action of the Board of Supervisors
 - Gov’t Code § 54952(b)
 - See Admin Code Ch. 2.134
- Applies to standing subcommittees
- **Exception:** Temporary committees, serving a limited purpose, made up of less than a quorum of the body

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The Open Meeting Rule

Rule: Meetings are open and public

- “All **meetings** of the legislative body of a local agency shall be **open** and **public**, and all persons shall be permitted to attend any meeting of the legislative body of a local agency.....”
 - Gov’t Code § 54953(a)

Exceptions are narrowly construed



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What is a “Meeting?”

A meeting occurs whenever a **majority** of the members of the Commission or a standing subcommittee come together at the same time and place and **hears, discusses, deliberates, or acts** on an item **within the body’s subject-matter jurisdiction**



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Meetings May:

- Be formal or informal
- Involve discussion, action, or both
- Occur in person or through technology



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Traps for the Unwary

Unlawful "meetings" can include:

- Pre-meetings and Post-meetings held without notice to the public
- Serial meetings



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What's a Serial Meeting?

A serial meeting occurs when:

1. a majority of a legislative body's members,
2. outside of a properly noticed public meeting,
3. use a series of communications-directly or through intermediaries
4. to discuss, deliberate, or take action on issues within the body's subject-matter jurisdiction.

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Types of Serial Meetings

- "Chain" meetings: Member A talks to member B, who talks to Member C...



- "Hub-and-Spoke" meetings: A talks to B, then to C, then to D...



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How Serial Meetings Occur

Examples:

- In-person discussions
- Through technology:
 - Text
 - Email
 - Phones, etc.
- Through staff or other intermediaries



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Discussions With Staff

Staff may answer questions or provide information to individual members so long as they **do not** share one member's expressed views with other members



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Exceptions: What Is **Not** a "Meeting"?

- Attendance of majority at
 - regional/state/national conference
 - local meeting open to the public
 - social, recreational, ceremonial event not sponsored by or for the body
- Provided that **no** collective discussion of Commission business occurs at these events

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What about Social Media?

- The Brown Act applies to “internet-based social media platform[s]”
 - **Not Permitted—could constitute an unlawful “meeting”:**
 - Discussion among members about issues within the Commission’s subject matter jurisdiction
 - Responding directly to any communication about issues within the Commission’s subject matter jurisdiction created, posted, or shared by any other Commissioners—**including comments or digital icons that express reactions**
 - **Permitted:** One member separately providing or soliciting information to or from the public about a Commission business is not a meeting
 - » Gov’t Code § 54952.2

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Meeting Rules: Time and Place

- Meetings must be held within Alameda County
- Meetings must occur at a time and place set by ordinance, resolution, bylaws, or other rule of the body



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Remote Participation

- Brown Act includes several different provisions for Remote Participation
- Each provision
 - Aims to address its own set of circumstances
 - Includes its own set of requirements
- Please reach out early if you ever need to participate remotely

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Traditional “Teleconference” Rules

- Each teleconference location must be identified in the notice and agenda
- Agenda must be posted at each location
- Each location must have public access
- Public must have opportunity to attend and speak at each location
- A quorum must be within the County
- All votes must be taken by roll call



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“Just Cause” Teleconferencing

- A member may participate remotely for “just cause” when necessary due to:
 - Caregiving for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner
 - A contagious illness
 - Immunocompromised child, parent, grandparent, sibling, spouse, or domestic partner
 - A physical or family medical emergency which prevents in-person attendance
 - Member needing to be 50+ miles away under official military orders
 - Member’s need “related to a physical or mental condition” not covered under the Brown Act’s disability accommodation provision
 - Travel on official business of the legislative body
- Available for only two meetings per year
 - » See Gov’t Code §§ 54953.8; 54953.8.3

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Just Cause (Cont’d)

- Agenda: Not required to identify remote location or post at remote location
- Minutes must identify the specific statutory basis used for remote participation
- Member must notify Commission ASAP
- A quorum must meet in-person at **one** noticed location open to the public
- Member must use audio **and** visual technology (keep camera on)
- Member must disclose identity and “general relationship” with anyone 18 or older in the room with the member
- Tech Issues: If the public’s remote access is disrupted, Commission **cannot** act on any agenda item until public’s remote access restored

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Disability Accommodation Teleconferencing (New)

- Applies only to a member who needs remote participation as a “reasonable accommodation”
- Must participate via audio and video unless disability prevents it
- Disclose anyone who is 18 years or older in the room with the member
- Quorum: Count as if attending in person
- No requirement to open their remote location to the public
- No posting of/at remote location
 - Gov Code sec. 54953(c)

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Written Material

- “Writings” related to an open session agenda item of a regular meeting
 - that are “distributed to all, or a majority of all” of members less than 72 hours before the meeting
 - must be made available for public inspection “at the time” they are sent to members
- Methods for public inspection:
 - Making physical copies available at office and meeting location identified on the agenda
 - “[I]mmediately” posting online at the agency’s website, listed in all agendas
 - » Gov’t Code § 54957.5

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Distribution of Writings

- Writings distributed during a meeting:
 - If prepared by staff or Commissioners, it must be made available **at** the meeting.
 - If prepared by another person, it must be made available **after** the meeting

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Notice & Agenda

- **Regular** meeting agendas must be posted 72 hours in advance of the meeting
- **Special** meeting agendas require only 24 hours advance notice
- Agendas must describe each item in enough detail for members of the public to determine whether they are interested in any item

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Importance of the Agenda

A body subject to the Brown Act **may not** discuss or act on items not on the agenda or that are beyond the reasonable scope of the agenda description



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These Don't Need to be On the Agenda

- Commendations
- Announcements
- Request to agendize future items
- **Limited** follow-up to general public comment, to provide information or direction to staff

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Announcements

- Should be concise
- Unilateral
- No discussion
- No request for feedback
- No deliberation
- No opinion
- No advocacy



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Rights of the Public

ACCESS TO MEETINGS

- To have meetings open and public, with limited exceptions
- To have access to all agendas of public meetings and documents distributed to the legislative body members
- To audio/video record the meetings and to inspect recordings of the meetings made by the agency.
- To attend without any precondition (for example, cannot mandate that attendees give their names or register to speak)



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Rights of the Public

PARTICIPATION IN MEETINGS

The public has the right to address the Commission at any meeting on any item on the agenda, ***before the Commission concludes its discussion or takes action.***



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Public Comment – Tips

- Members should avoid engaging in a back-and-forth discussion with members of the public
- Members should not deliberate with members of the public or with other members during public comment

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Rights of the Speaker

- Right to equal time
- Right to criticize policy body, its members, and its staff




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Limits on Public Comment

- Time Limits-the Commission can impose reasonable limits:
 - On the amount of time per speaker
 - On the **total** time for public comment on an item
- Public commenters have no right to a response from the body, its members, presenters or staff
- Public commenters cannot disrupt the meeting

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Consequences of Brown Act Violations

- Brown Act violations are a breach of public trust and transparency
- Violators may include any member, the body, or the County
- Any action taken in violation of the Brown Act may be invalidated by the Court
- Knowing violation is a misdemeanor

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Criminal Penalties

- Knowing violations (misdemeanors):
 - Action taken where member knows or has reason to know it violates the Brown Act
 - Conducting business outside noticed meetings
 - Participating in illegal serial meetings
 - Taking action when not properly agendized
 - Member intends to deprive the public of information to which the public is entitled
- Punishment for misdemeanors can include:
 - imprisonment in the county jail not exceeding six months, or
 - fine not exceeding \$1,000, or
 - both

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Civil consequences and litigation exposure

- Invalidation of action taken in violation of Brown Act
- Injunction or declaratory relief to stop or prevent violations
- Disciplinary action
- Prevailing plaintiff may get attorneys' fees and costs
- Referral to grand jury



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QUESTIONS?



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