

Alameda County Elections Commission Meeting Agenda

October 16, 2025

Time: 4:00 PM
Location: Via Zoom/In person
San Lorenzo Library
395 Paseo Grande
San Lorenzo CA 94580

Teleconference Locations: Union City Hall
34009 Alvarado-Niles Road
Union City CA 94587

270 West 43rd Street
New York NY 10036

Pursuant to Government Code Section 54953(b), this notice and agenda will be posted and members of the public may attend and provide public comment at the teleconference location(s).

Zoom Link for Meeting: <https://us02web.zoom.us/j/83794441312>

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

2 -- **Swearing In of New Commissioners** -- 2 minutes

3 -- **Approval of Agenda** -- 2 min
Modifications to the agenda can be made here

4 -- **Approval of Minutes of September 2025** -- 5 minutes
See attachment.

5 -- **Announcements and Communications** -- 5 minutes

No discussion on these items.

a. From staff

Requested Items Completed or Committed To:

Some of the commission's suggestions from the September meeting have been implemented by the ROV Office:

- increasing the time a filtered elections results search stays intact from one day to one week
- the ability to access the CVR records of ongoing election results postings will be made available by June 2026

- the ROV provided the commission with the Dominion contract and the 2010 RCV MOU with city clerks
 - The ROV Office has made enhancements to the observation space.
- b. From commissioners

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 -- 15 minutes, for discussion

Review the content of mailers that were sent out for the November special election.

(1) Be Vote Ready; (2) County Voter Information Guide; (3) Statewide Voter Guide; (4) SOS correction to District map; (5) etc.

8 -- Actionable Items – action may be taken on all items

(a) Ongoing Items from Ad Hoc Committees – 20 minutes

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

(1) Voting Participation (A Moore*, Whitehurst, Seabrook, and Lindsay)

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

(2) Nominations (Ramon and Seabrook)

Background: The Nominations Committee is trying to find a strong candidate for the open “impacted community” seat, which the commission is responsible for nominating to the Board of Supervisors.

(b) New Business

(1) Review of third-party contracts (Lindsay) – 10 minutes

Postponed from September meeting - Review the major contracts the ROV Office has, what those contracts cost, and what does the department and the citizens of Alameda County receive for that cost. The ROV will provide a brief oral report of the 2 or 3 largest and most impactful contracts.

Possible Action: Request a full list of all contracts be presented in writing to the Commission after the November 2025 election.

8 -- Actionable Items – action may be taken on all items [continued]

(b) New Business [continued]

(2) Clarification On Ballot Measure Consolidation Charges (Pham) – 10 minutes

Background: A question has been raised about whether additional consolidation charges are assessed when a city places more than four measures on a single ballot. Cities already incur per-measure costs (e.g., translation, printing, typesetting). Clarification from the Registrar of Voters on any threshold-based charges, the underlying methodology, and how such policies are communicated will promote transparency and consistency across jurisdictions.

Possible Action: Request written clarification from the ROV regarding consolidation charges when more than four local measures appear on a ballot, including: (1) whether any additional or multiplier charges apply; (2) the policy and cost-allocation methodology; and (3) opportunities for ROV staff to present this information to the commission.

See attachment.

(3) Implementation of Elections Code 3016.5 – vote-by-mail ballots verified at voting centers (Lindsay) – 10 minutes

Background: Elections Code section 3016.5 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. In early 2025, the ROV Office told the commission that they hoped to implement a pilot during the next special election. However, in September, the ROV reported that the pilot will not be ready to go then.

Possible Action: Request that the ROV Office provide a special report in February on the progress of research regarding possible implementation of EC 3016.5.

(4) Proposal to Establish a Youth Participation Ad Hoc Subcommittee (Varlack) – 10 minutes

Background: Alameda County youth voter engagement is an important area to support and develop. California law permits pre-registration and student poll workers at 16, and in Berkeley and Oakland, 16- and 17-year-olds now have the right to vote in school board elections. Establishing a youth participation subcommittee will allow the Elections Commission to support these efforts and strengthen youth civic engagement.

Possible Action: Approve the creation of a youth participation subcommittee to coordinate with the Registrar of Voters on outreach and program development.

9 -- **Special Report from the ROV** – 20 minutes

Response to Grand Jury report.

See attachment.

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

The next meeting will be Thursday, November 20, 2025, at the San Lorenzo Library.

ALAMEDA COUNTY ELECTIONS COMMISSION
Unapproved MEETING MINUTES

Date: Thursday, September 18, 2025
Time: 4:00 PM
Location: Via Zoom/In person
San Lorenzo Library Greenhouse Community Room
395 Paseo Grande
San Lorenzo, CA 94580

1. Call To Order / Roll Call

The Elections Commission meeting of September 18, 2025, convened at 4:04 p.m. in the San Lorenzo Library Greenhouse Community Room. The meeting was called to order by President James R. Lindsay.

Present

Commission Members: Karen A. Butter, Irene Dieter, Susan R. Henderson, James R. Lindsay, Karl I. Seabrook, Zabre Valentine, Tiega N. Varlack, David Wagner and Allie Whitehurst.

City Clerk: Thai Nam Pham

Registrar of Voters: Tim Dupuis, Cynthia Cornejo, Shaheer Siddiqui, and Charles Smithline.

County Counsel: Jason Allen.

Absent

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

2. Swearing-In of New Commissioners

Tiega N. Varlack was sworn-in in public.

3. Approval of Agenda

No modifications were made to the agenda.

4. Approval of Minutes of July 17, 2025

Commissioner Pham said to note his appearance as remote from city hall in Union City. A motion to approve the minutes as amended was made by Vice President Dieter, seconded by Commissioner Butter, and passed 8 to 0 with one abstention.

5. Announcements and Communications

- From staff

Registrar Dupuis announced his retirement from his position as the Registrar of Voters and Director of the Information Technology Department as of March 27, 2026.

- From commissioners

Mr. Lindsay noted the report on the efficacy of the combined ROV/CIO was sent to the board of supervisors in July and explained that because the report along with Mr. Dupuis' response was only emailed and not published in the July agenda packet, it was included in today's agenda packet.

Commissioner Butter said that the City of Alameda League of Women Voters are pre-registering juniors and seniors in all six city public and private high schools.

6. Public Comment on Agenda Items

Public comments were made on the agenda items.

7. Monthly Update from Registrar of Voters Office

- **Registrar Dupuis noted that the Washington Township Healthcare District parcel tax special election has been consolidated with the statewide Prop. 50 special election on temporary changes to congressional district maps, growing from about 190,000 voters to the full county's voters.**
- **Regarding in-person voting, there will be 20 vote centers open on October 25th and 18 additional vote centers open on November 1st. The drop boxes will open October 6th. The drop boxes will open October 6th. The Voter Information Guide mailing period is September 25th (E-40) through October 14th (E-21). The first day of mailing vote-by-mail ballots is October 6th, and the last day to register to vote is October 20th. If a voter registers before October 28th (E-7), the Registrar can still mail him the ballot.**
- **Ms. Butter asked what efforts were being made to encourage voters to mail their ballots early, the Registrar answered the Be-Vote-Ready mailer and related advertising is in place.**
- **City Clerk Nam Pham asked whether ROV will be contacting the city clerks to search for more vote centers, the Registrar answered that the vote centers have been finalized and will be posted next week, and the list will be announced (with a link) to the city clerks earlier.**
- **Commissioner Varlack asked when people register to vote on the last day (Oct. 20) would they have the option to mail in a ballot or must it be in person. Ms. Cornejo confirmed that those voters will receive a mail-in ballot.**
- **Mr. Lindsay asked about the poll pads pilot project, the answer was the Registrar will try but can't commit to institute changes in time for the June 2026 election.**
- **Commissioner Wagner asked for information on the search for Mr. Dupuis' replacement, Mr. Dupuis answered the board, county administrator, and Human Resources Dept. handle recruitments. Ms. Butter asked about that process, Mr. Dupuis answered that the logistics are complex, but generally the county administrator works with the human resources director to come up with an approach, and together they work with the board of supervisors.**

8. Business Items

a. Business Items Ongoing Items from Ad Hoc Committees

(1) Voting Participation Committee

- **Commissioner Whitehurst reported that the committee has been looking at ways**

to increase voter participation, particularly among Black men and men who are incarcerated. They have worked with ROV staff to know what strategies are currently be used to engage with those populations and how to obtain data and quantifiable results on the strategies being used. Two political science professors suggested working with trusted private organizations to engage the targeted communities.

- A motion to add Commissioner Seabrook to the Voter Participation Committee was made by Ms. Dieter, seconded by Ms. Whitehurst and passed unanimously, 9 to 0.

(2) Improving Election Results Reporting

- Ms. Dieter reported that the Registrar asked the county's software vendor whether election results could include the percentage of voters who participated in each contest and the percentage of voters who had supported each candidate in plurality-at-large contests. The vendor can't generate that data currently, but will study the request and report back with the results. Ms. Dieter plans to meet with the ROV and vendor after the next state-certified software release.

(3) Nominations

- The committee continues to seek access to all the applications for the impacted community seat and is planning to interview a current candidate under consideration.

b. New Business

(1) Ballot Design

- Mr. Dupuis pointed out that the images in the agenda packet were accidentally transposed. He reported that according to the vendor there is limited flexibility to place all candidates in each contest on one touch-screen page, in part because the voter must be able to change the font size to increase accessibility, and the ballot is translated into other languages which use different amounts of space. Discussion ensued. Suggestions included the vendor providing a more prominent explanation to scroll down, using randomization of name placement, election workers or signs advising voters to scroll down, preventing voters from advancing to next item without acknowledging seeing all the candidates in a contest. Mr. Dupuis will bring the ideas to the vendor to build it into the interface.
- Mr. Dupuis said that yes-or-no questions could be placed on a separate page from candidates, but the tradeoff is printing costs for cities. Mr. Pham suggested adding a line between contests.

The commission decided to monitor the issue for further analysis.

(2) ROV Partnerships on Voter Registration Events

- The county outreach team works with the Secretary of State and 16 of the 17 county public school districts' administrators on an educational plan to engage students to learn about voting rights and responsibilities, how to pre-register, and the practical aspects of how to vote once they reach voting age. Ms. Butter asked whether the team would join the City of Alameda League of Women Voters pre-

registration project, Deputy Registrar Cornejo reported that the Outreach team has met several times with one of their representatives. Outreach is also working with other groups such as Oakland Rising and Youth Uprising as well as the League of Women Voters.

- Commissioner Whitehurst asked how other interested community organizations connect with the ROV to engage with the school districts, who they are and how the ROV measures the impact of what they do. Ms. Cornejo reported the ROV specifically works with an overall youth voting group that meets monthly regarding the youth vote city school districts, noting that because they are minors, the ROV must protect their privacy. She said anyone can contact the Outreach and Education team for information, which is listed on the ROV website.

(3) Review of Third-Party Contracts

This item postponed to a later meeting.

9. Special Report from the Registrar of Voters (heard before item 8(b)(3))

Mr. Dupuis reviewed the Election Results web pages, including “Election Day Reporting Turnout” (in-person voting over 11 days) and “Vote By Mailing Reporting Turnout,” and ranked choice voting results, as well as how to view some results by precinct mapping, how to request a CVR, and how to filter results.

10. Public Comment on Agenda or Non-Agenda Items

Public comment was made on the agenda and non-agenda items.

11. Adjournment

The meeting was adjourned at 6:31 p.m.

The next meeting will be Thursday, October 16, 2025, at the San Lorenzo Library.

ELECTION COMMISSION MEETING – OCTOBER 16, 2025

Agenda Item #7 – Registrar of Voters Monthly Report

1. Election:

- a. November 4, 2025, Statewide Special Election
 - i. On the ballot – Proposition 50(Authorizes Temporary Changes To Congressional District Maps In Response To Texas' Partisan Redistricting) (50%+1), Measure B (Washington Township Health Care District) (Parcel Tax) (50%+1)
 - ii. Vote Centers – 20 will be open starting Saturday, October 25, 2025, 18 additional Voter Centers will be open starting Saturday, November 1, 2025
 - iii. Official 24-Hour Drop Boxes – opened starting, Monday, October 6, 2025
 - iv. Important Dates
 - 1. Voter Information Guide Mailing Period – Thursday, September 25, 2025 (E-40) – Tuesday, October 14, 2025 (E-21)
 - 2. First Day of Mailing Vote by Mail Ballots – Monday, October 6, 2025 (E-29)
 - 3. First Day of Processing Vote by Mail Ballots – Monday, October 13, 2025
 - 4. Last Day to Register to Vote – Monday, October 20, 2025 (E-15)
 - 5. Public Logic and Accuracy Testing – Thursday, October 23, 2025

Attachment for Agenda Item #8(b)(1)

For the Dominion Contract – request it from the ROV Office as a PRA (public records request) or request it from the ACEC President or Vice-President.

The 2010 MOU between the City Clerks and the ROV Office begins on the next page.

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE COUNTY OF ALAMEDA AND THE CITIES OF
OAKLAND, BERKELEY AND SAN LEANDRO**

This Memorandum of Understanding ("MOU"), dated as of February 1, 2010, is by and between the County of Alameda, hereinafter referred to as the "County," and the City of Oakland, the City of Berkeley and the City of San Leandro, each of which is hereinafter referred to as a "City," or together, the "Cities."

WITNESSETH

Whereas, the Registrar of Voters ("Registrar") for the County of Alameda conducts elections on behalf of the Cities and other jurisdictions;

Whereas, the Cities desire to hold certain local elections using Ranked Choice Voting ("RCV");

Whereas, the Registrar currently contracts with Sequoia, Inc. for its voting equipment and software;

Whereas, the Registrar will have to enter into an agreement or amendment to its contract with Sequoia, Inc. to upgrade its voting equipment and software to conduct RCV elections pursuant to the Cities' requests;

Whereas, the Cities have each agreed to reimburse the Registrar its proportionate share of the costs of upgrading the Sequoia voting equipment and software, as well as other setup costs attributable to RCV ("Proportionate Share") and the Registrar has relied on the Cities' agreement to reimburse the Registrar for such costs before entering into the agreement or amendment with Sequoia to upgrade its voting equipment to conduct RCV elections;

Now, therefore it is agreed that each City shall reimburse the Registrar its Proportionate Share of the RCV setup costs on the General Terms and Conditions hereinafter specified in this MOU.

The term of this MOU shall be from the Effective Date set forth in Section 2 and continue until no party to this MOU, including jurisdictions that join in the future, continues to hold elections that use RCV.

GENERAL TERMS AND CONDITIONS

1. **PURPOSE AND SCOPE:** The County, through the Registrar, and the Cities hereby enter into this MOU for the purpose of having the Cities reimburse the Registrar for conducting certain, local RCV elections as set forth below. Each City shall reimburse the Registrar for its Proportionate Share of the costs incurred by the Registrar, as set forth in this MOU.
2. **EFFECTIVE DATE OF AGREEMENT:** This MOU shall be effective when the Secretary of State approves the Sequoia voting system for RCV use in Alameda County and the Registrar notifies the Cities that it is capable of implementing RCV in the November 2010 election.

3. **DESCRIPTION OF SERVICES AND RESPONSIBILITIES:**

- a. General Scope of Services for the Registrar: The Registrar will enter into an agreement or amendment to its contract with Sequoia, Inc. to upgrade its voting equipment and software so that it can conduct RCV elections in November 2010 per the Cities' requests and/or needs. The Registrar will thereafter conduct RCV elections in November 2010 per the Cities' requests and/or needs, including any voter education, outreach, poll worker training and other similar activities that are required by the Secretary of State as a condition of certification. The Registrar will also conduct any necessary maintenance to the RCV-enabled equipment and software on an ongoing basis. The Registrar shall provide monthly reports of these activities.

The County acknowledges that the City of Oakland will be legally bound to use RCV in its November 2010 elections once it forgoes calling a June 2010 Nominating Election in favor of an RCV election in November. The Registrar will make every effort to implement and conduct an RCV election for November 2010.

Given the nature of RCV voting, the Registrar shall not, under any circumstances, provide any RCV election results until all of the ballots have been tallied, including, but not limited to, vote by mail, provisional, and early voting ballots. The Registrar will provide only final election results once all of the ballots have been tallied.

- b. General Responsibilities of the Cities: Each City agrees to reimburse the Registrar for its Proportionate Share of the Setup Costs that are incurred in order to obtain from Sequoia, Inc. an RCV system that is approved for use by the Secretary of State. These Setup Costs include the necessary hardware, firmware, and software upgrades, special mailings to voters regarding RCV, voter education, voter outreach, and poll worker training. Collectively, these costs shall be referred to as "Setup Costs". The Setup

Costs shall not exceed \$ 1,500,000.00 (one million five hundred thousand dollars) for the RCV elections to be held in November of 2010.

Each City agrees and understands that the RCV Setup Costs described above are in addition to the normal costs of conducting an election on each City's behalf. Each City remains responsible for these election costs. Such costs include, by way of example, the tallying of the votes, post-election processing, staffing of polling places, canvassing, etc.

- c. Allocation and Reimbursement of Costs: Each City's Proportionate Share shall be determined by dividing the number of registered voters in each of the participating Cities by the total number of registered voters in all of the participating Cities. The total number of registered voters for each of the Cities shall be determined according to the Registrar's last official report of registration to the Secretary of State prior to the election for which an invoice for each City's Proportionate Share was issued by the County. The allocation for 2010 is set forth in Exhibit A hereto. The allocation in Exhibit A is subject to change if any City or Cities decide not to hold an RCV election and terminate its or their participation in this MOU. In such cases, the allocation for each participating City will be recalculated as outlined in this section. Other jurisdictions within Alameda County that adopt RCV shall reimburse the Cities for their Setup Costs, and shall pay the County/Registrar for their ongoing costs, according to a formula agreed upon in writing by all parties to this MOU.
 - d. The County/Registrar shall require any jurisdiction that adopts RCV to become a party to this MOU as a condition of conducting RCV elections for that jurisdiction. Prior to the accession of a new party, all parties shall negotiate in good faith to agree upon an equitable formula for determining the amount in which the new party shall reimburse the Cities for a fair share of the Setup Costs they have incurred, and for sharing the costs of RCV after accession.
 - e. If the County/Registrar desires to change to a vendor other than Sequoia, Inc., or accept an upgrade or other RCV implementation software or hardware that incurs more than one-half the Setup Cost, it shall give 90 days advance notice to all other parties. Upon such notice, all parties shall negotiate in good faith to agree upon an equitable formula for determining the amount, if any, that the Cities should be required to reimburse the County/Registrar for a fair share of the new Setup Costs directly attributable to RCV.
4. **PAYMENT:** For conducting RCV elections in accordance with this MOU, each of the Cities shall reimburse the Registrar as provided herein. Once the Registrar enters into an agreement or amendment with Sequoia, Inc. to upgrade its voting equipment and software to conduct RCV elections and receives an invoice from the vendor, the Registrar shall bill each of the Cities for its Proportionate Share of that invoice for upgrading its voting equipment and software. The Cities shall

pay this amount within 30 days of the date on which the Registrar pays Sequoia, Inc., whether the Cities ultimately decide to hold an RCV election or not.

5. **TAXES:** Payment of all applicable federal, state, and local taxes shall be the sole responsibility of the Cities.

6. **INDEMNIFICATION:**

- a. To the fullest extent permitted by law, the Cities shall hold harmless, defend (with legal counsel reasonably acceptable to County) and indemnify the County and its officers, agents, departments, officials, representatives and employees (collectively "Indemnitees") from and against any and all claims, loss, cost, damage, injury (including, without limitation, injury to or death of an employee of County or its subcontractors), expense and liability of every kind, nature and description, including any violation of federal, state or municipal law or regulation that arise out of or result from the performance of this MOU, (collectively "Liabilities"). Such obligations to defend, hold harmless and indemnify any Indemnitee shall not apply to the extent that such Liabilities are caused in whole or in part solely by the negligence or willful misconduct of any Indemnitee. The Cities shall have no obligation under this MOU to indemnify each other with respect to any claims, loss, cost, damage, or injury arising from the implementation of this MOU. The Cities may participate in the defense of any such claim without relieving County of any obligation hereunder.
- b. To the fullest extent permitted by law, the County shall hold harmless, defend (with legal counsel reasonably acceptable to an affected City or Cities) and indemnify the Cities and their officers, agents, departments, officials, representatives and employees (collectively "Indemnitees") from and against any and all claims, loss, cost, damage, injury (including, without limitation, injury to or death of an employee of County or its subcontractors), expense and liability of every kind, nature and description, including any violation of federal, state or municipal law or regulation that arise out of or result from its negligence or willful misconduct in the performance of this MOU, (collectively "Liabilities"). Such obligations to defend, hold harmless and indemnify any Indemnitee shall not apply to the extent that such Liabilities are caused in whole or in part solely by the negligence or willful misconduct of any Indemnitee. The Cities shall have no obligation under this MOU to indemnify each other with respect to any claims, loss, cost, damage, or injury arising from the implementation of this MOU. The Cities may participate in the defense of any such claim without relieving County of any obligation hereunder.

7. **NOTICES:** All notices, requests, demands, or other communications under this MOU shall be in writing. Notices shall be given for all purposes as follows:

Personal delivery: When personally delivered to the recipient, notices are effective on delivery.

First Class Mail: When mailed first class to the last address of the recipient known to the party giving notice, notice is effective three (3) mail delivery days after deposit in a United States Postal Service office or mailbox. **Certified Mail:** When mailed certified mail, return receipt requested, notice is effective on receipt, if delivery is confirmed by a return receipt.

Overnight Delivery: When delivered by overnight delivery (Federal Express/Airborne/United Parcel Service/DHL WorldWide Express) with charges prepaid or charged to the sender's account, notice is effective on delivery, if delivery is confirmed by the delivery service. **Facsimile transmission:** When sent by facsimile to the last facsimile number of the recipient known to the party giving notice, notice is effective on receipt, provided that (a) a duplicate copy of the notice is promptly given by first-class or certified mail or by overnight delivery, or (b) the receiving party delivers a written confirmation of receipt. Any notice given by facsimile shall be deemed received on the next business day if it is received after 5:00 p.m. (recipient's time) or on a non-business day.

Addresses for purpose of giving notice are as follows:

To County: COUNTY OF ALAMEDA
Registrar of Voters
1225 Fallon Street G-1
Oakland, CA 94612-4283
Attn: Dave Macdonald

To Oakland: Office of the City Clerk
City Hall, 2nd Floor
1 Frank H. Ogawa Plaza
Oakland, CA 94612
Attn: LaTonda Simmons

Office of the City Attorney
City Hall, 6th Floor
1 Frank H. Ogawa Plaza
Oakland, CA 94612
Attn: Alix Rosenthal

To Berkeley: City Clerk
2180 Milvia Street, First Floor
Berkeley, CA 94704

To San Leandro:

Office of the City Clerk
City Hall
835 East 14th Street
San Leandro, CA 94577

Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified shall be deemed effective as of the first date that said notice was refused, unclaimed, or deemed undeliverable by the postal authorities, messenger, or overnight delivery service.

Any party may change its address or facsimile number by giving the other party notice of the change in any manner permitted by this MOU.

8. **TIME OF ESSENCE:** Time is of the essence in respect to all provisions of this MOU that specify a time for performance; provided, however, that the foregoing shall not be construed to limit or deprive a party of the benefits of any grace or use period allowed in this MOU.
9. **TERMINATION:** The County may terminate this MOU at any time upon (180) one hundred and eighty days written notice to the Cities. A party other than the County may withdraw from this MOU by giving 120 days notice to the other parties and 120 days notice to the County. After the initial 120-day notice is given, any other non-County party may withdraw upon 90 days notice to the remaining parties. Notwithstanding any such withdrawal, the Registrar shall be entitled to compensation for services performed pursuant to the MOU to the effective date of withdrawal, and the withdrawing party shall remain entitled to reimbursement for Setup Costs as set forth in Section 3 from the remaining participating City or Cities. If this MOU is terminated by the County within 5 years of the Effective Date, all other parties shall be entitled to a *pro rata* reimbursement from the County of their Proportionate Shares of Setup Costs within 90 days of the effective date of termination.
10. **CHOICE OF LAW:** This MOU shall be governed by the laws of the State of California.
11. **WAIVER:** No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this MOU shall be effective unless it is in writing and signed by the party waiving the breach, failure, right or remedy. No waiver of any breach, failure, right or remedy shall be deemed a waiver of any other breach, failure, right or remedy, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies.
12. **ENTIRE AGREEMENT:** This MOU, including all attachments, exhibits, and any other documents specifically incorporated into this MOU, shall constitute the entire agreement between County and Cities relating to the subject matter of this MOU. As

used herein, MOU refers to and includes any documents incorporated herein by reference and any exhibits or attachments. This MOU supersedes and merges all previous understandings, and all other agreements, written or oral, between the parties and sets forth the entire understanding of the parties regarding the subject matter thereof. The MOU may not be modified except by a written document signed by all parties.

13. HEADINGS: herein are for convenience of reference only and shall in no way affect interpretation of the MOU.
14. MODIFICATION OF AGREEMENT: This MOU may be supplemented, amended or modified only by the mutual agreement of the parties. No supplement, amendment or modification of this MOU shall be binding unless it is in writing and signed by authorized representatives of all parties.
15. SURVIVAL: The obligations of this MOU, which by their nature would continue beyond the termination or expiration of the MOU, shall survive termination or expiration.
16. SEVERABILITY: If a court of competent jurisdiction holds any provision of this MOU to be illegal, unenforceable, or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of them, will not be affected, unless an essential purpose of this MOU would be defeated by the loss of the illegal, unenforceable, or invalid provision.
17. SIGNATORY: By signing this agreement, signatories warrant and represent that they executed this MOU in their authorized capacity and that by their signatures on this MOU, they or the entities upon behalf of which they acted, executed this MOU.

[END OF GENERAL TERMS AND CONDITIONS]

CITY OF OAKLAND

By: _____

Dan Lindheim
City Administrator

Date: _____

1/21/10

Approved as to Form:

By: _____

Alix A. Rosenthal
Deputy City Attorney

CITY OF SAN LEANDRO

By: _____

Stephen L. Hollister
City Manager

Date: _____

2/19/10

Approved as to Form:

Richard Pio Roda
Assistant City Attorney

By signing above, signatory warrants and represents that he/she executed this MOU in his/her authorized capacity and that by his/her signature on this MOU, he/she or the entity upon behalf of which he/she acted, executed this MOU

Exhibit A

**Allocation of Proportionate Shares
October 20, 2008 Report of Registration**

City	Registered Voters	Proportionate Share
Berkeley	86,020	24.79%
San Leandro	41,297	12.08%
Oakland	219,102	63.13%

ELECTION COMMISSION MEETING – OCTOBER 16, 2025

Agenda Item #8(b)(2) – Clarification On Ballot Measure Consolidation Charges

Explanation of additional costs:

Due to increased associated labor, services, and printing costs of extra ballot cards, jurisdictions which have five or more measures are allocated charges for twice their voter base. This allows for a more accurate apportionment of election costs to responsible jurisdictions.

ALAMEDA COUNTY BOARD OF SUPERVISORS MINUTE ORDER

The following action was taken by the Alameda County Board of Supervisors on 10/07/2025

Approved as Recommended ☒

Other ☐

Unanimous ☒ Tam: ☐ Haubert: ☐ Miley: ☐ Márquez: ☐ Fortunato Bas: ☐ - **5**
Vote Key: N=No; A=Abstain; X=Excused

Documents accompanying this matter:

Documents to be signed by Agency/Purchasing Agent:

File No. _____
Item No. 38

Copies sent to:

Cynthia Cornejo, ROV

Special Notes:



I certify that the foregoing is a correct copy of a Minute Order adopted by the Board of Supervisors, Alameda County, State of California.

ATTEST:
Clerk of the Board
Board of Supervisors

By: *Cheryl Perkins*
Deputy



C O U N T Y A D M I N I S T R A T O R

SUSAN S. MURANISHI
COUNTY ADMINISTRATOR

October 1, 2025

Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, CA 94612

Dear Board Members:

**SUBJECT: COUNTY OF ALAMEDA RESPONSE TO THE 2024-2025 GRAND JURY
FINAL REPORT**

RECOMMENDATION:

- A. Accept and approve County of Alameda's Response to the 2024–2025 Grand Jury Final Report;
and
- B. Authorize the Board President to sign a letter on behalf of the Board of Supervisors formally transmitting Alameda County's Response to the Honorable Thomas J. Nixon, Presiding Judge, Superior Court of California, County of Alameda.

DISCUSSION/SUMMARY:

Section 933 of the California Penal Code requires the Board of Supervisors to formally comment on certain findings and recommendations in Grand Jury reports that pertain to matters under the control of the Board.

The 2024–2025 Alameda County Civil Grand Jury issued a report entitled "*The Registrar of Voters Does an Impressive Job, But More Transparency Needed in Alameda County Elections.*" Among its findings and recommendations, Finding 25-52 and Recommendation 25-35 are directed to the Board of Supervisors.

The enclosed responses were developed in consultation with the Registrar of Voters and the General Services Agency.

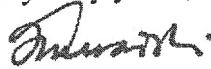
FINANCING:

There is no net County cost associated with the approval of these responses.

VISION 2036 GOAL:

Your Board's Response to the 2024-25 Grand Jury Final Report aligns with our Vision 2036 Operating Principle of Access and the Shared Vision of a Thriving and Resilient Population.

Very truly yours,



Susan S. Muranishi
County Administrator

SSM:AS
Attachments

cc: County Counsel
General Services Agency Director
Registrar of Voters

PROPOSED RESPONSES TO THE 2024-2025 GRAND JURY REPORT

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County of Alameda Board of Supervisors
Proposed Response to the 2024-2025 Grand Jury Report on
Registrar of Voters - Transparency in Elections

Finding 25-52:

Delays in the tabulation and reporting of election results by the Registrar of Voters are caused in part by insufficient facilities, lack of equipment, and low staffing during ballot processing and counting.

Response to Finding 25-52:

The Board of Supervisors ("Board") disagrees with the major premise of this finding, i.e., that the Registrar of Voters' ("ROV") tabulation and reporting of election results were "delayed". The California Elections Code dictates the timeline by which the ROV must certify and publicly report election results. Consistent with applicable legal requirements for the November 5, 2024, election, the ROV certified the election (which includes the obligation to publicly post the results) within 30 days, but after the 28th day following the election, as required by law. See, Cal. Elections Code §§ 15372 and 15391(a) (the latter of which was repealed as of January 1, 2025). Existing facilities, equipment, and staffing were sufficient to enable the ROV to meet his legally mandated deadlines for tabulating and reporting election results.

The Board recognizes the importance of elections to our democratic process and the significant public interest in receiving frequent updates from the ROV while ballot tabulation is underway. The Board shares that interest. Election administration in Alameda County is a complex undertaking that involves legally mandated activities, processes and procedures. Expanding staffing, equipment and facilities comes at a cost to local jurisdictions, not just the County, because as authorized by law, local jurisdictions are obligated to pay for election costs. The Board supports increasing the frequency of updates during the tabulation period and working with the ROV to responsibly achieve this goal. The Board is also committed to achieving it in a way that does not place undue financial burdens on local jurisdictions, including the County, as public agencies are at risk of losing federal dollars for core programs.

Recommendation 25-35:

In order to ensure timely election results and reporting, the Alameda County Board of Supervisors must provide more resources to the Registrar of Voters, including larger facilities, additional equipment, and more staffing.

Response to Recommendation 25-35:

The recommendation will not be implemented because it is not warranted. Consistent with applicable legal requirements for the November 5, 2024, election, the ROV certified that election (which includes the obligation to publicly post the results) within 30 days, but after

the 28th day following the election, as required by law. *See*, Cal. Elections Code §§ 15372 and 15391(a) (the latter of which was repealed as of January 1, 2025). Existing facilities, equipment, and staffing were sufficient to enable the ROV to meet his legally mandated deadlines for tabulating and reporting election results.

The Board recognizes the importance of elections to our democratic process and the significant public interest in receiving frequent updates from the ROV while ballot tabulation is underway. The Board will support the ROV to responsibly achieve greater transparency and increased reporting, while at the same time remaining mindful not to place undue financial burdens on local jurisdictions, including the County, as public agencies are at risk of losing federal dollars for core programs. Nothing in the Grand Jury's report establishes that expanding staffing, equipment and facilities is the only way to achieve more frequent reporting and greater transparency. It may be possible to achieve these goals through other means, particularly as technology advances and election laws evolve.

DRAFT
ROV RESPONSES TO GRAND JURY REPORT

Grand Jury Response

FINDINGS

Finding 25-40:

The Logic and Accuracy Test of the Alameda County Registrar of Voters' voting system tested only one of over a dozen ballot scanners used in the election.

Response:

The Registrar of Voters' Office (ROV) disagrees with this finding. Like other Public Logic and Accuracy (L&A) Tests, the Public L&A Test conducted on October 24, 2024, was an illustrative event designed specifically to allow members of the public to observe and understand how ballots are tabulated and verified prior to an election. Complying with the requirements for L&A Testing established by the California Secretary of State, the ROV tested and verified the accuracy of "each type of voting system component" used in the November 2024 election. Cal. Code of Regs., tit. 2 § 20279. To promote transparency, the ROV livestreamed this testing and allowed members of the public to observe in person.

Before conducting the Public L&A Test, the ROV individually tested *all* the tabulation equipment used in the November 2024 election for accuracy and functionality, in compliance with California law. The ROV provided notice of this testing on its website and allowed members of the public to observe in person or online via livestream video provided on the ROV's website.

Finding 25-41:

During Logic and Accuracy testing, sample ballots were pre-marked by the Registrar of Voters, and observers were not permitted to examine the pre-marked ballots at any time to confirm they matched the count from the ballot scanner.

Response:

The ROV partially disagrees with this finding. The Public L&A Test aims to verify that the voting system accurately reads, records, and tabulates votes as cast. This requires the ROV to follow strict procedures to ensure the accuracy and integrity of the L&A Test.

Before the Public L&A Test, approximately 100 pre-marked ballots and a list of results tabulating how those pre-marked ballots were "voted" are created. In conducting the Public L&A Test, the ROV begins by explaining the significance of the pre-marked ballots and informing observers of the expected results of those ballots. The ROV also provides copies of the expected results to observers present in person for the Public L&A Test. The ROV then runs the pre-marked ballots through the scanner used in the Public L&A Test and, for each race included on the pre-marked test ballots, reads the results generated by the tabulation system. ROV staff and Grand Jury members present for the test confirmed that the tabulation system's results matched the anticipated results for the pre-marked ballots. Following the Public L&A test, every member of the Grand Jury present for the test certified that the tested ballot materials and the L&A Test's printed output (the tabulated results) were correct. This process enables the ROV and members of the public to

DRAFT
ROV RESPONSES TO GRAND JURY REPORT

confirm that the ROV's scanners and tabulation system are functioning correctly going into an election.

As part of its effort to maintain the accuracy and integrity of the Public L&A Test, the ROV does not distribute the pre-marked ballots used during the test to observers. First, allowing observers to handle the ballots would increase the risk of tainting the L&A Test, including by observers adding stray marks to or otherwise damaging or removing ballots. Unfortunately, this is not a speculative concern, as public observers have improperly removed or damaged, or tried to remove or damage, election-related materials from the ROV—despite clear direction to the contrary from the ROV. Second, it would be difficult and time consuming for observers to review each of the approximately 100 ballots used in this testing to confirm that the anticipated results provided by the vendor accurately reflect each ballot's markings. Third, if observers improperly removed any of the pre-marked ballots (or other materials used during the Public L&A Test), it would likely cause the ROV to fail to meet its obligation under the California Elections Code to securely store the pre-marked ballots, all copies of the predicted results from those pre-marked ballots, and any other materials used during the Public L&A Test. See Cal. Elections Code §§ 17301, 17302, 17601, 17602.

Additionally, during another portion of the Public L&A Test, those members of the public serving on the L&A Board mark ballots that get tabulated by the ballot scanner and confirm that the scanner accurately tabulated the results. The ROV provides L&A Board members physical ballots, which members mark with test votes. The L&A Board participants then use the touchscreen on the ballot-marking device to record those test votes. The ballot-marking device prints those results on a marked ballot. ROV staff and the L&A Board review the physical ballots and the ballot printed by the ballot-marking device, and L&A Board members confirm whether the ballot marking device accurately registered their test votes. Once the L&A Board confirms that the ballots printed by the ballot-marking device are correct, ROV runs those ballots through the ballot scanner. The ROV and L&A Board then confirm whether the results generated by the ballot scanner correctly tabulate the test votes cast by L&A Board members.

Finding 25-42:

Video observation (online) of the electoral process, including the ballot envelope sorting, signature verification, vote-by-mail processing, and ballot scanning, was without audio or any description to the viewer of what was happening in the video feed.

Response:

The ROV partially agrees with this finding. The ROV currently provides one-line descriptions of the ballot processing activities with the hyperlinks that allow members of the public to view the activities online. The ROV acknowledges, however, that it provides livestream video of election processes, but not audio. Importantly, there is no legal requirement to provide either audio or video livestreams of election processes. In providing video livestreams, the ROV already goes above and beyond any legal requirements for election observers.

Additionally, adding audio to the livestream could raise operational and legal issues, while providing little if any benefit to members of the public observing online. Adding microphones to the large rooms where ballot processing activities take place would likely offer observers nothing

DRAFT
ROV RESPONSES TO GRAND JURY REPORT

more than the din of a warehouse-like environment—the sounds of large machinery working or multiple people talking at one time. Additionally, broadcasting employee or observer conversations could raise privacy concerns or result in recruitment challenges for election workers.

Finding 25-43:

During the in-person observation of ballot counting on election night, members of the public were required to be onsite by 8:00 p.m. but were not allowed entry into the Registrar of Voters counting room until after 10 p.m. During this time, ballots were being wheeled into the room while observers were kept waiting in a hallway outside, and online video feed was unavailable.

Response:

The ROV partially agrees with this finding. On election night, the ROV must balance its legal obligation to count all ballots voted in person that night, providing opportunities for members of the public to observe election processes, ensuring observers' and election workers' safety, and protecting the integrity of the election and ballot processing activities. Our election-night protocols aim to balance public safety and the ROV's commitment to election integrity and transparency.

The ROV processes ballots from throughout the County at its central tabulation location, in the basement of the Rene C. Davidson Courthouse. The courthouse closes to the public at 8:00 p.m., coinciding with the official closing time of the polls. Security and weapons screening also stop at 8:00 p.m. Requiring observers to enter the building by 8:00 p.m. ensures that they can proceed through the required security screening. This helps to ensure the safety of observers and election workers alike.

Members of the public who are in the courthouse by 8:00 p.m. on election night can remain to observe the ballot processing activities. Between 8:00 p.m. and approximately 10:00 p.m., election workers deliver ballots and other election materials from the Vote Centers throughout the County to the ROV's central tabulation location. These deliveries involve moving motor vehicles, equipment, and people through the courthouse's sallyport. Because allowing members of the public into the sallyport area during those deliveries would create safety risks for them and for election workers, ROV restricts public access during deliveries. Once enough ballots have been received and processing is ready to begin, ROV team members escort observers to areas where they can view the ballot scanning process.

These procedures aim to prevent observers from interfering with ballot processing activity and to protect observers from potential harm amidst the various moving parts on election night. The public safety aspect of these procedures should not be underestimated. In previous elections, members of the public who failed to follow instructions issued by election workers have risked injury, including by rushing past election workers into oncoming vehicle traffic in the sallyport area.

Finding 25-44:

Once admitted to view ballot counting in person on election night, observers were not allowed to ask any questions.

DRAFT
ROV RESPONSES TO GRAND JURY REPORT

Response:

The ROV disagrees with this finding. The ROV welcomes questions from observers and has established procedures to ensure that they can ask and receive answers to questions without disrupting the election processes or other observers.

On election night, the ballot processing environment is exceptionally busy and fast-paced, as ROV must process all in-person ballots that night. To meet this legal requirement, and to protect the integrity of the process, election workers must maintain focus and work efficiently and securely. To avoid disrupting election workers processing ballots or other observers, the ROV allows observers to take notes and write questions down, but asks them to hold their questions until their observation period ends and they move back to a waiting area. Once they have moved outside of the observation areas, the ROV can address their questions without distracting election workers or disturbing other observers. This protocol balances transparency and public engagement with the operational need to maintain orderly and secure election processes.

Finding 25-45: Notices by the Registrar of Voters to the public of upcoming online observation video feeds of the election processes did not identify the start times or what the processes would be. The notice stated, “An election process will be conducted today. For ongoing updates, check the website where all election processes will be posted.”

Response:

The ROV disagrees with this finding. The ROV’s notice procedures meet and exceed all applicable legal requirements. The ROV posts notices on its website at least 48 hours before it starts processing ballots. Those notices provide the public with information about where and when ballot processing activities will occur and how members of the public can observe those activities in person. They also direct members of the public to the ROV website’s observer page, which includes hyperlinks that allow them to observe election activities online via the ROV’s livestream feed—which the ROV has no obligation to provide.

As the California Court of Appeal recently clarified, the law does *not* require elections officials to provide “notice of the time and place for each individual step in the process.” *Election Integrity Project Cal., Inc. v. Lunn*, 108 Cal. App. 5th 443, 449 (2025). Instead, elections officials need only provide a “general notice of the dates, times, and places where the vote-by-mail ballots will be processed and counted.” *Id.* Specific to our Office’s processes, in *Pechenuk v. Dupuis et al.*, Alameda County Superior Court Case No. 24CV096386, the Court rejected a legal challenge to our notice procedures, holding that they comply with the law.

What is more, as a practical matter, it would be virtually impossible for elections officials to post an itemized, daily schedule of specific ballot processing activities. In the November 2024 election, for example, the ROV processed approximately 85,000 in-person ballots and nearly 600,000 vote-by-mail ballots. Throughout the canvassing period, the ROV engaged in each of the necessary ballot processing activities, including scanning envelopes, checking signatures, separating ballots from envelopes, and scanning ballots, to name just a few. Those activities are all interrelated, such that the ROV must continually assess which activity or activities are appropriate at a given time based on any number variables, including the time and volume of ballots delivered by mail, the

DRAFT
ROV RESPONSES TO GRAND JURY REPORT

progress of ballot processing activities that must be completed before others can begin, and staffing and other operational issues.

For example, once the ROV scans the initial rush of vote-by-mail ballot envelopes, it may not make sense to allocate staff or other resources to scan more envelopes until a sufficient volume of new vote by mail ballots are received in the mail. Similarly, it is often not efficient to allocate resources to scanning ballots for vote-tabulation until enough ballots have moved through the preceding steps of scanning ballot envelopes, verifying the signatures on those envelopes, and separating ballots from the envelopes they were delivered in. Predicting the precise time when it will make operational sense to begin or resume a particular activity is neither realistic nor legally required. *See Election Integrity Project Cal., Inc.*, 108 Cal. App. 5th at 449.

Beyond the notices discussed above, the ROV also allows members of the public to register to receive email or text message updates whenever the ROV will engage in election processes. To be clear, the law does not require this. The ROV began offering this service after the County's Elections Commission recommended it. Although this finding accurately states a portion of the text in those supplemental updates, it fails to mention that the updates also include a hyperlink that recipients can use to directly access the ROV website's observer page. Again, that page provides information about the time and location for ballot processing activities, as well as hyperlinks that allow members of the public to view any ongoing election activities via the ROV's livestream feed, which exceeds any current legal requirement.

Finding 25-46:

During the in-person observation of the 1% manual tally after the election, observers were given no explanation of the hand count process.

Response:

The ROV disagrees with this finding. Before the 1% manual tally, the ROV provides written materials in the observation area that explain the procedures for conducting the manual tally and how those procedures are used to confirm election results.

The ROV remains committed to election transparency. We will explore opportunities to provide observers with additional information about the manual tally process.

Finding 25-47:

During the in-person observation of the 1% manual tally after the election, observers were not allowed to ask questions concerning the process.

Response:

The ROV disagrees with this finding. The ROV welcomes questions from observers. To avoid disrupting election workers or other observers, the ROV allows observers to take notes and write questions down, but asks that they hold their questions until their observation period ends and they return to a waiting area. Once they have left the observation area, the ROV can address their questions without disrupting the 1% manual tally or other observers. This balances transparency and public engagement with the need to operate orderly and secure election processes.

DRAFT
ROV RESPONSES TO GRAND JURY REPORT

Finding 25-48:

In the updates of the vote counts starting on election night, it was stated that “570 of 570 Precincts Reported (100%),” giving the misleading impression that all ballots had been received or counted.

Response:

The ROV partially agrees with this finding. The ROV is required to report to the California Secretary of State the number of precincts from which ballots have been collected on election day, and the ROV has provided this information on its website for greater transparency. In the past, when nearly all voters cast their ballots in person on election day at residency-based precincts, reporting the number of precincts that had reported results provided a strong indication of the ROV’s progress in tabulating ballots. But now that (a) approximately 90% of voters vote by mail rather than in person, and (b) under the Voter’s Choice Act, we have jettisoned a precinct model in favor of a model that allows voters to vote in person at any Vote Center in the County, the number of precincts from which ROV has collected ballots on election night no longer provides a clear indication of our progress.

In light of those changed circumstances, the ROV has modified its presentation of this information. The ROV is also exploring further modifications to how and whether it will continue displaying this information on its website. After the November 2024 election, the ROV considered removing this information from its website entirely, but, though the Elections Commission issued no formal recommendation, some Commission members expressed disapproval of that approach. In the City of Oakland’s Special Municipal Election on April 15, 2025, hoping to make clearer that this only applied to in-person votes cast at and collected from Vote Centers, the ROV continued to provide this information on its website, but modified the language to state the number and percentage of “Precincts Reported from Vote Centers.”

Finding 25-49:

While the Registrar of Voters was reporting live results to the Secretary of State (where the results were posted on the state’s website), not all of these same results were being posted on Alameda County’s local website. The Alameda County website did not include: the cumulative total number of processed ballots, total updated number of processed ballots, vote-by-mail ballots received before and after election day, estimated total ballots remaining, or ballots left to be cured.

Response:

The ROV partially disagrees with this finding. When providing updates after elections, the ROV currently provides the cumulative total number of processed ballots, and it will continue to do so. The ROV also currently provides electronic cast vote records with each update, which it will continue doing, subject to applicable law and direction from the Secretary of State’s Office. The various iterations of the cast vote records will allow members of the public to compare the cumulative totals for each update.

During the canvassing period, each county provides regular updates to the Secretary of State that include the estimated number of unprocessed ballots remaining to be counted and ballots to be cured. See Elections Code § 15305. In the past, the ROV has not posted unprocessed ballot information on its website. In future elections, the ROV will provide a link on its website to the

DRAFT
ROV RESPONSES TO GRAND JURY REPORT

Secretary of State's Unprocessed Ballot Report, which includes the information reported by the ROV to the Secretary of State of its estimated number of unprocessed ballots and ballots remaining to be cured.

Finding 25-50: As reported by the Secretary of State's website, Alameda County still had an estimated 187,135 ballots out of 683,644 total ballots cast remaining to be counted 10 days after the election.

Response:

The ROV does not maintain records that would allow it to confirm or reject this finding that the ROV had processed more than 70% of the total ballots within 10 days of the election. Notably, California law requires the ROV to accept and process vote-by-mail ballots delivered up to "seven days after election day." Cal. Elections Code § 3020(a). This means that, for any election, the ROV does not even have all the ballots it needs to count for a week after election day. California law also requires the ROV to certify elections within 30 days of election day. *Id.* § 15372(a). Additionally, for the November 2024 election, elections officials were not permitted to certify results "prior to the 28th calendar day following the election." *Id.* § 15391(a); *see also id.* § 15394 (providing that Elections Code sections 15390 to 15394 would be repealed, effective January 1, 2025). Consistent with those legal requirements, the ROV timely certified the November 5, 2024 election. At no point during the canvass period did the ROV believe timely certification was in jeopardy.

Finding 25-51:

Alameda County's election results were updated on the website five times on election night but not updated daily after the election.

Response:

The ROV agrees with this finding. There is no legal requirement to provide unofficial results at all before certifying an election, much less to provide daily updates. On election night, the ROV strives to provide hourly updates after the close of the polls until the last in-person ballot is delivered and counted. After election night and for the duration of the canvassing period, the ROV provides unofficial updates at a pace that allows our office to report meaningful vote counts to the public. Additionally, because providing unofficial updates requires the ROV to pause certain of its ballot processing work while calculating and preparing the update, increasing the frequency of unofficial updates would likely extend the time needed to process ballots—especially in larger elections with high voter turnout.

Finding 25-52: Delays in the tabulation and reporting of election results by the Registrar of Voters are caused in part by insufficient facilities, lack of equipment, and low staffing during ballot processing and counting.

Response:

The ROV disagrees with this finding. There were no delays in tabulating or reporting election results in the November 5, 2024 election. Consistent with applicable legal requirements, the ROV certified that election within 30 days but after the 28th day following the election. *See Cal.*

DRAFT
ROV RESPONSES TO GRAND JURY REPORT

Elections Code §§ 15372(a), 15391(a) (repealed as of January 1, 2025). Nothing during the canvass period raised any concern that the ROV would not timely certify the election.

However, larger facilities designed for ballot processing and other election-related activities, and additional staff, equipment, and other resources might allow the ROV to process ballots more quickly. In some cases, this could provide an indication as to the ultimate results of some elections sooner after election day than is currently possible, though this still may not cause the ROV to certify elections earlier. Election results are not final until they are certified.

RECOMMENDATIONS

Recommendation 25-26:

For the Logic and Accuracy Testing, all ballot scanners should be available for testing, and future grand juries or other members of the public -- should they decide -- be able to randomly choose at least three of the available ballot scanners for testing.

Response:

This recommendation is not warranted, but the ROV will attempt to modify its Public L&A Test procedures to allow members of the public serving on the L&A Board to participate in selecting the ballot scanner for testing in the future.

The recommended changes to the ROV's Public L&A Test procedures are unnecessary because the ROV already permits members of the public to observe its testing of all ballot scanners that will be used in an election. The Public L&A test is an illustrative event, designed to allow members of the public to observe and understand how ballots are tabulated and verified prior to an election. The regulations for L&A Testing established by the California Secretary of State require the ROV to test and verify the accuracy of just one of "each type of voting system component" that will be used in an election. Cal. Code of Regs., tit. 2 § 20279.

But the Public L&A Test is neither the only testing of tabulation equipment conducted by the ROV nor the public's only opportunity to observe that testing. Before the Public L&A test, the ROV individually tests all the tabulation equipment that will be used in an election. As with the Public L&A Test, ROV provides advance notice of this testing on its website and allows members of the public to observe in person or online, using the livestream video provided on the ROV's website. In other words, members of the public already have the opportunity to observe the ROV's testing of every single ballot scanner that will be used in an election.

This recommendation poses operational challenges as well. Accepting this recommendation as written could triple the number of scanners tested during the Public L&A Test, and, with it, the amount of time required for that event. The law does not require this, and it would force the ROV to allocate substantial additional staff time to the Public L&A Test just before an election—a time when the ROV must focus its resources on preparing to conduct the election.

Although not required by law or to ensure public access to the ROV's testing of all tabulation equipment that will be used in an election, in response to this recommendation from the Grand Jury, the ROV is willing to modify its Public L&A procedures to allow those members of the public

DRAFT
ROV RESPONSES TO GRAND JURY REPORT

serving on the L&A Board to participate in selecting the ballot scanner to be tested. In future Public L&A Tests, the ROV will identify the ballot scanners that will be used for the upcoming election and allow members of the L&A Board to select the scanner for the ROV to use in the Public L&A Test.

Importantly, this change to the procedure for the Public L&A Test (like the change proposed in this recommendation) will likely negatively impact the observation experience for members of the public who do not serve on the L&A Board, whether online or in person. Under the current process, ROV staff select a scanner for the Public L&A Test located where the camera broadcasting the Test to the livestream feed can capture it and where in-person observers can see ROV staff conduct the test. But the scanners are large machines that cannot easily be moved. As a result, if the L&A Board selects a scanner located in a place outside of the camera's range or where in-person observers cannot see easily, then those observers will not have as good an opportunity to observe the Public L&A Test as they do under the ROV's current process.

Recommendation 25-27:

For the Logic and Accuracy test, public participants selected by the Alameda County Registrar of Voters should be allowed to submit pre-marked, pre-tabulated ballots for processing by the ballot scanners, and to be able to compare the pre-tabulated results with the results of the ballot scanners.

Response:

The ROV has already implemented this recommendation. During the Public L&A Test, members of the public serving on the L&A Board receive and mark physical ballots. L&A Board participants then use the touchscreen on the ballot-marking device to record those test votes. The ballot-marking device then takes those results and prints out a marked ballot. ROV staff and the L&A Board review the physical ballots and the ballot printed by the ballot-marking device, and L&A Board members confirm whether the test votes on the two ballots match. Once the L&A Board confirms that the ballots printed by the ballot-marking device are correct, ROV runs those ballots through the ballot scanner. The ROV and L&A Board then confirm whether the results generated by the ballot scanner correctly tabulate the test votes cast by L&A Board members.

Recommendation 25-28:

When posting updates after the election, the Alameda County Registrar of Voters should clarify that "570 of 570 precincts reported (100.00%)" does not reflect that all ballots have yet been tabulated or received.

Response:

The ROV has implemented this recommendation. The ROV has already modified the presentation of this information to make it clearer to members of the public that this information relates only to ballots cast in person at Vote Centers.

The ROV is required to report to the California Secretary of State the number of precincts from which ballots have been collected, and the ROV has provided this information on its website to offer greater transparency. In the past, when nearly all voters cast their ballots in person on election day at residency-based precincts, reporting the number of precincts that had reported results

DRAFT
ROV RESPONSES TO GRAND JURY REPORT

provided a strong indication of the ROV's progress in tabulating ballots. But now that (a) approximately 90% of voters vote by mail rather than in person, and (b) under the Voter's Choice Act, we have jettisoned a precinct model in favor of a model that allows voters to vote in person at any Vote Center in the County, the number of precincts from which ROV has collected ballots on election night no longer provides a meaningful indication of our progress.

Given those changed circumstances, the ROV has modified its presentation of this information. After the November 2024 election, the ROV considered removing this information from its website entirely, but, though the Commission issued no formal recommendation, some members of the Elections Commission expressed disapproval of that approach. In the City of Oakland's Special Municipal Election on April 15, 2025, hoping to make clearer that this only applied to in-person votes cast at and collected from Vote Centers, the ROV continued to provide this information on its website, but modified the language to state the number and percentage of "Precincts Reported from Vote Centers." The ROV is also exploring further modifications to how and whether it will continue displaying this information on its website.

Recommendation 25-29:

When posting online updates after the election, the Alameda County Registrar of Voters should provide more detailed and updated information, such as: the cumulative total number of processed ballots, total number of processed ballots from the last report, vote-by-mail ballots received before and after election day, estimated total ballots remaining, and ballots left to be cured.

Response:

The ROV has already partially implemented this recommendation and will implement the other portions by the June 2026 election. When providing updates after elections, the ROV currently provides the cumulative total number of processed ballots, and it will continue to do so. The ROV also currently provides electronic cast vote records with each update, which it will continue doing, subject to applicable law and direction from the Secretary of State's Office. The various iterations of the cast vote records will allow members of the public to compare the cumulative totals for each update. In the past, the ROV has provided information about unprocessed ballots and ballots left to be cured to the Secretary of State's Office, but the ROV has not posted this information on its website. In future elections, the ROV will provide a link on its website to the Secretary of State's Unprocessed Ballot Report, which includes the information reported by the ROV to the Secretary of State of its estimated number of unprocessed ballots and ballots remaining to be cured.

Recommendation 25-30:

When providing video feed of the Alameda County Registrar of Voters activities such as ballot envelope sorting, signature verification, vote-by-mail processing, and ballot scanning, the Registrar of Voters should post written explanations of what is being seen on the website where the video link is located.

Response:

The ROV will implement this recommendation by the June 2026 election. The ROV will work to develop written explanations of its ballot processing activities that it will post on its website for members of the public to access.

DRAFT
ROV RESPONSES TO GRAND JURY REPORT

Recommendation 25-31:

On election night, the Alameda County Registrar of Voters should ensure that the entire in-person and online ballot counting process be made available in a timelier manner after the polls close, with an explanation to observers as to any delays.

Response:

The ROV will not implement this recommendation because it is not warranted. On election night, the ROV must balance its statutory obligation to count all ballots voted in person that night, providing opportunities for members of the public to observe election processes, ensuring observers' and election workers' safety, and protecting the integrity of the election and ballot processing activities. Our election-night protocols aim to balance public safety and the ROV's commitment to election integrity and transparency.

The ROV processes ballots from throughout the County at its central tabulation location, in the basement of the Rene C. Davidson Courthouse. The courthouse closes to the public at 8:00 p.m., coinciding with the official closing time of the polls. Security and weapons screening also stop at 8:00 p.m. Observers who are in the courthouse by 8:00 p.m. on election night can remain to observe the ballot processing activities. Requiring observers to enter the building by 8:00 p.m. ensures that they can proceed through the required security screening. This helps to ensure the safety of observers and election workers alike.

After the polls close at 8:00 p.m., election workers deliver ballots and other election materials from the Vote Centers throughout the County to the ROV's central tabulation location. Once election workers arrive at the courthouse, delivering ballots for tabulation involves moving motor vehicles, equipment, and people through the courthouse's sallyport. Because allowing members of the public into the sallyport area during those deliveries would create safety risks for election workers and members of the public, ROV restricts public access during these deliveries. Once enough ballots have been received and processing is ready to begin, ROV team members escort members of the public to areas where they can observe the ballot scanning process.

Election workers endeavor to get ballots to the courthouse and ready for tabulation as quickly as possible after the polls close, but these processes take time. And beyond the logistical challenges on election night, the ROV's election night procedures aim to prevent observers from interfering with ballot processing activity and to protect observers from potential harm amidst the various moving parts on election night. The public safety aspect of these procedures should not be underestimated. In previous elections, members of the public who failed to follow instructions issued by election workers have risked injury, including by rushing past election workers into oncoming vehicle traffic in the sallyport area.

Recommendation 25-32:

During in-person observations, the Alameda County Registrar of Voters should provide a designated, trained employee to explain the observation process and answer questions.

DRAFT
ROV RESPONSES TO GRAND JURY REPORT

Response:

The ROV has already implemented this recommendation. The ROV welcomes questions from observers and has established procedures to ensure that they can ask and receive answers to questions without disrupting election processes or other observers. The ROV allows observers to take notes and write down questions while they are in the observation area but asks them to hold their questions until their observation period ends and they return to a waiting area. Once they have left the observation areas, ROV staff can address their questions without distracting election workers or disturbing other observers. This balances transparency and public engagement with the operational need to maintain orderly and secure election processes.

Recommendation 25-33:

The Alameda County Registrar of Voters should update election results daily after election night.

Response:

The ROV will not implement this recommendation because it is not warranted. There is no legal requirement to provide unofficial results at all before certifying an election, much less to provide daily updates. On election night, the ROV strives to provide hourly updates after the close of the polls until the last in-person ballot is delivered and counted. After election night and for the duration of the canvassing period, the ROV provides unofficial updates on a schedule that allows our office to report meaningful vote counts to the public. Additionally, because providing unofficial updates requires the ROV to pause portions of its ballot processing work while calculating and preparing the update, increasing the frequency of unofficial updates would likely extend the time needed to process ballots—especially in larger elections with high voter turnout.

As it has done in recent elections, before future elections, the ROV will publish an anticipated schedule for posting updated, unofficial results during the canvass period. The ROV will strive to publish unofficial updates consistent with that schedule, so long as doing so does not interfere with certifying the election within the time required by law.

Recommendation 25-34:

The Alameda County Registrar of Voters must identify the start times and the processes in its notifications to the public for observation.

Response:

The ROV will not implement this recommendation because it is not warranted. The notifications the ROV currently provides to the public for observation already exceed applicable legal requirements.

The ROV posts notices on its website at least 48 hours before it starts processing ballots. Those notices provide the public with information about where and when ballot processing activities will occur and how members of the public can observe those activities in person. That satisfies the legal requirements to provide notice to the public. *Election Integrity Project Cal., Inc. v. Lunn*, 108 Cal. App. 5th 443, 449 (2025). Indeed, in *Pechenuk v. Dupuis et al.*, Alameda County Superior Court Case No. 24CV096386, the Court rejected a legal challenge to our notice procedures and confirmed that they comply with the law.

DRAFT
ROV RESPONSES TO GRAND JURY REPORT

But the ROV goes beyond those legal requirements. The notices on the ROV's website direct members of the public to the website's observer page, which includes hyperlinks that allow them to observe election activities online. The ROV has no obligation to livestream election processes for the public to observe online.

The ROV also allows members of the public to register to receive email or text message updates whenever the ROV engages in election processes. Those supplemental notices include a hyperlink that recipients can use to directly access the ROV website's observer page, which includes information about observing in person and hyperlinks to observe any ongoing election activities online. The ROV began offering this service after the County's Elections Commission recommended it, but, like the livestream feed, the ROV has no obligation to provide these supplemental notices.

What is more, as a practical matter, it would be virtually impossible for elections officials to post an itemized, daily schedule of specific ballot processing activities. In the November 2024 election, for example, the ROV processed approximately 85,000 in-person ballots and nearly 600,000 vote-by-mail ballots. Throughout the canvassing period, the ROV engaged in each of the necessary ballot processing activities, including scanning envelopes, checking signatures, separating ballots from envelopes, and scanning ballots, to name just a few. Those activities are all interrelated, such that the ROV must continually assess which activity or activities are appropriate at a given time based on any number variables, including the time and volume of ballots delivered by mail, the progress of ballot processing activities that must be completed before others can begin, and staffing and other operational issues.

For example, once the ROV scans the initial rush of vote-by-mail ballot envelopes, it may not make sense to allocate staff or other resources to scan more envelopes until a sufficient volume of new ballot envelopes are received in the mail. Similarly, it is often not efficient to allocate resources to scanning ballots for vote-tabulation until enough ballots have moved through the preceding steps of scanning ballot envelopes, verifying the signatures on those envelopes, and separating ballots from the envelopes they were delivered in. Predicting the precise time when it will make operational sense to begin or resume a particular activity is neither realistic nor legally required. See *Election Integrity Project Cal., Inc.*, 108 Cal. App. 5th at 449.

Recommendation 25-35:

In order to ensure timely election results and reporting, the Alameda County Board of Supervisors must provide more resources to the Registrar of Voters, including larger facilities, additional equipment, and more staffing.

Response:

This recommendation will not be implemented because it is not warranted. The ROV has not experienced delays in tabulating or reporting election results. For at least the last 30 years, the ROV has never failed to certify election results within the time required by law, and our Office is unaware of any election in the County's history that was not timely certified.

DRAFT

ROV RESPONSES TO GRAND JURY REPORT

California law requires elections officials to certify election results within 30 days of election day. Cal. Elections Code § 15372(a). But the law does not require elections officials to provide any unofficial results at all before certifying an election, let alone daily updates.

It is possible that larger facilities designed for election-related activities, and additional staff, equipment, and other resources could enable our Office to process ballots more quickly. In some cases, this might provide an indication of election results sooner after election day than the ROV can currently provide. For any number of reasons, however, even this would not be certain, and it might not allow the ROV to certify elections earlier. For example, California law requires the ROV to accept and process vote-by-mail ballots delivered up to “seven days after election day.” Cal. Elections Code § 3020(a). This means that, for any election, the ROV does not even have all the ballots it needs to count for a week after election day. Election results are not final until they are certified.