

**County of Alameda  
Elections Commission  
Agenda**

Location: Via Zoom/In person  
Alameda County Training & Education Center  
125 – 12th Street, 4th Floor  
Suite 400 Hayward/Union City Rooms  
Oakland, CA 94612

Date: June 20, 2024

Time: 4:00 PM

Zoom Link for Meeting: <https://us06web.zoom.us/j/81656082031>

*The video recording of the meeting is normally posted 2-3 days after the meeting.*

*You can find it at: <https://bos.acgov.org>*

1 -- Call To Order / Roll Call at 4pm (5 minutes)

2 -- Swearing In of New Commissioners -- none

3 -- Approval of Minutes of May 16, 2024 (5 minutes)

*See attachment*

4 -- Announcements (5 minutes)

*No discussion on these items.*

(a) From staff

(b) From commissioners

5 -- Public Comment on Agenda Items (20 minutes)

*Comments can also be emailed to the Commission at [eoc@acgov.org](mailto:eoc@acgov.org).*

6 -- Monthly Update from Registrar of Voters Office (10 minutes)

*See attachments*

7 -- New Business carried over from the last meeting -- none

8 -- Ongoing Items from Committees

*All of these will be for possible action. See Attachments for the committee report.*

(a) Nominating 4th at large member (subcmte: B Tsao, A Ramon, S Singer) -- 10 minutes

*The committee recommends we nominate Alissa Moore.*

(b) Structure of the ROV position (subcmte: S Singer, Z Valentine, J Belcher. B Tsao may assist) -- 5 min

*This is the issue about having Alameda County Registrars position being a stand-alone position, as opposed to managing multiple departments.*

- (c) Cast Vote Record Releases -- 5 min  
(subcmte: K Butter, I Dieter, J Belcher)

9 -- New Business

- (a) Commission Rules, Procedures and Best Practices (20 minutes)  
For discussion, for action, and for possible formation of a sub-committee.  
*Background: Right now, the ACEC is operating under an unclear set of rules and best practices.*  
*Note that this is not a matter of law, but rather how we choose to operate within the law. These should be explicit and set by the commission.*  
See attachment for Agenda Item 9a.
  
- (b) Reviewing and reporting on the March 2024 election(20 minutes)  
For discussion and possible action.  
*Background: A core responsibility of this commission is to report to the BOS after general elections. We have not done so for the March 2024 election, largely because we just started work in February 2024. This remains an open issue that needs to be resolved.*
  
- (c) Consider requesting a paid assistant to the ACEC (10 minutes)  
For discussion and possible formation of a sub-committee.  
*This commission has a very large job, but little time in which to do the job, and with all volunteers. Having a paid staff person, whether full-time or part-time, to do research for the commission would be very helpful and is arguably a necessity.*

10 -- Special Report from Registrar's Office (10 minutes)

- For discussion only.  
*A report regarding the mission and duties of the Alameda County Registrar of Voters department.*  
See attachment for a reference list of the mission and duties.

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

12 -- Requests for Future Agenda Items

- Commissioners can request directly to the president of the commission. Requests for future agenda items can also be emailed to the commission at [eoc@acgov.org](mailto:eoc@acgov.org).*

13 -- Adjournment

- The next meeting will be July 18, 2024.*  
*Please note that there will be no August meeting, per standard practice of the County.*

ATTACHMENT FOR AGENDA ITEM #3  
RE.: Minutes from April Meeting

**County of Alameda  
Elections Commission  
Minutes**

Location: Via Zoom/In person  
Alameda County Training & Education Center  
125 – 12<sup>th</sup> Street, 4<sup>th</sup> Floor  
Suite 400 Hayward/Union City Rooms  
Oakland, CA 94612

Date: May 16, 2024  
Time: 4:00PM

Zoom Link for Meeting: <https://us06web.zoom.us/j/82142976290>

*The video recording of the meeting is normally posted 2-3 days after the meeting.*

You can find it at: <https://bos.acgov.org/>

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**Minutes**

1. Call To Order / Roll Call at 4pm (5 minutes)

**The monthly elections Commission meeting of May 16, 2024, convened at 4:00 p.m. in the Hayward/Union City Rooms. The clerk, Noe Lucio, ROV, called to order the meeting.**

**Present**

**Commission Members:** James R. Lindsay, Judy Belcher, Karen A. Butter, Avni Desai, Irene Dieter, Susan R. Henderson, Alexander H. Ramon, Stephanie F. Singer, Benita Tsao, Zabrae Valentine, Allie Whitehurst; **Registrar of Voters:** Tim Dupuis, Cynthia Cornejo, Noe Lucio; **County Counsels:** Ray Lara and Jason Allen.

**Not Present**

**City Clerk: Anna Brown**

2. Swearing In of New Commissioners -- Allie Whitehurst, PhD (5 minutes)

**Allie Whitehurst was sworn-in in public.**

3. Approval of Minutes of April 18, 2024 (5 minutes)

**Corrections were made to the minutes.**

**A motion was made to accept the meeting minutes as amended by Commissioner Singer, seconded by Commissioner Butter, approved by ten members with one abstention.**

4. Announcements (5 minutes)

*No discussion on these items.*

- (a) From staff

**An announcement was made by Registrar Dupuis**

- (b) From commissioners

**Announcements were made by Ms. Singer and President Lindsay**

5. Public Comment on Agenda Items (15 minutes)

*Comments can also be emailed to the Commission at [eoc@acgov.org](mailto:eoc@acgov.org).*

**Public comment was allowed for all agenda items.**

6. Monthly Report from Registrar of Voters Office (10 minutes)

*See attachment*

7. New Business carried over from the last meeting.

- (a) Regular Elections Commission reporting to AC BOS (15 minutes)

[Action Item -- Commissioner Henderson requested, will start the discussion]

*Discussion and possible action on providing regular reports to the Alameda County*

*Board of Supervisors on the Commission's activities pursuant to Ordinance 2023-21.*

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

**A motion was made that the commission will report to the Board of Supervisors a minimum of twice a year, preferably in October and April, or as needed by Ms. Dieter, seconded by Commissioner Butter, and passed unanimously.**

- (b) Dept. response time to communications (5 minutes)

[limited action item] -- see attachment

*Possible actions would be related to the committee doing its work, not on the main issue. See attached background and information.*

**A motion was made that the commission create an ad hoc committee to work with staff and stakeholders for solutions and to bring their recommendations back to the**

**whole commission by Ms. Dieter, seconded by Ms. Singer, and discussion ensued. After the discussion, Ms. Dieter withdrew the motion.**

8. Ongoing Items from Committees

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

(a) Nominating 4th at large member (subcmte: B Tsao, A Ramon, S Singer) -- 5 minutes

(b) Structure of the ROV position (subcmte: S Singer, Z Valentine, J Belcher. B Tsao may assist) -- 5 min

*This is the issue about having Alameda County Registrars being a stand-alone position, as opposed to managing multiple departments.*

(c) Cast Vote Record Releases -- 30 min

(subcmte: K Butter, I Dieter, J Belcher. S Singer may assist)

Two attachments -- The Committee Report, and the Proposed Resolution

**Ms. Singer recused herself from discussing or voting on the item.**

**Recommendation: The Alameda County Elections Commission recommends that the Alameda County Board of Supervisors directs the Registrar of Voters to:**

**1) Follow San Francisco's Cast Vote Record model and adopt a policy of releasing the text Cast Vote Record reports in the November 2024 election and for all subsequent elections in Alameda County in the following manner:**

**(a) The first Cast Vote Record report will be released on election night or immediately after the first election results have been released.**

**b) Subsequent Cast Vote Record reports will be released each day at the same time as the new release of election results.**

**2) Release Cast Vote Records for all elections and all races in Alameda County.**

**3) Report back to the Elections Commission regarding progress toward implementation of Cast Vote Records within 30 days following adoption by the Board of Supervisors.**

**4) After this policy is adopted by the Board of Supervisors, inform all city clerks in Alameda County of the policy change.**

**A motion was made by Ms. Butter, seconded by Ms. Belcher passed 10 to 0 with one recusal that the commission adopt the recommendation on cast vote records.**

9. Special Report from Registrar's Office:

*For discussion only.*

Review of the March 2024 election (from the department of the ROV -- some statistics, what went well, what were some challenges, what the department is planning to do differently for Nov 2024) -- 20 minutes

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

**Public comment was allowed for non-agenda items.**

11. Requests for Future Agenda Items

*Commissioners can request directly to the president of the commission. Requests for future agenda items can also be emailed to the commission at [eoc@acgov.org](mailto:eoc@acgov.org).*

12. Adjournment

*The next meeting will be June 20, 2024.*

**The meeting was adjourned at 6:36p.m.**

## ATTACHMENT FOR AGENDA ITEM #6

Re.: Monthly update from the ROV

1. Certified the May 28, 2024, City of Berkley, District 4, Special Election on June 20<sup>th</sup>
2. Upcoming Elections:
  - a. July 2, 2024, Sunol Glen Unified School District, Special Recall Election
  - b. November 5, 2024, General Election
3. Verification of Petitions
  - a. Completed one City of Livermore referendum petition
  - b. Completed five petitions for the City of Berkeley
  - c. Completed two petitions for the City of Oakland
    - i. Including the random sampling of City of Oakland, Recall of Mayor Sheng Thao

# Attachment for Agenda Item #8

Re.: Sub-Committee Written Reports

## Agenda Item 8(a)

### **June 2024 Report from Nominations Subcommittee**

We invited five candidates to interview, based on the additional information they provided about their relationships to various impacted communities. One candidate withdrew, one was ineligible because of current political activity, and we interviewed each of the remaining three candidates. All three members of the Subcommittee on Nominations agree that **Alissa Moore** is the strongest candidate. **We recommend her for nomination to an At-Large seat.**

Alissa Moore is re-entry coordinator and a 2022 Elder Freeman Policy Fellow with Legal Services for Prisoners with Children. Even though California restored voting rights to people on parole through Proposition 17 in 2020, many people who have completed a prison sentence still believe they're not allowed to vote and they feel excluded from civic life as a result. As their peer, Alissa feels responsible for making sure this newly re-enfranchised population is educated on how and when to vote, and why voting is important. She is committed to making voting accessible and a reality for formerly-incarcerated people and other historically-underserved communities.

## **Agenda Item 8(b)**

### **Alameda Elections Commission Ad Hoc Committee to Consider Whether the ROC should be a Full Time Position Monthly Reports: March - June 2024**

**Issue:** Numerous concerns have been raised regarding the Alameda County Registrar of Voters' (ROV) interpretation of legal requirements related to oversight of elections, as well as the responsiveness of the Alameda Co. ROV to the public. Examples include:

- Incorrect tabulation in the 2022 election, leading to certification of the wrong candidate for a school board seat and a recount of the Oakland mayoral contest<sup>1</sup>
- Disenfranchisement of over 100 voters in 2020<sup>2</sup>
- Lack of transparency and responsiveness<sup>3</sup>
- Public complaints to the Alameda Co. Elections Commission (EC) about election observation access
- Public complaints to the EC about slow response to public records requests

Public trust in elections is a cornerstone of democracy, and in a democracy, foundational to productive civic cooperation, collaboration and comity. Specifically, robust public engagement and trust and confidence in democratic institutions such as the electoral process translates directly into legitimacy of elected officers, civic institutions and government itself.

**Possible Solutions:** One way to address the above concerns may be to make the Alameda Co. Registrar of Voters a full time position rather than shared with another department. While our primary objective is to determine whether this step seems likely to help address the issues signaled above, we also will keep an open mind to the likelihood that there are other interventions that could be as or more helpful, and if those come up we will share that information with the Commission as well. We want to acknowledge here that we have full confidence in the intentions of ROV staff to deliver the highest possible service to the residents of Alameda Co, and look forward to identifying steps that better enable them to do so.

#### **Plan of Action:**

- Gather information about Alameda County and comparable counties.
  - *How are IT and election departments organized?*
  - *How much responsibility for operations and time-critical response lies with the head of each department, and how much is delegated?*
  - *What conditions, challenges or obstacles is the Alameda ROV experiencing, and are there opportunities for those circumstances to be managed differently? What do ROV staff recommend?*

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

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

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

- Present to the Commission at least two options, if the research supports this, with pros and cons.

Update (4/11/24)

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

Update (5/16/24)

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

Update (6/20/24)

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

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

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

**Agenda Item 8(c)**

AEC SUBCOMMITTEE REPORT - CAST VOTE RECORDS

The subcommittee finalized the language for the CVRR report and recommendations approved by the AEC at the May 2024 meeting. President Lindsay wrote a transmittal letter and the recommendation was forwarded to all supervisors and staff. President Lindsay is in contact with Supervisor Nate Miley's Chief of Staff to get the recommendations agendaized. Additionally, we plan to talk/meet with other supervisors to provide background on the importance of Cast Vote Records to the transparency of the election process.

We are continuing to closely track SB 1328, the ongoing amendments and clarifying language as it works its way through the legislature. In our discussions with the Deputy Secretary of State's office they assured us that the bill does not impede the ability of a county registrar from releasing cast vote record reports during the canvass nor does it pose legal risks for election officials.

Commissioner Belcher  
Commission Dieter  
Commission Butter

## Attachment for Agenda Item #9a

### Operating Policies and Best Practices

Note: This is a long list -- let's either take 30 minutes per meeting to work through these operating policies or assign a sub-committee to work through it and come back with recommendations.

#### DEFINITIONS

- BA = Brown Act
- A BA Group: Any group of commissioners discussing an issue outside of the public eye. No tricks or loopholes exist, it can be direct or indirect, intentional or unintentional. They can be connected even by someone not on the commission, or electronically. BA Groups are perfectly legal and arguably to be encouraged as long as they only comprise a minority of the commission. Sub-Committees are automatically in a BA-Group.
- A BA Check: This is when before discussing an issue with someone the commissioners check with each other to see who else the other person has discussed this issue with. The purpose is to make sure that there is no violation of the Brown Act by unintentionally involving a majority of the commission in a non-public discussion.  
*No BA Check is needed if you already know who is in the BA Group.*

#### POLICIES TO DECIDE ON

- i) Public comments (including finding a way to provide feedback to the commenters)  
*Currently: There are two public comment periods each meeting, each with a two minute period. The one at the beginning is for items on the agenda only. The one at the end is on agenda or non-agenda items.*  
*Legally: The Brown Act does not allow discussion on public comments, but a commissioner can give a brief clarifying response or ask that it be referred to staff for follow up.*  
*Proposal (Valentine): That commenters be encouraged to submit an email to the commission so that we have something in writing. That there will be a short time before initial public comments at each meeting to respond to the comments from the previous meeting.*
- ii) Should commissioners send information based emails to each other and/or using the eoc@acgov.org address?  
*Currently: This is happening.*  
*Legally: This is allowed by the Brown Act, as long as there are no secret meetings by a majority of the commission. This means no email discussion can happen using this mechanism -- just one-way communication of some information on some topic.*  
*Note: Staff experienced with the BA tends to dislike this, and often discourages it, because it is very easy for this to result in an unintentional Brown Act Violation.*

*Recommendation: We allow, even encourage this, but (a) the commission should be bcc'd, (b) members must not reply to a majority of the board, (c) members must not reply at all until they've cleared it through a BA Check.*

iii) Should commissioners send proposed motions to the entire commission (using the commission email address) or to a majority of the commission using individual email addresses?

*Currently: The president of the commission has strongly discouraged this.*

*Legally: The president believes this is ambiguous legally, but is not sure. The BA seems to say if there is no discussion, there is no violation. But staff typically is of the opinion that broadcasting your opinion or your motion is a form of discussion, and is thus prohibited by Brown.*

*Recommendation:*

*(a) We agree not to broadcast upcoming motions or opinions on topics to a majority of the commission. Instead, we can send them to the commission clerk for inclusion in the next agenda packet. That is clearly legal and is fully in the spirit of the Brown Act.*

*(b) Before sending such an email or other group communication to a minority of the commission, make sure you have done a BA-Check.*

iv) Should commissioners contact staff to direct them to do a certain task or to do a task in a certain way?

*Absolutely not. Commissioners can not order staff to do a task, or to do a task in a certain matter. [This is also the case for Boards of Supervisors, City Councils, School Boards, etc.] Staff have a manager that they report to. Only that manager is allowed to direct them on what to do or how to do it.*

v) Should commissioners directly contact city clerks or other staff to ask them for information?

*Recommendations: (a) Commissioners should think twice before doing this. It puts some uncomfortable pressure on staff. In addition, we have 13 members on this commission, and having them all independently ask / demand information from staff could be quite chaotic and overwhelming. If this happens, commissioners are not privileged or prioritized any more than any other member of the public that asks for information. (b) The better way is to send the request to the president of the commission, or someone else that is holding this role, as a single source of requests for information from city clerks and county staff. (c) Alternatively, a motion could be made from the entire commission to get certain information. That would definitely put the request to the top of the list.*

vi) Number and timing of meetings

*Recommendation: Keep our current schedule of meeting on the third Thursday of each month, from 4:00 to 6:30pm, at 125 – 12th Street, 4th Floor, Suite 400 Hayward/Union City Rooms. No meetings in August or December.*

*Note: A BA body can call a special meeting. However, this meeting could be without staff support if management of staff declines to assign them to support the special meeting. Special meetings are not uncommon for city councils, school boards, and boards of supervisors. Those meetings are almost always with staff support. But special meetings are very uncommon for commissions.*

vii) Agendizing

*Standard Practice: The president of the commission along with the chief staff person make the agenda for BA bodies.*

*Current Practice: The president and vice-president, along with the ROV and deputy ROV, are making the agenda. The president has a semi-public (open to any who ask, but not posted) list of agenda requests, so that people can see if their request is on the list and what its status is.*

*Notes: (a) It can be very frustrating if someone badly wants an item agendized and that just doesn't seem to be happening. (b) Typically, there are many more requests for agendizing items than there is time for.*

viii) ACEC Alert List

*Current Practice: The president of the commission is maintaining an ACEC Alert List. If anyone wants to get on it, they should email him at [jim@jerel.com](mailto:jim@jerel.com). This is mainly used to let people know that the agenda has been posted, if a meeting is canceled or postponed, etc.*

ix) Tracking Tasks and Requests

*Current Practice: Requests for information, and other informal requests, are placed on a request list. This list is triaged by the president, vice-president, ROV, and Deputy ROV. This list is confidential as it is informal and could also have personal information on it. But people can ask if their request is on that list and what its status is. Normally, an item can not be closed until the requester of the item is satisfied with the answer or with the action taken.*

x) How do we refer recommendations to the BOS

*Current Practice: It \*\*\*seems\*\*\* like (1) a motion making a recommendation is passed by the commission, (2) using the meeting record, the official wording is put together by a commissioner and agreed to by staff, (3) the ACEC president then writes a letter to the BOS president explaining what the item is and requesting an action -- typically to agendize the item. (4) At that point it seem to be fully in the hands of the BOS president.*

*Note: Our CVR recommendation is the first time we've been through this, so we are learning as we go.*

xi) Onboarding new people

*Current Practice: Not a whole lot is being done, and we need a better process.*

*Currently, all that usually happens is the ACEC president tries to meet with a new commissioner, ideally in person.*

xii) Keep a document of policies and recommendations that the commission has agreed upon.

*Recommendation: We should have a record of Policies and of substantive motions we have passed as a record and to be helpful to future commissioners.*

*Why: If you don't have this, then we are relying on individuals' memories and repeating past work.*

xiii) Should commissioners talk to each other about issues in between meetings?

*Recommendation: On any issue you care about, have one or two discussion buddies. This group would legally be a BA Group -- that's fine as long as it doesn't constitute a majority of commissioners.*

*Note: Out of fear of the BA, many commissioners isolate themselves. That's not a good thing.*

xix) What should we do if we discover we've violated the BA unintentionally?

*Legally: If any decisions were made on this item while there was a BA violation, that decision must be set aside. The item can be re-agendized.*

*However, if no decisions have been made, it is not clear to this writer what the law is in this case.*

*Recommendation: Notify the commission president and staff. You announce it at the next commission meeting. One or more people agree to remove themselves from the BA Group.*

xx) Should we use the Rosenberg Rules of Order instead of Robert's Rules of Order?

*These are a variation of Robert's Rules that are growing in popularity. They are much less complicated and generally more informal. They do require that any item agendized for action has a motion attached to it.*

## ATTACHMENT FOR AGENDA ITEM #9b

### Re.: Possible Report on the March 2024 Election

#### *Background:*

*A core responsibility of this commission is to report to the BOS after general elections. We have not done so for the March 2024 election, largely because we just started work in February 2024.*

#### *Issues:*

- *What topics should be reviewed for this report? Let's prioritize and let's be realistic.*
- *Should we invite the public to participate? Invite staff to participate.*
- *Should we conclude it isn't feasible to complete it in a timely manner? Should we not do it for March 2024? Should we roll it into the November 2024 report?*

#### *Recommendations:*

- (a) Decide on the scope and principles of the report, and*
- (b) if we choose to provide a report, a sub-committee will be formed to produce the report and bring it back to the commission for the July meeting.*

## ATTACHMENT FOR AGENDA ITEM #10

Re.: Special Report from Registrar's Office

### **Mission Statement:**

- Seek better ways to provide services to encourage all eligible residents to exercise the right to vote
- Conduct elections in a fair, accurate and efficient manner that inspires public confidence in the County elections process
- Maintain a continuous professional level of service to the public
- Develop new techniques to improve outreach services, which acknowledge the diversity of Alameda County

### **Mandated Services:**

All services provided by the Registrar of Voters' Office are mandated by the California Elections Code, the California Government Code, and the California Constitution and include:

1. Voter Registration
2. Vote by Mail
3. Voter Outreach
4. Candidate Services
5. Election Services

# 1% Manual Tally

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Election Code 15360

The objective of this process is to verify the machine count by manually counting the ballots.

This procedure lists steps to take when performing the 1% Manual Tally for Mail Ballots with a 3-person Board.

1. 1% Manual Tally
  - a. Each 1% Manual Tally team requires 3 team members, different colored pens, note paper, and tally sheets.
  - b. The 1% Manual Tally team will:
    - i. Sort out the ballot cards that contain the contest they are working on.
    - ii. Divide the sorted ballot cards between the team members.
    - iii. Sort their ballot cards into stacks based on the voter's choice (respecting voter's intent), with additional stacks for blank contests, over-voted contests, and write-ins (if there are qualified write-ins for that contest).
    - iv. Each team member will individually count the stack for each choice and notate their totals.
    - v. The team members will compare their totals and rectify any discrepancies.
    - vi. The team will call for a 1% Manual Tally Verifier to report their totals.
  - c. The 1% Manual Tally Verifier will then:
    - i. Confirm the tally team's total hand counts match the machine count reported in the results report.
    - ii. The tally team will note their hand count on the Tally sheet, along with the machine count, and repeat the above steps until all contests for that batch have been completed, then repeat for all remaining batches.
    - iii. Once a team has completed all counts for a contest, the verifier will initial the bottom of the tally sheet.
      - If the tally team's numbers do not match the results report, instruct the tally team to look for common discrepancies such as incorrect counts, missorted ballots, wrong grand totals (potential missing or extra card), ballots with stray marks or voter intent marks.
      - Discrepancies will be resolved or explained depending upon the type and scope of the discrepancy after it has been fully investigated.

**Alameda County Registrar of Voters**  
**Election Observations Rights and Responsibilities**

Observations in General

Election observers should be aware that in general, the law provides elections officials with some discretion in terms of how various observation laws are applied.

Furthermore, how a law is applied will vary from jurisdiction to jurisdiction for reasons including, but not limited to:

- The size and configuration of the election’s office.
- The staffing levels that the county elections official is able to afford.
- The number of observers who are requesting access to a particular process.

If the number of observers exceed the capacity in the observer space, the Registrar of Voters will implement an observation schedule, allowing all observers an equal amount of observation time.

We would like to give everyone an opportunity to observe. We ask that you be respectful and refrain from language or behavior that disrupts, disturbs, or otherwise impedes the orderly conduct of the election process.

**Anyone who violates of Penal Code 415(2) which states, “Any person who maliciously and willfully disturbs another person by loud and unreasonable noise is guilty of a misdemeanor,” will be escorted away from the Registrar of Voters’ Office by the proper authorities.**

Observers have the right to:

- Observe pre-Election Day activities, as permitted by law, such as voting equipment preparation and testing and vote-by-mail ballot processing.
- Observe the proceedings at Vote Centers, including the opening and closing procedures.
- Obtain information from the voter list that is posted or otherwise available at of the Vote Center.
- Take notes and watch election procedures.
- View election-related activities at the central counting site on Election Day.
- View the canvass of the vote activities following the election.
- View vote-by-mail and provisional ballot processing.
- Ask questions of poll workers as long as they do not interfere with the conduct of any part of the voting process.
- Ask questions of supervisors at the central counting site as long as they do not interfere with the conduct of the election procedures.
- Use an electronic device, including a smartphone, tablet, or other handheld device, at a Vote Center provided that the use of the device does not result in a violation of any other provision of the Elections Code.

Elections officials have the right to:

- Use discretion in determining a sufficiently close distance for observers to stand from the process they want to observe.
- Require observers to be quiet inside the observation area.
- Use discretion to determine how (e.g., written or verbal) and to whom observers may pose questions and challenges during the observation process.
- Ask an observer who does not follow observation rules to leave the premises.
- Restrict the number of observers permitted in a room to prevent interference with the observed process.
- Restrict the items observers may bring with them into the polling place or central counting site, such as cell phones, large bags, or back packs, etc.

Observers are responsible for:

- Checking in at each site, whether the polling place or central counting site.
- Wearing an identification badge.
- Maintaining a professional manner while observing the election process.
- Ensuring they do not interfere with the election process.
- Following established county observation rules/policies.

Elections officials are responsible for:

- Maintaining the integrity of the administration of the election and determining observer misconduct or interference.
- Establishing security rules for public observation. Examples of such rules are the use of sign-in sheets and identification badges and prohibiting the use of cell phones, pagers, cameras, and other audio or video equipment or electronic devices.
- Providing notice to the public of the dates, times, and places of election-related activities that may be observed by the public, as required by law. For example, elections officials are required to provide 48 hours' notice for vote-by-mail (VBM) ballot processing and five days' notice of the post-election one percent manual tally.

Observers must not:

- Interfere with the conduct of the election. The elections official is entitled to determine whether a person is interfering with the conduct of the election.
- Physically handle any voting materials or equipment without the express permission of the elections official.
- Move or rearrange tables, chairs, or voting booths at the Vote Centers or central counting facility.
- Sit at the official worktables or view confidential voter information on any computer terminal or document.
- Communicate with voters within 100 feet of the entrance to, or inside of, a polling place, a vote center, an elections official's office, or a satellite location by encouraging them to vote for or against a person or a measure or regarding the voter's qualifications to vote. Exit polling of voters is permitted, provided it is conducted at least 25 feet away from the entrance to the Vote Center.

- Directly challenge a voter. Only a member of a precinct board may do so, based on evidence presented.
- Display any campaign material or wear campaign badges, buttons or apparel.
- Wear the uniform of a peace officer, a private guard, or security personnel.
- Use cellular phones, pagers, or two-way radios inside the Vote Center and/or within 100 feet of the entrance to the Vote Center.
- Talk to or attempt to stop poll workers or the central counting site workers while they are processing ballots.
- Use the telephones, computers, or other polling place facilities at polling places or the central counting site.
- Touch election personnel.
- Eat or drink in a Vote Center or the central counting site.
- Assist in operations at any polling place or the central counting site.
- Prevent other observers from observing materials or a process.
- Enter secure areas without express permission of the elections official.

Elections officials must not:

- Delay or interrupt scheduled operations and processes solely because an observer is present.

**\*\*Guidelines are subject to change pending additional updates from the CA Secretary of State.**

**Alameda County Registrar of Voters**

**Adjudication – Remake Procedures**

**Per California Elections Code Section 15210,** In preparing the voted ballots for processing, any ballot that is torn, bent, or otherwise defective shall be corrected so that every vote cast by the voter shall be counted by the automatic tabulating equipment. If necessary, a true duplicate copy of the defective ballot shall be made and substituted therefor, following the intention of the voter insofar as it can be ascertained from the defective ballot. All duplicate ballots shall be clearly labeled “duplicate,” and shall bear a serial number that shall be recorded on the damaged or defective ballot.

**ADJUDICATION**

<b>TRAINING</b>	<b>ROLES</b>	<b>SYSTEMS USED</b>
<ul style="list-style-type: none"> <li>• All ROV employees assigned to work in Adjudication are trained.</li> <li>• Supervisor conducts training in-person using live ballots.</li> <li>• After training, the supervisor meets with trained employees to do an assessment to ensure that adjudication process is understood.</li> </ul>	<ul style="list-style-type: none"> <li>• Supervisor</li> <li>• Adjudication Team of two (2) ROV employees known as Adjudicators                             <ul style="list-style-type: none"> <li>○ Reviewer</li> <li>○ Checker</li> </ul> </li> <li>• Administrator</li> </ul>	<ul style="list-style-type: none"> <li>• ImageCast – Adjudication Program</li> </ul>

<b>BALLOTS</b>	<b>DESCRIPTION</b>	<b>PROCEDURE</b>
<p><b>ALL</b> (Ballots with Adjudication Condition)</p>	<p>Ballot image submitted by the voter</p> <p>Recorded audit log of what the scanner determined to be the voter’s intent</p> <p>Adjudicators may adjust the view of the ballot image as needed</p> <p>Notifications alerts for the reviewer to check all highlighted areas of the scanned ballot image</p>	<ol style="list-style-type: none"> <li>1. Using ImageCast Adjudication program, Adjudicators review the ballot image</li> <li>2. Paying attention to the notification alerts</li> <li>3. Navigate the ballot image</li> <li>4. Submit Completed ballot image once voter intent is determined</li> <li>5. Administrator will review completed ballots and then supervisor will submit the batches</li> </ol>

**REMAKE**

<b>TRAINING</b>	<b>ROLES</b>	<b>SYSTEMS USED</b>
<ul style="list-style-type: none"> <li>• All ROV employees assigned to work in Adjudication are trained.</li> <li>• Supervisor conducts training in-person using live ballots.</li> <li>• After training, the supervisor meets with trained employees to do an assessment to ensure that adjudication process is understood.</li> </ul>	<ul style="list-style-type: none"> <li>• Supervisor</li> <li>• Remake Team of two (2) ROV employees               <ul style="list-style-type: none"> <li>○ Member 1</li> <li>○ Member 2</li> </ul> </li> <li>• Administrator</li> </ul>	<ul style="list-style-type: none"> <li>• ImageCast-X</li> <li>• Ballot on Demand (BOD)</li> </ul>

<b>BALLOTS</b>	<b>DESCRIPTION</b>	<b>PROCEDURE</b>
Remote Accessible Vote By Mail (RAVBM)	Must be remade to a scannable ballot	<ol style="list-style-type: none"> <li>1. Duplicate original ballot</li> <li>2. Blue stamp for duplicated and Red stamp for void (original) ballot</li> <li>3. Review</li> <li>4. Interfile</li> </ol>
Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)	Must be remade to a scannable ballot	<ol style="list-style-type: none"> <li>1. Duplicate original ballot</li> <li>2. Blue stamp for duplicated and Red stamp for void (original) ballot</li> <li>3. Review</li> <li>4. Interfile</li> </ol>
Damaged	Damaged or misread ballots that are unable to be scanned	<ol style="list-style-type: none"> <li>1. Duplicate original ballot</li> <li>2. Blue stamp for duplicated and Red stamp for void (original) ballot</li> <li>3. Review</li> <li>4. Interfile</li> </ol>
Provisional/Conditional Ballots	Must be remade to the correct precinct	<ol style="list-style-type: none"> <li>1. Duplicate original ballot using the correct precinct</li> <li>2. Blue stamp for duplicated and Red stamp for void (original) ballot</li> <li>3. Review</li> <li>4. Interfile</li> </ol>

**ALAMED COUNTY REGISTRAR OF VOTERS  
VOTE BY MAIL BALLOT OPENING PROCEDURES**

**Per Elections Code Section 15101 (b)**, Any jurisdiction having the necessary computer capability may start to process vote by mail ballots on the 29th day before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, including processing write-in votes so that they can be tallied by the machine, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process vote by mail ballots at 5 p.m. on the day before the election.

<b>TRAINING</b>	<b>ROLES</b>	<b>TYPES OF BINS AND USAGE</b>
<ul style="list-style-type: none"> <li>• All ROV employees assigned to work as an Opener are trained.</li> <li>• Supervisor conducts training in-person</li> <li>• After training, the supervisor meets with trained employees to do an assessment to ensure that the process is understood.</li> </ul>	<ul style="list-style-type: none"> <li>• Supervisor</li> <li>• Lead</li> <li>• ROV employees known as Openers</li> </ul>	<ul style="list-style-type: none"> <li>• Blue – Ballots to be extracted</li> <li>• Green – Ballots to be interfiled/scanned</li> <li>• Red - Ballots to be researched</li> <li>• Postal Bins – Empty Returned Ballot Envelopes</li> </ul>

<b>BALLOTS</b>	<b>DESCRIPTION</b>	<b>PROCEDURE</b>
Ready for extraction	ROV employees at each table will receive a blue bin of To Be Extracted Vote By Mail (VBM) Ballots.	<ol style="list-style-type: none"> <li>1. Place the VBM Ballot envelopes face down to maintain secrecy of voter identification and the voted ballot during extraction.</li> <li>2. Extract ballot from envelope</li> <li>3. Place the to be scanned/counted ballot into the green bin</li> </ol>

		4. Group all the empty envelopes with a rubber band and place into the postal bin
<ul style="list-style-type: none"> <li>• Empty envelope, no ballots</li> <li>• Out of County ballots</li> <li>• Identified ballots</li> <li>• Remote Accessible Vote by Mail</li> <li>• Ripped/damaged ballots</li> </ul>	Ballots that require further research	1. Stop opening and place that envelope with the ballot into the red bin for further research

**ALAMEDA COUNTY REGISTRAR OF VOTERS  
VOTE BY MAIL SIGNATURE VERIFICATION PROCEDURES**

**Per Elections Code Section 3019 (d) (1) (A)**, Except as provided in subparagraph (D), on or before the next business day after a determination that a voter’s signature does not compare pursuant to subdivision (c), but not later than eight days prior to the certification of the election, the elections official shall send by first-class mail notice to the voter of the opportunity to verify the voter’s signature no later than 5 p.m. two days prior to the certification of the election. The notice shall include a return envelope, with postage paid, for the voter to return a signature verification statement.

CHALLENGE CODE	DESCRIPTION	PROCEDURE
*No signature	VBM returned with no signature	<ol style="list-style-type: none"> <li>1. Apply challenge code to file.</li> <li>2. Note with challenge code “No Voter Signature”.</li> <li>3. Send Unsigned Ballot Envelope Statement and Instructions to voters.</li> </ol>
*Signature Mis-Matched	Signature on VBM does not match signature on file	<p>Research for any attachments on the voters file for additional images of their signatures.</p> <ol style="list-style-type: none"> <li>1. Apply challenge code “Non-Matching Signature” to file.</li> <li>2. Send Signature Verification Statement and Instructions to voters.</li> <li>3. The challenge code will be removed to the voters file until the Signature Verification Statement and Instructions is sent back to ROV.</li> </ol> <p>*Before a ballot is officially challenged with this code, a higher level of verification required.</p> <p><b><u>Level of Verification</u></b> Signature Verifiers (Room-17) Elections Technician (lead)</p> <p>Supervisor Manager Deputy Registrar</p>
Signed by Wrong Person	Signature on VBM is signed by a different person	<p><b>Research</b> –Check for voters who live at that address who were <b>issued and has returned</b> their VBM ballot</p> <p><b>Scenario 1 - Members of the Household Switched Envelopes</b></p> <p>Both VBM’s will be <b>valid</b> as long as we received both VBM’s and the signatures matches the image we have on file</p> <p><b>Scenario 2 – VBM Signed by a Not Registered Voter</b></p> <p>VBM ballots with wrong signatures will be <b>invalid</b></p>

		<p>1. Apply challenge code “Non-Matching Signature”.</p> <p>*Before a ballot is officially challenged with this code, a higher level of verification required.</p> <p><b><u>Level of Verification</u></b>  Signature Verifiers (Room-17)  Elections Technician (lead)</p> <p>Supervisor  Manager  Deputy Registrar</p>
Duplicate Ballot	Voter was issued more than 1 ballot	<p><b>Research</b> –Check to see if more than 1 ballot was issued to the voter.</p> <ul style="list-style-type: none"> <li>- The ballot that was returned first will be valid</li> <li>- Other ballots will be <b>invalid</b></li> </ul> <p>*Before a ballot is officially challenged with this code, a higher level of verification required.</p> <p><b><u>Level of Verification</u></b>  Signature Verifiers (Room-17)  Elections Technician (lead)</p> <p>Supervisor  Manager  Deputy Registrar</p>

\* “No Signature” Unsigned Ballot Envelope Statement and Instructions are sent and processed daily  
\* “Signature Mis-Matched” Signature Verification Statement and Instructions are sent and processed daily

## Public L&A Procedures

1. Introduction
  - a. Purpose of L&A
    - i. SOS requirement
    - ii. Verify accuracy of voting equipment
  - b. Official Invited Participants
    - i. Read/Sign/Date Oath
2. HiPro
  - a. Describe HiPro
    - i. Scans approximately 230 ballots a minute
    - ii. Discuss Output Bins
      1. Front Output Bin – Counted Scanned Ballots
      2. Rear Bin – Multi-Feed Ballots (not counted)
  - b. Scanning ballots thru HiPro
    - i. Describe Ballots
      1. Hand-marked ballots marked in pre-determined test pattern by county
      2. Expected Results Report based on county pre-determined test pattern
        - a. Used to compare/match with Democracy Suite results
    - ii. Discuss Vote Count Room Network
      1. Isolated network in Vote Count Room
        - a. Not connected to the internet or ROV internal network
    - iii. Print Democracy Suite Zero Summary Report
      1. Confirm that no results have been loaded into Democracy Suite prior to Public LAT testing
      2. Provide copy of Zero Summary Report to participants to validate no results have been tallied into the system
    - iv. Scan ballots thru HiPro
      1. Load test ballots into input hopper
      2. Press the “Green” start button on HiPro scanner or
      3. After scanning is complete, press the “End Batch” button on the scanning application window
    - v. Adjudicate, publish, and print tallied summary results in Democracy Suite
      1. Print 1 copy for each participant
    - vi. Compare tallied ballots Summary Report with Expected Results Report
      1. ROV will read from the Expected Results Report while participants validate matching results from the tallied ballots Summary Report.
3. ICX (Imagecast-X) Ballot Marking Device (BMD)
  - a. Description of ICX
    - i. Allows all voters to vote independently and privately
      1. Touchscreen and Audio accessibility

2. Prints a machine-readable ballot
- ii. Public LAT Voting Process
  1. Participants mark reference ballot based on their own voting selections
  2. Transferring Voting Selections
    - a. ICX is activated to reference ballot precinct
    - b. ROV assists and validates participants voting selections are transferred to the ICX
    - c. Ballot is printed
  3. Compare voting selections from reference ballot and ICX ballot
  4. Print Democracy Suite Zero Summary Report
    - a. Confirm that previous results are not reflected
  5. Scan ICX ballots through HiPro
    - a. Used to compare/match with Democracy Suite results against the combined tallied totals of the ICX scanned ballots
- iii. Collect all materials used in Public LAT and sealed in ballot box
  1. Stored for 22 months
- iv. Participants sign certification form
- v. Participants Q&A

## **Alameda County Registrar of Voters**

### **BASIC BLUECREST PROCEDURE**

#### **INCOMING PASS**

1. BLUECREST COMPUTER, IMPORT LATEST SIF FILE
2. BLUECREST MACHINE
  - a. START NEW PASS
  - b. RELIA-VOTE INCOMING
  - c. CHECK RECEIPT DATE AND SET RETURN METHOD BY SEPARATOR CARD
  - d. SELECT SORT SCHEME: INCOMING SCAN
  - e. PRESS OK
  - f. SELECT DATE
  - g. USE THE CORRESPONDING SEPERATOR CARD (MAIL/DROP BOX/DROP STOP/OFFICE/VOTE CENTER)
  - h. LOAD BALLOTS
  - i. PRESS START

THIS WILL START SORTING BY GROUP 1-8

#### **SORTING TEAM**

1. BALLOTS WILL FILL UP EACH POCKET
2. ONCE POCKET IS FULL, TEAM MEMBER WILL PRINT A TRAY TAG
3. PLACE THE TRAY TAG IN A GREEN BIN
4. EXTRACT THE BALLOTS FROM THAT SPECIFIC POCKET
5. PLACE THE BIN TO A CORRESPONDING RACK (GROUP 1-8)
  - a. THE TRAY TAG WILL DETERMINE WHICH GROUP
6. REPEAT UNTIL FINISHED WITH THE INCOMING PASS

#### **AIRTABLE**

A TEAM MEMBER WILL THEN SCAN EACH TRAY TAG BARCODE AND TRANSFER THEM TO AIR TABLE, CORRESPONDING TO THE DATE, GROUP AND SOURCE

#### **EXPORTING**

A TEAM MEMBER WILL HAVE TO EXPORT THE TRAY/BATCHES FOR UPLOADING

#### **BLUECREST COMPUTER**

1. RELIAVOTE
2. TOOLS

3. SIGNATURE EXPORT (WAIT UNTIL EXPORT COMPLETE)

### **UPLOADING**

1. TEAM MEMBER WILL THEN UPLOAD THE TRAY/BATCHES FOR SIGNATURE VERIFICATION

ONCE EVERYTHING IS SIGNATURE VERIFIED SECOND SORT WILL BEGIN.

### **SECOND SORT**

1. BLUECREST COMPUTER
  - a. IMPORT
  - b. IMPORT SIGNATURE
  - c. WAIT UNTIL \*IMPORT COMPLETE\*
2. TRAY/BATCH CHECK IN  
(THIS WILL BE BY GROUP)
  - a. RELIAVOTE
  - b. TOOLS
  - c. TRAY CHECK IN
  - d. WITH THE SCANNER, SCAN THE TRAY TAG BARCODE
    - i. BLUE MEANS THE TRAY HAS BEEN CHECKED IN
    - ii. RED MEANS THE BATCH HAS NOT BEEN FULLY SIGNATURE VERIFIED
3. ONCE GROUP 1 IS CHECKED IN, LOAD BALLOTS IN MACHINE
4. BLUE CREST MACHINE
  - a. START NEW PASS
  - b. RELIA-VOTE SORT
  - c. CHECK RECEIPT DATE AND SET RETURN METHOD BY SEPARATOR CARD
  - d. SELECT SORT SCHEME: INCOMING SORT
  - e. PRESS OK
  - f. SELECT DATE
  - g. LOAD BALLOTS
  - h. EACH TRAY WILL NEED A SEPARATOR CARD IN BETWEEN
  - i. PRESS START

THIS WILL SORT TO ITS CORRESPONDING PRECINCT

### **SORTING TEAM**

1. BALLOTS WILL FILL UP EACH POCKET
2. ONCE POCKET IS FULL, EXTRACT THE BALLOTS FROM THAT SPECIFIC POCKET

3. RUBBER BAND THE WHOLE BALLOTS (ONE PER POCKET)
4. PLACE IN A BLUE BIN
5. ONCE THE BLUE BIN IS FULL PLACE IT IN A RACK TO BE OPENED

REPEAT FOR GROUPS 2-8

## ALAMEDA COUNTY REGISTRAR OF VOTERS

### Official Drop Box Retrieval Procedures

#### Drop Box Retrieval (DBR) Chain of Custody

1. DBR Team checks out assigned bag, from the Asset Tracking Mobile App (APP), at Drop Box Location
  - a. If drop box empty – select radio button to record empty bag
    - i. No empty bags are brought back to courthouse
    - ii. Empty bags are returned to warehouse and checked in
  - b. Ballot Bags are returned to the courthouse
    - i. DB Retrievers complete Retrieval Form
2. DBR Team returns bag to courthouse
3. Black Bag Team checks in the bag using the APP
  - a. Receives and completes the Retrieval Form
4. The ballot bag is brought into Ballot Processing Room (BPR)
  - a. BPR receives and completes Retrieval Form
  - b. Ballot bag is checked into Asset Tracking
5. The ballot bag is processed
  - a. Ballots must be counted and noted in Asset Tracking
  - b. Ballot Retrieval Forms are stored in designation storage container
  - c. Ballots put into bin
  - d. Wait for scanning
  - e. Black bags are checked out
    - i. Warehouse picks up checked out black bags