

County of Alameda Elections Commission Agenda  
March 20, 2025

Meeting Date: Thursday, March 20, 2025

Time: 4:00 PM

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

Zoom Link for Meeting: <https://us02web.zoom.us/j/84179059459>

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

*It can be found at: [bos.acgov.org](http://bos.acgov.org)*

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

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

3 -- Approval of Agenda -- 1 min

*Modifications to the agenda can be made here*

4 -- Approval of Minutes of March 2025 -- 5 minutes

*See attached minutes*

5 -- Announcements and Communications -- 5 minutes

*No discussion on these items.*

(a) From staff

(i) Improvements and ongoing work to the LAAC web-sites

(b) From commissioners:

- Belcher: Rosenberg Rules of Order
- Commissioner Tsao is no longer on the commission
- Letter from the commission regarding cast vote records sent to the Board of Supervisors. (attached)
- Wagner and Pham's nominations

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](mailto:eoc@acgov.org).*

7 -- Monthly Update from Registrar of Voters Office -- 10 minutes  
*See attached reports.*

8 -- Business Items -- 1:40 minutes

(a) Old Business -- for action -- nothing

(b) Ongoing Items from Committees -- 60 minutes

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

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

(1) Structure of the ROV position (subcmte: Z Valentine\*, J Belcher, Whitehurst) -- 5 min

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

This is **on hold** until May, after the ROV has a chance to provide feedback on the draft report.

(2) Dedicated Staff Support to the ACEC (Ramon & \_\_\_\_\_) -- 5 minutes

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

This is **on hold** for a few months to see how the new "request" system is working.

We need to add another person to this committee or dissolve it.

(3) 2024 Post-election Assessment (Belcher\*, Butter) -- 30 minutes

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

See attached reports.

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

*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.*

(5) Nominations (Ramon) -- 5 minutes

*Background -- The Nominations Cmte has agreed to try to find a strong candidate for the District 2 supervisor. We also need to fill the seat that Benita Tsao held. This is an "impacted community" seat that the Commission is responsible for nominating to the BOS.*

We need to add another person to this committee or dissolve it.

(d) New Business -- for discussion and possible action -- 40 minutes

(1) Responsiveness and Communications -- 20 minutes

*Background -- there have been a large number of complaints for a number of years of lack of responsiveness from the ROV's Office and other communications issues.*

*Possible Action: For an ad-hoc committee to research this question and make recommendations to the ROV Office and Commission.*

(2) Election Observation Issues -- 20 minutes

- o Is the Alameda County ROV Office following the law re. specific and detailed notice of ROV Office election counting actions, such as the date and time that counting will start, and other election procedures?

*See attachment.*

*Possible Action: Decide what to do on this issue.*

9 -- Special Report from the ROV -- 15 minutes

Presentation of the new RCV ballot formats, instructions, and RCV education materials

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](mailto:eoc@acgov.org).*

11 -- Requests for Future Agenda Items

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

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

*The next meeting will be March 20, 2025.*

## COUNTY OF ALAMEDA ELECTIONS COMMISSION DRAFT MEETING MINUTES

Date: Thursday, February 20, 2025  
Time: 4:00 p.m.

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 February 20, 2025, convened at 4:03 p.m. in the San Lorenzo Library Greenhouse Community Room. The president, James R. Lindsay, called to order the meeting.

#### **Present**

*Commission Members:* Karen A. Butter, Irene Dieter, Susan R. Henderson, James R. Lindsay, Alexander Ramon, Karl I. Seabrook, Benita Tsao, Zabrae Valentine, and Allie Whitehurst arrived late; *ROV:* Cynthia Cornejo, Noe Lucio, and Charles Smithline; *County Counsel:* Jason Allen.

#### **Absent**

*Commission Members:* Judy Belcher, Alissa Moore  
*Registrar of Voters:* Tim Dupuis.

### 2. Swearing-In of New Commissioners

**There were no new commissioners to swear-in.**

### 3. Approval of Agenda

**No modifications were made to the agenda.**

### 4. Approval of Minutes of January 16, 2025

**President Lindsay recommended corrections to the minutes.**

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

### 5. Announcements and Communications

(a) From staff

**Deputy Cornejo noted that Alameda County libraries will be closed on the third Thursday of June for a public holiday, meaning the current meeting rooms will not be available. The commission discussed either moving or canceling the June meeting. Moving the meeting to June 18 worked for almost every commissioner (7-1), so Deputy Cornejo will check to see if the room is available then.**

(b) From commissioners

- **Mr. Lindsay noted an unintentional Brown Act violation occurred in an email exchange; and that currently there are eleven commissioners so a quorum is six and the maximum Brown Act Group size is five.**
- **Ms. Butter reported that she met a new school board member who complained about the process of filing to run for office in the City of Alameda. Noe explained that the website informs where to file and how to run for office and that paper work is done by appointment in person within the four-week window. Deputy Cornejo said that a team handles candidate questions/calls. Ms. Butter to provide Noe the candidate's contact information for follow up.**

6. Public Comment on Agenda Items

**Public comments were made on agenda items.**

7. Monthly Update from Registrar of Voters Office

**Deputy Cornejo reported on work completed toward the April 15, 2025 City of Oakland Special Election, progress and procedures on commissioner requests, updated ranked choice voting instructions, and the annual county-wide budgeting process. Discussion ensued.**

8. Business Items

a. Old Business

- **To provide extra support to the commission within the existing budget, Ms. Cornejo offered to immediately dedicate four more existing staff. Ms. Butter, Ms. Tsao and Mr. Ramon asked for logistical details and about subject matter expertise, and discussion ensued.**
- **A motion to accept the Registrar's proposal to provide four administrative staff to be supervised by Dwayna Gullatt to help the commission with its work was made by Mr. Ramon, seconded by Ms. Dieter, and passed 9 to 0.**

b. Ongoing Items from Committees

(1) Structure of the ROV position.

**Commissioner Valentine summarized the committee's proposed report and read the committee's recommendations and said the ROV would be given an opportunity to respond and provide context and insight on the proposed report before it is submitted to the Board of Supervisors. A discussion ensued. The report was scheduled to return in May based on input from commissioners and receiving feedback from ROV.**

(2) Cast Vote Record Releases

- **Ms. Butter reported that the committee recommends that they disband and the commission send the proposed letter to the Board of Supervisors. She also said Ms. Belcher has agreed to let the commission know if any legislative CVR changes arise.**
- **A motion was made that the commission authorize the committee to amend and send the letter to the Board of Supervisors was made by Ms. Butter, seconded by Ms. Valentine and passed 9 to 0.**
- **A motion was made to disband the cast vote record committee by Ms. Butter, seconded by Mr. Ramon and passed 9 to 0.**

(3) Dedicated Staff Support to the ACEC

**Mr. Ramon reported that the ad hoc committee decided it will monitor how the new staffing works out before deciding to disband the committee.**

(4) 2024 Post-election Assessment

**Ms. Butter reported that the committee plans to allow the ROV to review and provide feedback/input on the assessment and have the assessment ready by the March 2025 meeting.**

(5) Voting Participation

**President Lindsay reported that the committee did not meet during the month and had no updates.**

(6) Nominations Committee

**Ms. Tsao will follow up with David A. Wagner on completing his nominations paperwork, and Ms. Dieter will follow up on the city clerk nomination.**

c. New Business

(1) Poll Pads

**The Registrar of Voters is developing a Poll Pad pilot program, possibly to be instituted for the next special election. The Registrar of Voters is currently exploring and identifying ways to make it work. Deputy Cornejo explained that electronic poll pads house all registered voters within the county so that voters can cast their ballot at any vote center in the county, and that poll pads offer data on whether a voter is active in the system and has voted.**

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

**No report was requested this month.**

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

**No public comments were made.**

11. Requests for Future Agenda Items

**No requests were made for future agenda items.**

12. Adjournment

The meeting was adjourned at 6:26 p.m.

The next meeting will be March 20, 2025.

*ACEC March 20, 2025*

*ATTACHMENT FOR AGENDA ITEM #5b -- Letter sent to the BOS*

March 16, 2025

*Sent by email*

SUBJECT: Update and Recommendation on Cast Vote Record Policy

Dear Alameda County Board of Supervisors,

In October 2024, the Alameda County Board of Supervisors directed the Registrar of Voters to adopt the policy of releasing text Cast Vote Record (CVR) reports concurrent with election results for all elections and races in Alameda County, and to post on its website a schedule of when vote tallies will be updated.

In November 2024, the Board further directed the Registrar to release the CVRs in JSON format and to redact only the IDs in ballots and precincts with under 10 voters.

Together, these directions constitute a best practice to ensure maximum transparency, accuracy, security, and accountability of elections. The CVR release must be implemented as approved by the Board of Supervisors for all future elections without unnecessary delays or restrictions. For example, public interest groups analyze the results to ensure the tallies are accurate, and can notify the ROV of any errors before elections are certified.

During the November 2024 election, the policy was implemented for the most part, but a few important issues remain unresolved: (1) having a clear policy on redaction in precincts with less than 10 voters; (2) ensuring that the early release of CVR reports in JSON format is permanent policy without requiring so-called "waivers"; and (3) posting an advanced schedule of CVR releases.

While the Elections Commission will continue to work with the ROV to ensure the posting of an advanced schedule of CVR releases, we encourage the county to pursue clarification in the law.

Based on the ROV's interpretation of the law, the Registrar believes the Secretary of State needs a "waiver" at each election to implement the policy, which could cause delays or problems. Also, the Registrar removed the ballot counts from all precincts with 10 or fewer voters, instead of following the Board's directive to redact only the precinct ID and the ballot ID. The unnecessary omission of these data makes the CVR less accurate, makes it impossible to spot an error, and runs counter to using the CVRs for transparent analysis.

We understand that new legislation on the CVR law may be introduced in future legislative sessions to ensure there is no ambiguity in the law, and rightly so. It makes little sense that one county can

interpret the law differently than another. Any such legislation must allow the CVR data to be useful, which means not redacting the votes themselves, and in a usable format.

Therefore, the Elections Commission recommends that the Board of Supervisors and county lobbyists seek clarity and guidance on the current state law and future legislation. These clarifications will help ensure that election officials can implement the best practices throughout the State of California.

Sincerely,

President Jim Lindsay

On behalf of the Alameda County Elections Commission

ELECTION COMMISSION MEETING – MARCH 20, 2025

**Agenda Item #7 – Registrar of Voters Monthly Report**

1. Election:

- a. April 15, 2025, City of Oakland Special Municipal Election
  - i. Important Dates
    - 1. Voter Information Guide Mailing Period – March 6, 2025 (E-40) – March 25, 2025 (E-21)
    - 2. First Day of Mailing Vote by Mail Ballots – March 17, 2025 (E-29)
    - 3. Drop Boxes – 18 Opened – March 17, 2025 (E-29)
    - 4. Last Day to Register to Vote – March 31, 2025 (E-15)
    - 5. 11- Day Voter Centers Open – April 5, 2025 (5 will be open)
    - 6. 4 -Day Vote Centers Open – April 12, 2025 (additional 4 will open)
  - ii. Registered Voters to Date (final total March 31, 2025 (E-15))
    - 1. 250,263 – City of Oakland
    - 2. 33,975 – City Council District 2

**Agenda Item #9 – Registrar of Voters Special Report**

1. Ranked Choice Voting (RCV) Instructions: The redesigned instructions include images and language on how to mark a ballot and how a contest is counted. A RCV Practice Ballot has been added to the Registrar of Voters website.

- a. “Marking Your Ranked Choice Voting Ballot”
- b. “How Ranked Choice Voting Contests Are Counted”
  - i. Included in:
    - 1. Direct Mailer to all voters
    - 2. The Voter Information Guide
    - 3. The Vote by Mail package
    - 4. Signage at the Vote Center
    - 5. Brochure used at:
      - a. Outreach/Education events
      - b. Vote Centers
- c. Official Ballot Instructions have been enhanced to include images and tips for marking the ballot.

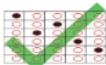
APRIL 15, 2025 / 15 DE ABRIL DE 2025  
ALAMEDA COUNTY / CONDADO DE ALAMEDA

**INSTRUCTIONS TO VOTERS: / INSTRUCCIONES PARA LOS VOTANTES:**

- USE BLACK OR BLUE INK TO MARK YOUR BALLOT. NO RED INK.
- To vote, rank your first choice by completely filling in the oval in the first column, your second choice in the second column, and so on. Continue ranking as many candidates as you wish.
- Do not fill in more than one oval in the same column or row. If there are fewer candidates than available rankings, leave the remaining columns blank.
- To vote for a qualified write-in candidate, write their name in the write-in space and completely fill in the oval for the rank.
- To vote on a measure, completely fill in the oval next to the word "Yes" or "No".
- If you make a mistake, you may request a new ballot.

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- USE TINTA NEGRA O AZUL PARA MARCAR SU BOLETA. NO TINTA ROJA.
- Para votar, clasifique su primera opción llenando completamente el óvalo en la primera columna, su segunda opción en la segunda columna, y así sucesivamente. Continúe clasificando tantos candidatos como desee.
- No llene más de un óvalo en la misma columna o fila. Si hay menos candidatos que clasificaciones disponibles, deje las columnas restantes en blanco.
- Para votar por un candidato calificado por escrito, escriba el nombre del candidato en el espacio de escritura y llene completamente el óvalo para la clasificación.
- Para votar en una medida, llene completamente el óvalo al lado de la palabra "Si" o "No".
- Si comete un error, puede solicitar una nueva boleta.





NONPARTISAN OFFICES / CARGOS NO PARTIDARIOS

CITY OF OAKLAND / CIUDAD DE OAKLAND

FOR MAYOR, SHORT TERM / PARA ALCALDE, PLAZO CORTO

	1st Rank 1ra. Clasificación	2nd Rank 2da. Clasificación	3rd Rank 3ra. Clasificación	4th Rank 4ta. Clasificación	5th Rank 5ta. Clasificación
TYRON C. JORDAN <small>Paralegal / Asistente Legal</small>	○ <sup>1</sup>	○ <sup>2</sup>	○ <sup>3</sup>	○ <sup>4</sup>	○ <sup>5</sup>
PETER LIU <small>Entrepreneur / Artista</small>	○ <sup>1</sup>	○ <sup>2</sup>	○ <sup>3</sup>	○ <sup>4</sup>	○ <sup>5</sup>

## MARKING YOUR RANKED-CHOICE VOTING BALLOT

Starting on the **left side**, fill in **one oval per column**:

Mark the **1st column** for your 1st choice candidate

Mark the **2nd column** for your 2nd choice candidate

Mark the **3rd column** for your 3rd choice candidate

And so on...

	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice
ROBIN	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
BRUCE	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
ARTHUR	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
LINH	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
EMMA	<input type="radio"/>				
WRITE-IN <i>Georgio</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

To vote for a write-in candidate\*, write the name in the space at the end of the candidate list and fill in the oval for the rank.

## RANKING TIPS

You can rank as many candidates as you like, **up to 5**.

1st Choice	2nd Choice	3rd Choice	4th Choice
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Rank candidates in your order of choice.

1st Choice	2nd Choice	3rd Choice	4th Choice
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Mark no more than 1 oval in a column. We will not be able to count either vote.

1st Choice	2nd Choice	3rd Choice	4th Choice
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

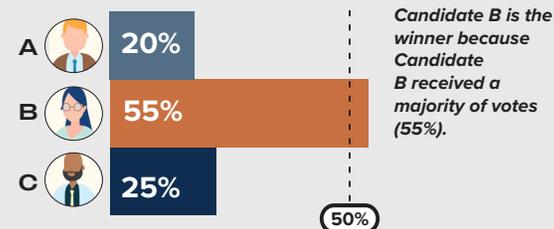
Mark no more than 1 oval in a row. We will only be able to count your first ranking. All others will not count.

\*A qualified write-in candidate is a person who has submitted the required documentation to run for office after the ballots were printed. A list of qualified write-in candidates (if any) will be available at [acvote.alamedacounty.gov](http://acvote.alamedacounty.gov) and the Registrar of Voters' office as well as all Vote Centers.

## HOW RANKED-CHOICE VOTING CONTESTS ARE COUNTED

We begin by counting all first-choice votes.

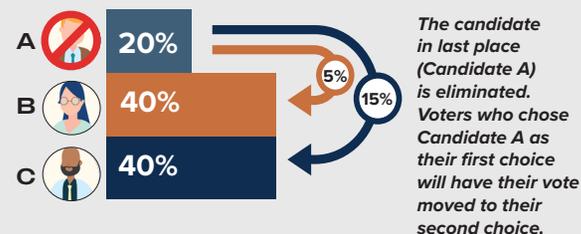
If any candidate received a majority of votes (50%+1), that candidate wins.



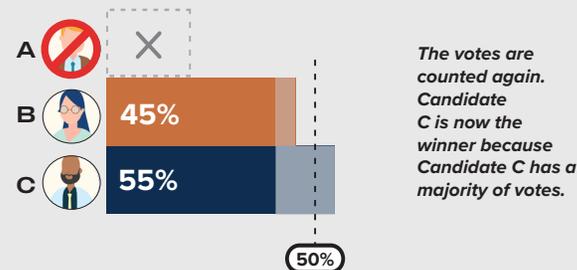
? What if no candidate receives a majority of first-choice votes?

We eliminate the candidate with the lowest number of votes.

If you voted for the eliminated candidate, your vote moves to your second choice.



We count the votes again. If a candidate now has a majority of votes, that candidate wins.



? What if there is still no winner (no candidate has a majority)?

The process of eliminating the candidate(s) with the lowest number of votes continues until a candidate has a majority.

For more information about Ranked-Choice Voting, visit: [acvote.alamedacountyca.gov/rcv](http://acvote.alamedacountyca.gov/rcv)

**Need to Request a New Ballot?** If you make a mistake while marking your ballot, you can request a new ballot by calling (510) 272-6973, or asking an Election Worker or Vote Center representative.



# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*



## MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

## VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

### About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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### ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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## INTRODUCTION

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The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

### Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

### The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

### The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

**First**, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

**Second**, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

**Third**, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

**Fourth**, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

**Fifth**, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

**Sixth**, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

**Seventh**, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

**Tenth**, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

## Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

## The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

**The basic motion**. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

**The motion to amend.** If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

**The substitute motion.** If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

### Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

**First**, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

**Second**, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

**Third**, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

### To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**Motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

**Motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

**Motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

**Motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**Motion to limit debate.** The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

**NOTE:** A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

## Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

**Motion to limit debate.** Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

## Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?*

*Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

## The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

## Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

**Order.** The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

## Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.



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March 20, 2025 ACTION ITEM

PROPOSED 2024 POST-ELECTION ASSESSMENT REPORT

TO: Alameda County Elections Commission (ACEC)

FROM: Election Analysis Ad Hoc Committee, Judy Belcher, Karen Butter

RECOMMENDATION: Approve sending the 2024 POST-ELECTION

ASSESSMENT REPORT to the Board of Supervisors.

To fulfill the ACEC responsibility to conduct a post-election assessment in collaboration with the registrar of voters staff, we are submitting the following report for your review and action.

The report, An Assessment of the November 2024 General Election, is a detailed summary of the successes and areas for continued work that ACEC found or received communication about for the 2024 general election. The report details the issues and includes possible options for the ROV to consider; a City Clerks report to the ROV is attached. The Assessment Report opens with a letter from the ACEC to the Board of Supervisors summarizing the report findings.

We recommend to the ACEC to approve sending the Assessment Report to the BOS.

March 20, 2025

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

SUBJECT: Post Election Assessment of the 2024 Alameda County General Election

The Alameda County Elections Commission's duties state that the commission shall review the registrar of voters' written plans in each election and conduct a post-election assessment in collaboration with the registrar of voters' staff. This assessment will then be reported to the board of supervisors.

In general, the purpose of the post-election assessment is to highlight what worked well and to identify issues in need of improvement. In the process, we also fulfill our duty to advise the registrar of voters and the Board of Supervisors.

Data Issues were compiled from public comments, news articles, and commissioners' first-hand experiences. We also sought and received input from the registrar of voters' staff and the city clerks' association. (See the attached letter in References XI B,2) At this time, the ROV has had a limited response to the request for input to this Post Election Assessment of the 2024 Alameda County General Election.

Many issues were considered for this assessment, some of which may be amended at future commission meetings. We have attempted to be fair and accurate, acknowledging what was done well and omitting issues that lacked enough background evidentiary material. We have identified the issues that are law violations and possible improvements beyond compliance with the law. Under all the issues identified as areas for improvement, we surface options for consideration that might lead to effective solutions. Note, this report is not a comprehensive assessment of the Registrar of Voters Two Year Election Administration Plan. The conclusions are based on the limited resources available to the Elections Commission.

In general, Alameda County can be proud of its 2024 March and November elections. They were conducted smoothly and efficiently. Election workers and effective leadership deserve much credit. Election security ensured that no criminal activity occurred and that systems were secure. A host of resources were available to help ensure voters were safe from interference and county elections offices had the resources and training they needed to protect their staff and systems.

In November 2024, there were 962,143 registered voters, 683,644 of

whom voted by mail or at voting centers. Overall, 3,000,000 ballot cards were scanned. Over 1000 workers administered the election, and over 800 were temporary workers. There were many unique contested elections, and 226 different ballot formats (depending on where the voters live and their age). Proper notifications about ballot measures and candidates before and during the counting process were produced. All materials had to be translated into 4 languages, with nine other languages supported at voting centers and via telephone translation services. There was an extensive voter outreach program. More than enough mailers were sent to inform voters about Election Day. Voters were equipped with the accurate information they needed to vote, although reportedly some did not receive the information through the mail promptly.

## SUMMARY OF ISSUES

The Alameda County Elections Commission (ACEC) finds that:

1. The office of the Registrar of Voters (ROV Office) successfully administered and completed the 2024 General Election on time and budget and was largely compliant with the Elections Code and with the Secretary of State's advisories.
2. Their job is extremely complex, has high stakes, and is under extraordinary pressure.
3. The ROV Office made several additional important steps forward:
  - Successfully implemented Youth Voting in Berkeley and Albany.
  - Successfully released Caste Vote Records (CVRs) during the count.
  - Increased internal capacity, complied with new legal requirements, did more voter outreach to at-risk populations, and registered 30,000 more voters.
4. Problems noted in the November 2024 Election:
  - a. Voter Information Guides came out late.
  - b. Paper campaign disclosures are not always timely. Electronic filings could save the county's expensive staff time of posting manual reports, ensure transparency of campaign funds and prevent illegal late postings.
  - c. RCV Instructions were too short, confusing, and in some places incorrect. This resulted in some incorrect vote counts. The RCV overvote rate is dramatically higher in Alameda County than in San Francisco and the 50 other jurisdictions that use RCV in the USA. *We note that the ROV is currently working on redesigning the RCV ballot which will be used first in the April 2025 election and should correct the overvote.*
  - d. The ROV Office did not comply with AB-126 / EC 3016.5 which requires that voters can turn in mail-in ballots at voting centers. The ROV Office is currently working to implement poll pads which will

- allow a voter to turn in ballots at any voting center in the county.
- e. Many portions of the Official election site of Alameda County were not in compliance with federal Voting Rights Act, Section 203 requiring all voting materials to be translated into 4 required languages: Chinese, Spanish, Tagalog, and Vietnamese.
  - f. The manually-filed campaign finance reports were not posted online within the time required by law.
  - g. The Voter Accessibility Advisory Committee (VAAC) and the Language Accessibility Advisory Committee(LAAC) lack community input and membership.
5. There were some criticisms where we could not make accurate judgment calls:
- The speed of the count in Alameda County was too slow.
  - We noted that the ROV office may not comply with laws.

## CONCLUSION

The Elections Commission appreciates the challenging job of the ROV. The ROV's office is competent and hard-working and managed a successful election in November 2024. There are short-term and long-term issues that need attention, some of which the ROV is currently addressing. The Commission will work with the ROV office on these issues. The ACEC will continue to issue reports following future elections and monitor issues addressed in this report as well as new issues. In our oversight role for the registrar of voters and an advisory role to the board of supervisors, the commission looks forward to working with the registrar of voters to carry out free and fair elections that inspire voter confidence in Alameda County's electoral system.

# Alameda County Election Commission

## Assessment of the November 2024 General Election

March 20, 2025

## EXECUTIVE SUMMARY

The Alameda County Election Commission (“ACEC”) finds that:

1. The office of the ROV (“ROV Office”) successfully administered and completed the 2024 General Election on time and budget and was largely compliant with the Elections Code and with the Secretary of State's advisories.
2. Their job is extremely complex, has high stakes, and is under extraordinary pressure. Alameda County is the most complicated county in California to administer elections to. We commend them for this successful election.
3. The ROV Office made several additional important steps forward:
  - a. Successfully implemented Youth Voting in Berkeley and Albany.
  - b. Successfully released CVRs during the count.
  - c. Increased internal capacity, complied with new legal requirements, did more voter outreach to at-risk populations, and registered 30,000 more voters.
4. There were some problems in the November 2024 Election:
  - a. Voter Information Guides came out late this year.
  - b. An RCV graphic showing voters how to vote was an incorrect vote.
  - c. The formatting of ballots was confusing to voters in at least two situations.
5. Some long-term issues continued in November 2024
  - a. RCV Instructions continued to be too short and confusing.

The RCV overvote rate is dramatically higher in (Alameda County) than in San Francisco and the 50 other jurisdictions that use RCV in the USA.
  - b. Communication issues continue -- both outbound and inbound communications
  - c. The ROV Office is intentionally not complying with AB-126 / EC 3016.5 which requires that voters be able to turn in mail-in ballots at voting centers.
  - d. Data from the 2022 election on the ROV website continues to be incorrect.
  - e. Manually filed campaign finance reports were not posted online within the time required by law (Section V)—information was sent to ROV on February 7.
6. There were some criticisms where we could not make accurate judgment calls:
  - a. The speed of Alameda County is too slow (Section VIII E).
  - b. The ROV Office is not complying with the law in some cases.

## CONCLUSION

The Elections Commission appreciates the extraordinarily difficult job of the ROV. The ROV's office is competent and hard-working and there was a successful election in November 2024. In the following report, many short-term and long-term issues need attention and we offer potential solutions to consider. We hope they will be attended to before the next election.

## I. INTRODUCTION

### A.PURPOSE OF REPORT

The ordinance establishing the Alameda County Elections Commission spells out the duties and powers of the commission. It states that the commission shall review the registrar of voters' written plans each election and conduct a post-election assessment in collaboration with the registrar of voters' staff. This will then be reported to the board of supervisors.

In general, the purpose of the post-election assessment is to highlight what worked well and to identify issues in need of improvement. In the process, we also fulfill our duty to advise the registrar of voters and the Board of Supervisors.

### B.METHODOLOGY – Process to Collect

Data Issues were compiled from public comments, news articles, and commissioners' first-hand experiences. We also sought and received input from the registrar of voters' staff. We also received letters from the city clerks' association (Section XI B 1,2 ). We have attempted to loosely follow the format of the Alameda County Registrar of Voters Adopted Renewal Election Administration Plan ( Section XI D).

### C.ANALYSIS OF ISSUES IDENTIFIED

Many issues were considered for this assessment, some of which may be amended at future commission meetings. We have attempted to be fair and accurate, acknowledging what was done well and omitting issues that lacked enough background evidentiary material. We have identified the issues that are violations of the law and possible improvements beyond compliance with the law. Under all the issues identified as areas for improvement, we surface options for consideration that might lead to effective solutions.

## D.STATEMENT OF LIMITED SCOPE OF THIS REPORT

This report is not a complete, comprehensive overview of the “Adopted Two Year Election Administration Plan” adopted by the Alameda County Registrar of Voters ( Section XI D). To accomplish that would require more resources than those of the Elections Commission.

## II. OVERVIEW

A. IN GENERAL, Alameda County can be proud Of its March and November elections. They were conducted smoothly and efficiently. However, as explained below, its implementation fell short in a few cases.

### B. ELECTION WORKERS AND EFFECTIVE LEADERSHIP DESERVE CREDIT

1. Election security ensured that no criminal activity occurred and that systems were secure. A host of resources were [available](#) to help ensure voters were safe from interference and county elections offices had the resources and training they needed to protect their staff and systems.
2. Proper notifications about ballot measures and candidates before and during the counting process were produced. More than enough mailers were sent to inform voters about Election Day. Voters were equipped with the accurate information they needed to vote, although reportedly some did not receive the information through the mail promptly.
3. There were 962,143 registered voters, 683,644 of those voted by mail or at voting centers. Overall 3,000,000 ballot cards were scanned. Over 1000 workers administered the election, and over 800 were temporary workers. There were many unique contested elections, and 226 different ballot formats (depending on where the voters live and their age).
4. All materials had to be translated into 4 languages, with nine other languages supported at voting centers and via telephone translation services. There was an extensive voter outreach program.

### C. IMPROVEMENTS in the November 2024 Election

#### 1. Implemented Youth Voting

Oakland and Berkeley have been waiting a long time for this to be implemented, and it was successfully done in November 2024. This is a very unusual law in the United States.

*Note: Implementation needs to include youth voters getting to vote centers in the future.*

## 2. Implemented Early Release of CVRs

After being directed by the BOS to release CVRs during the election tally, the ROV Office made that happen on a very tight timeline.

*Note: There are still more steps to be taken re. CVR's. ( Section VIII D).*

## 3. More Efficient Ballot Sorting

The ROV Office purchased Bluecrest vote-by-mail ballot sorting machines and successfully implemented the transition to the new system. They used to be sorted by hand.

## 4. Increased Outreach to At-Risk Communities

This includes partnering with community organizations, and advertising targeting at-risk communities, prisoners, and ex-felons that now have voting rights (including going into prison pods before and during the election). 30,000 more voters were registered.

## 5. Improved Use of Space and Election Observation

A necessary remodel of the Vote By Mail Room was completed. It makes counting more efficient and providing upgrades for election observers -- they can now see the entire room.

The new election observation room has air conditioning, better lighting, and a monitor where they see what is happening in the ballot sorting room.

*Signature verification is in a different room, and observers can be very close to the workers and see the signatures the same as the workers.*

## 6. Built Stronger Teams

The ROV Office has worked with HR to successfully (a) allow putting the best temporary workers on a long-term career path with the ROV Office, and (b) to make sure all temporary workers now are W-2 workers under a new state law.

## D. PROBLEMS Needing to be Fixed

### 1. Laws not being Followed

#### a. State

- Web site diverse languages ( Section IX A, B)
- Poll Pad issues (AB126)(see section VI A)
- Reporting Campaign Finance Reports  
(AB 2151 Code Sec 84616, 2020) ( Section V)

#### b. County (none)

c. City Charters

- # RCV Rankings Many complaints on ( Section III C 1,2 )
- See the City clerk's letter (Section XI B,1).

d. Election Administration Plan (EAP) and Secretary of State Advisories

- Website Translation issues
- Improperly redacted votes in the final Statement of Votes

2. Necessary Improvements

a. It is hard to find and understand RCV results (see sections VIII-A and H)

b. Voter Information Guide needs to be timely (see section IV-C)

c. Placement of Candidates/ Ballot Questions on the ballot ( Section III A 3,4)

d. Website election reports are hard to read and confusing.

e. Possible/alleged redaction of votes in precincts with more than 10 voters

f. RCV instructions and graphics need to be much clearer ( Section III A 1,2)

3. Suggested Improvements

a. Election Observation Support

(Section VIII G 1,2, Reference XI EITACCA)

b. Better publicity on ROV activities, both to assure public transparency and accountability and to keep voters informed of the progress of counting ballots.

c. Steps to accelerate the vote count without increasing costs to taxpayers – for example, implement SB 626 before the upcoming special elections ( Section IV).

### III. BALLOTS

#### A. BALLOT LANGUAGE/DESIGN

1. RCV/Overvotes

There was an unusually high rate of overvotes in Oakland ranked-choice voting races. The written instructions printed on the ballot may have contributed to this.

ROV Comments: They are in discussions with consultants on how to present clearer RCV language ( Section IV B).

## 2. Comparing Graphics of San Francisco and Oakland

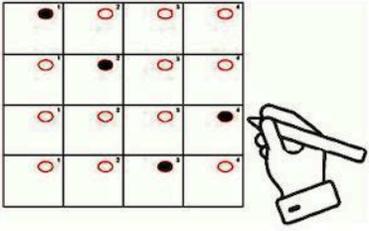
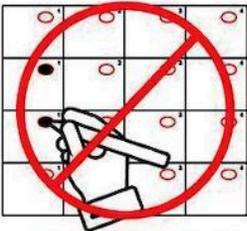
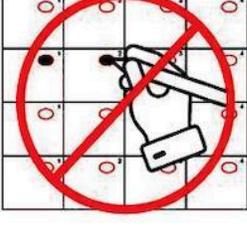
Oakland:

**FOR MEMBER OF CITY COUNCIL, AT-LARGE / PARA MIEMBRO DEL CONCEJO MUNICIPAL, EN GENERAL**  
 Up to 5 Ranks are allowed in this contest. / Hasta 5 clasificaciones están permitidas en esta contienda.  
 Fill in no more than 1 oval per candidate per column. / No llene más de 1 óvalo por candidato por columna.

San Francisco:

**City and County of San Francisco, November 8, 2022**  
**聯合普選**  
**三藩市市縣 · 2022年11月8日**

**INSTRUCTIONS TO VOTERS / 選民須知**

Use a pencil or pen with black or blue ink.

Fill in the oval to rank candidates in the order of your choice.

- In the 1st column, select your 1st choice candidate.
- In the 2nd column, select your 2nd choice candidate.
- In the 3rd column, select your 3rd choice candidate, and so on.

Do not fill in more than one oval in the same column.  
Do not fill in more than one oval in the same row.

You may rank as many or as few candidates as you like. If there are fewer than three candidates for an office, you may mark your choice or choices and leave the remaining columns blank.

To vote for a qualified write-in candidate, write the candidate's name in the space at the end of the candidate list and fill in the oval for the rank.

If you make a mistake, you may request a new ballot.

使用鉛筆、黑色或藍色墨水的筆。

按您選擇的候選人排名次序來填塗橢圓圈。

- 在第一列，選擇您的第一選擇候選人。
- 在第二列，選擇您的第二選擇候選人。
- 在第三列，選擇您的第三選擇候選人，如此類推。

請勿在同一列填塗超過一個橢圓圈。  
請勿在同一行填塗超過一個橢圓圈。

您可以按個人意願決定為多少位候選人定出排名次序。  
如果某項公職競選的候選人少於三人，  
在標記了您的選擇之後，您可以把餘下的各列留空。

如要投票給某位合資格補寫候選人，  
請在候選人名單未提供的位置上填寫此人的姓名，  
並填塗其排名次序的橢圓圈。

如果填寫錯誤，您可以要求一份新的選票。

ROV comments:

Better RCV instructions are needed and we are completely revamping them for the Oakland 2025 Special election and moving forward. The ROV's Office and the Elections Commission are hopeful that

a ballot redesign in 2025 will largely solve the Alameda County RCV overvote anomaly. ROV is working with RCV expert.

*Option(s) to Consider:*

- a. More detailed RCV instructions are needed.*
- b. Hire an RCV expert to oversee any ROV changes.*

3. Ballot Language for Computer Touchscreen – All candidates in one contest did not appear on the same screen and some voters may not have known to scroll for more candidates. For example, Oakland’s at-large council race had 10 candidates, but touchscreens show only the first eight candidates when initially opening that screen, forcing voters to scroll down to a second page to find the final two candidates. Without clear written instructions, or a requirement to view all candidates before moving on, the digital ballot booths may cost some candidates votes.

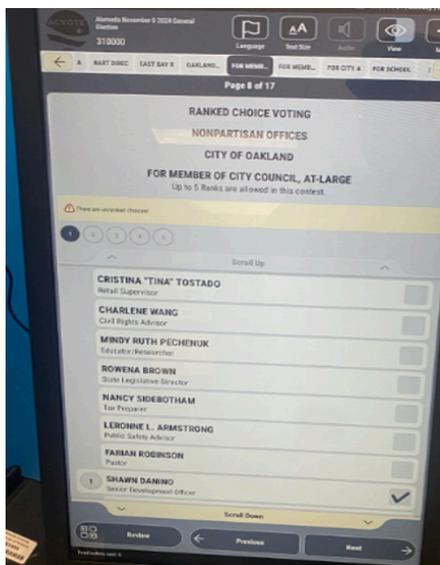


Photo credit: Shawn Danino, Oaklandside

*Options to Consider:*

- a. Add instructions on computer screens to scroll, such as “To See More Candidates Scroll Down”*
- b. At-large seats have their page split because of the many candidates; amend voting interfaces to make all names visible on single screens.*
- c. Use a method of rotation of randomly ordered candidates, so that all candidates end up on the second screen the same number of times. Pretest ballots with likely voters.*

#### 4. BALLOT DESIGN for PLACEMENT OF BALLOT QUESTIONS

The placement of a recall yes-or-no question was on the same card as the choices of candidates for an at-large race. This might have caused some people to miss the question, perhaps in part because the item was not sorted into the same card as the other choices asking questions (See below).

CITY OF OAKLAND CIUDAD DE OAKLAND					
OAKLAND MAYOR RECALL DESTITUCIÓN DEL ALCALDE DE OAKLAND					
To vote, completely fill the oval next to the word "Yes" or "No". Para votar, llene completamente el óvalo al lado de la palabra "Sí" o "No".					
Shall SHENG THAO be recalled (removed) from the office of Mayor? ¿Debería SHENG THAO ser destituida (expulsada) del cargo de Alcalde?					YES / SÍ <input type="radio"/>
					NO / NO <input type="radio"/>
FOR MEMBER OF CITY COUNCIL, AT-LARGE / PARA MIEMBRO DEL CONCEJO MUNICIPAL, EN GENERAL					
Up to 5 Ranks are allowed in this contest. / Hasta 5 clasificaciones están permitidas en esta contienda. Fill in no more than 1 oval per candidate per column. / No llene más de 1 óvalo por candidato por columna.					
	1st Rank 1ra. Clasificación ↓	2nd Rank 2da. Clasificación ↓	3rd Rank 3ra. Clasificación ↓	4th Rank 4ta. Clasificación ↓	5th Rank 5ta. Clasificación ↓
<b>CRISTINA "TINA" TOSTADO</b> Retail Supervisor / Supervisora de Venta Minorista	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/>
<b>CHARLENE WANG</b> Civil Rights Advisor / Asesora de Derechos Civiles	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/>
<b>MINDY RUTH PECHENUK</b> Educator/Researcher / Educadora/Investigadora	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/>
<b>ROWENA BROWN</b> State Legislative Director / Directora Legislativo Estatal	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/>
<b>NANCY SIDEBOTHAM</b> Tax Preparer / Preparadora de Impuestos	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/>
<b>LERONNE L. ARMSTRONG</b> Public Safety Advisor / Asesor de Seguridad Pública	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/>
<b>FABIAN ROBINSON</b> Pastor / Pastor	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/>
<b>SHAWN DANINO</b> Senior Development Officer / Oficial Superior de Desarrollo	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/>
<b>KANITHA MATOURY</b> Small Business Owner / Dueña de Pequeña Empresa	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/>
<b>SELIKA THOMAS</b> Hair Loss Restoration / Restauración de la Caída del Cabello	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/>
Write-In / Por Escrito	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/>

*Option to Consider:*

*Design the ballot so that parts are separated by subject matter—i.e., put all questions together and candidate races together.*

#### C. CURED BALLOTS

It is unknown to the public the number of ballots that were tossed out due to voter error.

*Option to Consider:*

*Report the number of ballots, and the precincts, that were ultimately rejected because they were not cured, perhaps on the website.*

#### D. NUMBER OF RANKINGS IN RCV RACES

Some residents have complained that Oakland has not been following its city charter on the number of rankings chosen. The county council informed the Commission that a city's choice of the number of rankings is not under the scope of the ROV's office. We have included the following background nonetheless.

1. The Oakland City Charter (also Berkeley, and perhaps San Leandro and Albany) requires that the number of rankings available be equal to the number of candidates to the greatest extent the software allows.
2. In at least the Mayor's race, there were more than 5 candidates yet only five rankings were available to voters.
3. It is controversial whether or not the Oakland charter allows a city clerk to limit the rankings to 5 if the equipment supports 10.
4. Some issues are proposed, such as the number rankings in ranked-choice voting contests. There are proposals for 5, 8, or 10 rankings. The city clerks and the ROV coordinated decisions about the number of rankings ( See the city clerk's letter, Reference ( XI B 1,2). At the January 2025 meeting, the Elections Commission recommended the ROV encourage the City clerks to use 10 rankings, especially if their city charter is being violated.
5. Complaints: Some candidates complained they might have won if there were 10 rankings. Voters also complained their votes would have been counted differently if there were 10 rankings.
6. The City Clerk's letter to the Elections Commission explains why 8 or 10 rankings cannot be used for the April 2025 Special Election ( Section XI B,1). There is a Dominion Democracy Suite requirement that all ballot cards in an election must be the same size and orientation. 10 rankings do not fit on the current 11.5"x8" ballot card size.

ROV Comments: the ROV is working with a RCV expert to address these issues.

*Options to consider:*

*a. The Elections Commission could form an ad-hoc committee to research and review this issue and make a recommendation moving forward.*

*b. A review of the City of Oakland Charter by the City Attorney as to whether the Charter needs a small amendment to allow 8 rankings that would fit on the current ballot card.*

## IV. VOTER INFORMATION GUIDE (VIG)

### A. BALLOT MISTAKES -

The Elections Administration Plan, page 5, states: “A voter could request a replacement ballot if they did not receive their ballot in a timely manner, if the ballot was damaged, if the ballot was lost, or if they made an error on their ballot.” Neither the voter guide nor the website appears to offer the same information. More specifically, (a) If voters accidentally fill in the wrong bubble choice, can the voter cross off the mistake and fill in the correct bubble? (b) If voters accidentally sign the wrong envelope between couples or family members, may they cross off the wrong signature and write it in the correct one? Or should they show up at a polling center and ask for a new envelope?

*Option to Consider:*

*Include instructions in the Voter Information Guide (VIG).*

### B. INSTRUCTIONS FOR RANKED-CHOICE VOTING -

Pre-election – The Oaklandside reported that the voting guides incorrectly described how to fill out a voting card. Inside the guide’s cover, the fictional candidate chosen as the first choice is also filled in as a fourth choice. Voters should not rank the same person in different slots.

ROV Comments: The ROV Office is in discussions with consultants and others on the best way to offer RCV instructions in future elections.

*Option to Consider:*

*Enlist a ranked-choice voting expert to review before approval for printing (Section III C, D).*

### C. LATE ARRIVAL

1. The voter information guides include important analyses about ballot measures and candidate statements meant to help voters decide how to vote. The guides are available in print and online. Some printed voter guides arrived late, reportedly in Albany, Berkeley, and Oakland. The registrar said it was the post office’s fault. However, a couple of Berkeleyside articles gave a [different view](#), saying the post office said

there were no delays and all guides that they received were delivered immediately. What happened? Documentation is surely generated by the delivery of each batch of Guides to the USPS, indicating both (a) received by the registrar's office or its vendor and (b) generated internally by the USPS.

## 2. ROV Comments:

The ROV regrets and is unhappy many voters received the VIG late.

They complied with the elections code requiring VIGs to be mailed 21-40 days before the election date.

The VIG was also available on their website to voters who didn't get it in time.

This election was described as a "perfect storm" by the ROV Office.

- a. It was the most complex election setup, with over 200 ballot styles and 5 mandatory languages.
- b. There was litigation about ballot language in several contests, which meant the VIGs could not go out until there was a ruling, which sometimes changed the VIG.
- c. Staff was overwhelmed with all of this.
- d. When all the VIGs went out because there was an unusually large amount of campaign material and a huge number of VIGs were mailed later than usual, the postal service was also overwhelmed.

Nonetheless, the ROV understands that though they complied with the law, they were not in line with voter expectations or past voter experience.

### *Options to Consider:*

- a. The ROV can issue a press release about the situation, which would also allow the post office to respond. Seek documentation to verify delivery dates.*
- b. The ROV's Office and Postmaster should have a plan, in writing and public, about what to do when a similar "perfect storm" occurs.*
- c. Make it-much easier for voters to get their VIGs electronically.*
- d. The VIG should be on the front page of the ROV website and not require voters to make an account. Voters can just enter their address and the VIG will pop up.*

## V. CANDIDATES AND COMMITTEES

### ELECTRONIC CAMPAIGN FINANCE DISCLOSURE POSTINGS

Pre-election – Alameda County has invested in an [electronic filing system](#) and a public portal called "Netfile." The county website explains, "The public access portal contains financial information provided by candidates and committees. It

can answer questions about who is contributing money, who is receiving money, and how it is being spent.” In Alameda County, it is optional whether campaigns for measures, independent expenditure committees, and candidates use the online portal or manual paper to file campaign finance statements. However, neighboring counties require electronic filing, making campaign finance data instantly available online. The City of Oakland also requires electronic filings.

The State of California requires disclosures to be posted within three days (AB 2151 Code Sec: 841616 2020). The postings of paper campaign disclosures are not always timely, even when the statements are filed on time. Delayed posting of data deprives the public of timely pre-election campaign finance data, which affects transparency and disclosure requirements. One candidate and one independent expenditure committee filed only paper reports. One 460 Report from an independent expenditure committee was posted 30 days late. Electronic filings could save the county's expensive staff time of posting manual reports, ensure transparency of campaign funds, and prevent illegal late postings.

*Options to Consider:*

*a. Require all campaign finance reports to be filed electronically.*

*b. Ask ROV to audit the 2024 elections for other possible violations.*

## VI. VOTE CENTERS

### A. VOTING– Poll Pads and Books

The Elections Administration Plan, page 29, states: “At Vote Centers, staff have access to near real-time information of registration data and voter history for all voters as they come to any of the Vote Centers. Any voter data that is made available at Vote Centers and is transmitted between the Vote Centers and the County data servers is encrypted using the latest encryption technologies. Only specific election devices and equipment at Vote Centers are allowed access to voter data, and the data is encrypted in transit and while at rest.”

In addition, Elections Code Section 3016.5, which authorizes voters to return their vote-by-mail ballot in person at a vote center, requires ballots cast in this manner to be processed and counted like a non-provisional ballot cast in person at the polling place.

There were some Poll Pad issues in the timing of processing and reporting.

ROV Comments:

The ROV Office is working on these Poll Pad issues for after the April 2025 Special election.

*Options to Consider:*

- a. Implement this service as a pilot program at the next special election, and then roll it out as a normal service in the next election.*
- b. Lobby to get clearer language? Engage the ROV in further discussion of the significance of the data access delay in this context. Consult with other relevant counties in the event they have useful insights that could help resolve the issue.>*

## **B. LANGUAGE ACCESSIBILITY (See IX B)**

# **VII. VOTER EDUCATION**

## **A. EDUCATION**

The Elections Commission commends the ROV office on their efforts on voter outreach. At the same time, the public expects a higher level of transparency and accountability.

*Options to Consider:*

- a. Set Realistic Expectations regarding the speed of the count. Advise candidates, the press, and voters how long the count takes and exactly when certification happens (See Section VIII E).*
- b. RCV Overvote Anomaly  
There was a high rate of abnormal ranked-choice ballots in Oakland at-large council contests as well as in other cities. This can probably be fixed by much better ballot and VIG instructions and graphics ( See Section IV B 1).*
- c. Release a video of how to fill out an RCV ballot.*

## B. MATERIALS

### 1. Direct Mailers

VOTER INFORMATION FOR THE FORMERLY INCARCERATED - The registrar of voters sent a mailer to Alameda County voters before the 2024 election containing incorrect information about the voting rights of formerly incarcerated people. The text stated, “If you are either on parole or are no longer serving a state or federal prison term for the conviction of a felony, you may be able to have your voting rights restored. If you have questions please ....” This language incorrectly suggests that to regain the right to vote after prison, individuals must actively seek to have their voting rights restored, and that such restoration is not ensured. However, under current law, any otherwise eligible voter automatically regains the right to vote upon the completion of a prison term and need only reregister.

*Option to Consider:*

*Improve the advisory language.*

### 2. ROV Website

Information about how to receive email notifications was easily accessible. The registrar’s instruction stated: “To subscribe to receive morning notifications about observing ballot processing during this election cycle, click the “Subscribe here” button and provide your email address or phone number (for text messages).” Some voters, however, expressed concern over proper notice of timing and not being able to closely observe the visible chain of custody and processes. In addition, the board of supervisors had asked the registrar to publish the whole schedule of updates in advance of the releases, but voters were notified at the time of an update when the next release would take place.

## VIII. ELECTION RESULTS

Website, Timeliness, Observation of Counting, etc.

A. PRECINCTS REPORTED “100%” - Election Results – There is no explanation on the website of what 100.00% refers to.

Some people thought it meant 100% of the ballots from all precincts had been counted on election night. Others thought it meant 100% of the ballots from precinct voting had been counted, but that many mail-in and drop-off ballots not

part of precincts remained. Or that it meant 100% of the ballots that have been counted so far. The confusion produced faulty assumptions.

*Options to Consider:*

- a. Add clarifying language on the website, i.e., “preliminary results?”
- b. Put the percentage of votes counted of the total votes received.
- c. If possible, drop the 100% altogether.
- d. Ask ROV- Does this refer to in-person voting only, not mail in?

## B. REPORTING PLURALITY AT-LARGE ELECTION RESULTS

Below is a mockup of the result report with additional information (an extra column), which would be helpful to interpret elections where voters can choose one or more candidates. Or perhaps eliminate "percent of votes" as those numbers are relatively meaningless. It is the percentage of voters that matters. For example, out of all the combined votes, how many of those people supported each candidate?

Current practice:

Members, City Council - Alameda			—
12 of 12 Precincts Reported(100.00%)		Vote for no more than Two (2)	
Contest	Votes	Percentage	
Michele Pryor	16,381	26.55 %	
Greg Boller	14,193	23.01 %	
Thushan Amarasiriwardena	13,041	21.14 %	
Trish Herrera Spencer	12,071	19.57 %	
Steve Slauson	6,004	9.73 %	

Proposal:

Members, City Council - Alameda				—
12 of 12 Precincts Reported(100.00%)		Total ballots cast 34,887 (Percent turnout 69.22%)		Vote for no more than Two (2)
Contest	Votes	Percent of votes	Percent of voters	
Michele Pryor	16,381	26.55 %	46.95%	
Greg Boller	14,193	23.01 %	40.68%	
Thushan Amarasiriwardena	13,041	21.14 %	37.38%	
Trish Herrera Spencer	12,071	19.57 %	34.60%	
Steve Slauson	6,004	9.73 %	17.21%	

*Options to Consider:*

- a. Report the share of voters supporting each candidate.
- b. Eliminate “percent of votes” as those numbers are relatively meaningless.

## C. REPORTING PARTICIPATION TURNOUT PER CONTEST

Turnout is currently reported for the consolidated election, but not each contest. Participation turnout in a contest is often substantially lower than turnout in a consolidated election, particularly for local elections. A participation-turnout report by each contest is a more accurate measure of civic engagement as it will show if people skipped voting in certain contests. The mockup above includes participation in the reporting of results for an election.

*Option(s) to Consider:*

- 1. Report participation turnout by each contest. ,*
- 2. Collect and release the disaggregated registration and turnout numbers for the priority groups identified in the Election Administration Plan, as well as historically underserved communities of interest identified in the Elections Commission ordinance.*

## D. CAST VOTE RECORD REPORTS

After months of struggles and delays, the registrar provided most of the preliminary CVR results in an unencrypted, plain-text JSON format, but there is room for future improvement. While San Francisco posted each update of their cast vote records as separate files, Alameda County removed older versions when posting updates, making it difficult to track changes. In addition, cast vote records were not released with each update. On December 17, the last update posted was December 3, with no indication of whether that corresponds to the final certified results. Also, small precincts with 10 or fewer votes were redacted for preliminary results, per Elections Code 15250. The Board of Supervisors directed the ROV to redact data of small precincts with 10 or fewer voters.

State law regarding the reporting of final certified results (Elections Code 15372-15281) requires reporting of “the number of votes cast at each precinct for each candidate” with no provision for redaction.

*Options to Consider:*

- a. Consolidate small precincts with larger ones to avoid this exercise.*
- b. Board of Supervisors and ROV lobby SOS for a sensible policy.*
- c. Release CVRs on or very soon after election night, update with each posting, finalize before or alongside certification, and note that the CVR report is final.*
- d. Make the release of CVRs permanent.*
- e. Update the website with the complete algorithm number of the total number of RCV votes to include all votes, not just first-choice votes. Although the complete RCV data can be found by pushing a button at the bottom of the page, recording only first-choice votes is misleading and confusing to voters.*

## E. PACE OF COUNT

The [Oaklandside](#) reported that “According to data from the Secretary of State, among the ten most populous counties in California, Alameda County is by far the slowest this year at counting ballots.” The [Castro Valley Forum](#) reported that the registrar said, “Alameda County had been in line with other large California counties.” If counts meet the certified deadline, is a speedy count important?

*Options to Consider:*

- a. Purchase more machines and hire more staff.*
- b. Open up another vote-counting center.*
- c. Learn from other counties about speeding up the count.*
- d. We question whether the pace of counting matters if the county meets its deadline.*
- e. Voter education on how voting at the last minute will slow down the count.*

## F. ELECTION ADMINISTRATION OBSERVATION

1. While there is still room for improvement for expanded transparency to help secure trust in our electoral system, observation of election processing was noticed, updated, and available in person and by camera.
2. Concerns have been expressed about election administration observation from voters who want greater access to observe the election process from beginning to end. Elections Code 15104 mandates that the public receive 48-hour advance notice of the date, time, and place for vote-by-mail (VBM) ballot processing. While the ROV’s office has said in writing that, “any of the canvas processing can be viewed via live stream or in-person [and] you can contact our office to find out which processes are taking place or visit our website to see the processes as they are happening,” the current notifications do not specify the specific times, which impairs the public’s ability to know when they can observe. The registrar notifies subscribers that “An election process will be conducted today. We cannot provide the exact start and end times.” The way observers know election activities are open for observing is by checking the website to see if links are “live.”

*Option to Consider:*

*Provide voters with the expected time frame, not just the day, when counting will happen.*

## G. Inaccurate Information ROV website

The ROV website with 2022 RCV data is inaccurate.

## IX. LANGUAGE AND VOTING ACCESSIBILITY

### A. LANGUAGE ACCESSIBILITY

1. Language Access – Voter Resources - Many portions of the Official Election Site of Alameda County were not in compliance with the Federal Voting Rights Act for either the presidential primary election or the general election in 2024. Section 203 requires that all Alameda County election materials that are available in English must also be made available in the following four languages: Chinese, Spanish, Tagalog, and Vietnamese. This applies to all information provided by Alameda County to voters, including website information, to eliminate discrimination against U.S. citizen groups who have been denied the right to vote and excluded from the electoral process. Below are some examples that did not provide election information in the state and federally mandated languages (See 2,3,4).

2. Important Election Dates. When a specific election and a non-English language are selected, the contents of the Important Dates section are displayed in English; only the header is translated into the required language and not the contents (see below).

Fechas Importantes	
Important Election Dates	
Evento	Fecha
First Day of Nomination Period for Candidates Running in November 5, 2024 General Election	July 15, 2024
Voting Accessibility Advisory Committee (VAAC) Meeting	July 25, 2024
Last Day of the Nomination Period for Candidates Running in November 5, 2024 General Election	August 09, 2024

### 3. Events Calendar

(<https://acvote.alamedacountyca.gov/community/events>). This same problem also affects the Events Calendar where all event details for voter registration drives display in English, even when another language is selected.

### 4. Vote Centers & Vote By Mail Dropbox.

There is no way to translate the lists and maps related to vote centers and ballot drop boxes into any languages besides English because the usual language selection menu in the top right is missing. This untranslated information includes vote center days and hours of operations, as well as notices about unexpected closures. The Vote Centers web page also fails to indicate which vote centers offer in-person language assistance, thanks to the presence of bilingual election workers. This is required for Voter's Choice Act counties, and its absence is contrary to the county's Election Administration Plan adopted in September 2023 (pages 21 and 22). Vote Centers in Fremont and Alameda, for instance, were missing signage indicating the languages spoken by the bilingual election workers on site, with the name of each language translated into the language itself. In addition, California Elections Code section 14201 requires Alameda County elections officials to provide translated facsimile ballots in 13 languages ( See Reference XI A). These valuable reference tools are displayed at Vote Centers and can be printed upon request, whereas the ACvote.org web page instructs voters to call the Registrar of Voters. However, the instructions and phone number for one of the required languages are missing from this page, and it is possibly Hindi (see <https://acvote.alamedacountyca.gov/language>).

## 5. Alameda County Language Accessibility Advisory Committee (LAAC)

The LAAC is a panel that provides input to the Alameda County Registrar of Voters on enhancing accessibility for voters who primarily speak languages other than English. As part of its commitment to language accessibility, the Registrar of Voters' Office works closely with four language-specific committees that focus on the needs of distinct linguistic communities:

- a. Spanish-speaking Community
- b. Chinese-speaking Community
- c. Vietnamese-speaking Community
- d. Tagalog-speaking Community

The LAAC Web page had no Agendas or Minutes of meetings for 2024. The Alameda County Election Plan lists numerous community groups as members of the LAAC, but the ROV website on February 5, 2025, listed no members or community groups.

### ROV Comments:

There is an ongoing reorganization into four committees reflecting four languages: Spanish, English, Tagalog, and Vietnamese, rather than one large umbrella group, and that is why there have been no meetings. The ROV is currently working to update the incomplete LAAC pages for each language

### *Options to consider*

- a. *Representation on the LAAC from each community group listed in the Election Administration Plan(ACEAP) page 38.*
- b. *One person from each LAAC works directly with a staff member to update their website so that translations are correct and complete and meet the needs of the LAAC.*

## B. VOTING ACCESSIBILITY

1. Alameda County Voting Accessibility Advisory Committee(VAAC): The mission of the VAAC is to provide input and recommendations to the Registrar of Voters to enhance inclusive and accessible voting for seniors and voters with disabilities.

2. Meeting Minutes Thursday, January 23, 2025:

Comments did not indicate any problems for Seniors or those with disabilities in the November election. ACVOTE On the Go is the service where voters who cannot make it to a vote center or the ROV office can

make an appointment with the Outreach team to have staff come to their home, hospital, assisted living facility, etc, to vote. There were 116 visits. Previous minutes document ongoing outreach and visits to many Senior or Disability sites.

3. The VAAC minutes only list ROV staff and one member from the Disability Community as attending. It is recommended there be one member from each Senior, Disability, and Underserved Community Partner (Page 38- 40 ACAEP) for increased communication between Community Partners and ROV.

4. The Alameda County Administration Election Plan(ACAEP) is extensive in the services the ROV provides for the Senior and Disabled Communities.

## X. CONCLUDING REMARKS

The Elections Commission realizes there are numerous items to address and improve, as this is the commission's first assessment. We acknowledge that some measures may take time to implement or require the commission or the board of supervisors to amend at future meetings. In general, Alameda County can be proud that its March and November elections were conducted smoothly and efficiently. The ACEC will continue to issue reports following future elections and monitor issues addressed in this report.

In our oversight role for the registrar of voters and an advisory role to the board of supervisors, the commission looks forward to working with the registrar of voters to carry out free and fair elections that inspire voter confidence in Alameda County's electoral system.

## XI. REFERENCES

### A. LANGUAGES REQUIRED

Chinese, Spanish, Tagalog, Vietnamese, Burmese, Khmer, Hindi, Korean, Laotian, Mien, Mongolian, Punjabi, and Telugu are required languages by the California Secretary of State.

### B. LETTERS FROM CITY CLERKS

1. [w city clerk 5 vs 10.docx](#)
2. [City Clerks letter 2025-02-19 FINAL](#) City Clerks Letter February 19  
<https://docs.google.com/document/d/1IIUSdrTaqjRUIVTlkTZnhjtf2iAUmqqMJjvaN9IDrew/edit?usp=sharin>

C. Minutes Alameda County Voting Accessibility Advisory Committee

[https://acvote.alamedacountyca.gov/acvote-assets/04\\_resources/PDFs/VAAC/vaac\\_minutes\\_January\\_2025.pdf](https://acvote.alamedacountyca.gov/acvote-assets/04_resources/PDFs/VAAC/vaac_minutes_January_2025.pdf)

D. AC Election Administration Plan

[https://acvote.alamedacountyca.gov/acvote-assets/03\\_voting/PDFs/vca/Adopted%20Renewal%20Election%20Administration%20Plan\\_508.pdf](https://acvote.alamedacountyca.gov/acvote-assets/03_voting/PDFs/vca/Adopted%20Renewal%20Election%20Administration%20Plan_508.pdf)

E. EITTACA:

 From EITACCA.docx

F. Have not received:

USA letter re: Voter Registration Roll

ACEC March 20, 2025

ATTACHMENT FOR AGENDA ITEM #8d1 -- Elections Observation Issues

Dear President Lindsay,

Per your request are a few examples of other California VCA Counties that publish their observation schedules in a more transparent way that covers election code 15104 (c) that states, "The elections official shall notify vote by mail voter observers and the public at least 48 hours in advance of the dates, times, and places where vote by mail ballots will be processed and counted."... notice it says, "Shall"

- San Francisco- Elections Main Page- <https://www.sf.gov/departments/department-elections>
  - a. Observation Main Page- <https://www.sf.gov/election-observation>
  - b. PDF Calendar of Consolidated information- [https://www.sf.gov/sites/default/files/2024-11/Calendar%20of%20Observable%20Activities%20 %20November%205%202024.pdf](https://www.sf.gov/sites/default/files/2024-11/Calendar%20of%20Observable%20Activities%20%20November%205%202024.pdf)
- San Diego
  - a. Observation Schedule Memo- <https://www.sdvote.com/content/dam/rov/en/election/2024-nov-presidential-general/ElectionObservationTentativeScheduleNov2024.pdf>
  - b. Observation Website - <https://www.sdvote.com/en/Election-Observation.html>
  - c. Observation Plan .. states you CAN ASK QUESTIONS of the Registrar AND the Escorts! <https://www.sdvote.com/content/dam/rov/en/election/2024-nov-presidential-general/ElectionObservationPlanNov2024.pdf>
- Orange County-
  - a. Observation Website - <https://ocvote.gov/media/election-observation>
  - b. Observation Interactive Calendar- <https://ocvote.gov/media/election-observation/observation-schedule>

These are a few VCA counties, larger than ours, in CA that have a process of publishing Date/Time/Location that is a lot more friendly to observers. The point of having a transparent process is to show the public that in the spirit of the law, the Registrar of Voters is presenting the elections in the most transparent way possible. When the public observers from these counties ask for MORE transparency these Registrars work WITH the public to ensure the public's questions are answered on the spot and observations are open to the public. Any deviation to these Date/Time/Locations, (such as if the registrar does NOT work a weekend then they are required to notify the public 48 hours before they resume processes. These updates can easily be published on the website to inform the public of ongoing processing efforts. This is the information I have received from Election integrity advocates in these counties.

Please let me know if you have any questions. I am prepared to provide a presentation to the commission that walks everyone through an observers journey or answer any questions.

Best regards,

Jackie Cota

925.699.9165

[EITACCA](#) - The Election Integrity Team of Alameda County CA

Our mission is to ensure Lawful, Accurate, Honest, Transparent and Timely Elections are conducted by Alameda County, California.