



## BOARD OF SUPERVISORS

**Keith Carson, Supervisor, 5<sup>th</sup> District**

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June 1, 2023

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

Dear Board Members:

**SUBJECT: FIRST READING AND INTRODUCTION OF AN ORDINANCE ESTABLISHING AN ELECTIONS COMMISSION FOR ALAMEDA COUNTY TO OVERSEE ALL PUBLIC FEDERAL, STATE, DISTRICT AND MUNICIPAL ELECTIONS CONDUCTED BY THE ALAMEDA COUNTY REGISTRAR OF VOTERS.**

**RECOMMENDATION:**

Approve an ordinance adding chapter 2.134 to Title 2 of the Alameda County Administrative Ordinance Code to establish the Alameda County Elections Commission to oversee all public federal, state, district and municipal elections conducted by the Alameda County Registrar of Voters.

**DISCUSSION:**

On January 5, 2023, the Board of Supervisors adopted a set of six (6) recommendations related to elections and the Registrar of Voters. One of those recommendations was the establishment of an Elections Oversight Committee.

After many public Board discussions consensus was reached at the April 18, 2023, board meeting that my office would take the lead to develop an Elections Commission with authority to oversee the elections functions of the Registrar of Voters. At the May 9, 2023, board meeting the Board directed County Counsel to draft an ordinance creating the Elections Commission.

The Elections Commission shall oversee implementation of general policies for the Registrar of Voters of Alameda County and shall periodically report back to the Board of Supervisors regarding the proper administration of general practices of the Registrar of Voters as it pertains to administration of elections in the County.

The Elections Commission will consist of thirteen (13) voting members, meet monthly with the Registrar of Voters in attendance, hold a minimum of ten (10) meetings per year, and be governed by the Ralph M. Brown Act.

Upon final reading and adoption of this ordinance applications for the Elections Commission will become available through the County's Boards and Commissions website with the intent of appointments appearing on August 1, 2023, Board agenda.

Upon seating of the full Elections Commission training will be provided to the Commissioners by representatives of the Registrar of Voters, Secretary of State's Office, and County Counsel and cover the topics of: Elections Administration, Voters Choice Act, Elections Observation, the Role of the Secretary of State in elections, California Elections Law, and the Brown Act.

Copies of the ordinance are attached.

**BUDGET:**

The Registrar of Voters will develop a budget for the operations of the Commission to be funded through existing resources within the Registrar of Voters Department.

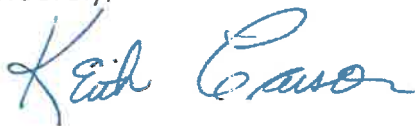
**FINANCING:**

There are sufficient funds in the Registrar of Voters budget to cover costs.

**VISION 2026 GOAL:**

The establishment of the Elections Commission meets the 10X goal pathway of **Accessible Infrastructure** in support of our shared vision of a **Thriving & Resilient Population**.

Sincerely,



Keith Carson  
District 5  
Alameda County Board of Supervisors

Cc: Susan Muranishi, County Administrator  
Donna Ziegler, County Counsel  
Tim Dupuis, Registrar of Voters

ORDINANCE NO. 23- \_\_\_\_\_

AN ORDINANCE ADDING CHAPTER 2.134 TO TITLE 2 OF THE ALAMEDA COUNTY ADMINISTRATIVE ORDINANCE CODE TO ESTABLISH THE ALAMEDA COUNTY ELECTIONS COMMISSION

The Board of Supervisors of the County of Alameda ordains as follows:

**SECTION I**

Chapter 2.134 of Title 2 of the Administrative Code of the County of Alameda is added to read as follows:

**2.134.010 Establishment and Purpose.**

There is hereby established in the County of Alameda ("County") a body which shall be known as the Alameda County Elections Commission ("Commission") to oversee all public federal, state, district and municipal elections conducted by the Alameda County Registrar of Voters. The Commission shall oversee the implementation of general policies for the Registrar of Voters, and shall periodically report back to the Board of Supervisors regarding the proper administration of general practices of the Registrar of Voters as it pertains to administration of elections in the County.

**2.134.020 Duties and Powers.**

The Commission's duties shall include, but not be limited to, reviewing written plans prior to each election, submitted by the Registrar of Voters, detailing the policies and procedures that will be used to conduct the election as well as a post-election assessment in collaboration with Registrar of Voters staff as to how well the plans succeeded in carrying out a free, fair, and functional election. The Commission shall play an oversight role for the Registrar of Voters and an advisory role for the Board of Supervisors with respect to:

- A. Promoting the integrity, efficiency and accuracy of policies and procedures related to voter registration and elections.
- B. Encouraging the widest possible voter participation in elections, including attending to the particular needs of new voters, people with disabilities, seniors, and ensuring bilingual needs are met.

- C. Promoting voter education and outreach, including to historically underserved communities of interest, youth and incarcerated voters.
- D. Providing appropriate and timely information and advice to the Registrar of Voters and Board of Supervisors on matters related to (A) through (C).
- E. Reviewing election plans drafted by the Registrar of Voters and conducting a post-election assessment, which will then be reported to the Board of Supervisors.

Notwithstanding the powers and duties of the Commission outlined in this chapter, the Board of Supervisors shall retain the ultimate authority to supervise the Registrar of Voters as provided in California Government Code Section 25303.

**2.134.030 Meetings.**

The Commission shall meet monthly, and the time and place of each meeting shall be specified in the notice calling the meeting. All meetings shall be open to the public and shall be subject to the Ralph M. Brown Act, California Government Code Sections 54950 et seq., ("Brown Act") relating to meetings of local agencies.

The Registrar of Voters, or the Deputy Registrar of Voters only if the Registrar of Voters is not available, shall attend the monthly meetings and provide requested data and information, as permitted by law, for the Commission to do its work. The Commission will meet no less than ten (10) times per year.

The Clerk of the Board of Supervisors shall post the agendas and record the meetings in compliance with the Brown Act. The Registrar of Voters shall provide secretarial and staff support to the Commission and be responsible for organizing and scheduling the meetings, providing information regarding the election process, responding to information requests from the Commission, and reporting on follow up matters. The County Counsel shall provide legal guidance to the Commission as needed.

**2.134.040 Membership.**

The Commission membership is open to all Alameda County residents who are registered voters.

The Commission shall be composed of thirteen (13) voting members as follows:

- A. one (1) member from each of the five (5) supervisory districts (Seats one (1) through five (5));
- B. four (4) at-large members (Seats six (6) through nine (9)); and
- C. four (4) organizational members with one (1) member from the League of Women Voters of the Bay Area, one (1) member from a disability rights organization, one (1) member from the American Civil Liberties Union of Northern California, and one (1) member from a voting rights organization (Seats ten (10) through thirteen (13)).

Any disability rights organization and voting rights organization interested in nominating a member to occupy one of the organizational seats shall send their nominations to the President of the Board of Supervisors. The Board of Supervisors shall determine which nomination to accept for appointment from one disability rights organization and one voting rights organization. This determination shall be made on an as needed basis.

The four (4) at-large members shall be nominated by the Commission, and these members shall be from impacted communities. The other four (4) organizational members shall be nominated by their respective organizations. All thirteen (13) members will be appointed by the Board of Supervisors. The Commission shall be broadly representative of the County.

Each member shall serve a term of three (3) years. The Board of Supervisors shall equitably stagger the appointments so that approximately one-third of the appointments expire in each year. The initial terms shall be as follows: Seats 1, 3, 6, 10 – 1 year term; Seats 2, 7, 11, 13 – 2-year term; and Seats 4, 5, 8, 9, 12 – 3-year term. Commission members shall not serve more than four consecutive terms or a maximum of twelve (12) years.

There shall be one ex officio member representing the city clerks of the County. This ex officio member shall not have any voting rights, but shall be advisory to the Commission. The city clerks of the County of Alameda shall submit a nomination for the Board of Supervisors to consider for appointment. The ex officio member shall serve a term of three (3) years and shall not serve more than four consecutive terms or a maximum of twelve (12) years.

The Board of Supervisors shall fill any vacancy on the Commission in the same manner as the original appointment. The person appointed to fill a vacancy shall serve for the unexpired term of the member he or she succeeds.

**2.134.050 Organization.**

The Commission will organize by electing one of its members as president and another as vice president to serve at the pleasure of the Commission. A majority of the number of filled seats, excluding the ex officio seat, shall constitute a quorum for the transaction of business, and that quorum number shall not be less than four.

**2.134.060 Commission Member Restrictions.**

Members of the Commission shall serve without compensation. Commission members owe a duty of loyalty to, and must act in the best interests of, the County. Although each member of the Commission is nominated by a different authority, the Commission members do not owe a duty of loyalty to their nominating authority and cannot be removed by that nominating authority. Commission members must use their independent judgment about what is in the best interest of the County. Any member of the Commission may be removed only for reasons of official misconduct by a majority vote of the Board of Supervisors. During their tenure, members of the Commission are subject to the following restrictions:

- A. Restrictions on Holding Office. No member of the Commission may hold any other County office or be an officer of a political party.
- B. Restrictions on Employment. No member of the Commission may be a registered campaign consultant or registered lobbyist in the County or be employed by or receive gifts or other compensation from a registered campaign consultant or lobbyist registered in the County. No member of the Commission may hold any employment with the County.
- C. Restrictions on Political Activities. No member of the Commission may participate in any campaign supporting or opposing a candidate or ballot measure that will appear on the County or municipal ballot. For purposes of this section, participation in a campaign includes but is not limited to making contributions or soliciting contributions to any committee, including general purpose committees; publicly endorsing or opposing or urging endorsement or opposition of any candidate or ballot measure; or participating in decisions by organizations to participate in a campaign.

**2.134.070 Severability.**

If any provision(s) of this chapter is declared invalid by a court of competent jurisdiction, it is the intent of the Board of Supervisors that such invalid provision(s) be severed from the remaining provisions of the chapter and that those remaining provisions continue in effect.

**SECTION II**

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the \_\_\_\_ day of \_\_\_\_\_, 2023, by the following called vote:

AYES:  
NOES:  
EXCUSED:  
ABSTAINED:

\_\_\_\_\_  
Nate Miley  
President of the Board

Approved as to Form:  
Donna R. Ziegler, County Counsel

By:   
Raymond Lara  
Senior Deputy County Counsel

ATTEST:

Anika Campbell-Belton  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

**Campbell-Belton, Anika, CBS**

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**From:** Steven Hill <shill@igc.org>  
**Sent:** Monday, June 5, 2023 2:18 PM  
**To:** Clerk of the Board  
**Subject:** SUPPORT item #45, Elections Commission, during Board of Supervisors meeting on June 6

**To: The Board of Supervisors: President Nate Miley, Supervisor Keith Carson, Supervisor Lena Tam, Supervisor David Haubert and Supervisor Elisa Márquez**

**From: Steven Hill, elections consultant, FairVote**

**Re: SUPPORT item #45, Elections Commission, during Board of Supervisors meeting on June 6**

Dear Supervisors,

My name is Steven Hill, and I am one of the architects of the ranked choice voting system being used in Oakland, Berkeley and San Leandro (and to a lesser extent Albany). I co-authored the charter amendments for the RCV cities and then worked with the voting equipment vendor (previously Sequoia Voting Systems, now Dominion Voting Systems) to draft the RCV software specifications, and the Secretary of State's office to ensure testing and state certification of the voting equipment. Then I engaged with then-registrar of voters Dave MacDonald, and with the city clerks for the three RCV cities, to implement RCV in Alameda County.

I am writing to you today to urge you to support Supervisor Keith Carson's ordinance to establish an Elections Commission. The proposed Alameda County elections commission has been designed based on the very successful election commissions in San Francisco and Santa Clara counties. Here are the benefits that Alameda County will see from this proposed elections commission:

**1) An elections commission will increase transparency and accountability.** An Elections Commission will help improve elections on issues like voter empowerment, language access, voting rights compliance, ranked choice voting, better poll worker training and more. (Here is a [link to the proposed legislation](#)).

**2) Partnership between the Registrar of Voters, the Commission and the public.** The Elections Commission will be empowered as a *joint partnership* between the Registrar of Voters, the Commission, the public, the media, historically underserved communities of interest, new voters, youth, people with disabilities, seniors and people with bilingual needs, allowing all stakeholders to play an active role in improving election administration, voter participation and education.



**Campbell-Belton, Anika, CBS**

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**From:** ps4man@comcast.net  
**Sent:** Monday, June 5, 2023 2:53 PM  
**To:** Clerk of the Board  
**Subject:** Support for Item 45 of Alameda County Supervisors June 6 Agenda

I am a resident of the City of Alameda regular involved in local political campaigns and a former member and chairperson of the City of Alameda Open Government Commission

This is to express my strong support for the above captioned Item 45 . *First reading and introduction of an Ordinance adding chapter 2.134 to Title 2 of the Alameda County Administrative Ordinance Code to establish the Alameda County Elections Commission to oversee all public federal, State, district and municipal elections conducted by the Alameda County Registrar of Voters*

Elections in Alameda County and in the United States are a bedrock of our democracy that require the highest levels of transparency and accountability, particularly in today's climate of election denial and partisanship.

Paul S Foreman

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

**Campbell-Belton, Anika, CBS**

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**From:** Alameda Democrat <alamedacodem@gmail.com>  
**Sent:** Monday, June 5, 2023 7:14 AM  
**To:** BOS District 4; Carson, Keith, Supv BOS Dist 5; Tam, Lena, Supv BOS Dist 3; BOS District 3; Haubert, David, Supv BOS Dist 1; dist3@acgov.org; Márquez, Elisa, BOS Dist2  
**Cc:** Clerk of the Board  
**Subject:** Item 45 - Elections Commission - SUPPORT  
**Attachments:** ALCO Dem Party Election Commission Support Reso.pdf

Dear President Miley and Members of the Alameda County Board of Supervisors,

Enclosed please find the Alameda County Democratic Party's resolution adopted last month in support of the establishment of an Elections Commission for Alameda County. Thank you for your consideration.

Respectfully,  
Igor Tregub  
Chair, Alameda County Democratic Party

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



**Resolution requesting the Alameda County Board of Supervisors to pass, authorize and implement an ordinance establishing a Voters Commission on Elections.**

WHEREAS, elections in Alameda County and in the United States are a bedrock of our democracy that require the highest levels of transparency and accountability, particularly in today's climate of election denial and partisanship; and,

WHEREAS, a properly designed elections commission, such as those used in San Francisco and Santa Clara County, has a demonstrated ability to enhance transparency and accountability of elections; and to provide regularly-scheduled opportunity for appointed commissioners and members of the public to provide input and to interact with chief election officials; and,

WHEREAS, an elections commission provides an unprecedented opportunity for a solemn partnership between election officials, the public, the media, historically underserved communities of interest, new voters, youth, people with disabilities, seniors and people with bilingual needs; now, therefore, be it

RESOLVED, that the Alameda County Democratic Party supports the passage of a Voters Commission on Elections to oversee all public federal, state, district and municipal elections in Alameda County, with commissioners appointed by the Board of Supervisors and nominated by other officials, to set general policies for the Registrar of Voters in the conduct of elections, to approve written plans prior to each election submitted by the Registrar of Voters, as well as a post-election assessment of how well the plan succeeded in carrying out a free, fair and functional election, and periodically report back to the Board of Supervisors; and, be it

FURTHER RESOLVED, that the Alameda County Democratic Party supports the Alameda County Board of Supervisors to charge the Commission with the sacred duty of playing an active role in overseeing Alameda County elections and to engage the public and all democratic stakeholders in a joint partnership with the Registrar of Voters to ensure that our local elections fulfill the faith, trust and confidence that our democracy and its participants deserve.

Adopted at May 3, 2023 Alameda County Democratic Central Committee Meeting