



BOARD OF SUPERVISORS

Keith Carson, Supervisor, 5th District

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.

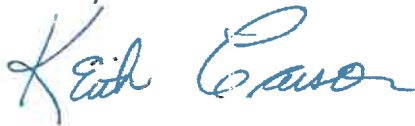
FINANCING:

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- 21

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 Alameda County Council of League of Women Voters, 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. A vacancy shall exist and shall be reported to the Board of Supervisors whenever a Commissioner fails to attend more than three (3) consecutive regular meetings of the Commission.

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 five. A majority vote of the number of filled seats, excluding the ex officio seat, shall be required for the approval of any matter.

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, except as provided in the provisions of section 2.134.040 that govern vacancies. 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.

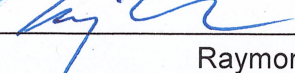
Adopted by the Board of Supervisors of the County of Alameda, State of California, on the 13th day of June, 2023, by the following called vote:

AYES: Supervisors Carson, Marquez, Tam and President Miley - 4
NOES: None
EXCUSED: Supervisor Haubert - 1
ABSTAINED: None



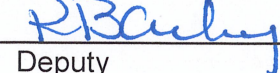
Nate Miley
President of the Board

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

4/13/23 BOS mtg
Item #10

Perkins, Cheryl, CAO

From: Alameda Democrat <alamedacodem@gmail.com>
Sent: Monday, June 12, 2023 3:08 PM
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 10 - 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. We support your unanimous vote to approve this commission last week and hope it will be adopted on the second reading. Thank you for your consideration.

Respectfully,
Igor Tregub
Chair, Alameda County Democratic Party

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cc: BOS, CAO, CBS



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

6/13/23 BDC Mtg
1712 #10

Perkins, Cheryl, CAO

From: Dave Robinson <dbrdbr@gmail.com>
Sent: Monday, June 12, 2023 7:30 AM
To: Clerk of the Board
Subject: 6/13/23 meeting item 10

Hello -

I am unable to attend the Tuesday 6/13/23 board meeting but I am writing to express my support for the adoption of the proposed ordinance establishing an elections commission. I have been aware of opportunities for improvement of the county's elections for many years. I expect the efforts of the commission to result in significant and measurable improvements in election administration and voter participation.

David B. Robinson
Hayward

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cc: BOS, CAO, CBS

Campbell-Belton, Anika, CBS

From: alison hayden <aahayden@hotmail.com>
Sent: Tuesday, June 13, 2023 9:59 AM
To: Clerk of the Board
Subject: RE: Our Elections

Please forward this email and video to each of the 5 supervisors.

Dear Supervisors,

Please watch the video (link below), be advised by the elections information and heed the speakers' remonstrances made on 6/6/2023 to the Riverside Board of Supervisors that apply to our Alameda County's elections. The contract for and use of machines is wholly under the Alameda County Board of Supervisors' jurisdiction.

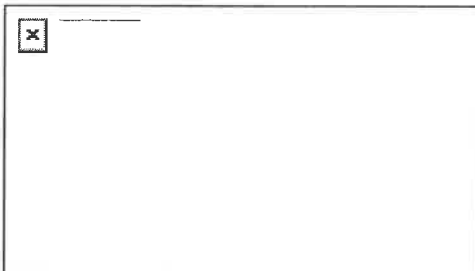
ROV Counsel Raymond Lara has not complied with public records request for the full contract with Dominion Voting Systems, but it is likely that the contract terms are similar to the other counties which adopted it. According to the numerous infractions cited, immediate termination of the contract and use of the machine is required. It seems that damages may also be sought against Dominion Voting Systems for false advertising that may help to defray termination costs.

Please take immediate appropriate action to protect our elections. Return to one day, in-person, with voter IDs, on paper ballots that are hand-counted. Thus did the nation of France in June 2022. delivering results that its citizens were confident reflected their voice.

Thank you for taking immediate action to protect our elections.

Alison Hayden

<https://rumble.com/v2sl1p4-ncs-addresses-the-rivco-board-of-supervisors-662023.html>



NCS Addresses the RivCo Board of Supervisors 6/6/2023

rumble.com

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BOS, CAO, CCO