

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

May 8, 2023

Submitted via CBS@acgov.org

Re: May 09, 2023 Board of Supervisors Meeting, Item 26.1, “Establishment of an Elections Commission for Alameda County to oversee all public federal, state, district and municipal elections conducted by the Alameda County Registrar of Voters (“ROV”)”

Dear Alameda County Board of Supervisors,

We write to you to provide public comment on the ongoing question of establishment of an oversight commission of and accountability for the Alameda County ROV.

California Common Cause is a nonpartisan, nonprofit organization that works on core democracy issues, including voting rights and election administration. The **League of Women Voters of California** is a nonpartisan, nonprofit organization that works to empower voters and defend democracy. **Disability Rights California** is a nonprofit organization founded in 1978 that defends, advances, and strengthens the rights and opportunities of people with disabilities. **Asian Americans Advancing Justice - Asian Law Caucus** is a nonpartisan, nonprofit organization founded in 1972 serving low-income, immigrant, and underserved Asian American and Pacific Islander communities.

All four of our organizations care deeply about voting rights access, the integrity of trustworthiness of Alameda County’s election systems, and government accountability.

We support the Alameda County Board of Supervisors proposal to establish a Voters Commission on Elections. We previously noted that any elections commission that will play an oversight, accountability, or transparency role over the ROV cannot be internal to the ROV, and should not be designed by the ROV. We are encouraged by the introduction of this proposal because it would create an oversight commission that is **not** designed and internal to the Registrar of Voters.

Since 2020, we have raised concerns over the operations of the Alameda County ROV. In a Nov. 12, 2020 letter we noted reports from advocates and voters that led us to believe that the ROV failed to adequately prepare for the Nov. 2020 election by failing to install the required drop boxes in a timely manner, adequately train elections staff, and provide multilingual notices on all English-language mailers sent to voters. The letter noted that at least 100-200 voters were improperly denied their right to have their ballots counted because inadequate training and inaccurate information received from the ROV. We believe that the recent ballot counting errors are part of a history and pattern of errors made by the County ROV.

More recently, in 2022, the Alameda ROV did not properly follow the requirements to allow timely meaningful input on the Election Administration Plan. At the time, the ROV did not hold consultation meetings before publishing the EAP for public comment, and then had to restart this process. The result was that they took public comment on the EAP just before ballots were sent to voters.

The introduced ordinance is modeled after elections commissions in Santa Clara County and in San Francisco. While these commissions have not been perfect, they have fostered greater transparency and accountability and fostered greater public involvement on election administration issues of various kinds. A key component to the commission structures in those counties is the required attendance of the Registrar of Voters and a requirement that the Registrar of Voters answer questions from commissioners in a public setting. We support the direction of the commission proposal because it would require the ROV to attend monthly meetings and “provide requested data and information, as permitted by law, for the commission to do its work.”

The establishment of an Elections Commission that oversees the ROV is a step in the right direction. However, we feel it is important to reiterate that **the Alameda County Board of Supervisors has the ultimate responsibility to hold the Alameda County Registrar of Voters accountable to its voters and to ensure a high standard of performance**. A commission may provide helpful transparency and oversight, but it cannot absolve this Board of its ultimate role.

Thank you for your consideration,

Jonathan Mehta Stein
Executive Director, California Common Cause

Carol Moon Goldberg
President, League of Women Voters of California

Fred Nisen
Managing Attorney, Voting Rights Practice Group
Disability Rights California

Deanna Kitamura
Voting Rights Program Manager
Asian Americans Advancing Justice - Asian Law Caucus