

CITY CLERKS OF ALAMEDA COUNTY

May 22, 2023

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

Re: Proposed Alameda County Elections Commission

Dear Members of the Board:

Free and fair elections are the cornerstone of our democracy. As the election officials for our cities, the City Clerks of Alameda County understand the importance of election processes and outcomes that are accurate, transparent, and inclusive. Proper election administration provides the public with confidence and trust in the integrity of our city, county, district, state, and federal governments and the leaders they elect.

When the news of the ranked-choice voting tabulation inaccuracy in the 2022 election became public, we were dismayed, as was the Board and public, and concerned about the impact on voter confidence in Alameda County. It was especially distressing at this critical time in our country where anti-democratic conspiracy factions seek to erode confidence in our voting processes. We applaud the Board of Supervisors for acting quickly to address the matter and to provide the public with information and an opportunity to address the issue.

We certainly agree that accountability is important in government service, and various commissions do play a role in providing a venue for public participation, seeking information from departments, making recommendations, and advising elected decision-makers on potential changes and improvements. These commissions can be very effective when they are carefully crafted to provide the appropriate type of oversight with members that have a high level of subject matter expertise.

The creation of a new, permanent 13-member county commission in response to a single, incorrect setting in the tabulation software does not appear to be a commensurate response. However, if the Board is committed to creating a new, permanent county commission, there may be other administrative oversight and accountability avenues open to the Board that will help achieve the desired outcome. Here are a few possibilities:

- Employ a consultant or auditor to review the Registrar's internal processes.
- Require the Registrar to submit the pre-election plan and post-election report to the Board and call special meetings to discuss the reports with community members and advocacy groups.
- Create an Election Commission that is charged to specifically address outreach, access and equity.

If the Board pursues the creation of a new commission, we request that the following concerns be addressed in the drafting of the enabling legislation.

Membership

Our primary concern with the proposed commission structure revolves around membership criteria. In the 21st century, elections are highly technical endeavors that are tightly regulated by the state Elections Code and other state and federal voting laws. More weight should be given to requiring commissioners to have some election experience in their background beyond advocacy. A requirement for some number of commissioners to have experience with voting technology and processes, or even government/regulatory experience is appropriate. In addition, will there be any required training provided for in the enabling legislation for the commission?

Cost and Complexity

More generally, the City Clerks of Alameda County are concerned that the creation of such a body will result in added costs and administrative complexity that will negatively impact the conduct of elections.

Recent increases in election costs imposed by the county are already straining city allocations for elections. Costs for the commission should not be passed on to cities and special districts that contract with the County for election services.

Elections are a high-intensity, fast-paced, deadline-driven process that are heavily regulated. If the commission creates added administrative burdens on the Registrar and diverts resources from critical election tasks, then more problems will likely arise. The enabling legislation must allow for the Registrar to address critical election issues in real time during the election without requiring any pre-clearance by the commission.

Local Control of Elections

City elections, especially in Charter Cities are allowed to have control over their election processes. The enabling legislation for any proposed Elections Commission must be clear that the Commission does not exercise any authority and cannot recommend any policies or practices that impinge on the rights of cities to manage their elections.

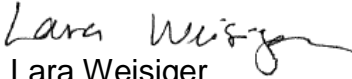
To ensure that the interests and authority of cities is adequately represented and respected, we request that at least one seat on the commission be reserved for a city clerk from Alameda County. If possible, there should be an alternate city clerk appointee to fill-in when the primary appointee is unable to attend.

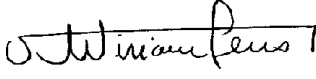
The responsibility for direct oversight and accountability over the Registrar of Voters is a critical role that the Board of Supervisors currently provides. It is unlikely that the creation of this commission will prevent the occurrence of future mistakes similar to what occurred in 2022. It is also unlikely that if the commission existed prior to the 2022 election it would have prevented the mis-count in the ranked-choice contests.

The Board should carefully consider what the creation of an Elections Commission will mean going forward in perpetuity. The management of the commission itself is a significant new demand on the resources of the Clerk of the Board. The Commission, depending on the membership, expertise, and desires of the members may go in directions not initially contemplated at its creation. It is an uncertainty that the Board will have to contend with while the important work of providing fair and accurate elections must continue unabated.


As city election officials we rely on the County to provide our voters and residents with fair and accurate elections. We believe that there should be oversight and strong accountability for the Registrar of Voters. We look forward to working with the Board and the County to ensure that we meet these goals together.

Sincerely,


Lara Weisiger
Alameda City Clerk



Miriam Lens
Hayward City Clerk


Jocelyn Kwong
Pleasanton City Clerk


Anne Hsu
Albany City Clerk


Marie Weber
Marie Weber
Livermore City Clerk


Kelly B. Clancy
Kelly Clancy
San Leandro City Clerk


Mark Nurnainville
Berkeley City Clerk


Asha Reed
Oakland City Clerk



Anna Brown
Union City City Clerk


Marsha Moore
Dublin City Clerk


John O. Tulloch
Piedmont City Clerk


April Richardson
Emeryville City Clerk


Sheila Harrington
Newark City Clerk


Susan Gauthier
Fremont City Clerk

cc: Susan S. Muranishi, County Administrator
Donna Ziegler, County Counsel
Tim Dupuis, Registrar of Voters

Signature: Marie Weber
Marie Weber (May 31, 2023 13:45 PDT)

Email: mcweber@cityoflivermore.net

Signature: *Kelly B. Clancy*

Email: kclancy@sanleandro.org










Elections Commission Letter to BOS v3 - all signatures

Final Audit Report

2023-05-31

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