



BOARD OF SUPERVISORS

October 14, 2025

Honorable Thomas Nixon, Presiding Judge
Alameda County Superior Court
1225 Fallon Street, Department One
Oakland, CA 94612

Dear Judge Nixon:

Section 933 of the California Penal Code requires the Board of Supervisors to formally comment on Grand Jury findings and recommendations that pertain to matters under the control of the Board.

In accordance with that statutory directive, I hereby submit the Board's Response to the 2024–2025 Alameda County Civil Grand Jury Final Report, *"The Registrar of Voters Does an Impressive Job, But More Transparency Needed in Alameda County Elections."* The enclosed response addresses Finding 25-52 and Recommendation 25-35, which were directed to the Alameda County Board of Supervisors.

The responses were approved by the Board at its meeting of October 7, 2025.

Sincerely,


David Haubert, President
Alameda County Board of Supervisors

DH:SSM:aes
Attachments

cc: Other Members, Board of Supervisors
County Administrator
County Counsel
Registrar of Voters
General Services Agency
Human Resource Services



C O U N T Y A D M I N I S T R A T O R

SUSAN S. MURANISHI
COUNTY ADMINISTRATOR

October 1, 2025

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

Dear Board Members:

**SUBJECT: COUNTY OF ALAMEDA RESPONSE TO THE 2024-2025 GRAND JURY
FINAL REPORT**

RECOMMENDATION:

- A. Accept and approve County of Alameda's Response to the 2024-2025 Grand Jury Final Report;
and
- B. Authorize the Board President to sign a letter on behalf of the Board of Supervisors formally transmitting Alameda County's Response to the Honorable Thomas J. Nixon, Presiding Judge, Superior Court of California, County of Alameda.

DISCUSSION/SUMMARY:

Section 933 of the California Penal Code requires the Board of Supervisors to formally comment on certain findings and recommendations in Grand Jury reports that pertain to matters under the control of the Board.

The 2024-2025 Alameda County Civil Grand Jury issued a report entitled "*The Registrar of Voters Does an Impressive Job, But More Transparency Needed in Alameda County Elections.*" Among its findings and recommendations, Finding 25-52 and Recommendation 25-35 are directed to the Board of Supervisors.

The enclosed responses were developed in consultation with the Registrar of Voters and the General Services Agency.

FINANCING:

There is no net County cost associated with the approval of these responses.

VISION 2036 GOAL:

Your Board's Response to the 2024-25 Grand Jury Final Report aligns with our Vision 2036 Operating Principle of Access and the Shared Vision of a Thriving and Resilient Population.

Very truly yours,



Susan S. Muranishi
County Administrator

SSM:AS

Attachments

cc: County Counsel
General Services Agency Director
Registrar of Voters



RESPONSES TO THE 2024-2025 GRAND JURY REPORT

**County of Alameda Board of Supervisors
Response to the 2024-2025 Grand Jury Report on
Registrar of Voters - Transparency in Elections**

Finding 25-52:

Delays in the tabulation and reporting of election results by the Registrar of Voters are caused in part by insufficient facilities, lack of equipment, and low staffing during ballot processing and counting.

Response to Finding 25-52:

The Board of Supervisors (“Board”) disagrees with the major premise of this finding, i.e., that the Registrar of Voters’ (“ROV”) tabulation and reporting of election results were “delayed”. The California Elections Code dictates the timeline by which the ROV must certify and publicly report election results. Consistent with applicable legal requirements for the November 5, 2024, election, the ROV certified the election (which includes the obligation to publicly post the results) within 30 days, but after the 28th day following the election, as required by law. *See*, Cal. Elections Code §§ 15372 and 15391(a) (the latter of which was repealed as of January 1, 2025). Existing facilities, equipment, and staffing were sufficient to enable the ROV to meet his legally mandated deadlines for tabulating and reporting election results.

The Board recognizes the importance of elections to our democratic process and the significant public interest in receiving frequent updates from the ROV while ballot tabulation is underway. The Board shares that interest. Election administration in Alameda County is a complex undertaking that involves legally mandated activities, processes and procedures. Expanding staffing, equipment and facilities comes at a cost to local jurisdictions, not just the County, because as authorized by law, local jurisdictions are obligated to pay for election costs. The Board supports increasing the frequency of updates during the tabulation period and working with the ROV to responsibly achieve this goal. The Board is also committed to achieving it in a way that does not place undue financial burdens on local jurisdictions, including the County, as public agencies are at risk of losing federal dollars for core programs.

Recommendation 25-35:

In order to ensure timely election results and reporting, the Alameda County Board of Supervisors must provide more resources to the Registrar of Voters, including larger facilities, additional equipment, and more staffing.

Response to Recommendation 25-35:

The recommendation will not be implemented because it is not warranted. Consistent with applicable legal requirements for the November 5, 2024, election, the ROV certified that election (which includes the obligation to publicly post the results) within 30 days, but after the 28th day following the election, as required by law. *See*, Cal. Elections Code §§ 15372 and 15391(a) (the latter of which was repealed as of January 1, 2025). Existing facilities, equipment, and staffing were sufficient to enable the ROV to meet his legally mandated deadlines for tabulating and reporting election results.

The Board recognizes the importance of elections to our democratic process and the significant public interest in receiving frequent updates from the ROV while ballot tabulation is underway. The Board will support the ROV to responsibly achieve greater transparency and increased reporting, while at the same time remaining mindful not to place undue financial burdens on local jurisdictions, including the County, as public agencies are at risk of losing federal dollars for core programs. Nothing in the Grand Jury's report establishes that expanding staffing, equipment and facilities is the only way to achieve more frequent reporting and greater transparency. It may be possible to achieve these goals through other means, particularly as technology advances and election laws evolve.

ROV RESPONSES TO GRAND JURY REPORT

Grand Jury Response

FINDINGS

Finding 25-40:

The Logic and Accuracy Test of the Alameda County Registrar of Voters' voting system tested only one of over a dozen ballot scanners used in the election.

Response:

The Registrar of Voters' Office (ROV) disagrees with this finding. Like other Public Logic and Accuracy (L&A) Tests, the Public L&A Test conducted on October 24, 2024, was an illustrative event designed specifically to allow members of the public to observe and understand how ballots are tabulated and verified prior to an election. Complying with the requirements for L&A Testing established by the California Secretary of State, the ROV tested and verified the accuracy of "each type of voting system component" used in the November 2024 election. Cal. Code of Regs., tit. 2 § 20279. To promote transparency, the ROV livestreamed this testing and allowed members of the public to observe in person.

Before conducting the Public L&A Test, the ROV individually tested *all* the tabulation equipment used in the November 2024 election for accuracy and functionality, in compliance with California law. The ROV provided notice of this testing on its website and allowed members of the public to observe in person or online via livestream video provided on the ROV's website.

Finding 25-41:

During Logic and Accuracy testing, sample ballots were pre-marked by the Registrar of Voters, and observers were not permitted to examine the pre-marked ballots at any time to confirm they matched the count from the ballot scanner.

Response:

The ROV partially disagrees with this finding. The Public L&A Test aims to verify that the voting system accurately reads, records, and tabulates votes as cast. This requires the ROV to follow strict procedures to ensure the accuracy and integrity of the L&A Test.

Before the Public L&A Test, approximately 100 pre-marked ballots and a list of results tabulating how those pre-marked ballots were "voted" are created. In conducting the Public L&A Test, the ROV begins by explaining the significance of the pre-marked ballots and informing observers of the expected results of those ballots. The ROV also provides copies of the expected results to observers present in person for the Public L&A Test. The ROV then runs the pre-marked ballots through the scanner used in the Public L&A Test and, for each race included on the pre-marked test ballots, reads the results generated by the tabulation system. ROV staff and Grand Jury members present for the test confirmed that the tabulation system's results matched the anticipated results for the pre-marked ballots. Following the Public L&A test, every member of the Grand Jury present for the test certified that the tested ballot materials and the L&A Test's printed output (the tabulated results) were correct. This process enables the ROV and members of the public to

ROV RESPONSES TO GRAND JURY REPORT

confirm that the ROV's scanners and tabulation system are functioning correctly going into an election.

As part of its effort to maintain the accuracy and integrity of the Public L&A Test, the ROV does not distribute the pre-marked ballots used during the test to observers. First, allowing observers to handle the ballots would increase the risk of tainting the L&A Test, including by observers adding stray marks to or otherwise damaging or removing ballots. Unfortunately, this is not a speculative concern, as public observers have improperly removed or damaged, or tried to remove or damage, election-related materials from the ROV—despite clear direction to the contrary from the ROV. Second, it would be difficult and time consuming for observers to review each of the approximately 100 ballots used in this testing to confirm that the anticipated results provided by the vendor accurately reflect each ballot's markings. Third, if observers improperly removed any of the pre-marked ballots (or other materials used during the Public L&A Test), it would likely cause the ROV to fail to meet its obligation under the California Elections Code to securely store the pre-marked ballots, all copies of the predicted results from those pre-marked ballots, and any other materials used during the Public L&A Test. *See* Cal. Elections Code §§ 17301, 17302, 17601, 17602.

Additionally, during another portion of the Public L&A Test, those members of the public serving on the L&A Board mark ballots that get tabulated by the ballot scanner and confirm that the scanner accurately tabulated the results. The ROV provides L&A Board members physical ballots, which members mark with test votes. The L&A Board participants then use the touchscreen on the ballot-marking device to record those test votes. The ballot-marking device prints those results on a marked ballot. ROV staff and the L&A Board review the physical ballots and the ballot printed by the ballot-marking device, and L&A Board members confirm whether the ballot marking device accurately registered their test votes. Once the L&A Board confirms that the ballots printed by the ballot-marking device are correct, ROV runs those ballots through the ballot scanner. The ROV and L&A Board then confirm whether the results generated by the ballot scanner correctly tabulate the test votes cast by L&A Board members.

Finding 25-42:

Video observation (online) of the electoral process, including the ballot envelope sorting, signature verification, vote-by-mail processing, and ballot scanning, was without audio or any description to the viewer of what was happening in the video feed.

Response:

The ROV partially agrees with this finding. The ROV currently provides one-line descriptions of the ballot processing activities with the hyperlinks that allow members of the public to view the activities online. The ROV acknowledges, however, that it provides livestream video of election processes, but not audio. Importantly, there is no legal requirement to provide either audio or video livestreams of election processes. In providing video livestreams, the ROV already goes above and beyond any legal requirements for election observers.

Additionally, adding audio to the livestream could raise operational and legal issues, while providing little if any benefit to members of the public observing online. Adding microphones to the large rooms where ballot processing activities take place would likely offer observers nothing

ROV RESPONSES TO GRAND JURY REPORT

more than the din of a warehouse-like environment—the sounds of large machinery working or multiple people talking at one time. Additionally, broadcasting employee or observer conversations could raise privacy concerns or result in recruitment challenges for election workers.

Finding 25-43:

During the in-person observation of ballot counting on election night, members of the public were required to be onsite by 8:00 p.m. but were not allowed entry into the Registrar of Voters counting room until after 10 p.m. During this time, ballots were being wheeled into the room while observers were kept waiting in a hallway outside, and online video feed was unavailable.

Response:

The ROV partially agrees with this finding. On election night, the ROV must balance its legal obligation to count all ballots voted in person that night, providing opportunities for members of the public to observe election processes, ensuring observers' and election workers' safety, and protecting the integrity of the election and ballot processing activities. Our election-night protocols aim to balance public safety and the ROV's commitment to election integrity and transparency.

The ROV processes ballots from throughout the County at its central tabulation location, in the basement of the Rene C. Davidson Courthouse. The courthouse closes to the public at 8:00 p.m., coinciding with the official closing time of the polls. Security and weapons screening also stop at 8:00 p.m. Requiring observers to enter the building by 8:00 p.m. ensures that they can proceed through the required security screening. This helps to ensure the safety of observers and election workers alike.

Members of the public who are in the courthouse by 8:00 p.m. on election night can remain to observe the ballot processing activities. Between 8:00 p.m. and approximately 10:00 p.m., election workers deliver ballots and other election materials from the Vote Centers throughout the County to the ROV's central tabulation location. These deliveries involve moving motor vehicles, equipment, and people through the courthouse's sallyport. Because allowing members of the public into the sallyport area during those deliveries would create safety risks for them and for election workers, ROV restricts public access during deliveries. Once enough ballots have been received and processing is ready to begin, ROV team members escort observers to areas where they can view the ballot scanning process.

These procedures aim to prevent observers from interfering with ballot processing activity and to protect observers from potential harm amidst the various moving parts on election night. The public safety aspect of these procedures should not be underestimated. In previous elections, members of the public who failed to follow instructions issued by election workers have risked injury, including by rushing past election workers into oncoming vehicle traffic in the sallyport area.

Finding 25-44:

Once admitted to view ballot counting in person on election night, observers were not allowed to ask any questions.

ROV RESPONSES TO GRAND JURY REPORT

Response:

The ROV disagrees with this finding. The ROV welcomes questions from observers and has established procedures to ensure that they can ask and receive answers to questions without disrupting the election processes or other observers.

On election night, the ballot processing environment is exceptionally busy and fast-paced, as ROV must process all in-person ballots that night. To meet this legal requirement, and to protect the integrity of the process, election workers must maintain focus and work efficiently and securely. To avoid disrupting election workers processing ballots or other observers, the ROV allows observers to take notes and write questions down, but asks them to hold their questions until their observation period ends and they move back to a waiting area. Once they have moved outside of the observation areas, the ROV can address their questions without distracting election workers or disturbing other observers. This protocol balances transparency and public engagement with the operational need to maintain orderly and secure election processes.

Finding 25-45: Notices by the Registrar of Voters to the public of upcoming online observation video feeds of the election processes did not identify the start times or what the processes would be. The notice stated, “An election process will be conducted today. For ongoing updates, check the website where all election processes will be posted.”

Response:

The ROV disagrees with this finding. The ROV’s notice procedures meet and exceed all applicable legal requirements. The ROV posts notices on its website at least 48 hours before it starts processing ballots. Those notices provide the public with information about where and when ballot processing activities will occur and how members of the public can observe those activities in person. They also direct members of the public to the ROV website’s observer page, which includes hyperlinks that allow them to observe election activities online via the ROV’s livestream feed—which the ROV has no obligation to provide.

As the California Court of Appeal recently clarified, the law does *not* require elections officials to provide “notice of the time and place for each individual step in the process.” *Election Integrity Project Cal., Inc. v. Lumm*, 108 Cal. App. 5th 443, 449 (2025). Instead, elections officials need only provide a “general notice of the dates, times, and places where the vote-by-mail ballots will be processed and counted.” *Id.* Specific to our Office’s processes, in *Pechenuk v. Dupuis et al.*, Alameda County Superior Court Case No. 24CV096386, the Court rejected a legal challenge to our notice procedures, holding that they comply with the law.

What is more, as a practical matter, it would be virtually impossible for elections officials to post an itemized, daily schedule of specific ballot processing activities. In the November 2024 election, for example, the ROV processed approximately 85,000 in-person ballots and nearly 600,000 vote-by-mail ballots. Throughout the canvassing period, the ROV engaged in each of the necessary ballot processing activities, including scanning envelopes, checking signatures, separating ballots from envelopes, and scanning ballots, to name just a few. Those activities are all interrelated, such that the ROV must continually assess which activity or activities are appropriate at a given time based on any number variables, including the time and volume of ballots delivered by mail, the

ROV RESPONSES TO GRAND JURY REPORT

progress of ballot processing activities that must be completed before others can begin, and staffing and other operational issues.

For example, once the ROV scans the initial rush of vote-by-mail ballot envelopes, it may not make sense to allocate staff or other resources to scan more envelopes until a sufficient volume of new vote by mail ballots are received in the mail. Similarly, it is often not efficient to allocate resources to scanning ballots for vote-tabulation until enough ballots have moved through the preceding steps of scanning ballot envelopes, verifying the signatures on those envelopes, and separating ballots from the envelopes they were delivered in. Predicting the precise time when it will make operational sense to begin or resume a particular activity is neither realistic nor legally required. *See Election Integrity Project Cal., Inc.*, 108 Cal. App. 5th at 449.

Beyond the notices discussed above, the ROV also allows members of the public to register to receive email or text message updates whenever the ROV will engage in election processes. To be clear, the law does not require this. The ROV began offering this service after the County's Elections Commission recommended it. Although this finding accurately states a portion of the text in those supplemental updates, it fails to mention that the updates also include a hyperlink that recipients can use to directly access the ROV website's observer page. Again, that page provides information about the time and location for ballot processing activities, as well as hyperlinks that allow members of the public to view any ongoing election activities via the ROV's livestream feed, which exceeds any current legal requirement.

Finding 25-46:

During the in-person observation of the 1% manual tally after the election, observers were given no explanation of the hand count process.

Response:

The ROV disagrees with this finding. Before the 1% manual tally, the ROV provides written materials in the observation area that explain the procedures for conducting the manual tally and how those procedures are used to confirm election results.

The ROV remains committed to election transparency. We will explore opportunities to provide observers with additional information about the manual tally process.

Finding 25-47:

During the in-person observation of the 1% manual tally after the election, observers were not allowed to ask questions concerning the process.

Response:

The ROV disagrees with this finding. The ROV welcomes questions from observers. To avoid disrupting election workers or other observers, the ROV allows observers to take notes and write questions down, but asks that they hold their questions until their observation period ends and they return to a waiting area. Once they have left the observation area, the ROV can address their questions without disrupting the 1% manual tally or other observers. This balances transparency and public engagement with the need to operate orderly and secure election processes.

ROV RESPONSES TO GRAND JURY REPORT

Finding 25-48:

In the updates of the vote counts starting on election night, it was stated that “570 of 570 Precincts Reported (100%),” giving the misleading impression that all ballots had been received or counted.

Response:

The ROV partially agrees with this finding. The ROV is required to report to the California Secretary of State the number of precincts from which ballots have been collected on election day, and the ROV has provided this information on its website for greater transparency. In the past, when nearly all voters cast their ballots in person on election day at residency-based precincts, reporting the number of precincts that had reported results provided a strong indication of the ROV’s progress in tabulating ballots. But now that (a) approximately 90% of voters vote by mail rather than in person, and (b) under the Voter’s Choice Act, we have jettisoned a precinct model in favor of a model that allows voters to vote in person at any Vote Center in the County, the number of precincts from which ROV has collected ballots on election night no longer provides a clear indication of our progress.

In light of those changed circumstances, the ROV has modified its presentation of this information. The ROV is also exploring further modifications to how and whether it will continue displaying this information on its website. After the November 2024 election, the ROV considered removing this information from its website entirely, but, though the Elections Commission issued no formal recommendation, some Commission members expressed disapproval of that approach. In the City of Oakland’s Special Municipal Election on April 15, 2025, hoping to make clearer that this only applied to in-person votes cast at and collected from Vote Centers, the ROV continued to provide this information on its website, but modified the language to state the number and percentage of “Precincts Reported from Vote Centers.”

Finding 25-49:

While the Registrar of Voters was reporting live results to the Secretary of State (where the results were posted on the state’s website), not all of these same results were being posted on Alameda County’s local website. The Alameda County website did not include: the cumulative total number of processed ballots, total updated number of processed ballots, vote-by-mail ballots received before and after election day, estimated total ballots remaining, or ballots left to be cured.

Response:

The ROV partially disagrees with this finding. When providing updates after elections, the ROV currently provides the cumulative total number of processed ballots, and it will continue to do so. The ROV also currently provides electronic cast vote records with each update, which it will continue doing, subject to applicable law and direction from the Secretary of State’s Office. The various iterations of the cast vote records will allow members of the public to compare the cumulative totals for each update.

During the canvassing period, each county provides regular updates to the Secretary of State that include the estimated number of unprocessed ballots remaining to be counted and ballots to be cured. *See* Elections Code § 15305. In the past, the ROV has not posted unprocessed ballot information on its website. In future elections, the ROV will provide a link on its website to the

ROV RESPONSES TO GRAND JURY REPORT

Secretary of State's Unprocessed Ballot Report, which includes the information reported by the ROV to the Secretary of State of its estimated number of unprocessed ballots and ballots remaining to be cured.

Finding 25-50: As reported by the Secretary of State's website, Alameda County still had an estimated 187,135 ballots out of 683,644 total ballots cast remaining to be counted 10 days after the election.

Response:

The ROV does not maintain records that would allow it to confirm or reject this finding that the ROV had processed more than 70% of the total ballots within 10 days of the election. Notably, California law requires the ROV to accept and process vote-by-mail ballots delivered up to "seven days after election day." Cal. Elections Code § 3020(a). This means that, for any election, the ROV does not even have all the ballots it needs to count for a week after election day. California law also requires the ROV to certify elections within 30 days of election day. *Id.* § 15372(a). Additionally, for the November 2024 election, elections officials were not permitted to certify results "prior to the 28th calendar day following the election." *Id.* § 15391(a); *see also id.* § 15394 (providing that Elections Code sections 15390 to 15394 would be repealed, effective January 1, 2025). Consistent with those legal requirements, the ROV timely certified the November 5, 2024 election. At no point during the canvass period did the ROV believe timely certification was in jeopardy.

Finding 25-51:

Alameda County's election results were updated on the website five times on election night but not updated daily after the election.

Response:

The ROV agrees with this finding. There is no legal requirement to provide unofficial results at all before certifying an election, much less to provide daily updates. On election night, the ROV strives to provide hourly updates after the close of the polls until the last in-person ballot is delivered and counted. After election night and for the duration of the canvassing period, the ROV provides unofficial updates at a pace that allows our office to report meaningful vote counts to the public. Additionally, because providing unofficial updates requires the ROV to pause certain of its ballot processing work while calculating and preparing the update, increasing the frequency of unofficial updates would likely extend the time needed to process ballots—especially in larger elections with high voter turnout.

Finding 25-52: Delays in the tabulation and reporting of election results by the Registrar of Voters are caused in part by insufficient facilities, lack of equipment, and low staffing during ballot processing and counting.

Response:

The ROV disagrees with this finding. There were no delays in tabulating or reporting election results in the November 5, 2024 election. Consistent with applicable legal requirements, the ROV certified that election within 30 days but after the 28th day following the election. *See Cal.*

ROV RESPONSES TO GRAND JURY REPORT

Elections Code §§ 15372(a), 15391(a) (repealed as of January 1, 2025). Nothing during the canvass period raised any concern that the ROV would not timely certify the election.

However, larger facilities designed for ballot processing and other election-related activities, and additional staff, equipment, and other resources might allow the ROV to process ballots more quickly. In some cases, this could provide an indication as to the ultimate results of some elections sooner after election day than is currently possible, though this still may not cause the ROV to certify elections earlier. Election results are not final until they are certified.

RECOMMENDATIONS

Recommendation 25-26:

For the Logic and Accuracy Testing, all ballot scanners should be available for testing, and future grand juries or other members of the public -- should they decide -- be able to randomly choose at least three of the available ballot scanners for testing.

Response:

This recommendation is not warranted, but the ROV will attempt to modify its Public L&A Test procedures to allow members of the public serving on the L&A Board to participate in selecting the ballot scanner for testing in the future.

The recommended changes to the ROV's Public L&A Test procedures are unnecessary because the ROV already permits members of the public to observe its testing of all ballot scanners that will be used in an election. The Public L&A test is an illustrative event, designed to allow members of the public to observe and understand how ballots are tabulated and verified prior to an election. The regulations for L&A Testing established by the California Secretary of State require the ROV to test and verify the accuracy of just one of "each type of voting system component" that will be used in an election. Cal. Code of Regs., tit. 2 § 20279.

But the Public L&A Test is neither the only testing of tabulation equipment conducted by the ROV nor the public's only opportunity to observe that testing. Before the Public L&A test, the ROV individually tests all the tabulation equipment that will be used in an election. As with the Public L&A Test, ROV provides advance notice of this testing on its website and allows members of the public to observe in person or online, using the livestream video provided on the ROV's website. In other words, members of the public already have the opportunity to observe the ROV's testing of every single ballot scanner that will be used in an election.

This recommendation poses operational challenges as well. Accepting this recommendation as written could triple the number of scanners tested during the Public L&A Test, and, with it, the amount of time required for that event. The law does not require this, and it would force the ROV to allocate substantial additional staff time to the Public L&A Test just before an election—a time when the ROV must focus its resources on preparing to conduct the election.

Although not required by law or to ensure public access to the ROV's testing of all tabulation equipment that will be used in an election, in response to this recommendation from the Grand Jury, the ROV is willing to modify its Public L&A procedures to allow those members of the public

ROV RESPONSES TO GRAND JURY REPORT

serving on the L&A Board to participate in selecting the ballot scanner to be tested. In future Public L&A Tests, the ROV will identify the ballot scanners that will be used for the upcoming election and allow members of the L&A Board to select the scanner for the ROV to use in the Public L&A Test.

Importantly, this change to the procedure for the Public L&A Test (like the change proposed in this recommendation) will likely negatively impact the observation experience for members of the public who do not serve on the L&A Board, whether online or in person. Under the current process, ROV staff select a scanner for the Public L&A Test located where the camera broadcasting the Test to the livestream feed can capture it and where in-person observers can see ROV staff conduct the test. But the scanners are large machines that cannot easily be moved. As a result, if the L&A Board selects a scanner located in a place outside of the camera's range or where in-person observers cannot see easily, then those observers will not have as good an opportunity to observe the Public L&A Test as they do under the ROV's current process.

Recommendation 25-27:

For the Logic and Accuracy test, public participants selected by the Alameda County Registrar of Voters should be allowed to submit pre-marked, pre-tabulated ballots for processing by the ballot scanners, and to be able to compare the pre-tabulated results with the results of the ballot scanners.

Response:

The ROV has already implemented this recommendation. During the Public L&A Test, members of the public serving on the L&A Board receive and mark physical ballots. L&A Board participants then use the touchscreen on the ballot-marking device to record those test votes. The ballot-marking device then takes those results and prints out a marked ballot. ROV staff and the L&A Board review the physical ballots and the ballot printed by the ballot-marking device, and L&A Board members confirm whether the test votes on the two ballots match. Once the L&A Board confirms that the ballots printed by the ballot-marking device are correct, ROV runs those ballots through the ballot scanner. The ROV and L&A Board then confirm whether the results generated by the ballot scanner correctly tabulate the test votes cast by L&A Board members.

Recommendation 25-28:

When posting updates after the election, the Alameda County Registrar of Voters should clarify that "570 of 570 precincts reported (100.00%)" does not reflect that all ballots have yet been tabulated or received.

Response:

The ROV has implemented this recommendation. The ROV has already modified the presentation of this information to make it clearer to members of the public that this information relates only to ballots cast in person at Vote Centers.

The ROV is required to report to the California Secretary of State the number of precincts from which ballots have been collected, and the ROV has provided this information on its website to offer greater transparency. In the past, when nearly all voters cast their ballots in person on election day at residency-based precincts, reporting the number of precincts that had reported results

ROV RESPONSES TO GRAND JURY REPORT

provided a strong indication of the ROV's progress in tabulating ballots. But now that (a) approximately 90% of voters vote by mail rather than in person, and (b) under the Voter's Choice Act, we have jettisoned a precinct model in favor of a model that allows voters to vote in person at any Vote Center in the County, the number of precincts from which ROV has collected ballots on election night no longer provides a meaningful indication of our progress.

Given those changed circumstances, the ROV has modified its presentation of this information. After the November 2024 election, the ROV considered removing this information from its website entirely, but, though the Commission issued no formal recommendation, some members of the Elections Commission expressed disapproval of that approach. In the City of Oakland's Special Municipal Election on April 15, 2025, hoping to make clearer that this only applied to in-person votes cast at and collected from Vote Centers, the ROV continued to provide this information on its website, but modified the language to state the number and percentage of "Precincts Reported from Vote Centers." The ROV is also exploring further modifications to how and whether it will continue displaying this information on its website.

Recommendation 25-29:

When posting online updates after the election, the Alameda County Registrar of Voters should provide more detailed and updated information, such as: the cumulative total number of processed ballots, total number of processed ballots from the last report, vote-by-mail ballots received before and after election day, estimated total ballots remaining, and ballots left to be cured.

Response:

The ROV has already partially implemented this recommendation and will implement the other portions by the June 2026 election. When providing updates after elections, the ROV currently provides the cumulative total number of processed ballots, and it will continue to do so. The ROV also currently provides electronic cast vote records with each update, which it will continue doing, subject to applicable law and direction from the Secretary of State's Office. The various iterations of the cast vote records will allow members of the public to compare the cumulative totals for each update. In the past, the ROV has provided information about unprocessed ballots and ballots left to be cured to the Secretary of State's Office, but the ROV has not posted this information on its website. In future elections, the ROV will provide a link on its website to the Secretary of State's Unprocessed Ballot Report, which includes the information reported by the ROV to the Secretary of State of its estimated number of unprocessed ballots and ballots remaining to be cured.

Recommendation 25-30:

When providing video feed of the Alameda County Registrar of Voters activities such as ballot envelope sorting, signature verification, vote-by-mail processing, and ballot scanning, the Registrar of Voters should post written explanations of what is being seen on the website where the video link is located.

Response:

The ROV will implement this this recommendation by the June 2026 election. The ROV will work to develop written explanations of its ballot processing activities that it will post on its website for members of the public to access.

ROV RESPONSES TO GRAND JURY REPORT

Recommendation 25-31:

On election night, the Alameda County Registrar of Voters should ensure that the entire in-person and online ballot counting process be made available in a timelier manner after the polls close, with an explanation to observers as to any delays.

Response:

The ROV will not implement this recommendation because it is not warranted. On election night, the ROV must balance its statutory obligation to count all ballots voted in person that night, providing opportunities for members of the public to observe election processes, ensuring observers' and election workers' safety, and protecting the integrity of the election and ballot processing activities. Our election-night protocols aim to balance public safety and the ROV's commitment to election integrity and transparency.

The ROV processes ballots from throughout the County at its central tabulation location, in the basement of the Rene C. Davidson Courthouse. The courthouse closes to the public at 8:00 p.m., coinciding with the official closing time of the polls. Security and weapons screening also stop at 8:00 p.m. Observers who are in the courthouse by 8:00 p.m. on election night can remain to observe the ballot processing activities. Requiring observers to enter the building by 8:00 p.m. ensures that they can proceed through the required security screening. This helps to ensure the safety of observers and election workers alike.

After the polls close at 8:00 p.m., election workers deliver ballots and other election materials from the Vote Centers throughout the County to the ROV's central tabulation location. Once election workers arrive at the courthouse, delivering ballots for tabulation involves moving motor vehicles, equipment, and people through the courthouse's sallyport. Because allowing members of the public into the sallyport area during those deliveries would create safety risks for election workers and members of the public, ROV restricts public access during these deliveries. Once enough ballots have been received and processing is ready to begin, ROV team members escort members of the public to areas where they can observe the ballot scanning process.

Election workers endeavor to get ballots to the courthouse and ready for tabulation as quickly as possible after the polls close, but these processes take time. And beyond the logistical challenges on election night, the ROV's election night procedures aim to prevent observers from interfering with ballot processing activity and to protect observers from potential harm amidst the various moving parts on election night. The public safety aspect of these procedures should not be underestimated. In previous elections, members of the public who failed to follow instructions issued by election workers have risked injury, including by rushing past election workers into oncoming vehicle traffic in the sallyport area.

Recommendation 25-32:

During in-person observations, the Alameda County Registrar of Voters should provide a designated, trained employee to explain the observation process and answer questions.

ROV RESPONSES TO GRAND JURY REPORT

Response:

The ROV has already implemented this recommendation. The ROV welcomes questions from observers and has established procedures to ensure that they can ask and receive answers to questions without disrupting election processes or other observers. The ROV allows observers to take notes and write down questions while they are in the observation area but asks them to hold their questions until their observation period ends and they return to a waiting area. Once they have left the observation areas, ROV staff can address their questions without distracting election workers or disturbing other observers. This balances transparency and public engagement with the operational need to maintain orderly and secure election processes.

Recommendation 25-33:

The Alameda County Registrar of Voters should update election results daily after election night.

Response:

The ROV will not implement this recommendation because it is not warranted. There is no legal requirement to provide unofficial results at all before certifying an election, much less to provide daily updates. On election night, the ROV strives to provide hourly updates after the close of the polls until the last in-person ballot is delivered and counted. After election night and for the duration of the canvassing period, the ROV provides unofficial updates on a schedule that allows our office to report meaningful vote counts to the public. Additionally, because providing unofficial updates requires the ROV to pause portions of its ballot processing work while calculating and preparing the update, increasing the frequency of unofficial updates would likely extend the time needed to process ballots—especially in larger elections with high voter turnout.

As it has done in recent elections, before future elections, the ROV will publish an anticipated schedule for posting updated, unofficial results during the canvass period. The ROV will strive to publish unofficial updates consistent with that schedule, so long as doing so does not interfere with certifying the election within the time required by law.

Recommendation 25-34:

The Alameda County Registrar of Voters must identify the start times and the processes in its notifications to the public for observation.

Response:

The ROV will not implement this recommendation because it is not warranted. The notifications the ROV currently provides to the public for observation already exceed applicable legal requirements.

The ROV posts notices on its website at least 48 hours before it starts processing ballots. Those notices provide the public with information about where and when ballot processing activities will occur and how members of the public can observe those activities in person. That satisfies the legal requirements to provide notice to the public. *Election Integrity Project Cal., Inc. v. Lunn*, 108 Cal. App. 5th 443, 449 (2025). Indeed, in *Pechenuk v. Dupuis et al.*, Alameda County Superior Court Case No. 24CV096386, the Court rejected a legal challenge to our notice procedures and confirmed that they comply with the law.

ROV RESPONSES TO GRAND JURY REPORT

But the ROV goes beyond those legal requirements. The notices on the ROV's website direct members of the public to the website's observer page, which includes hyperlinks that allow them to observe election activities online. The ROV has no obligation to livestream election processes for the public to observe online.

The ROV also allows members of the public to register to receive email or text message updates whenever the ROV engages in election processes. Those supplemental notices include a hyperlink that recipients can use to directly access the ROV website's observer page, which includes information about observing in person and hyperlinks to observe any ongoing election activities online. The ROV began offering this service after the County's Elections Commission recommended it, but, like the livestream feed, the ROV has no obligation to provide these supplemental notices.

What is more, as a practical matter, it would be virtually impossible for elections officials to post an itemized, daily schedule of specific ballot processing activities. In the November 2024 election, for example, the ROV processed approximately 85,000 in-person ballots and nearly 600,000 vote-by-mail ballots. Throughout the canvassing period, the ROV engaged in each of the necessary ballot processing activities, including scanning envelopes, checking signatures, separating ballots from envelopes, and scanning ballots, to name just a few. Those activities are all interrelated, such that the ROV must continually assess which activity or activities are appropriate at a given time based on any number variables, including the time and volume of ballots delivered by mail, the progress of ballot processing activities that must be completed before others can begin, and staffing and other operational issues.

For example, once the ROV scans the initial rush of vote-by-mail ballot envelopes, it may not make sense to allocate staff or other resources to scan more envelopes until a sufficient volume of new ballot envelopes are received in the mail. Similarly, it is often not efficient to allocate resources to scanning ballots for vote-tabulation until enough ballots have moved through the preceding steps of scanning ballot envelopes, verifying the signatures on those envelopes, and separating ballots from the envelopes they were delivered in. Predicting the precise time when it will make operational sense to begin or resume a particular activity is neither realistic nor legally required. *See Election Integrity Project Cal., Inc.*, 108 Cal. App. 5th at 449.

Recommendation 25-35:

In order to ensure timely election results and reporting, the Alameda County Board of Supervisors must provide more resources to the Registrar of Voters, including larger facilities, additional equipment, and more staffing.

Response:

This recommendation will not be implemented because it is not warranted. The ROV has not experienced delays in tabulating or reporting election results. For at least the last 30 years, the ROV has never failed to certify election results within the time required by law, and our Office is unaware of any election in the County's history that was not timely certified.

ROV RESPONSES TO GRAND JURY REPORT

California law requires elections officials to certify election results within 30 days of election day. Cal. Elections Code § 15372(a). But the law does not require elections officials to provide any unofficial results at all before certifying an election, let alone daily updates.

It is possible that larger facilities designed for election-related activities, and additional staff, equipment, and other resources could enable our Office to process ballots more quickly. In some cases, this might provide an indication of election results sooner after election day than the ROV can currently provide. For any number of reasons, however, even this would not be certain, and it might not allow the ROV to certify elections earlier. For example, California law requires the ROV to accept and process vote-by-mail ballots delivered up to “seven days after election day.” Cal. Elections Code § 3020(a). This means that, for any election, the ROV does not even have all the ballots it needs to count for a week after election day. Election results are not final until they are certified.