

November 2022 Election Re-Count

Questions and concerns were raised about the tally by the Alameda County Registrar of Voters of some races in the November 2022 Election.

The Oaklandside published two articles recapping key dates and next steps:

- [Timeline: How the Alameda County Registrar of Voters ran—and fumbled—the November election](#)
- [Recount for real? County supervisor calls for an independent recount of Oakland's ranked-choice elections](#)

The Registrar stated that the Oakland Unified School District 4 race outcome was different from his initial announcement, and the County Board of Supervisors is now considering what actions it might or can take legally.

The League of Women Voters stayed involved.

Oakland League President Viola Gonzales presented the following testimony on January 10, 2023:

Dear Board of Supervisors, Alameda County:

The League of Women Voters of Oakland submits the following proposals in response to the miscount in the OUSD D4 race and community concerns raised about the tally of the Mayoral race. Our paramount objective is that residents have confidence in the election results. That can only happen if a clear and transparent process addresses the public's concerns and questions.

We recognize that the BOS must first determine whether it can authorize a recount or whether, since results have been certified, it must petition the court for such authority. If the BOS has the authority by court order or otherwise to conduct any recount, we ask:

1. *that you authorize, at a minimum, a full recount by hand of the ballots cast in the Oakland Unified School District D4 race. We believe this recount should occur whether or not the courts rule that election results can be changed after they have been certified. The purpose of the suggested recount would be to determine whether the hand tally matches the machine tally. We realize that the error was a human error in choosing software settings and that some research identifies machine counting to be more accurate than hand counts. However, we believe the*

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cross-checking of hand and machine tallies would engender confidence in the process, which is our primary goal; and

- 2. that you consider other measures that may be helpful or necessary to rebuild confidence in the election results. One such measure might be a recount of pivotal rounds in the Oakland mayoral race; and*
- 3. that any independent person brought in to oversee or assist in conducting a recount be an expert in CA election law and have deep experience in election administration and familiarity with ranked choice voting; and*
- 4. that very specific written rules based on the CA Secretary of State's guidelines for recounts be set forth for observers. Rules must be posted, observers must agree to follow the rules, and observers must agree that anyone who disrupts the recount by failing to follow the rules faces the consequence of ejection.*

There is also a question of whether to form an Alameda County Oversight Committee.

On that issue, the League advocates that the BOS maintain full and direct oversight of the Registrar of Voters. Any additional committee should be advisory only, hold regular meetings and publicize its agendas. The Voters Choice Act (VCA) already provides for three committees, including a general advisory committee. We recommend that you first determine whether those three mandated committees are functioning, i.e., holding regular meetings, with agendas posted online prior to the meeting, posting minutes in a timely manner and conforming to VCA requirements. Only then should you consider whether an additional advisory committee is warranted and that it too meets VCA standards.

Respectfully,

Viola Gonzales, President

League of Women Voters Oakland