



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 2/11/2025

To: Sonoma County Board of Supervisors

Department or Agency Name(s): County Administrative Office and Clerk-Recorder-Assessor-Registrar of Voters / County Administrator's Office

Staff Name and Phone Number: M. Christina Rivera, 707-565-2431, and Deva Marie Proto, 707-565-3246

Vote Requirement: Majority

Supervisorial District(s): All

Title:

Ordinance to Create Stand-Alone Registrar of Voters Department

Recommended Action:

Adopt an Ordinance to separate the Registrar of Voters from the Clerk-Recorder-Assessor Department; provide for the appointment of the registrar of voters by the Board of Supervisors, and shift supervision of the Registrar of Voters under the County Executive.

Executive Summary:

On January 28, 2025, the Board of Supervisors ("Board") introduced and waived further reading of an ordinance separating the Registrar of Voters responsibilities from the County Clerk-Recorder-Assessor Department and creating a stand-alone Registrar of Voters with an appointed department head. This items requests adoption of the ordinance to create a stand-alone Registrar of Voters Department with an appointed Registrar of Voters.

Discussion:

Legislative Changes and Election Environment

Elections functions are complicated to manage due to the large scope, sensitive nature of the work, and increasing complexity. Additionally, elections legislation, regulations, and the overall election environment have changed rapidly during the last decade and are continuing to evolve and impact the administration of elections. General safety, security, and cybersecurity concerns have added significantly to the changing dynamics of elections services. In recent elections, Sonoma County has seen, and expects to continue to see, a record number of registered voters and record voter participation. These changes have led to the requirement for additional oversight and administration to the point where it has become a full-time assignment for the elected department head.

Elections functions were designated as critical infrastructure in 2017 by Homeland Security after the 2016 election. Most notably after the 2020 election cycle, the level of rhetoric and scrutiny on elections has increased significantly. Elections staff and management are more likely to deal with confrontational and angry voters, as well as being required to answer more questions about the integrity of themselves as well as the election process. The need for greater outreach and proactive communications in multiple media methods has increased, as has the number of complex public records requests. Across the nation, election officials are

being placed under more intense scrutiny, with more aggression and threats being directed at themselves and the offices and staff.

Notably, the increase in safety and security concerns related to Elections, as well as being designated critical infrastructure, has led to increased direct and ongoing collaboration with state and federal agencies, such as the California Secretary of State (SOS) Federal Bureau of Investigation (FBI), Department of Justice (DOJ), Cybersecurity and Infrastructure Security Agency (CISA), and the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC) (under CISA, specific to elections), as well as local law enforcement and Emergency Management. There is more of a need to concentrate on advance planning and mitigation strategies for facilities, poll workers, staff, systems, and processes, which takes extensive time.

The Registrar of Voters is no longer a position that can afford to react to a situation that arises. To avert disaster, the Registrar of Voters must be working with multiple law enforcement, emergency management, and security organizations to prepare for any eventuality that may arise and have a plan in place. The focus of the current department head is split amongst the various mandated functions of the office, to the detriment of the Registrar of Voters functions.

In the current environment, the Registrar of Voters must be proactive to administer successful elections. Even during the 'non-election' season, the department head spends a majority of time on preparing for future elections and hardening the systems and infrastructure of the office. This includes participating in audits from the Department of Homeland Security, weekly scheduled cybersecurity meetings with the FBI, weekly meetings with the SOS, and coordination with federal, state and local law enforcement and emergency management. During major elections, the Department of Emergency Services maintains a presence at the Registrar of Voters due to the potential for an emergency situation and the resulting consequences for the County.

History of Sonoma County Clerk-Recorder-Assessor Department

The County Clerk-Recorder-Assessor Department used to consist of three separate stand-alone departments, all with elected department heads. The Assessor is the only position that must be elected, per the California Constitution. In the late 1990s, there was a push in counties across the state to combine smaller offices to reduce the number of elected officials and department heads. Different counties combined offices in different configurations. The most common consolidations are Clerk-Recorders and Recorder-Assessors. At the time, the County Clerk was the ex-officio Clerk of the Board, the ex-officio Registrar of Voters, as well as the Public Administrator, Public Guardian, and Public Conservator. The County Clerk had also previously been the Clerk of the Superior Court until the court became the responsibility of the state.

In 2001, the Recorder was retiring, and the County was interested in consolidating it with another department. Both the County Clerk and the Assessor were interested in consolidating functions. The Clerk's interest was due to the vital records overlap, and the Assessor's was for the real property overlap. Initially, the Board of Supervisors opted to combine the County Clerk and the Recorder and, upon the retirement announcement of the Assessor, made the decision to consolidate the Assessor with the new Clerk-Recorder department, which became official at the end of 2001.

After the consolidation, the Clerk of the Board responsibilities were removed from the department due to the conflict of interest between the Clerk of the Board Assessment Appeals responsibilities and the Assessor. The Public Guardian, Public Conservator and Public Administrator responsibilities were also reassigned to the

Department of Human Services.

In 2012, the department began work to combine the responsibilities of the County Clerk and Recorder divisions into one combined division, due to overlapping functionality. The Chief Deputy Recorder was retiring, and the opportunity was used to create a Chief Deputy Clerk-Recorder position, with management responsibilities over both functional areas. In 2014, a combined Clerk-Recorder system was implemented to increase efficiency and allow for more cross-training.

In 2017, the County Clerk staff were brought over from the La Plaza buildings to be combined with the Recorder staff in the Fiscal building. This was designed to increase safety and eliminate confusion from the public who would often go to the wrong office, as well as allow for cross-training within the division and with the Assessor customer service staff.

Considerations for Elected vs Appointed Registrar

Currently, 19 counties have an appointed Registrar of Voters (Registrar), while 39 have an elected one. All counties that have a separate Registrar of Voters department have an appointed department head. Appointed Registrars include San Francisco, Solano, Lake, and Marin counties, which are located nearby.

The Election/Registrar responsibilities are appointed functions and are not required to be under an elected official. If the elected official decided not to continue supervising the function and no other elected official was willing to take on such responsibilities outside of their elected duties, it would require the Board to move the responsibility under an existing department head and/or create a new department head position specifically to oversee this demanding area.

Although the office has successfully functioned with oversight of an elected official, there are several challenges that are likely to become issues in the future. Given the varied nature of the responsibilities of the current department, it is unlikely that there is a pool of individuals seeking the elected office who are/will be familiar with both the Registrar and Clerk-Recorder-Assessor functions. The three departmental Chief Deputies all have their own separate and distinct job classifications, certification requirements or opportunities, trainings, operational systems, statutory deadlines, and state organizations. Since the job operations are so distinct, there is very little opportunity to become versed in the other areas. The Chief Deputy Clerk-Recorder and Chief Deputy Assessor work together frequently due to the nature of their work, but the Chief Deputy Registrar of Voters has no operational overlap. The vast majority of other counties in CA do not combine Assessor and Elections functions, and it is not seen in any other states. The few counties that do have functions combined have separate divisions without cross over management training, unless they are small enough that all staff do everything. Therefore, having a department head come from within or from the outside with knowledge of both Registrar and Clerk-Recorder-Assessor functions is unlikely.

There is also an inherent conflict of interest in having an elected department head that is required to oversee their own election. For elections where the department head is on the ballot, it means recusing themselves from administering the election in the same manner as other elections and depriving the office of an additional manager and subject matter expert. It also means that some candidates that may be eminently qualified to run for the elected position opt out with the knowledge that the position also requires them to manage incomparable disciplines.

Given the rapid changes in legislation, the designation of elections as critical infrastructure, cybersecurity

concerns, and historic scrutiny and need for outreach, the duties of the Registrar would be challenging to manage without someone who is proficient and skilled in elections codes, rules, and regulations to navigate through this process. An elected official in charge of this responsibility has no requirement to have experience with elections, and may not have the necessary background, skills, or abilities to effectively manage the legal responsibilities of the office.

An appointed Registrar of Voters, chosen for their expertise and evaluated on merit, ensures the position is insulated from political pressures and remains focused on fairness and accountability. Unlike an elected official, who might be swayed by party affiliations or re-election concerns, an appointed Registrar would report to the County Executive Officer and prioritize competency over political popularity. It would ensure that only the most qualified professionals lead this office, free from partisan pressures and focused solely on serving the public.

It would also ensure that the position would not have to run their own elections and recuse themselves.

As an appointed position, the Registrar of Voters would have less independence than an elected official but would have to be accountable for fulfilling their job responsibilities. In other counties with appointed ROVs, the incumbents have called out the need for increased communication with the Board of Supervisors and the County Administrator/Executive as an appointed department head, as well as the benefit of having continuity of operations between elections (due to not recusing themselves when appearing on the ballot), and the ability to focus on their job instead of running for election.

Department Organization - Existing Department and Proposed Separate Departments

The current Registrar of Voters division currently operates independently of the other Clerk-Recorder-Assessor functions but shares administrative and IT support. The creation of a new department would require the reassignment of several staff members in the administrative division of the department and would maintain the division operational staff as they currently exist.

There are no shared operational job classifications between Registrar of Voters and the other two divisions. Job classifications in the Registrar of Voters division include the Chief Deputy Registrar of Voters, Program Development Manager (Election Manager), Election Specialist series and Storekeeper. Job classifications in the Clerk-Recorder and Assessor divisions include the Chief Deputy Clerk-Recorder, Chief Deputy Assessor, Appraiser series, Assessment Specialist series, and Clerk-Recorder-Assessor Specialist series. There would be no change to the division or work that the positions are currently assigned.

The current administrative division of the department consists of the elected County Clerk-Recorder-Assessor (and Registrar of Voters), one Executive Assistant (assigned to the department head for administrative support), two Administrative Services Officers (ASO I), one Department Analyst, one Accountant, one Accounting Technician, one Department Information Systems Manager (DISM), three Department Information Systems Specialists (DISS) and one Department Information Systems Technician (DIST) who is assigned full time to the Registrar of Voters division. There is also an Administrative Aide that is not part of the administrative unit and is assigned full time to the Registrar of Voters division and support of the Chief Deputy Registrar of Voters. The current recommendation would be to split the existing administrative division positions based upon the current amount of time spent supporting the Registrar of Voters.

Legal Considerations

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As of January 1, 2025, California Government Code 26802.5 allows for the Sonoma County Registrar of Voters to be separated from the County Clerk. The elected Clerk-Recorder-Assessor is the ex-officio Registrar of Voters, but not in Sonoma County, the position elected is only the County Clerk-Recorder-Assessor and does not name the Registrar of Voters position on the ballot title. Therefore, this change allowed to occur at any time, as opposed to at the start of an elected term of office.

Timing Considerations

The timing of separating the department needs to consider both the County budget cycle as well as the Registrar of Voter's election schedule. Due to the need to create a separate budgetary unit for a new Registrar of Voters department, the official creation of the new department should happen with the start of a new budget cycle, on July 1. If this process is started now, the actual structures, allocations, and budgets of each separate department would be included in the budget planning process for the 2025-2026 budget, and the Board of Supervisors would have the opportunity to review and approve during the budget hearings.

The election schedule is also a major consideration. It would be unwise to separate the office in the middle of a major election cycle. The 2025 calendar year is ideal for a separation, as there are no major scheduled elections, and would generally only have minor elections that may be called. The Uniform District Election (UDEL) scheduled for November 4, 2025, currently has only 7 small districts that still hold elections on odd years. Due to the lack of candidates, many of these contests do not go to election. In 2021, only two districts went to an election, and in 2023, none did. Therefore, it should not impact the department negatively. The 2026 election cycle has both a June primary and a November general election. If the department was to separate on July 1, 2026, it would be likely that the department would separate in the middle of an active election. The Clerk-Recorder-Assessor position would be on the ballot during the June 2026 election. A new department head would need to take over in the aftermath of a major election and conduct the general election without the benefit of managing the primary election process.

If this recommendation is approved, Human Resources will seek your Board's approval on the adoption of a Registrar of Voters job classification in a separate agenda item. Once the new job class is established, an executive level recruitment will be conducted to fill the position. It will likely be 4-5 months until an appointment is made. The current Clerk-Recorder-Assessor would continue to manage the operations of the office until the new department head is appointed. A new Registrar of Voters would then have the opportunity to participate in the entire November 2025 UDEL election process, and then start the 2026 election cycle as an established part of the ROV team.

Effective Date

If the Board adopts the proposed ordinance, the revisions will take effect on July 1, 2025.

Strategic Plan:

This item directly supports the County's Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

Pillar: Organizational Excellence

Goal: Goal 1: Expand integrated system of care to address gaps in services to the County's most vulnerable.

Objective: Objective 6: Develop training and staffing structures that effectively support disaster services work and emergency operations, particularly for large-scale and ongoing events.

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

7/17/2001 & 7/24/2001 - Resolution 01-0890, Ordinance 5296, Consolidating the Office of the County Recorder with the Office of the County Clerk-Public Administrator

9/11/2001 & 9/18/2001 - Resolution 01-1130, Ordinance 5305, Consolidating the Office of the County Assessor with the Office of the County Clerk-Recorder-Public Administrator

5/11/2004 & 5/24/2004 - Resolution 04-0427, Ordinance 5485, Reorganizing Public Administrator/Public Guardian/Public Conservator (removing from Clerk-Recorder-Assessor Department and assigning to Human Services Department)

11/7/2006 & 12/5/2006 - Resolution 06-0964, Ordinance 5692 - Organizational Change, Clerk of the Board (removing from Clerk-Recorder-Assessor Department and assigning to County Administrator’s Office)

1/28/2025 - Adopted Resolution 25-xxxx - reading the title of, waiving further reading, and introducing an Ordinance to separate the Registrar of Voters from the Clerk-Recorder-Assessor Department.

FISCAL SUMMARY

Expenditures	FY23-24 Adopted	FY24-25 Projected	FY25-26 Projected
Budgeted Expenses			
Additional Appropriation Requested		\$350,000	\$350,000
Total Expenditures			
Funding Sources			
General Fund/WA GF		\$350,000	\$350,000
State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
Total Sources		\$350,000	\$350,000

Narrative Explanation of Fiscal Impacts:

There would be no current fiscal year impacts. The actual structures, allocations, and budgets of each separate department, if approved by the Board, would be included in the budget planning process for the 2025-2026 budget, and the Board of Supervisors would have the opportunity to review and approve during the budget hearings. Human Resources estimates that the annual salary and benefits would be around \$350,000. The final

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number would be dependent on a salary study and the Board’s adoption.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

Currently, the only new position created would be the Registrar of Voters. The actual structure, position allocations, and budgets of each separate department would be included in the budget planning process for the 2025-2026 budget and future budgets, and the Board of Supervisors would have the opportunity to review and approve during budget hearings.

Attachments:

1. Ordinance Reorganizing the Registrar of Voters

Related Items “On File” with the Clerk of the Board:

N/A