



County of San Diego

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VIA ELECTRONIC MAIL ONLY

Scott A. McMillan
scott@mcmillanlaw.us

RE: California Public Records Act Request and “Demand for Production of Election Records Nos. 1-52”

Dear Mr. McMillan:

This letter provides a further response to your California Public Records Act request to the Registrar of Voters (the “Registrar”) dated December 10, 2020.

REQUEST 1: Provide those documents identifying, by date, time and means, all synchronization transmissions between the California Secretary of State and the county Registrar of Voters.

RESPONSE to REQUEST 1: As an initial matter, although your PRA request generally purports to seek information related to the “General Election, November 3, 2020,” Request #1 does not contain a date range for the requested information.

Assuming you are seeking information related to the November 3, 2020 election, the Registrar will produce Statement of Registration Certifications which indicate synchronization checks were done. On January 20, 2021, the Registrar provided the October 27, 2020 Statement of Registration Certification. The Registrar will also provide additional Statement of Registration Certifications related to the November 2020 election.

In addition, in response to this request as well as Requests # 45 and 46, please see the following dates of the roster extractions:

09/13/20 ROR Extraction
10/09/20 Roster Extraction
10/23/20 Supplemental Roster Extraction
10/26/20 Supplemental Roster Extraction

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10/27/20 Supplemental Roster Extraction

Please note that the “date, time, and means” of “all synchronization transmissions” are not recorded in a document in summary form. To the extent you are seeking different information than provided here, I would be happy to work with you to clarify your request. Please also note that if your request encompasses source documents regarding changes to voter registration, these documents constitute confidential voter registration data. *See* Cal. Gov’t Code §§ 2194, 6254.4; Cal. Code Regs. tit. 2, § 19001. You may apply to receive voter registration information and pay the applicable fee. Cal. Gov’t Code § 2188; Cal. Code Regs. tit. 2, § 19001 *et seq.* (See application enclosed.) Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.

REQUEST 2: Provide those documents with the results of each synchronization transmission between the California Secretary of State and the county Registrar of Voters, by number of registrants confirmed as valid, and those that are identified as invalid.

RESPONSE to REQUEST 2: The Registrar is unable to identify documents responsive to this request because the designations “valid” and “invalid” are unclear. Please clarify what documents you are seeking to help the Registrar identify any responsive records.

REQUEST 3: Provide those documents which reflect notifications from the Secretary of State requesting or directing modifications to a voter’s registration record between September 1, 2020 and November 15, 2020.

RESPONSE to REQUEST 3: The Registrar has identified responsive documents. These records constitute confidential voter registration data. *See* Cal. Gov’t Code §§ 2194, 6254.4; Cal. Code Regs. tit. 2, § 19001. You may apply to receive voter registration information and pay the applicable fee. Cal. Gov’t Code § 2188; Cal. Code Regs. tit. 2, § 19001 *et seq.* (See application enclosed.) Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.

REQUEST 4: Provide those documents that reflect, in summary form, the modifications to the voter registration record, by date, time, and by any unique voter registration number or name of voter, for those records modified between September 1, 2020 and November 15, 2020.

RESPONSE to REQUEST 4: The Registrar does not have existing documents that contain the requested information in summary form. A record of any responsive data retained by the Registrar would have to be created through data extraction and programming pursuant to Section 6253.9 of the Government Code (“Section 6253.9”). Further, such records constitute confidential voter registration data. *See* Cal. Gov’t Code §§ 2194, 6254.4; Cal. Code Regs. tit. 2, § 19001. You may apply to receive voter

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registration information and pay the applicable fee. Cal. Gov't Code § 2188; Cal. Code Regs. tit. 2, § 19001 *et seq.* (See application enclosed.) Upon receipt of your application, the Registrar's office can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.

REQUEST 5: Provide those documents identifying where, by geographic location, ballots were counted in the County between October 15, 2020, through November 30, 2020.

RESPONSE to REQUEST 5: The Registrar provided responsive document(s) to this request on December 20, 2020.

REQUEST 6: Provide those documents, i.e., logs, narratives of inspection, created between September 1, 2020 and November 15, 2020 reflecting "Active management (inventory, tracking, and correction) of all software on the network so that only authorized software is installed and can execute" took place in compliance with 2 CCR § 19064(c)(2).

RESPONSE to REQUEST 6: This request is unclear because it seeks certain documents reflecting "compliance with 2 CCR § 19064(c)(2)," which describes a security assessment "prior to a statewide **primary** election" (emphasis added). The request seeks documents created between September 1, 2020 and November 15, 2020, which was well after the primary election. But regardless of the timeframe, the production of any such "logs [and] narratives of inspection" would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County of San Diego. Cal. Gov't Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

REQUEST 7: Provide those documents, i.e., logs, narratives of inspection, created between September 1, 2020 and November 15, 2020 reflecting "active management (tracking, reporting, and correction) of the security configuration of laptops, servers, and workstations in order to prevent attackers from exploiting vulnerable services and settings" took place in compliance with 2 CCR § 19064(c)(3).

RESPONSE to REQUEST 7: This request is unclear because it seeks certain documents reflecting "compliance with 2 CCR § 19064(c)(3)," which describes a security assessment "prior to a statewide **primary** election" (emphasis added). The request seeks documents created between September 1, 2020 and November 15, 2020, which was well after the primary election. But regardless of the timeframe, the production of any such "logs [and] narratives of inspection" would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County of San Diego. Cal. Gov't Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

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REQUEST 8: Provide those documents, i.e., logs, narratives of inspection, created between September 1, 2020 and November 15, 2020 reflecting “Active management (tracking, control, and correction) of the ongoing operational use of ports, protocols, and services on networked devices in order to minimize vulnerabilities available for attack” took place in compliance with 2 CCR § 19064(c)(9).

RESPONSE to REQUEST 8: This request is unclear because it seeks certain documents reflecting “compliance with 2 CCR § 19064(c)(9),” which describes a security assessment “prior to a statewide **primary** election” (emphasis added). The request seeks documents created between September 1, 2020 and November 15, 2020, which was well after the primary election. But regardless of the timeframe, the production of any such “logs [and] narratives of inspection” would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

REQUEST 9: Provide the log files for all data traffic, including connection requests accepted and refused, between the county’s election information file and any other location between September 1, 2020 and November 15, 2020.

RESPONSE to REQUEST 9: This request is unclear because it appears to reference 2 CCR § 19064(c)(9), which describes a security assessment “prior to a statewide **primary** election” (emphasis added). The request seeks certain documents created between September 1, 2020 and November 15, 2020, which was well after the primary election. But regardless of the timeframe, the production of any such log files would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

REQUEST 10: Provide those documents, i.e., logs, narratives of inspection, created between September 1, 2020 and November 15, 2020 reflecting “Tracking, controlling, preventing, and correcting the security use of wireless local area networks, access points, and wireless client systems” which took place in compliance with 2 CCR § 19064(c)(15).

RESPONSE to REQUEST 10: This request is unclear because it seeks certain documents reflecting “compliance with 2 CCR § 19064(c)(15),” which describes a security assessment “prior to a statewide **primary** election” (emphasis added). The request seeks documents created between September 1, 2020 and November 15, 2020, which was well after the primary election. But regardless of the timeframe, the production of any such “logs [and] narratives of inspection” would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

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REQUEST 11: Provide those documents, i.e., logs, narratives of inspection, created between September 1, 2020 and November 15, 2020 reflecting the inventory and identification of all wireless connections in the County’s ballot processing location.

RESPONSE to REQUEST 11: This request is unclear because it appears to reference 2 CCR § 19064(c)(15), which describes a security assessment “prior to a statewide **primary** election” (emphasis added). The request seeks certain documents created between September 1, 2020 and November 15, 2020, which was well after the primary election. But regardless of the timeframe, the production of any such “logs [and] narratives of inspection” would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

Additionally, please note there is only one wireless access point in the ballot tabulation room, and it is not connected to the voting system equipment.

REQUEST 12: Provide those documents, i.e., logs, narratives of inspection, created between September 1, 2020 and November 15, 2020 reflecting the inventory and identification of all wireless-capable devices in the County’s ballot processing location.

RESPONSE to REQUEST 12: This request is unclear because it appears to reference 2 CCR § 19064(c)(15), which describes a security assessment “prior to a statewide **primary** election” (emphasis added). The request seeks certain documents created between September 1, 2020 and November 15, 2020, which was well after the primary election. But regardless of the timeframe, the production of any such “logs [and] narratives of inspection” would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

Please also refer to the response to Request #11. In addition, please note the following information about the voting system equipment in the ballot tabulation room according to the Staff Report from the Secretary of State’s Office of Voting Systems Technology Assessment:

“The system does not include modems, or telecommunications devices, and there is no provision for accessing external networks.” *See* <https://votingsystems.cdn.sos.ca.gov/vendors/dominion/ds510a/ds510a-staff.pdf>.

REQUEST 13: Provide those documents, identifying by serial number, MAC address, device, and location, and the custodian of, all wireless-capable devices in the County’s ballot processing location between November 2, 2020 and November 13, 2020.

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RESPONSE to REQUEST 13: This request is unclear because it appears to reference 2 CCR § 19064(c)(15), which describes a security assessment “prior to a statewide **primary** election” (emphasis added). The request seeks certain documents created between September 1, 2020 and November 15, 2020, which was well after the primary election. But regardless of the timeframe, the production of any such documents would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a). The requested documents about custodians are additionally exempt from production pursuant to Sections 6254(c), 6254(k), and 6255(a) of the Government Code, as well as the general privacy interest set forth in Article 1, section 1 of the California Constitution.

Please also refer to the response to Requests #11 and 12.

REQUEST 14: Provide those documents, reflecting any incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) operational prior to October 15, 2020, which took place in compliance with 2 CCR § 19064(c)(19).

RESPONSE to REQUEST 14: This request is unclear because it seeks certain documents reflecting “compliance with 2 CCR § 19064(c)(19),” which describes a security assessment “prior to a statewide **primary** election” (emphasis added). But by referencing October 15, 2020 in the request and “General Election, November 3, 2020” in the subject line of the letter including this request, this request appears to seek information related to the November 2020 election.

Publicly-available documents responsive to your request will be provided to you. Other than such documents, the production of any such documents reflecting incident response infrastructure would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

REQUEST 15: Provide those documents, reflecting training on any incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) prior to October 15, 2020.

RESPONSE to REQUEST 15: This request is unclear because it appears to reference 2 CCR § 19064(c)(19), which describes a security assessment “prior to a statewide **primary** election” (emphasis added). But by referencing October 15, 2020 in the request and “General Election, November 3, 2020” in the subject line of the letter including this request, this request appears to seek information related to the November 2020 election.

Publicly-available documents responsive to your request will be provided to you. Other

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than such documents, the production of any such documents reflecting incident response infrastructure training would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

REQUEST 16: Provide those documents, reflecting roles on any incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) prior to October 15, 2020.

RESPONSE to REQUEST 16: This request is unclear because it appears to reference 2 CCR § 19064(c)(19), which describes a security assessment “prior to a statewide **primary** election” (emphasis added). But by referencing October 15, 2020 in the request and “General Election, November 3, 2020” in the subject line of the letter including this request, this request appears to seek information related to the November 2020 election.

Publicly-available documents responsive to your request will be provided to you. Other than such documents, the production of any such documents reflecting incident response infrastructure roles would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

REQUEST 17: Provide those documents, reflecting communications on any incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) prior to October 15, 2020.

RESPONSE to REQUEST 17: This request is unclear because it appears to reference 2 CCR § 19064(c)(19), which describes a security assessment “prior to a statewide **primary** election” (emphasis added). But by referencing October 15, 2020 in the request and “General Election, November 3, 2020” in the subject line of the letter including this request, this request appears to seek information related to the November 2020 election.

Publicly-available documents responsive to your request will be provided to you. Other than such documents, the production of any such documents reflecting communications on incident response infrastructure would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

REQUEST 18: Provide those documents, reflecting management oversight on any incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) prior to October 15, 2020.

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RESPONSE to REQUEST 18: This request is unclear because it appears to reference 2 CCR § 19064(c)(19), which describes a security assessment “prior to a statewide **primary** election” (emphasis added). But by referencing October 15, 2020 in the request and “General Election, November 3, 2020” in the subject line of the letter including this request, this request appears to seek information related to the November 2020 election.

Publicly-available documents responsive to your request will be provided to you. Other than such documents, the production of any such documents reflecting management response on incident response infrastructure would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

REQUEST 19: Provide those documents reflecting the identity of each person that has accessed the routers for the county’s EMS and election information systems between October 15, 2020 and November 13, 2020.

RESPONSE to REQUEST 19: The Registrar does not have existing documents that contain the requested information in summary form. Further, the production of any responsive documents would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a). Because the requested documents seek identification information, they are additionally exempt from production pursuant to Sections 6254(c), 6254(k), and 6255(a) of the Government Code, as well as the general privacy interest set forth in Article 1, section 1 of the California Constitution.

REQUEST 20: Provide those documents which identify all persons, not permanently employed by the County of San Diego, who accessed servers or routers of the EMS and election information system between October 15, 2020 and November 14, 2020.

RESPONSE to REQUEST 20: The Registrar does not have existing documents that contain the requested information in summary form. Regardless, the production of the requested identification information would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such information is exempt from production. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a). It is additionally exempt from production pursuant to Sections 6254(c), 6254(k), and 6255(a) of the Government Code, as well as the general privacy interest set forth in Article 1, section 1 of the California Constitution.

REQUEST 21: Provide documents which identify all persons authorized by the county who accessed servers or routers of the EMS and election information system between October 15, 2020 and November 14, 2020.

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RESPONSE to REQUEST 21: The Registrar does not have existing documents that contain the requested information in summary form. Further, the production of any responsive documents would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a). Because the requested documents seek identification information, they are additionally exempt from production pursuant to Sections 6254(c), 6254(k), and 6255(a) of the Government Code, as well as the general privacy interest set forth in Article 1, section 1 of the California Constitution.

REQUEST 22: Provide those documents which identify all persons with USB or “flash drives” that were allowed access to any location where votes were tallied or processed in the County.

RESPONSE to REQUEST 22: The Registrar identified no documents responsive to this request.

REQUEST 23: Provide those documents which identify all persons with sign-on authentication authorization as a direct user to the county's EMS and election information system between September 15, 2020 and December 1, 2020.

RESPONSE to REQUEST 23: The Registrar does not have existing documents that contain the requested information in summary form. Further, the production of any responsive documents would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a). Because the requested documents seek identification information, they are additionally exempt from production pursuant to Sections 6254(c), 6254(k), and 6255(a) of the Government Code, as well as the general privacy interest set forth in Article 1, section 1 of the California Constitution.

REQUEST 24: Provide the log files for the county's EMS and election information system with entries between September 15, 2020 and December 1, 2020.

RESPONSE to REQUEST 24: The production of any such documents would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a); Cal. Code Regs. tit. 2, § 19064(a).

REQUEST 25: Provide those documents or records reflecting a network topology plan or map referencing the devices attached each other device within the county's EMS and election information system.

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RESPONSE to REQUEST 25: The production of any such documents would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

REQUEST 26: Provide those documents or records reflecting the log monitoring tools used to send real-time alerts and notifications.

RESPONSE to REQUEST 26: The production of any such documents would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

REQUEST 27: Provide the “real-time alerts and notifications”, as referenced in 2 CCR 19064(e)(3) sent between September 1, 2020 through December 10, 2020.

RESPONSE to REQUEST 27: The production of any such documents would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

REQUEST 28: Provide those documents or records reflecting review, at any time, of “any errors, abnormal activities, and any system configuration changes”, identified between September 1, 2020 through December 10, 2020.

RESPONSE to REQUEST 28: The production of any such documents would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

REQUEST 29: Provide those documents which reflect “any errors” in the county's EMS and election information system identified between September 1, 2020 through December 10, 2020.

RESPONSE to REQUEST 29: The production of any such documents would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information

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technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

REQUEST 30: Provide those documents which reflect “abnormal activities” in the county's EMS and election information system identified between September 1, 2020 through December 10, 2020.

RESPONSE to REQUEST 30: The production of any such documents would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

REQUEST 31: Provide those documents which reflect “system configuration changes” in the county's EMS and election information system identified between September 1, 2020 through December 10, 2020.

RESPONSE to REQUEST 31: The production of any such documents would “reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system” of the County of San Diego. Cal. Gov’t Code § 6254.19. Accordingly, such records are exempt from production and will not be produced. Cal. Gov’t Code §§ 6254.19, 6255(a), 6254(aa); Cal. Code Regs. tit. 2, § 19064(a).

REQUEST 32: Provide those documents which reflect “unauthorized use” in the county's EMS and election information system identified between September 1, 2020 through December 10, 2020.

RESPONSE to REQUEST 32: The Registrar identified no documents responsive to this request.

REQUEST 33: Provide those documents which reflect “suspected breach” in the county's EMS and election information system identified between September 1, 2020 through December 10, 2020.

RESPONSE to REQUEST 33: The Registrar identified no documents responsive to this request.

REQUEST 34: Provide those documents which reflect “denial of service attack ” in the county's EMS and election information system identified between September 1, 2020 through December 10, 2020.

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RESPONSE to REQUEST 34: The Registrar identified no documents responsive to this request.

REQUEST 35: Provide those documents reflecting a report to the Secretary of State Elections Division Help Desk of a “detected unauthorized use, suspected breach, or denial of service attack” between September 1, 2020 through December 10, 2020, as required under 2 CCR 19064 (g).

RESPONSE to REQUEST 35: The Registrar identified no documents responsive to this request.

REQUEST 36: All records reflecting change in registration status submitted to the statewide voter system by the county due to felony status processed between September 1, 2020, and November 10, 2020.

RESPONSE to REQUEST 36: The Registrar does not have existing documents that contain the requested information in summary form. A record of any responsive data retained by the Registrar would have to be created through data extraction and programming pursuant to Section 6253.9 of the Government Code (“Section 6253.9”). Further, such records constitute confidential voter registration data. *See* Cal. Gov’t Code §§ 2194, 6254.4; Cal. Code Regs. tit. 2, § 19001. You may apply to receive voter registration information and pay the applicable fee. Cal. Gov’t Code § 2188; Cal. Code Regs. tit. 2, § 19001 *et seq.* (See application enclosed.) Upon receipt of your application, the Registrar’s office can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.

To the extent this request seeks reports of felony convictions during this time frame, such records also constitute confidential voter registration data. *See* Cal. Gov’t Code §§ 2194, 6254.4; Cal. Code Regs. tit. 2, § 19001. You may apply to receive this voter registration information and pay the applicable fee. Cal. Gov’t Code § 2188; Cal. Code Regs. tit. 2, § 19001 *et seq.* (See application enclosed.) Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.

REQUEST 37: All records reflecting change in registration status submitted to the statewide voter system by the county due to federal felony status processed between September 1, 2020, and November 10, 2020.

RESPONSE to REQUEST 37: See the response to Request #36. The documents do not distinguish between felony status and “federal” felony status.

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REQUEST 38: All records reflecting change in registration status submitted to the statewide voter system by the county due to county death records reflecting voter to be deceased processed between September 1, 2020, and November 10, 2020.

RESPONSE to REQUEST 38: The Registrar does not have existing documents that contain the requested information in summary form. A record of any responsive data retained by the Registrar would have to be created through data extraction and programming pursuant to Section 6253.9 of the Government Code (“Section 6253.9”). Further, such records constitute confidential voter registration data. *See* Cal. Gov’t Code §§ 2194, 6254.4; Cal. Code Regs. tit. 2, § 19001. You may apply to receive voter registration information and pay the applicable fee. Cal. Gov’t Code § 2188; Cal. Code Regs. tit. 2, § 19001 *et seq.* (See application enclosed.) Upon receipt of your application, the Registrar’s office can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9.

To the extent this request seeks reports listing death records during this time frame, such records also constitute confidential voter registration data. *See* Cal. Gov’t Code §§ 2194, 6254.4; Cal. Code Regs. tit. 2, § 19001. You may apply to receive this voter registration information and pay the applicable fee. Cal. Gov’t Code § 2188; Cal. Code Regs. tit. 2, § 19001 *et seq.* (See application enclosed.) Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.

REQUEST 39: All records reflecting the total cancellations directed by the Secretary of State processed by the county between September 1, 2020, and November 10, 2020.

RESPONSE to REQUEST 39: The Registrar has identified responsive documents. These records constitute confidential voter registration data. *See* Cal. Gov’t Code §§ 2194, 6254.4; Cal. Code Regs. tit. 2, § 19001. You may apply to receive voter registration information and pay the applicable fee. Cal. Gov’t Code § 2188; Cal. Code Regs. tit. 2, § 19001 *et seq.* (See application enclosed.) Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.

REQUEST 40: All records reflecting searches of county felony records between September 1, 2020, and November 10, 2020.

RESPONSE to REQUEST 40: The Registrar identified no documents responsive to this request.

REQUEST 41: All records reflecting searches of county death records between September 1, 2020, and November 10, 2020.

Additional Response to California Public Records Act Request

RESPONSE to REQUEST 41: The Registrar identified no documents responsive to this request.

* * *

REQUEST 42: All records reflecting county searches of DMV Change of Address (DMV COA) between September 1, 2020, and November 10, 2020.

RESPONSE to REQUEST 42: The Registrar identified no documents responsive to this request.

REQUEST 43: All records reflecting total submissions by changes in the registration record to the statewide voter registration system in accordance with Section 19061, between September 1, 2020, and November 10, 2020.

RESPONSE to REQUEST 43: The Registrar does not have existing documents that contain the requested information in summary form. A record of any responsive data retained by the Registrar would have to be created through data extraction and programming pursuant to Section 6253.9 of the Government Code (“Section 6253.9”). Further, such records constitute confidential voter registration data. *See* Cal. Gov’t Code §§ 2194, 6254.4; Cal. Code Regs. tit. 2, § 19001. You may apply to receive voter registration information and pay the applicable fee. Cal. Gov’t Code § 2188; Cal. Code Regs. tit. 2, § 19001 *et seq.* (See application enclosed.) Upon receipt of your application, the Registrar’s office can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.

* * *

REQUEST 44: Those documents reflecting the dates of certifications of information provided to the Secretary of State according to 2 CCR § 19086(b).

RESPONSE to REQUEST 44: The Registrar provided responsive document(s) to this request on January 20, 2021.

REQUEST 45: Those documents reflecting the date of generation of the official list extract from the statewide voter registration system for the purpose of conducting the 2020 General Election.

RESPONSE to REQUEST 45: The Registrar identified no documents responsive to this request. However, the relevant dates are as follows:

Additional Response to California Public Records Act Request

09/13/20 ROR Extraction
10/09/20 Roster Extraction
10/23/20 Supplemental Roster Extraction
10/26/20 Supplemental Roster Extraction
10/27/20 Supplemental Roster Extraction

REQUEST 46: Those documents reflecting the date of each subsequent or supplemental rosters, after the initial roster for the purpose of conducting the 2020 General Election.

RESPONSE to REQUEST 46: See response to Request 45.

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REQUEST 47: All certifications executed by any county election official for the November 3, 2020 General Election.

RESPONSE to REQUEST 47: The Registrar provided responsive document(s) to this request on December 20, 2020.

General Requests

REQUEST 48: The number of ballots determined by the county through adjudication for the November 3, 2020 election.

RESPONSE to REQUEST 48: The Registrar identified no documents responsive to this request. Further, to the extent this request seeks copies of voted ballots, voted ballots are exempt from disclosure under the Public Records Act and will not be disclosed. Cal. Gov't Code §§ 6254(k) and 6255(a); Cal. Elec. Code §§ 2300(a)(4), 15370, 15630, 17301 and 17302; *Citizens Oversight, Inc. v. Vu*, 35 Cal. App. 5th 612 (2019); Cal. Const. art. II, § 7.

REQUEST 49: All ballots duplicated by the county through adjudication for the November 3, 2020 election.

RESPONSE to REQUEST 49: Voted ballots and/or duplicates of voted ballots are exempt from disclosure under the Public Records Act and will not be disclosed. Cal. Gov't Code §§ 6254(k) and 6255(a); Cal. Elec. Code §§ 2300(a)(4), 15370, 15630, 17301 and 17302; *Citizens Oversight, Inc. v. Vu*, 35 Cal. App. 5th 612 (2019); Cal. Const. art. II, § 7.

Additional Response to California Public Records Act Request

REQUEST 50: Those documents that identify the records of ballots duplicated for the November 3, 2020 election.

RESPONSE to REQUEST 50: Voted ballots and/or duplicates of voted ballots are exempt from disclosure under the Public Records Act and will not be disclosed. Cal. Gov't Code §§ 6254(k) and 6255(a); Cal. Elec. Code §§ 2300(a)(4), 15370, 15630, 17301 and 17302; *Citizens Oversight, Inc. v. Vu*, 35 Cal. App. 5th 612 (2019); Cal. Const. art. II, § 7.

REQUEST 51: Those documents that identify the records of ballots adjudicated for the November 3, 2020 election.

RESPONSE to REQUEST 51: The only responsive documents are the ballots, which are exempt. Voted ballots and/or duplicates of voted ballots are exempt from disclosure under the Public Records Act and will not be disclosed. Cal. Gov't Code §§ 6254(k) and 6255(a); Cal. Elec. Code §§ 2300(a)(4), 15370, 15630, 17301 and 17302; *Citizens Oversight, Inc. v. Vu*, 35 Cal. App. 5th 612 (2019); Cal. Const. art. II, § 7.

REQUEST 52: Those documents that identify the records of changes to ballots made for the November 3, 2020 election.

RESPONSE to REQUEST 52: The only responsive documents are the ballots, which are exempt. Voted ballots and/or duplicates of voted ballots are exempt from disclosure under the Public Records Act and will not be disclosed. Cal. Gov't Code §§ 6254(k) and 6255(a); Cal. Elec. Code §§ 2300(a)(4), 15370, 15630, 17301 and 17302; *Citizens Oversight, Inc. v. Vu*, 35 Cal. App. 5th 612 (2019); Cal. Const. art. II, § 7.

Very truly yours,

DAVID J. SMITH, Acting County Counsel

By 

CHRISTINA SNIDER, Senior Deputy

20-02211