

# AMADOR COUNTY COUNSEL

County Administration Center  
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## VIA ELECTRONIC & REGULAR U.S. MAIL

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4670 Nebo Drive, Suite 200  
La Mesa, CA 91941-5230

### **RE: Public Records Act Request to Amador County Registrar of Voters**

Dear Mr. McMillan:

The purpose of this letter is to respond to your Public Records Act request dated January 21, 2021 and addressed to Kimberly L. Grady, Registrar of Voters for Amador County.

As an initial matter, records that contain portions of information responsive to certain requests may be applied for and purchased pursuant to Sections 2188 and 2194 of the Election Code, as well as California Code of Regulations, title 2, section 19001, et seq., which among other things, require the submittal of a valid application as specified in California Code of Regulations, title 2, section 19008. A copy of an application utilized by the Amador County Registrar for the purchase of voter file information is attached to this letter.

The County's specific response to each request is set forth below.

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:** Following a reasonably diligent search, the Registrar has identified no records responsive to this 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:** Following a reasonably diligent search, the Registrar has identified no records responsive to this 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:** The Registrar has identified responsive records, which will be made available for review and duplication. An extraction and compilation of voter registration data can also be prepared and made available for review and duplication once the Registrar receives a completed valid application for voter file information and fee pursuant to 2 CCR § 19001, et seq.

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:** The Registrar has identified responsive records, which will be made available for review and duplication. The Registrar can extract and compile responsive voter registration data once the Registrar receives a completed valid application for voter file information and fee pursuant to 2 CCR § 19001, et seq.

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

**Response:** All ballots were counted at Amador County Elections, 810 Court Street, Jackson, CA 95642

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:** Following a reasonably diligent search, the Registrar has identified no records responsive to this 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:** Following a reasonably diligent search, the Registrar has identified no records responsive to this 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:** Following a reasonably diligent search, the Registrar has identified no records responsive to this 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:** Records responsive to this request describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar of Voters and the County of Amador. As such, the records are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

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:** Following a reasonably diligent search, the Registrar has identified no records responsive to this 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:** Following a reasonably diligent search, the Registrar has identified no records responsive to this request. The County Administration Center maintains.

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:** Following a reasonably diligent search, the Registrar has identified no records responsive to this 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.

**Response:** Records responsive to this request describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar of Voters and the County of Amador. As such, the records are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

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:** The Registrar has identified non-exempt responsive records, which will be made available for review and duplication.

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:** The Registrar has identified non-exempt responsive records, which will be made available for review and duplication.

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:** The Registrar has identified non-exempt responsive records, which will be made available for review and duplication.

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:** The Registrar has identified non-exempt responsive records, which will be made available for review and duplication.

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.

**Response:** The Registrar has identified non-exempt responsive records, which will be made available for review and duplication.

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:** Records responsive to this request describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar of Voters and the County of Amador. As such, the records are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

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

**Response:** Following a reasonably diligent search, the Registrar has identified no records responsive to this 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.

**Response:** Records responsive to this request describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar of Voters and the County of Amador. As such, the records are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

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:** Following a reasonably diligent search, the Registrar has identified no records responsive to this 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:** Records identifying Registrar employees who have sign-on authorization are exempt from disclosure pursuant to Government Code sections 6254(c), 6254(k), 6254.19 and 6255, 2 Cal. Code. Reg. § 19064, and California Constitution, article I, Section 1.

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:** Records responsive to this request describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar of Voters and the County of Amador. As such, the records are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

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.

**Response:** Records responsive to this request describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar of Voters and the County of Amador. As such, the records are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

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

**Response:** Records responsive to this request describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar of Voters and the County of Amador. As such, the records

are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

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:** Records responsive to this request describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar of Voters and the County of Amador. As such, the records are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

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:** Records responsive to this request describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar of Voters and the County of Amador. As such, the records are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

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:** Records responsive to this request describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar of Voters and the County of Amador. As such, the records are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

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:** Following a reasonably diligent search, the Registrar has identified no records responsive to this 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:** Records responsive to this request describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar of Voters and the County of Amador. As such, the records are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

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:** Following a reasonably diligent search, the Registrar has identified no records responsive to this 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:** Following a reasonably diligent search, the Registrar has identified no records responsive to this 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.

**Response:** Following a reasonably diligent search, the Registrar has identified no records responsive to this 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:** Following a reasonably diligent search, the Registrar has identified no records responsive to this 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:** The Registrar has identified responsive records, which will be made available for review and duplication.

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:** The Registrar has identified responsive records, which will be made available for review and duplication. An extraction and compilation of voter registration data can also be prepared and made available for review and duplication once the Registrar receives a completed valid application for voter file information and fee pursuant to 2 CCR § 19001, et seq.

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:** The Registrar has identified responsive records, which will be made available for review and duplication. An extraction and compilation of voter registration data can also be prepared and made available for review and duplication once the Registrar receives a completed valid application for voter file information and fee pursuant to 2 CCR § 19001, et seq.

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:** The Registrar has identified responsive records, which will be made available for review and duplication. An extraction and compilation of voter registration data can also be prepared and made available for review and duplication once the Registrar receives a completed valid application for voter file information and fee pursuant to 2 CCR § 19001, et seq.

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

**Response:** The Registrar has identified responsive records, which will be made available for review and duplication. An extraction and compilation of voter registration data can also be prepared and made available for review and duplication once the Registrar receives a completed valid application for voter file information and fee pursuant to 2 CCR § 19001, et seq.

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

**Response:** The Registrar has identified responsive records, which will be made available for review and duplication. An extraction and compilation of voter registration data can also be prepared and made available for review and duplication once the Registrar receives a completed valid application for voter file information and fee pursuant to 2 CCR § 19001, et seq.

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

**Response:** The Registrar has identified responsive records, which will be made available for review and duplication. An extraction and compilation of voter registration data can also be prepared and made available for review and duplication once the Registrar receives a completed valid application for voter file information and fee pursuant to 2 CCR § 19001, et seq.

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:** The Registrar has identified responsive records, which will be made available for review and duplication. An extraction and compilation of voter registration data can also be prepared and made available for review and duplication once the Registrar receives a completed valid application for voter file information and fee pursuant to 2 CCR § 19001, et seq.

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



**Response:** The Registrar has identified responsive records, which will be made available for review and duplication.

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:** Following a reasonably diligent search, the Registrar has identified no records responsive to this 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:** Following a reasonably diligent search, the Registrar has identified no records responsive to this request.

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

**Response:** The Registrar has identified responsive records, which will be made available for review and duplication.

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

**Response:** The Registrar has identified responsive records, which will be made available for review and duplication.

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

**Response:** This request appears to be seeking the ballots themselves. As such, the records are exempt from disclosure pursuant to Government Code sections 6254(k) and 6255, the California Constitution, article II, Section 7, and Elections Code sections 15370 (after ballots are counted and sealed, the elections official may not open any ballots nor permit any ballots to be opened), 15630 (all ballots, whether voted or not, and any other relevant material, may be examined as part of any recount if the voter filing the declaration requesting the recount so requests) and 17302 (packages containing ballots and identification envelopes shall be kept by the elections official, unopened and unaltered, for six months from the date of the election).

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

**Response:** The Registrar has identified responsive records, which will be made available for review and duplication.

To the extent this request seeks the ballots themselves, such records are exempt from disclosure pursuant to Government Code sections 6254(k) and 6255, the California Constitution, article II, Section 7, and Elections Code sections 15370 (after ballots are counted and sealed, the elections official may not open any ballots nor permit any ballots

to be opened), 15630 (all ballots, whether voted or not, and any other relevant material, may be examined as part of any recount if the voter filing the declaration requesting the recount so requests) and 17302 (packages containing ballots and identification envelopes shall be kept by the elections official, unopened and unaltered, for six months from the date of the election).

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

**Response:** The Registrar has identified responsive records, which will be made available for review and duplication.

To the extent this request seeks the ballots themselves, such records are exempt from disclosure pursuant to Government Code sections 6254(k) and 6255, the California Constitution, article II, Section 7, and Elections Code sections 15370 (after ballots are counted and sealed, the elections official may not open any ballots nor permit any ballots to be opened), 15630 (all ballots, whether voted or not, and any other relevant material, may be examined as part of any recount if the voter filing the declaration requesting the recount so requests) and 17302 (packages containing ballots and identification envelopes shall be kept by the elections official, unopened and unaltered, for six months from the date of the election).

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

**Response:** The Registrar has identified responsive records, which will be made available for review and duplication.

To the extent this request seeks the ballots themselves, such records are exempt from disclosure pursuant to Government Code sections 6254(k) and 6255, the California Constitution, article II, Section 7, and Elections Code sections 15370 (after ballots are counted and sealed, the elections official may not open any ballots nor permit any ballots to be opened), 15630 (all ballots, whether voted or not, and any other relevant material, may be examined as part of any recount if the voter filing the declaration requesting the recount so requests) and 17302 (packages containing ballots and identification envelopes shall be kept by the elections official, unopened and unaltered, for six months from the date of the election).

With respect to the remaining requests, (53-63), they all generally appear to relate to Dominion Voting Systems, its specific voting equipment, and/or its employees or officers. Amador County does not utilize any service or equipment from Dominion Voting Systems, nor did it during the November 2020 election. The Registrar may have some limited responsive documents to these requests because Dominion did respond to a County Request for Proposal (“RFP”) during the timeframe of your request, but the County did not select Dominion as the provider. While responsive, given the nature of your request, you may not be interested in their unsuccessful RFP materials. Please confirm whether you still wish for the County to produce records in response to requests 53-63.

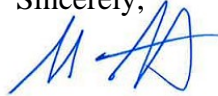
While staff have completed a preliminary search to identify potentially responsive records, the records must still be fully compiled, reviewed, and redacted as may be necessary. It is estimated that the time necessary to complete these tasks is approximately 30-45 days. As a general matter, the County and the Registrar have very limited staff available to work on compiling records, which they must do in addition to their normal, day-to-day obligations. This general staffing limitation is exacerbated at the present time as many employees are working remotely or are otherwise off on leave in connection with the COVID-19 Pandemic.

Once all of the records are compiled, I will contact you to inform you of the number of pages of paper copies, if any, and the cost for the copying and mailing the records to you. Once the payment is received, the County will make any redactions that may be necessary, make the copies, and send the records to you. Alternatively, if you wish to inspect the compiled records, we can arrange a date and time in-person review even though the County Administration Center is generally closed to the public.

If you chose to apply for and purchase the Amador County voter file information, you may complete that process directly with staff of the Registrar's Office by completing and submitting the application, along with any applicable payment directly to the Registrar's Office.

Should you have any questions or concerns regarding the foregoing, please do not hesitate to contact me.

Sincerely,



Greg Gillott  
County Counsel