

COUNTY OF KINGS
Office of the County Counsel

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February 26, 2021

Via Electronic Mail:
scott@mcmillanlaw.us

Scott McMillan
The McMillan Law Firm
4670 Nebo Drive, Suite 200
La Mesa, CA 91941-5230

Re: California Public Records Act Request Dated December 30, 2020

Dear Mr. McMillan:

The County of Kings ("County") Registrar of Voters ("Registrar") received your Public Records Act (PRA) request dated December 30, 2020. On January 11, 2021, the County sent you a letter extending the initial response time to January 25, 2021. By agreement, the County's initial response time was further extended to February 26, 2021.

As indicated below, the County will require special assistance and expertise to extract and compile data that may be responsive to your requests. With respect to those categories of information, please let us know if you would like the County to begin the process of extracting and producing that data. Please note that the County will provide an initial estimate of the cost to extract the data and may require advance payment in connection thereto.

Additionally, some of your requests seek confidential security records the disclosure of which could reveal information that could be utilized in an attempted attack on the information technology systems of the County and Registrar. As such, the County intends to produce only records that cannot be used in an attempted cyberattack and those that do not increase the potential of a cyberattack.

Finally, several of your requests seek confidential voter registration information including voter history. Such information can be applied for and purchased pursuant to Election Code Sections 2188 and 2194 and the California Code of Regulations, title 2, section 19001, et seq., which among other things, require the submittal of an application form as specified in California Code of Regulations, title 2, section 19008. The information is only available for election, scholarly, journalistic, political or governmental purposes. Providing this voter registration information to any third party is prohibited under Title 2 of the California Code of Regulations Section 19005. As you are requesting this information on behalf of your client, you must provide the information stated in Elections Code Section 2188(c) including: (1) the name, mailing address, and telephone number of the person or organization on whose behalf you are requesting the voter registration information, and (2) the name of the person

authorizing or requesting you, the applicant, to obtain the voter registration information. A copy of the application to request voter registration information is included with this response. Please find below the County's responses to your request in the same numerical format submitted to the County.

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:

This request is vague and impermissibly overbroad in scope and time. Nevertheless, to facilitate a response, the County will treat your request as a request for synchronization transmission records related to the November 2020 election. Accordingly, the County will produce the Registrar's Statement of Registration Certifications related to the November 2020 election.

To the extent you are requesting other synchronization transmission records, the County does not retain a summary document identifying the date, time and means of all synchronization transmissions and possesses no other existing records that contain such information. However, the County may be able to produce additional records through data extraction, compilation or programming. Please let us know if you wish to have additional data extracted and compiled so that we may estimate the amount of costs associated thereto.

Additionally, any responsive documents identified hereunder that contain confidential voter registration information can only be produced after the Registrar receives and approves a completed application for voter registration, receives the applicable fee, and after the Registrar has had an opportunity to apply appropriate redactions.

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:

This request is vague and impermissibly overbroad in scope and time. Nevertheless, to facilitate a response the County will apply its best understanding subject to clarification. The County does not possess any existing records that contain the information requested. However, the County may be able to extract this information through data extraction, compilation or programming pursuant to Section 6253.9 of the Government Code ("Section 6253.9"). Please let us know if you wish to have this data extracted and compiled so that we may estimate the amount of costs associated thereto.

Additionally, any responsive document identified hereunder that contain confidential voter registration information can only be produced after the Registrar receives and approves a completed application for voter registration information, receives the applicable fee, and after the Registrar has had an opportunity to apply appropriate redactions.

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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 County has identified responsive documents. The records constitute confidential voter registration information. Accordingly, they can only be produced after the Registrar receives and approves a completed application for voter registration information, receives the applicable fee, and has had an opportunity to apply appropriate redactions.

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 County does not possess an existing record that contains the information requested in summary form. The County may be able to extract this information through data extraction, compilation or programming pursuant to Section 6253.9. Please let us know if you wish to have this data extracted and compiled so that we may estimate the amount of costs associated thereto.

Additionally, these records constitute confidential voter registration information. Accordingly, the records can only be produced after the Registrar receives and approves a completed application for voter registration information, receives the applicable fee, and has had an opportunity to apply appropriate redactions.

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 County has identified responsive document(s) a copy of which is accessible to the public at the following link: <https://www.countyofkings.com/home/showpublisheddocument?id=24515>.

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". However, the request seeks documents created between September 1, 2020 and November 15, 2020, which is well after the primary election. 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 County's information technology system. Accordingly, such records are exempt from

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production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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". However, the request seeks documents created between September 1, 2020 and November 15, 2020, which is well after the primary election. 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 County's information technology system. Accordingly, such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and Cal. Code Regs. tit. 2, § 19064(a).

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". However, the request seeks documents created between September 1, 2020 and November 15, 2020, which is well after the primary election. 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 County's information technology system. Accordingly, such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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:

Production of any such logs and narratives of inspection would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and Cal. Code Regs. tit. 2, § 19064(a).

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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". However, the request seeks documents created between September 1, 2020 and November 15, 2020, which is well after the primary election. 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 County's information technology system. Accordingly, such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and Cal. Code Regs. tit. 2, § 19064(a).

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:

Production of any such logs and narratives of inspection would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and Cal. Code Regs. tit. 2, § 19064(a).

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:

Production of any such logs and narratives of inspection would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and Cal. Code Regs. tit. 2, § 19064(a).

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 TO REQUEST 13:

Production of any such documents would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and Cal. Code Regs. tit.

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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.

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:

The production of documents reflecting incident response infrastructure would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, any such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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:

The production of documents reflecting the contents of incident response infrastructure training would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, any such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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:

The production of documents reflecting incident response infrastructure roles would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, any such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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:

The production of documents reflecting communications on incident response infrastructure would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, any such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and Cal. Code Regs. tit. 2, § 19064(a).

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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.

RESPONSE TO REQUEST 18:

The production of documents reflecting management oversight on incident response infrastructure would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, any such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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 County does not have existing documents that contain the requested information. Further, the production of any responsive documents would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, any such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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, 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 County does not have existing documents that contain the requested information. Further, the production of any responsive documents would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, any such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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 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 TO REQUEST 21:

The County does not have existing documents that contain the requested information. Further, the production of any responsive documents would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, any such records

are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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 voters were tallied or processed in the County.

RESPONSE TO REQUEST 22:

The County has identified no records 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. Further, the production of any responsive documents would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, any such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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:

Production of any such documents would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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.

RESPONSE TO REQUEST 25:

Production of any such documents would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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:

Production of any such documents would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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:

Production of any such documents would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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:

Production of any such documents would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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:

Production of any such documents would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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:

Production of any such documents would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, such records are exempt

from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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:

Production of any such documents would reveal vulnerabilities to, or otherwise increase the potential for an attack on the County's information technology system. Accordingly, such records are exempt from production pursuant to Cal. Gov't Code §§ 6254.19, 6255(a), 6254(aa) and 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 County has identified no records 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 County has identified no records 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.

RESPONSE TO REQUEST 34:

The County has identified no records 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 County has identified no records 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.

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RESPONSE TO REQUEST 36:

The County does not possess an existing record that contains the information requested. However, the County may be able to extract this information through data extraction, compilation or programming pursuant to Section 6253.9. Please let us know if you wish to have this data extracted and compiled so that we may estimate the amount of costs associated thereto.

Additionally, these records constitute confidential voter registration information. Accordingly, the records can only be produced after the Registrar receives and approves a completed application for voter registration information, receives the applicable fee, and has had an opportunity to apply appropriate redactions.

To the extent this request seeks reports of felony convictions during this time frame, the County has identified responsive records. Such records also constitute confidential voter registration data and can only be produced after the Registrar receives and approves a completed application for voter registration information, receives the applicable fee, and has had an opportunity to apply appropriate redactions.

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:

The Registrar does not possess an existing record that contains the information requested. However, the Registrar may be able to extract this information through data extraction, compilation or programming pursuant to Section 6253.9. Please let us know if you wish to have this data extracted and compiled so that we may estimate the amount of costs associated thereto.

Additionally, these records constitute confidential voter registration information. Accordingly, the records can only be produced after the Registrar receives and approves a completed application for voter registration information, receives the applicable fee, and has had an opportunity to apply appropriate redactions.

To the extent this request seeks reports of felony convictions during this time frame, the County has identified responsive records. Such records also constitute confidential voter registration data and can only be produced after the Registrar receives and approves a completed application for voter registration information, receives the applicable fee, and has had an opportunity to apply appropriate redactions.

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 possess an existing record that contains the information requested. However, the Registrar may be able to extract this information through data extraction, compilation or programming pursuant to Section 6253.9. Please let us know if you wish to have this data extracted and compiled so that we may estimate the amount of costs associated thereto.

Additionally, these records constitute confidential voter registration information. Accordingly, the records can only be produced after the Registrar receives and approves a completed application for voter registration information, receives the applicable fee, and has had an opportunity to apply appropriate redactions.

To the extent this request seeks reports listing death records during this time frame, the County has identified responsive records. Such records also constitute confidential voter registration data and can only be produced after the Registrar receives and approves a completed application for voter registration information, receives the applicable fee, and has had an opportunity to apply appropriate redactions.

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 County has identified responsive documents. These records constitute confidential voter registration information. Accordingly, the records can only be produced after the Registrar receives and approves a completed application for voter registration information, receives the applicable fee, and has had an opportunity to apply appropriate redactions.

REQUEST 40:

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

RESPONSE TO REQUEST 40:

The County has identified no records responsive to this request.

REQUEST 41:

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

RESPONSE TO REQUEST 41:

The County has identified no records 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 County has identified no records 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.

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RESPONSE TO REQUEST 43:

The County does not possess an existing record that contains the information requested in summary form. However, the County may be able to extract this information through data extraction, compilation or programming pursuant to Section 6253.9. Please let us know if you wish to have this data extracted and compiled so that we may estimate the amount of costs associated thereto.

Additionally, these records constitute confidential voter registration information. Accordingly, the records can only be produced after the Registrar receives and approves a completed application for voter registration information, receives the applicable fee, and has had an opportunity to apply appropriate redactions.

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 County has identified responsive records related to the November 2020 election and will produce such records in response to your request.

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 County has identified no records responsive to this request. However, in an effort to be helpful, the County extracted data for purposes of conducting the 2020 General Election on the following dates:

10/26/2020 First Extraction Date
10/30/2020 Supplemental Extraction Date
10/31/2020 Supplemental Extraction Date
11/01/2020 Supplemental Extraction Date
11/02/2020 Supplemental Extraction Date
11/03/2020 Supplemental Extraction Date

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.

REQUEST 47:

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

RESPONSE TO REQUEST 47:

The County has identified responsive records and will produce such records in in response to your request.

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REQUEST 48:

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

RESPONSE TO REQUEST 48:

The County does not possess an existing record that contains the information requested. However, the County may be able to extract this information through data extraction, compilation or programming pursuant to Section 6253.9. Please let us know if you wish to have this data extracted and compiled so that we may estimate the amount of costs associated thereto.

To the extent your 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:

Your request appears to seek 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 50:

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

RESPONSE TO REQUEST 50:

The County has identified responsive records and will produce such records in response to your request. However, to the extent your 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 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 voted ballots which 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.

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RESPONSE TO REQUEST 52:

This request is vague and confusing as to the phrase “changes to ballots”. Accordingly, the County has identified no responsive records.

REQUEST 53:

All correspondence, whether such correspondence occurred by physical letter, email, text message, with any person employed by or affiliated with Dominion Voting Systems, Inc. between April 1, 2019 through December 10, 2020.

RESPONSE TO REQUEST 53:

County staff is still in the process of searching for records responsive to your request. Upon location of any responsive documents, the County will produce the documents unless there is an applicable exemption or privilege for these documents.

REQUEST 54:

All correspondence, whether such correspondence occurred by physical letter, email, text message, with any person employed by or affiliated with the California Secretary of State’s Office of Voting Systems Technology Assessment between April 1, 2019 through December 10, 2020.

RESPONSE TO REQUEST 54:

County staff is still in the process of searching for records responsive to your request. Upon location of any responsive documents, the County will produce the documents unless there is an applicable exemption or privilege for these documents.

REQUEST 55:

All electronic documents containing the phrase “Image Cast Remote 5. 10”.

RESPONSE TO REQUEST 55:

County staff is still in the process of searching for records responsive to your request. Upon location of any responsive documents, the County will produce the documents unless there is an applicable exemption or privilege for these documents.

REQUEST 56:

All electronic documents containing the phrase “Image Cast Remote 5.10A”.

RESPONSE TO REQUEST 56:

County staff is still in the process of searching for records responsive to your request. Upon location of any responsive documents, the County will produce the documents unless there is an applicable exemption or privilege for these documents.

REQUEST 57:

All electronic documents containing the phrase “Image Cast Remote 5.2.

RESPONSE TO REQUEST 57:

County staff is still in the process of searching for records responsive to your request. Upon location of any responsive documents, the County will produce the documents unless there is an applicable exemption or privilege for these documents.

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REQUEST 58:

All electronic documents containing the phrase "Suite 5.10A".

RESPONSE TO REQUEST 58:

County staff is still in the process of searching for records responsive to your request. Upon location of any responsive documents, the County will produce the documents unless there is an applicable exemption or privilege for these documents.

REQUEST 59:

All electronic documents containing the phrase "Suite 5.10".

RESPONSE TO REQUEST 59:

County staff is still in the process of searching for records responsive to your request. Upon location of any responsive documents, the County will produce the documents unless there is an applicable exemption or privilege for these documents.

REQUEST 60:

All electronic documents containing the phrase "Suite 5.2".

RESPONSE TO REQUEST 60:

County staff is still in the process of searching for records responsive to your request. Upon location of any responsive documents, the County will produce the documents unless there is an applicable exemption or privilege for these documents.

REQUEST 61:

All electronic documents containing the phrase "Image Cast Remote 5.10.9.3".

RESPONSE TO REQUEST 61:

County staff is still in the process of searching for records responsive to your request. Upon location of any responsive documents, the County will produce the documents unless there is an applicable exemption or privilege for these documents.

REQUEST 62:

All electronic documents containing the phrase "Image Cast ICX 5.10.11.11."

RESPONSE TO REQUEST 62:

County staff is still in the process of searching for records responsive to your request. Upon location of any responsive documents, the County will produce the documents unless there is an applicable exemption or privilege for these documents.

REQUEST 63:

All electronic documents containing the phrase "Eric Coomer".

RESPONSE TO REQUEST 63:

County staff is still in the process of searching for records responsive to your request. Upon location of any responsive documents, the County will produce the documents unless there is an applicable exemption or privilege for these documents.

Scott A. McMillan
February 26, 2021
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Please let us know how you would like to proceed with the documents that require data extraction and compilation so that we may begin preparing a cost-estimate for your review.

Should you have any questions or concerns, please do not hesitate to contact the undersigned at the telephone number and/or address above, or via e-mail at Diane.freeman@co.kings.ca.us. Thank you.

Sincerely,

LEE BURDICK
County Counsel

By:



DIANE FREEMAN
Deputy County Counsel

2021-63-7 [355077]