

*Adam G. Crook*  
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## *County Counsel*

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March 12, 2021

*Via Electronic Mail*

Scott McMillan  
The McMillan Law Firm  
4670 Nebo Drive, Suite 200  
La Mesa, CA 91941-5230  
[scott@mcmillanlaw.us](mailto:scott@mcmillanlaw.us)

### **RE: Public Records Act Request**

Dear Mr. McMillan:

Below is a summary of the records we have produced to you to date:

Request #1	records provided (certifications)
Request #2	no records
<b>Request #3-4</b>	<b>voter registration application needed</b>
Request #5	answer provided
Request #6-13	exemptions claimed (security)
Request #14-18	records provided (cybersecurity plan)
Request #19-25	exemptions claimed (security)
Request #26-35	no records
<b>Request #36-39</b>	<b>voter registration application needed</b>
Request #40-42	no records
<b>Request #43</b>	<b>voter registration application needed</b>
Request #44	records provided (certifications)
Request #45	answer provided
Request #46	no records
Request #47	records provided (certifications)
<b>Request #48</b>	answer provided
Request #49-50	records provided (ballot logs)
Request #51	no records
<b>Request #52-53</b>	<b>rolling production</b>
<b>Request #54</b>	<b>records provided (CCROVs) more rolling production</b>

Request #55-63 records provided (Dominion related documents)

Accordingly, pending requests comprise: Requests # 3-4, 36-39, 43, and 52-54

As mentioned to you in my correspondence on January 27, 2021, the ROV has identified records responsive to your request for all communications with the Secretary of State's Office of Voting Systems Technology Assessment from April 1, 2019 through December 10, 2020. On January 27, 2021, you were provided with County Clerk/Registrar of Voters Memorandums that were received by the ROV by the Secretary of State's Office of Voting Systems Technology Assessment during the above mentioned timeframe. Please find attached further records responsive to this request.

With regard to your comment during our phone conversation on February 1, 2021 that the ROV's fee for voter registration information was illegal, the ROV has regulatory authority to set the charge for voter registration information. Pursuant to Title 2, Division 7 of the California Code of Regulations §19006, the source agency may designate the price which is to be charged for the use of such registration information. The voluminous amount of voter registration information you are requesting will take a large portion of ROV staff's time to review, redact, and produce. Therefore, the \$190.00 fee the ROV is charging for the voter registration information you requested is reasonable.

Again, it is important to note that pursuant to Elections Code §2194(a)(2), voter registration information shall not be used for any personal, private or commercial purpose and cannot be reproduced in print, broadcast visual or audio, or displayed on the internet or any computer terminal. Voter registration information can only be provided to any candidate for federal, state, or local office; to any committee for against an initiative or referendum measure for which legal publication is made; or to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State. Elections Code §2194. Voter registration information cannot be sent outside of the United States or made available in any way electronically to persons outside of the United States, including over the internet, pursuant to Elections Code §2188.5.

Should your client wish to view the voter registration information, please have him or her submit an application to view voter registration information to the ROV. Penalties for the misuse of voter registration information pursuant to Title 2, Division 7 of the California Code of Regulations §19007 includes being liable to the State of California for an amount equal to the sum of fifty (50) cents multiplied by the number of registration records which such person used in an unauthorized manner. Additionally, please be aware that the misuse of voter registration information can result in being charged with a misdemeanor under Elections Code §18109.

As mentioned, the ROV will not provide voter registration information until payment is received. Currently, the ROV only accepts payment via check, which can be mailed to the following address:

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Imperial County Registrar of Voters  
940 W. Main Street, Suite 206  
El Centro, CA 92243

If you have any questions regarding this response, please contact me at (442) 265-1140.

Sincerely,

ADAM G. CROOK  
COUNTY COUNSEL

*Faye Winkler*

By: Faye Winkler  
Deputy County Counsel

Encl.