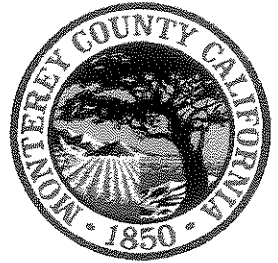


# MONTEREY COUNTY ELECTIONS



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Salinas, CA 93901

PO Box 4400  
Salinas, CA 93912

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[www.MontereyCountyElections.us](http://www.MontereyCountyElections.us)

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**Claudio Valenzuela**  
Registrar of Voters

**Gina Martinez**  
Assistant Registrar of Voters

2/26/2021

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

Re: Your Public Records Act Request dated December 30, 2020 and received on January 4, 2021.

Dear Mr. Scott A. McMillan:

This responds to your Public Records Act Request dated December 30, 2020 and received on January 4, 2021. In that request, you made sixty-three (63) separate requests described by you as follows:

**Request No. 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 No. 1:** There are no records responsive to this request.

**Request No. 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 No. 2:** There are no records responsive to this request.

**Request No. 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 No. 3:** The Registrar of Voters is in the process of reviewing and collecting for potential disclosure those documents that may be responsive to this request.

**Request No. 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 No. 4:** The Registrar of Voters is in the process of reviewing and collecting for potential disclosure those documents that may be responsive to this request. Your application for voter registration information has been received and is currently under review.

**Request No. 5:** Provide those documents identifying where, by geographic location, ballots were counted in the County between October 15, 2020, through November 30, 2020.

**Response No. 5:** The Registrar of Voters has identified responsive records, which will be made available for review or duplication.

**Request No. 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 No. 6:** The county utilizes tools to manage all software on the network so that only authorized software is installed and can execute, and unauthorized and unmanaged software is found and prevented from installation or execution. The details of these tools and their logs can be used by attackers to circumvent them, therefore these are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

**Request No. 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 No. 7:** The county utilizes tools for the 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”. The details of these tools and their logs can be used by attackers to circumvent them, therefore these are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

**Request No. 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 No 8:** The county utilizes tools for the 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”. The details of these tools and their logs can be used by attackers to circumvent them, therefore these are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

**Request No. 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 No. 9:** This request seeks information security records that are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

**Request No.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 No. 10:** The county utilizes tools for the "tracking, controlling, preventing, and correcting the security use of wireless local area networks, access points, and wireless client systems". The details of these tools and their logs can be used by attackers to circumvent them, therefore these are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

**Request No. 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 No. 11:** There are no records responsive to this request.

**Request No. 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 No. 12:** There are no records responsive to this request.

**Request No. 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 No. 13:** There are no records responsive to this request.

**Request No. 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 No. 14:** The county has developed and implemented an incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight). Please see section 1.17 of the county's Information Security Policy located at <https://countyofmonterey.sharepoint.com/sites/Infonet/Policies/Board%20Policies/Information%20Technology%20Security.pdf> for details of this implementation.

**Request No. 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 No. 15:** The county has implemented training on its incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight). Please see section 1.17 of the county's Information Security Policy located at <https://countyofmonterey.sharepoint.com/sites/Infonet/Policies/Board%20Policies/Information%20Technology%20Security.pdf> for details of the county's incident response implementation.

**Request No. 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 No. 16:** The county has implemented roles on its incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) prior to October 15, 2020. Please see section 1.17 of the county's Information Security Policy located at <https://countyofmonterey.sharepoint.com/sites/Infonet/Policies/Board%20Policies/Information%20Technology%20Security.pdf> for details of this implementation.

**Request No. 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 No. 17:** The county has implemented communications on its incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) prior to October 15, 2020. Please see section 1.17 of the county's Information Security Policy located at <https://countyofmonterey.sharepoint.com/sites/Infonet/Policies/Board%20Policies/Information%20Technology%20Security.pdf> for details of this implementation.

**Request No. 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 No. 18:** The county has implemented management oversight on its incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) prior to October 15, 2020. Please see section 1.17 of the county's Information Security Policy located at <https://countyofmonterey.sharepoint.com/sites/Infonet/Policies/Board%20Policies/Information%20Technology%20Security.pdf> for details of this implementation.

**Request No. 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 No. 19:** This request seeks information security records that are exempt from disclosure pursuant to Government Code sections 6254(c), 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

**Request No. 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 No. 20:** This request seeks information security records that are exempt from disclosure pursuant to Government Code sections 6254(c), 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

**Request No. 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 No. 21:** This request seeks information security records that are exempt from disclosure pursuant to Government Code sections 6254(c), 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

**Request No. 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 No. 22:** There are no flash drives attached to the Secretary of State property. The Registrar of Voters seeks clarification for Request 22 which is prefaced with 2CCR 19064(d)(4). This particular code section is specific to Secretary of State property such as routers installed at the county. However, your Request appears unrelated to the code you cite. If your Request is for Records identifying Registrar employees who have access to voting machine tabulation storage devices such records are exempt from disclosure pursuant to Government Code sections 6254(c), 6254(k), 6254.19 and 6255, and California Constitution, article I, Section 1. 2 CCR § 19064(d).

**Request No. 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 No. 23:** 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.

**Request No. 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 No. 24:** This request seeks information security records that are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

**Request No. 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 No. 25:** This request seeks information security records that are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

**Request No. 26:** Provide those documents or records reflecting the log monitoring tools used to send real-time alerts and notifications.

**Response No. 26:** The details of these tools and their logs can be used by attackers to circumvent them, therefore these are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

**Request No. 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 No. 27:** This request seeks information security records that are exempt from disclosure pursuant to Government Code sections 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

**Request No. 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 No. 28:** This request seeks information security records that are exempt from disclosure pursuant to Government Code sections 6254(c), 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

**Request No. 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 No. 29:** This request seeks information security records that are exempt from disclosure pursuant to Government Code sections 6254(c), 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

**Request No. 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 No. 30:** This request seeks information security records that are exempt from disclosure pursuant to Government Code sections 6254(c), 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

**Request No. 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 No. 31:** This request seeks information security records that are exempt from disclosure pursuant to Government Code sections 6254(c), 6254(aa), 6254.19 and 6255 and 2 Cal. Code. Reg. § 19064.

**Request No. 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 No. 32:** There are no records responsive to this Request.

**Request No. 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 No. 33:** There are no records responsive to this Request.

**Request No. 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 No. 34:** There are no records responsive to this Request.

**Request No. 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 No. 35:** There are no records responsive to this Request.

**Request No. 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 No. 36:** Your request for confidential voter information has been received and is currently under review.

**Request No. 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 No. 37:** Your request for confidential voter information has been received and is currently under review.

**Request No. 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 No. 38:** Your request for confidential voter information has been received and is currently under review.

**Request No. 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:** Your request for confidential voter information has been received and is currently under review.

**Request No. 40:** All records reflecting searches of county felony records between September 1, 2020, and November 10, 2020.

**Response No. 40:** There are no records responsive to this Request.

**Request No. 41:** All records reflecting searches of county death records between September 1, 2020, and November 10, 2020.

**Response No. 41:** There are no records responsive to this Request.

**Request No. 42:** All records reflecting county searches of DMV Change of Address (DMV COA) between September 1, 2020, and November 10, 2020.

**Response No. 42:** There are no records responsive to this Request.

**Request No. 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 No. 43:** Your request for confidential voter information has been received and is currently under review.

**Request No. 44:** Those documents reflecting the dates of certifications of information provided to the Secretary of State according to 2 CCR § 19086(b).

**Response No. 44:** The Registrar of Voters has identified responsive records, which will be made available for review or duplication.

**Request No. 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 No. 45:** The Registrar of Voters has identified responsive records, which will be made available for review and duplication.

**Request No. 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 No. 46:** The Registrar of Voters has identified responsive records, which will be made available for review and duplication.

**Request No. 47:** All certifications executed by any county election official for the November 3, 2020 General Election.

**Response No. 47:** The Registrar of Voters has identified responsive records, which will be made available for review and duplication. The Statement of Votes is publicly available at <https://montereycountyelections.us>.

**Request No. 48:** The number of ballots determined by the county through adjudication for the November 3, 2020 election.

**Response No. 48:** The Registrar continues to research for potential disclosure, records that may be responsive to this request.

**Request No. 49:** All ballots duplicated by the county through adjudication for the November 3, 2020 election.

**Response No. 49:** To the extent this request seeks production of 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).

**Request No. 50:** Those documents that identify the records of ballots duplicated for the November 3, 2020 election.

**Response No. 50:** The Registrar continues to research for potential disclosure, records that may be responsive to this request. To the extent that this request seeks information regarding specific ballots, the ballots 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).

**Request No. 51:** Those documents that identify the records of ballots adjudicated for the November 3, 2020 election.

**Response No. 51:** The Registrar continues to research for potential disclosure, records that may

be responsive to this request. To the extent that this request seeks information regarding specific ballots, the ballots 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).

**Request No. 52:** Those documents that identify the records of changes to ballots made for the November 3, 2020 election.

**Response No. 52:** The Registrar continues to research for potential disclosure, records that may be responsive to this request. To the extent that this request seeks information regarding specific ballots, the ballots 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).

**Request No. 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 No. 53:** The Registrar continues to research for potential disclosure, records that may be responsive to this request.

**Request No. 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 No. 54:** The Registrar of Voters has identified records responsive to this request. The Registrar continues to research for potential disclosure additional records that may be responsive to this request.

**Request No. 55:** All electronic documents containing the phrase "Image Cast Remote 5.10".

**Response No. 55:** The Registrar continues to research for potential disclosure, records that may be responsive to this request.

**Request No. 56:** All electronic documents containing the phrase "Image Cast Remote 5.10A".

**Response No. 56:** The Registrar continues to research for potential disclosure, records that may be responsive to this request.

**Request No. 57:** All electronic documents containing the phrase "Image Cast Remote 5.2".

**Response No. 57:** The Registrar continues to research for potential disclosure, records that may be responsive to this request.

**Request No. 58:** All electronic documents containing the phrase "Suite 5.10A".

**Response No. 58:** The Registrar continues to research for potential disclosure, records that may be responsive to this request.

**Request No. 59:** All electronic documents containing the phrase "Suite 5.10".

**Response:** The Registrar continues to research and review for potential disclosure records that may be responsive to this request.

**Response No. 59:** The Registrar continues to research for potential disclosure, records that may be responsive to this request.

**Request No. 60:** All electronic documents containing the phrase "Suite 5.2".

**Response No. 60:** The Registrar continues to research for potential disclosure, records that may be responsive to this request.

**Request No. 61:** All electronic documents containing the phrase " ImageCast Evolution 5.10.9.3".

**Response No. 61:** The Registrar continues to research for potential disclosure, records that may be responsive to this request.

**Request No. 62:** All electronic documents containing the phrase " ImageCast ICX 5.10.11.11.".

**Response No. 62:** The Registrar continues to research and review for potential disclosure records that may be responsive to this request.

**Request No. 63:** All electronic documents containing the phrase "Eric Coomer"

**Response No. 63:** There are no records responsive to this Request.

The scope of your various requests is quite broad and encompasses a voluminous amount of potentially responsive records. Where indicated, the County is in the process of identifying, collecting and reviewing for disclosability, potentially responsive records regarding these requests. Accordingly, pursuant to Government Code § 6253, the County is extending the time in which to respond to these Requests. The County will provide you a further response no later than March 31, 2021.

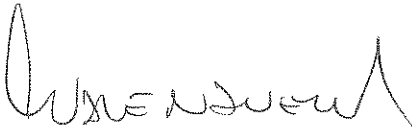
Where records are available documents will be placed on a memory stick which will be provided at a cost of \$6.00. Please send a check payable to "Monterey County Elections" to Monterey County Elections, Attention: Public Records Act Request, 1441 Schilling Place – North Building, Salinas, CA 93901.

We will contact you regarding your application for confidential voter information separately to discuss costs and access.

Please be advised that every effort has been made to provide all of the disclosable records which might fall within your inquiry. As such, we believe our reply is quite thorough. However, if you have knowledge of a specific document which has not been provided in response to your inquiry, please notify us and we will be happy to provide the document(s) to you unless, of course, it is exempt from disclosure under applicable law.

If you wish to dispute any of the determinations contained in this response to your request(s) please advise us of your legal argument. If you would also please provide us with a citation or legal authority which supports your argument we will be willing to reconsider our opinion.

Sincerely,

A handwritten signature in black ink, appearing to read "Claudio Valenzuela". The signature is fluid and cursive, with a prominent initial "C" and a long, sweeping underline.

Claudio Valenzuela  
Registrar of Voters