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April 29, 2021

Scott A. McMillan
The McMillan Law Firm
4671 Nebo Drive, Suite 200
La Mesa, CA 91941-5230

sent via email: scott@mcmillanlaw.us

Re: Demand for Inspection or Production of Public Records Numbers 1 – 69
received April 7, 2021

Dear Mr. McMillan:

Please be advised that I am the Assistant County Counsel for the County of San Benito and I represent the County and Joe Paul Gonzalez, the Clerk-Auditor-Recorder and Registrar of Voters (hereinafter “Registrar”) in this matter. Please address all future communications regarding this matter to me. I am writing in response to the public records request the County of San Benito received from you on April 7, 2021. The County has identified non-exempt records which are responsive to your request and which will be discussed in detail below.

Please note that requests are limited only to records maintained in the normal course of business by the County and records that are within the County’s custody, control, and access. Please also note that we will not produce records that are privileged or otherwise exempt from disclosure pursuant to State and Federal laws, including exemptions identified in Gov. Code Section 6254, et seq., and additional exemptions specifically incorporated under Gov. Code Section 6254(k). This includes documents pertaining to pending litigation or claims, and documents protected by the attorney-client privilege, attorney work product, and official information privileges.

If we have misinterpreted the nature of any of your requests, please let me know and we will attempt to assist you in identifying any non-exempt records that are responsive to the request pursuant to Government Code Section 6253.1(a).

Because key staff in the Registrar’s office who will be preparing reports are not presently available to assist with this response, and additional time will be necessary for legal review once that staff is able to produce the reports, responses to requests 29, 33, 50, 54, 57, 59, and 60. We estimate we will be able to provide those responses by May 14, 2021.

The specific responses to your request are as follows:

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.

- The Registrar also does not have existing records that contain the requested information. A record of any responsive data retained by the Registrar would have to be created through data extraction and programming pursuant to Section 6253.9 of the Government Code ("Section 6253.9"). Further, such records may constitute confidential voter registration data, which requires an Application and the payment of fees. (See Gov. Code § 6254.4; Elec. Code §§ 2188, 2194; 2 CCR § 19001 et seq.) Upon receipt of an Application, the Registrar can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.

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.

- The Registrar also does not have existing records that contain the requested information. A record of any responsive data retained by the Registrar would have to be created through data extraction and programming pursuant to Section 6253.9 of the Government Code ("Section 6253.9"). Further, such records may constitute confidential voter registration data, which requires an Application and the payment of fees. (See Gov. Code § 6254.4; Elec. Code §§ 2188, 2194; 2 CCR § 19001 et seq.) Upon receipt of an Application, the Registrar can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.

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.

- The Registrar also does not have existing records that contain the requested information. A record of any responsive data retained by the Registrar would have to be created through data extraction and programming pursuant to Section 6253.9 of the Government Code ("Section 6253.9"). Further, such records may constitute confidential voter registration data, which requires an Application and the payment of fees. (See Gov. Code § 6254.4; Elec. Code §§ 2188, 2194; 2 CCR § 19001 et seq.) Upon receipt of an Application, the Registrar can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.

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.

- The Registrar also does not have existing records that contain the requested information.

A record of any responsive data retained by the Registrar would have to be created through data extraction and programming pursuant to Section 6253.9 of the Government Code ("Section 6253.9"). Further, such records may constitute confidential voter registration data, which requires an Application and the payment of fees. (See Gov. Code § 6254.4; Elec. Code §§ 2188, 2194; 2 CCR § 19001 et seq.) Upon receipt of an Application, the Registrar can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.

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

- Ballot tabulation occurred for all voters at the Hall of Records, 440 5th Street, Room 201, Hollister, CA 95023.

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).

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR § 19064(a).)

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).

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR § 19064(a).)

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).

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the

potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

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.
 - To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)
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).
 - To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)
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.
 - To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)
 - In addition, please note the following information about the voting system equipment in the ballot tabulation room according to the July 9, 2020 Dominion Voting Systems Democracy Suite 5.1 0A Staff Report ("Staff Report") from the Secretary of State's Office of Voting Systems Technology Assessment: "The system does not include modems, or telecommunications devices, and there is no provision for accessing external networks." (See Staff Report at p. 4 found at: https://votingsystems.cdn.sos.ca.gov/vendors/dominion/ds51_0a/ds51_0a-staff.pdf.)
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.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)
- In addition, please note the following information about the voting system equipment in the ballot tabulation room according to the July 9, 2020 Dominion Voting Systems Democracy Suite 5.1 0A Staff Report ("Staff Report") from the Secretary of State's Office of Voting Systems Technology Assessment: "The system does not include modems, or telecommunications devices, and there is no provision for accessing external networks." (See Staff Report at p. 4 found at: https://votingsystems.cdn.sos.ca.gov/vendors/dominion/ds51_0a/ds51_0a-staff.pdf.)

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.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)
- In addition, please note the following information about the voting system equipment in the ballot tabulation room according to the July 9, 2020 Dominion Voting Systems Democracy Suite 5.1 0A Staff Report ("Staff Report") from the Secretary of State's Office of Voting Systems Technology Assessment: "The system does not include modems, or telecommunications devices, and there is no provision for accessing external networks." (See Staff Report at p. 4 found at: https://votingsystems.cdn.sos.ca.gov/vendors/dominion/ds51_0a/ds51_0a-staff.pdf.)

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).

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

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.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

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.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

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.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

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.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

19. Provide those documents reflecting the hardware and software system configurations of the Election Management System ("EMS").

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not

be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

20. Provide those documents reflecting the memory sticks and similar technology that contain software and/or or data used in the November 2020 Election.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

21. Provide those documents reflecting the EMS operating system, adjudication ranked choice voting, and election event designer logs.

- The Registrar has not identified any responsive records. Too broad, unrelated use procedures for Dominion. No ranked choice.

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

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

23. 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.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

24. 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.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov.

Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

25. 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.

- The Registrar identified no responsive records to this request. Further, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

26. 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.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

27. Provide the log files for the county’s EMS and election information system with entries between September 15, 2020 and December 1, 2020.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

28. 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.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

29. Provide those documents or records reflecting memory sticks and similar technology that contain software and/or data used in the November 2020 election.

- The Registrar has identified responsive records and estimates that it will take until May 14, 2021 to make them available.

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

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

31. Provide the "real-time alerts and notifications", as referred in 2 CCR 19064-3) sent between September 1, 2020 through December 10, 2020.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

32. 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.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

33. Provide those documents or records reflecting Tabulator machine reports and error rate histories/logs.

- The Registrar has identified responsive records and estimates that it will take until May 14, 2021 to make them available.

34. 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.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

35. 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.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

36. Provide those documents which reflect "system configuration changes" in the county's EMS and election information system identified between September 1, 2020 and through December 10, 2020.

- To the extent that the Registrar has potentially responsive records to this request, the production of any such records would "reveal vulnerabilities to, or otherwise increase the potential for an attack on [the] information technology system" of the County. (Gov. Code 6254.19.) Accordingly, any such records are exempt from production and will not be produced. (See Gov. Code §§ 6254.19, 6254(aa), 6255(a); 2 CCR §19064(a).)

37. 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.

- The Registrar identified no responsive records to this request.

38. 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.

- The Registrar identified no responsive records to this request.

39. 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.

- The Registrar identified no responsive records to this request.

40. Provide those documents which reflect Native ballot scanned images.

- To the extent that the Registrar has potentially responsive records to this request, and notwithstanding the ambiguity of the term "Native" in your request, the records sought in this request are exempt from disclosure pursuant to law. (See, Cal. Const. art. 1, §1 and art. II, §7, Govt. Code § 6254(k), Elections Code §§ 2300(a)(4) and 3107(b), Evidence Code § 1050, and Elections Code §§ 15370 and 17301.)

The recent case of *Citizens Oversight, Inc. v Vu* (2019) 35 Cal.App.5th 612 is instructive and applicable to your request. Citizens Oversight sought to inspect and copy ballots cast by registered voters during the June 7, 2016 election. The trial court ruled that the ballots were exempt from disclosure because Elections Code §15370 prohibited disclosure. It granted the

Registrar's demurrer to the complaint without leave to amend and issued a judgment of dismissal. The Court of Appeal affirmed the judgment.

Your request for electronic images of actual ballots is no different than requesting copies of the actual ballots. In addition to *Vu*, at least two cases from other jurisdictions have determined that electronic ballot images are protected from disclosure. (See, *Kosmider v. Whitney* (2019) 34 N.Y 3d 48 and *White v. Skagit County* (2015) 188 Wash.App.886.)

As such, the aforementioned statutes, coupled with the Court of Appeal's ruling in *Vu*, require that the Registrar withhold production of ballot images.

If we have misinterpreted the nature of this request, please let us know and we will attempt to assist you in identifying any non-exempt records that are responsive to the request pursuant to Government Code Section 6253.1(a).

41. 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).

- The Registrar identified no responsive records to this request.

42. Provide All records reflected change in registration status submitted to the sitewide voter system by the county due to felony status proceeded between September 1, 2020 and November 10, 2020.

- The Registrar does not have existing records that contain the requested information. A record of any responsive data retained by the Registrar would have to be created through data extraction and programming pursuant to Section 6253.9. Further, such records may constitute confidential voter registration data, which requires an Application and the payment of fees. (See Gov. Code§ 6254.4; Elec. Code§§ 2188, 2194; 2 CCR§ 19001 et seq.) Upon receipt of an Application, the Registrar can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.
- To the extent this request seeks reports of felony convictions during the requested time frame, such records also constitute confidential voter registration information, which requires an Application and the payment of fees. (See Gov. Code§ 6254.4; Elec. Code§§ 2188, 2194; 2 CCR§ 19001 et seq.) Upon receipt of an Application, the Registrar can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.

43. Provide 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.

- Please see the response to Request No. 42 above and note that the responsive records would not distinguish between felony status and "federal" felony status.

44. 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.

- The Registrar does not have existing records that contain the requested information. A record of any responsive data retained by the Registrar would have to be created through data extraction and programming pursuant to Section 6253.9. Further, such records may constitute confidential voter registration data, which requires an Application and the payment of fees. (See Gov. Code§ 6254.4; Elec. Code§§ 2188, 2194; 2 CCR§ 19001 et seq.) Upon receipt of an Application, the Registrar can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.
- To the extent this request seeks reports of death records during the requested time frame, such records also constitute confidential voter registration information, which requires an Application and the payment of fees. (See Gov. Code§ 6254.4; Elec. Code§§ 2188, 2194; 2 CCR§ 19001 et seq.) Upon receipt of an Application, the Registrar can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.

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

- The Registrar has identified responsive records. These records constitute confidential voter registration information, which requires an Application and the payment of fees. (See Gov. Code§ 6254.4; Elec. Code§§ 2188, 2194; 2 CCR§ 19001 et seq.) Upon receipt of an Application, the Registrar can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.

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

- Please see the response to Request No. 45 above

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

- Please see the response to Request No. 46 above

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

- The Registrar identified no responsive records to this request.

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

- The Registrar does not have existing records that contain the requested information. A record of any responsive data retained by the Registrar would have to be created through data extraction and programming pursuant to Section 6253.9. Further, such records may constitute confidential voter registration data, which requires an Application and the payment of fees. (See Gov. Code § 6254.4; Elec. Code §§ 2188, 2194; 2 CCR § 19001 et seq.) Upon receipt of an Application, the Registrar can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Registrar will also need time to apply appropriate redactions prior to producing this information.

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

- The Registrar has identified responsive records and estimates that it will take until May 14, 2021 to make them available.

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

- The Registrar identified no responsive records to this request. The County of San Benito does not use paper rosters.

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

- The Registrar identified no responsive records to this request. The County of San Benito does not use paper rosters.

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

- The Registrar has identified responsive records and the records are included in the Statement of Vote: <http://sbcvote.us/results/sov/2020Nov/SoV.pdf>

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

- The Registrar has identified responsive records and estimates that it will take until May 14, 2021 to make them available.

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

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

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

- The Registrar has not identified any responsive records.

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

- The Registrar has identified responsive records and estimates that it will take until May 14, 2021 to make them available.

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

- The Registrar has not identified any responsive records.
- To the extent this request seeks production of the duplicated ballots themselves, such records are exempt from disclosure under the Public Records Act and will not be disclosed. (See Gov. Code §§ 6254(k), 6255(a); Elec. Code §§ 2300(a)(4), 15370, 15630, 17301, 17302; Citizens Oversight, Inc. v. Vu (2019) 35 Cal.App.5th 612; Cal. Const. art. II, sec. 7.)

59. 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.

- The Registrar has identified responsive records and estimates that it will take until May 14, 2021 to make them available.

60. 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 Office of Voting Systems Technology Assessment. between April 1, 2019 through December 10, 2020.

- The Registrar has identified responsive records and estimates that it will take until May 14, 2021 to make them available.

61. All electronic documents containing the phrase "Image Cast Remote 5.10"

- This request does not include a specified date range. The Registrar assumes this request relates to records regarding the November 3, 2020 general election. If this is not correct, please clarify.
- The Registrar has identified responsive records that contain the above-identified phrase and will produce said records that: (1) do not describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar and the County of San Benito; (2) reveal information that would violate the official information privilege, the trade secret privilege or the public interest exemption re proprietary business information as set forth in *San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762.

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

- This request does not include a specified date range. The Registrar assumes this request relates to records regarding the November 3, 2020 general election. If this is not correct, please clarify.
- The Registrar has identified responsive records that contain the above-identified phrase and will produce said records that: (1) do not describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar and the County of San Benito; (2) reveal information that would violate the official information privilege, the trade secret privilege or the public interest exemption re proprietary business information as set forth in *San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762.

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

- This request does not include a specified date range. The Registrar assumes this request relates to records regarding the November 3, 2020 general election. If this is not correct, please clarify.
- The Registrar has identified responsive records that contain the above-identified phrase and will produce said records that: (1) do not describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar and the County of San Benito; (2) reveal information that would violate the official information privilege, the trade secret privilege or the public interest exemption re proprietary business information as set forth in *San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762.

64. All electronic documents containing the phrase “Suite 5.10A”

- This request does not include a specified date range. The Registrar assumes this request relates to records regarding the November 3, 2020 general election. If this is not correct, please clarify.

- The Registrar has identified responsive records that contain the above-identified phrase and will produce said records that: (1) do not describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar and the County of San Benito; (2) reveal information that would violate the official information privilege, the trade secret privilege or the public interest exemption re proprietary business information as set forth in *San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762.

65. All electronic documents containing the phrase “Suite 5.10”

- This request does not include a specified date range. The Registrar assumes this request relates to records regarding the November 3, 2020 general election. If this is not correct, please clarify.
- The Registrar has identified responsive records that contain the above-identified phrase and will produce said records that: (1) do not describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar and the County of San Benito; (2) reveal information that would violate the official information privilege, the trade secret privilege or the public interest exemption re proprietary business information as set forth in *San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762.

66. All electronic documents containing the phrase “Suite 5.2”

- This request does not include a specified date range. The Registrar assumes this request relates to records regarding the November 3, 2020 general election. If this is not correct, please clarify.
- The Registrar has identified responsive records that contain the above-identified phrase and will produce said records that: (1) do not describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar and the County of San Benito; (2) reveal information that would violate the official information privilege, the trade secret privilege or the public interest exemption re proprietary business information as set forth in *San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762.

67. All electronic documents containing the phrase “ImageCast Evolution 5.10.9.3”

- The Registrar identified no responsive records to this request.

68. All electronic documents containing the phrase “ImageCast ICX 5.10.11.11.”

- This request does not include a specified date range. The Registrar assumes this request relates to records regarding the November 3, 2020 general election. If this is not correct,

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please clarify.

- The Registrar has identified responsive records that contain the above-identified phrase and will produce said records that: (1) do not describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Registrar and the County of San Benito; (2) reveal information that would violate the official information privilege, the trade secret privilege or the public interest exemption re proprietary business information as set forth in *San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762.

69. All electronic documents containing the phrase “Eric Coomer”

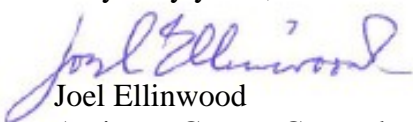
- The Registrar has not identified any responsive records.

The Registrar estimates that it will take until May 14, 2021 to produce the nonexempt responsive records identified in the responses above, and such production will be on a rolling basis. Disclosable responsive records will be sent to you via e-mail.

Estimated production of confidential voter registration information is subject upon eligibility pursuant to Elections Code sections 2188 and 2194 and receipt of the required, completed Applications. The application is available online at <http://sbcvote.us/pdf/forms/registrar/register/ApplicationForVoterRegistrationInfo.pdf>

Should you have trouble accessing the disclosed responsive records attached and/or the website links provided herein, or if you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,



Joel Ellinwood
Assistant County Counsel

Cc: Joe Paul Gonzalez
Francisco Diaz