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A LAW FIRM FOUNDED ON THE
PRINCIPLE OF SERVICE

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April 5, 2021

Via Email: scott@mcmillanlaw.us

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

Re: PRA Request Dated January 28, 2021 – November 3, 2020 General Election
Demand for Inspection or Production of Public Records Numbers 1-63

Dear Mr. McMillan:

This firm acts as County Counsel for the County of Sierra. Please accept this as the County of Sierra's response to your request dated January 28, 2021.

As you will see below, the County of Sierra 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 sensitive information security records such that disclosure of the record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of the Sierra County Registrar of Voters and the County of Sierra. As such, the County intends to produce certain policies and procedures that do not reveal vulnerabilities or increase the potential of a cyberattack. Should you have any questions or wish to discuss this matter further, please do not hesitate to contact our office.

Finally, the Registrar has received the application to purchase/view voter registration information along with a check in the amount of \$50.00 for a countywide voter file and history. The files are attached per your request and in response to a number of the demands stated below.

Please find below responses to your request in the same numerical format submitted to the Registrar:

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 1:

As an initial matter, although your PRA request generally purports to seek information related to the "General Election, November 3, 2020," Request #1 does not contain a date range for the requested information. Assuming you are seeking information related to the November 3, 2020 election, the Registrar has produced the Statement of Registration Certifications which indicate synchronization checks were done.

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 2:

The Registrar is unable to identify documents responsive to this request because the designations "valid" and "invalid" are unclear. Please clarify what documents you are seeking to help the Registrar identify any responsive records.

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 3:

The Registrar has identified responsive documents. In response to your request, the Registrar is attaching one (1) record in Excel format, entitled "Countywide Voter File with History - restricted 2194".

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 4:

The Registrar has identified responsive documents. In response to your request, the Registrar is attaching one (1) record in Excel format, entitled "Countywide Voter File with History - restricted 2194".

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 5:

The record responsive to your request is attached here to as “Notice of Central Count and Commencement of Vote-By-Mail Processing”.

Demand for Production of Public Records 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).

Demand for Production of Public Records 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).

Demand for Production of Public Records 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)(3).

Demand for Production of Public Records 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.

Demand for Production of Public Records 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).

Demand for Production of Public Records 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.

Demand for Production of Public Records 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.

Demand for Production of Public Records 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.

Demand for Production of Public Records 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).

Demand for Production of Public Records 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.

Demand for Production of Public Records 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.

Demand for Production of Public Records 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.

Demand for Production of Public Records 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.

Demand for Production of Public Records 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.

Demand for Production of Public Records 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.

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 6-21:

The Registrar is continuing to work to compile the records responsive to your request, to the extent they exist, and will produce the records unless there is an applicable exemption for privilege for these documents.

Demand for Production of Public Records No. 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 Demand for Production of Public Records No. 22:

After a reasonable and diligent search, the Registrar has not located responsive records within its custody, control or possession.

Demand for Production of Public Records 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.

Demand for Production of Public Records 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.

Demand for Production of Public Records 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.

Demand for Production of Public Records No. 26:

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

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 23-27:

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

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 28:

After a reasonable and diligent search, the Registrar has not located responsive records within its custody, control or possession.

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 29:

After a reasonable and diligent search, the Registrar has not located responsive records within its custody, control or possession.

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 30:

After a reasonable and diligent search, the Registrar has not located responsive records within its custody, control or possession.

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 31:

After a reasonable and diligent search, the Registrar has not located responsive records within its custody, control or possession.

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 32:

After a reasonable and diligent search, the Registrar has not located responsive records within its custody, control or possession.

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 33:

After a reasonable and diligent search, the Registrar has not located responsive records within its custody, control or possession.

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 34:

After a reasonable and diligent search, the Registrar has not located responsive records within its custody, control or possession.

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 35:

After a reasonable and diligent search, the Registrar has not located responsive records within its custody, control or possession.

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 36:

After a reasonable and diligent search, the Registrar has not located responsive records within its custody, control or possession. (There were no felony status changes between the specified dates.)

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 37:

After a reasonable and diligent search, the Registrar has not located responsive records within its custody, control or possession. (There were no felony status changes between the specified dates.)

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 38:

The Registrar has identified responsive document(s). See attached excel file "Countywide Vote File with History - 09012020 - 11152020 - restricted 2194" and "Deceased Persons Report -restricted 2194"

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 39:

The Registrar has identified responsive document(s). See attached excel file "Countywide Vote File with History - 09012020 - 11152020 - restricted 2194"

Demand for Production of Public Records No. 40:

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

Response to Demand for Production of Public Records No. 40:

After a reasonable and diligent search, the Registrar has not located responsive records within its custody, control or possession.

Demand for Production of Public Records No. 41:

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

Response to Demand for Production of Public Records No. 41:

After a reasonable and diligent search, the Registrar has not located responsive records within its custody, control or possession.

Demand for Production of Public Records No. 42:

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

Response to Demand for Production of Public Records No. 42:

After a reasonable and diligent search, the Registrar has not located responsive records within its custody, control or possession.

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 43:

The Registrar has identified responsive document(s). See attached excel file "Countywide Vote File with History - non-public 2194"

Demand for Production of Public Records No. 44:

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

Response to Demand for Production of Public Records No. 44:

The Registrar has identified responsive document(s), see response to Demand for Production No. 1.

Demand for Production of Public Records 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.

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 45 and 46:

The requests appear to seek production of a printed roster on a specific date and any subsequent supplemental rosters. The Registrar does not possess such rosters as the County of Sierra is an all mailed ballot county and does not print rosters for polling places.

Demand for Production of Public Records No. 47:

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

Response to Demand for Production of Public Records No. 47:

The Registrar has identified responsive document(s), see attached certifications.

Demand for Production of Public Records No. 48:

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

Response to Demand for Production of Public Records No. 48:

The Registrar has identified responsive document(s) and will produce said document(s).

Demand for Production of Public Records No. 49:

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

Response to Demand for Production of Public Records No. 49:

The Registrar has identified responsive document(s) and will produce said document(s).

Demand for Production of Public Records No. 50:

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

Response to Demand for Production of Public Records No. 50:

The Registrar has identified responsive document(s) and will produce said document(s).

Demand for Production of Public Records No. 51:

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

Response to Demand for Production of Public Records No. 51:

The Registrar has identified responsive document(s) and will produce said document(s).

Demand for Production of Public Records No. 52:

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

Response to Demand for Production of Public Records No. 52:

After a reasonable and diligent search, the Registrar has not located responsive records within its custody, control or possession.

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 53:

The Registrar has identified responsive document(s) and will produce said document(s).

Demand for Production of Public Records 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 to Demand for Production of Public Records No. 54:

The Registrar has identified responsive document(s) and will produce said document(s).

Demand for Production of Public Records No. 55:

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

Demand for Production of Public Records No. 56:

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

Demand for Production of Public Records No. 57:

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

Demand for Production of Public Records No. 58:

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

Demand for Production of Public Records No. 59:

All electronic documents containing the phrase "Suite 5.2".

Demand for Production of Public Records No. 60:

All electronic documents containing the phrase "Suite 5.2".

Demand for Production of Public Records No. 61:

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

Demand for Production of Public Records No. 62:

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

Demand for Production of Public Records No. 63:

All electronic documents containing the phrase "Eric Coomer".

Response to Demand for Production of Public Records No. 55 – 63:

These requests seek records regarding the use of voting systems during the November 3, 2020 General Election which were manufactured by Dominion Voting Systems, reference Eric Coomer, an executive of Dominion, and/or contain terms used to describe features of a voting system offered by Dominion. The County of Sierra no longer uses a Dominion voting system; thus, it does not possess any records reflecting the use of such a voting system during the November 3, 2020 General Election.

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

Yours very truly,
PRENTICE LONG, PC



David A. Prentice

cc: Heather Foster, Sierra County Clerk-Recorder/Registrar of Voters