

Office of the County Counsel 981 "H" Street, Suite 220 Crescent City, CA 95531 Phone (707) 464-7208 Fax (707) 465-0324

Joel Campbell Blair, County Counsel April 30, 2021

VIA EMAIL

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

Re: Demand for Production of Election Records, Del Norte County Registrar of Voters, April 6, 2021

Dear Mr. McMillan,

Below is the response to your Public Records Act request from the Del Norte County Registrar of Voters ("ROV"). The estimated date by which responsive records are expected to be available is May 31, 2021.

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 ROV does not possess records responsive to this request.

2. Provide those documents with the results of each synchronization transmission between the California Secretary of State and the county Registrar of Voters, by number of registrants confirmed as valid, and those that are identified as invalid.

The ROV does not possess records responsive to this request.

3. Provide those documents which reflect notifications from the Secretary of State requesting or directing modifications to a voter's registration record between September 1, 2020 and November 15, 2020.

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The ROV possesses records responsive to this request. Voter registration information is confidential and cannot be disclosed except as specified in Elections Code section 2194. To receive voter registration data, please contact the ROV at anorthrup@co.del-norte.ca.us, and pay the requisite fee.

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 ROV possesses records responsive to this request. As mentioned above, voter registration information is confidential and cannot be disclosed except as specified in Elections Code section 2194. To receive voter registration data, please contact the ROV at anorthrup@co.del-norte.ca.us, and pay the requisite fee.

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

The ROV counted ballots at the Flynn Administrative Building, 981 H Street, Crescent City, CA 95531.

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).

Records that describe potential vulnerabilities and the ROV's resolution of such risks are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and Title 2 California Code of Regulations section 19064.

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).

Records that describe potential vulnerabilities and the ROV's resolution of such risks are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and Title 2 California Code of Regulations section 19064.

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

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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).

Records that describe potential vulnerabilities and the ROV's resolution of such risks are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and Title 2 California Code of Regulations section 19064.

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.

This request seeks information security records that are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and 2 California Code of Regulations section 19064.

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).

This request seeks information security records that are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and 2 California Code of Regulations section 19064.

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.

This request seeks information security records that are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and 2 California Code of Regulations section 19064.

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.

This request seeks information security records that are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and 2 California Code of Regulations section 19064.

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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.

This request seeks information security records that are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and 2 California Code of Regulations section 19064.

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).

Please find attached County Clerk/Registrar of Voters ("CCROV") Memorandum #19084 from the Secretary of State, Office of Election Cybersecurity dated September 20, 2019 re: Primary Election: Recommendations of Minimizing Cyber Risk.

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.

Please find attached County Clerk/Registrar of Voters ("CCROV") Memorandum #19084 from the Secretary of State, Office of Election Cybersecurity dated September 20, 2019 re: Primary Election: Recommendations of Minimizing Cyber Risk.

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.

Please find attached County Clerk/Registrar of Voters ("CCROV") Memorandum #19084 from the Secretary of State, Office of Election Cybersecurity dated September 20, 2019 re: Primary Election: Recommendations of Minimizing Cyber Risk.

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.

Please find attached County Clerk/Registrar of Voters ("CCROV") Memorandum #19084 from the Secretary of State, Office of Election Cybersecurity dated September 20, 2019 re: Primary Election: Recommendations of Minimizing Cyber Risk.

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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.

Please find attached County Clerk/Registrar of Voters ("CCROV") Memorandum #19084 from the Secretary of State, Office of Election Cybersecurity dated September 20, 2019 re: Primary Election: Recommendations of Minimizing Cyber Risk.

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

This request seeks information security records that are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and 2 California Code of Regulations section 19064.

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

This request seeks information security records that are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and 2 California Code of Regulations section 19064.

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

This request seeks information security records that are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and 2 California Code of Regulations section 19064.

22. 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.

This request seeks information security records that are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and 2 California Code of Regulations section 19064.

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

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between October 15, 2020 and November 14, 2020.

This request seeks information security records that are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and 2 California Code of Regulations section 19064.

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.

This request seeks information security records that are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and 2 California Code of Regulations section 19064.

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.

This request seeks information security records that are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and 2 California Code of Regulations section 19064.

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.

This request seeks information security records that are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and 2 California Code of Regulations section 19064.

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

This request seeks information security records that are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and 2 California Code of Regulations section 19064.

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.

This request seeks information security records that are exempt from disclosure pursuant to

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Government Code section 6254(aa), 6254.19 and 6255 and 2 California Code of Regulations section 19064.

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

This request seeks information security records that are exempt from disclosure pursuant to Government Code section 6254(aa), 6254.19 and 6255 and 2 California Code of Regulations section 19064.

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

The ROV does not possess records responsive to this request.

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

The ROV does not possess records responsive to this request.

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.

The ROV does not possess records responsive to this request.

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

The ROV does not possess records responsive to this request.

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.

The ROV does not possess records responsive to this request.

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.

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The ROV does not possess records responsive to this request.

36. 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.

The ROV does not possess records responsive to this request.

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 ROV does not possess records responsive 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 ROV does not possess records responsive 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 ROV does not possess records responsive to this request.

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

Copies of ballot 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) (*Citizens Oversight, Inc. v. Vu* (2019) 35 Cal.App.5th 612.)

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 ROV does not possess records responsive to this request.

42. All records reflecting change in registration status submitted to the statewide voter

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system by the county due to felony status processed between September 1, 2020, and November 10, 2020.

The ROV possesses records responsive to this request. As mentioned above, voter registration information is confidential and cannot be disclosed except as specified in Elections Code section 2194. To receive voter registration data, please fill out the attached application, send a completed application to anorthrup@co.del-norte.ca.us, and pay the requisite fee.

43. 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.

The ROV possesses records responsive to this request. As mentioned above, voter registration information is confidential and cannot be disclosed except as specified in Elections Code section 2194. To receive voter registration data, please fill out the attached application, send a completed application to anorthrup@co.del-norte.ca.us, and pay the requisite fee.

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 ROV possesses records responsive to this request. As mentioned above, voter registration information is confidential and cannot be disclosed except as specified in Elections Code section 2194. To receive voter registration data, please fill out the attached application, send a completed application to anorthrup@co.del-norte.ca.us, and pay the requisite fee.

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 ROV possesses records responsive to this request. As mentioned above, voter registration information is confidential and cannot be disclosed except as specified in Elections Code section 2194. To receive voter registration data, please fill out the attached application, send a completed application to anorthrup@co.del-norte.ca.us, and pay the requisite fee.

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

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The ROV does not have records responsive to this request.

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

The ROV does not have records responsive to this request.

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

The ROV does not have records responsive to this request.

49. 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.

The ROV possesses records responsive to this request. As mentioned above, voter registration information is confidential and cannot be disclosed except as specified in Elections Code section 2194. To receive voter registration data, please fill out the attached application, send a completed application to anorthrup@co.del-norte.ca.us, and pay the requisite fee.

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

The ROV is in possession of documents responsive to this request. Please see attached the Statement of Registration Certifications

51. 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.

The date of generation of the official list extract from the statewide voter registration system for the purpose of conducting the 2020 General Election is October 28. 2020.

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 ROV does not have records responsive to this request.

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

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General Election.

The ROV possesses records responsive to this request. Please see attached the Certified Results of the November 3, 2020 General Election.

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

The ROV staff is diligently reviewing its records to provide the number of ballots determined by the County of Imperial through adjudication for the November 3, 2020 General Election. The ROV intends to provide you with this information once it becomes 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.

To the extent this request seeks production of the actual 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).

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

The ROV does not possess records responsive to this request.

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

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The ROV does not possess records responsive to this request.

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 ROV has records responsive to this request, and will produce them as soon as they are ready.

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

The ROV has records responsive to this request, and will produce them as soon as they are ready.

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

The ROV is diligently reviewing its electronic records to determine whether it possesses documents containing the above phrase. The ROV intends to provide you with those documents if and when they become available.

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

The ROV is diligently reviewing its electronic records to determine whether it possesses documents containing the above phrase. The ROV intends to provide you with those documents if and when they become available.

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

The ROV is diligently reviewing its electronic records to determine whether it possesses documents containing the above phrase. The ROV intends to provide you with those documents if and when they become available.

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

The ROV is diligently reviewing its electronic records to determine whether it possesses documents containing the above phrase. The ROV intends to provide you with those documents if and when they become available.

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

The ROV is diligently reviewing its electronic records to determine whether it possesses documents containing the above phrase. The ROV intends to provide you with those documents if and when they become available.

66. All electronic documents containing the phrase "Suite 5.2",

The ROV is diligently reviewing its electronic records to determine whether it possesses documents containing the above phrase. The ROV intends to provide you with those documents if and when they become available.

67. All electronic documents containing the phrase "ImageCast Evolution 5.10.9.3",

The ROV is diligently reviewing its electronic records to determine whether it possesses documents containing the above phrase. The ROV intends to provide you with those documents if and when they become available.

68. All electronic documents containing the phrase "ImageCast ICX 5.10.11.11.".

The ROV is diligently reviewing its electronic records to determine whether it possesses documents containing the above phrase. The ROV intends to provide you with those documents if and when they become available.

69. All electronic documents containing the phrase "Eric Coomer"

The ROV is diligently reviewing its electronic records to determine whether it possesses documents containing the above phrase. The ROV intends to provide you with those documents if and when they become available.

Cordially oel Campbell-Blair

County Counsel

October 19, 2020 STATEMENT OF REGISTRATION CERTIFICATION

By indicating readiness for the Report of Registration in your county Election Management System, you are attesting to the following certification in regards to your voter registration.

STATEMENT OF REGISTRATION

I, <u>Alissia D. Northrup</u>, Registrar of Voters, or County Clerk, of the County of <u>Del Norte</u>, do hereby certify pursuant to Elections Code section 2187(c)(7) that the actions listed below have been completed and the required voter registration information is available in the California Statewide Voter Registration Database (VoteCal) so the Secretary of State can compile a statewide listing of voters:

- We performed a synchronization (sync) check no more than 30 days prior to indicating readiness and corrected voter registration record differences identified by the sync check.
- We ensured that all precincts are associated with the following districts: congressional, senate, assembly, board of equalization, supervisorial, and either city or unincorporated area.
- We entered all online and paper affidavits into the county EMS with a registration date up to and including, October 19, 2020.

DATED:

This 23rd day of October , 2020



Registrar of Voters or County Clerk: Alissia D. Northrup

Contact telephone #:

707-464-7216

Email address:

anorthrup@co.del-norte.ca.us

Report of Registration County Summary

<u>Report Filter(s):</u>

County: Del Norte

ROR Date: 10/19/2020

	Registered Voters	Democratic	Republican	American Independent	Green	Libertarian	Peace and Freedom	Unknown	Other	No Party Preference
County Supervisorial 1	2,626	812	894	130	23	38	27	4	16	
County Supervisorial 2	2,684	891	954	126	10	27	20	0	13	
County Supervisorial 3	3,567	1,125	1,463	182	19	50	13	0	8	
County Supervisorial 4	3,525	865	1,606	157	25	55	15	ω	10	
County Supervisorial 5	3,502	1,054	1,346	197	23	36	15	ω	16	
Total	15,904	4,747	6,263	792	100	206	06	10	63	3,633
US Congressional 2	15,904	4,747	6,263	792	100	206	06	10	63	3,633
Total	15,904	4,747	6,263	792	100	206	06	10	63	3,633
State Senate 2	15,904	4,747	6,263	792	100	206	06	10	63	3,633
Total	15,904	4,747	6,263	792	100	206	06	10	63	3,633
State Assembly 2	15,904	4,747	6,263	792	100	206	06	10	63	3,633
Total	15,904	4,747	6,263	792	100	206	06	10	63	3,633
State Board of Equalization 2	15,904	4,747	6,263	792	100	206	06	10	63	3,633
Total	15,904	4,747	6,263	792	100	206	06	10	63	3,633
Crescent City	2,159	738	673	115	13	29	29	2	12	
Unincorporated Area	13,745	4,009	5,590	677	87	177	61	8	51	3,085
Total	15,904	4,747	6,263	792	100	206	06	10	63	3,633

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Recommendations for Minimizing Cyber Risk

Political parties, candidates and elections administrators cannot be alone in the fight against malicious actors who seek to undermine our elections. As political campaigns and organizations are targets of cyber threats, they too have a role and responsibility in defending our democracy. **Your actions are critical in maintaining public trust in our elections** and minimizing the threat of cyber incidents.

As an integral part of protecting our democracy, I wish to remind you to **take preventative measures** to reduce the likelihood and severity of cyber incidents.

Recognized best practices for minimizing risk:

- (1) Establish an information security framework that allows your team to identify threats, create safeguards, detect incidents, respond quickly, and recover with resilience;
- (2) Control access to data and information systems; monitor vendors, contractors, and employees; and know what your users are doing with your data;
- (3) Beware of social engineering attempts, such as phishing emails, aimed at acquiring confidential or personal information from phone, email or other communications;
- (4) Educate your employees and volunteers on cybersecurity best practices, including how to recognize a phishing email, creating and maintaining strong passwords or passphrases, utilizing two-factor authentication, and avoiding dangerous applications;
- (5) Ensure your software and hardware security is up to date and properly configured;
- (6) Monitor user activity;
- (7) Back up your data;
- (8) Run regular security audits, assessments, and penetration testing; and
- (9) Monitor social media for false or misleading election information. Report such posts to social media platforms and the <u>California Secretary of State's Office of Election Cybersecurity</u> at cybersecurity.sos.ca.gov.

Other resources:

- Harvard Kennedy School's Belfer Center for Science and International Affairs published
 The Cybersecurity Campaign Playbook in 2018, which provides information and strategies for keeping campaigns secure.
- The Department of Homeland Security's (DHS) Cybersecurity and Infrastructure Security Agency (CISA) provides services such as cybersecurity assessments, detection and prevention of threats, and information sharing and awareness. https://www.dhs.gov/cisa/election-security.
- The Global Cyber Alliance (GCA) offers several free toolkits to help election officials mitigate cyber risks. https://gcatoolkit.org/elections/.

If you detect suspicious activity:

In the event you observe or detect any suspicious activity, please alert law enforcement officials immediately and please contact my office with any important information. As a reminder, state law requires any entity that has access to voter data from the Secretary of State's office to report a breach of this information to our office as quickly as possible.

Should you have any questions or desire additional information, please feel free to contact Susan Lapsley of my office at (916) 695-1662 or **slapsley@sos.ca.gov.**

Sincerely,

Alex Padilla California Secretary of State

