



DANIEL C. CEDERBORG
County Counsel

February 18, 2021

VIA U.S. MAIL AND E-MAIL

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RE: *Public Records Act Request dated January 25, 2021*

Dear Mr. McMillan:

This letter follows up on the letter of February 4, 2021, in which the County of Fresno, County Clerk/Registrar of Voters' Department ("Department") extended the due date of its response to your California Public Records Act request ("PRA Request") until February 18, 2021.

By this letter, the Department provides its response to your PRA Request, dated and received by the Department on January 25, 2021. In your PRA Request, you have requested the production of a large number of records regarding the November 3, 2020 general election.

The Department provides records relating to the November 3, 2020 general election on the County's website for free at the following link:
<https://www.co.fresno.ca.us/departments/county-clerk-registrar-of-voters/election-information/election-results>.

You may also access information relating to the Dominion Voting Systems on the California Secretary of State's website at the following link:
<https://www.sos.ca.gov/elections/ovsta/frequently-requested-information/dominion-voting>.

As noted below, several of your requests seek confidential voter registration information, including voter history. To receive this information, Elections Code sections

2188 and 2194, as well as the Code of Regulations, title 2, section 19001, *et seq.*, require you and/or your client to first complete and duly execute the attached Voter Registration Information/Data Application (“Application”), which is also available on the County’s website at the following link:

<https://www.co.fresno.ca.us/home/showpublisheddocument?id=3787>.

The Department will require a clear photocopy of you and/or your client’s valid, government-issued photo identification to be submitted along with the completed Application(s). The Department will review the completed Application(s) upon receipt to determine if you and/or your client qualify for the requested records pursuant to Elections Code section 2194, and the Department will then advise of the fee to purchase the confidential voter registration information. Completed Application(s) may be returned directly to the Department, at 2221 Kern Street, Fresno, California 93721. Alternatively, you may send the completed Application(s) to my attention, which I will forward to the Department for processing.

In the event that any of your requests seek confidential voter registration information or other information for which the Department does not have an existing record, the Department can extract and compile data to construct a record that it does not otherwise generate or maintain in the ordinary course of business pursuant to Section 6253.9 of the Government Code. This will require the payment of the costs of the computer services for extracting and compiling the responsive data into a custom report. Please advise if you would like to pursue this possibility for any the applicable requests described in the responses below.

The Department also notes that several of the requests cite to the California Code of Regulations, title 2, section 19064, subdivision (c), which relates to the requirement of counties to “complete a security assessment of its elections information system prior to a statewide primary election,” but seeks records for a specified date range after the statewide primary election, which occurred on March 3, 2020.

The Department’s response to each request in your PRA Request is 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.”

Response: This request does not include a specified date range. The Department assumes this request relates to the November 3, 2020 general election. If this is not correct, please clarify.

The Department does not have existing records that contain the requested information. A record of any responsive data retained by the Department 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 Department can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Department 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."

Response: This request does not include a specified date range. The Department assumes his request relates to the November 3, 2020 general election. If this is not correct, please clarify.

The Department does not have existing records that contain the requested information. A record of any responsive data retained by the Department would have to be created through data extraction and programming pursuant to Section 6253.9. Further, such records may 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 Department can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Department 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."

Response: The Department 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 Department can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Department 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.”

Response: The Department does not have existing records that contain the requested information in summary form. A record of any responsive data retained by the Department would have to be created through data extraction and programming pursuant to Section 6253.9. Further, such records may 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 Department can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Department 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.”

Response: The Department has identified responsive records and the records are attached to this response. (See Attachments 1-2.) Additionally, ballot tabulation also occurred for in-person voters who voted at the main Fresno County Elections office located at 2221 Kern Street, Fresno, California 93721.

6. “Provide those documents, i.e., logs, narratives of inspection, created between September 1, 2020 and November 15, 2020 reflecting “Active management (inventory, tracking, and correction) of all software on the network so that only authorized software is installed and can execute” took place in compliance with 2 CCR § 19064(c)(2).”

Response: To the extent that the Department 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).”

Response: To the extent that the Department 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).”

Response: To the extent that the Department 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.”

Response: To the extent that the Department 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).”

Response: To the extent that the Department 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."

Response: To the extent that the Department 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 5.10A 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/ds510a/ds510a-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."

Response: To the extent that the Department 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 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/ds510a/ds510a-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."

Response: To the extent that the Department 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 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/ds510a/ds510a-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).”

Response: The County is identifying responsive records and will produce general policies and procedures that do not describe potential vulnerabilities or otherwise increase the potential for an attack on the information technology system associated with the Department and the County of Fresno.

Additionally, given the overbroad nature of the request, the County may be in possession of other responsive records that describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Department and the County of Fresno. As such, the Department asserts that such records are exempt from disclosure pursuant to Government Code sections 6254.19, 6254(aa), and 6255 and California Code of Regulations, title 2, section 19064.

15. “Provide those documents, reflecting training on any incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) prior to October 15, 2020.”

Response: The County is identifying responsive records and will produce general policies and procedures that do not describe potential vulnerabilities or otherwise increase the potential for an attack on the information technology system associated with the Department and the County of Fresno.

Additionally, given the overbroad nature of the request, the County may be in possession of other responsive records that describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Department and the County of Fresno. As such, the Department asserts that such records are exempt from disclosure pursuant to Government Code sections 6254.19, 6254(aa), and 6255 and California Code of Regulations, title 2, section 19064.

16. "Provide those documents, reflecting roles on any incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) prior to October 15, 2020."

Response: The County is identifying responsive records and will produce general policies and procedures that do not describe potential vulnerabilities or otherwise increase the potential for an attack on the information technology system associated with the Department and the County of Fresno.

Additionally, given the overbroad nature of the request, the County may be in possession of other responsive records that describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Department and the County of Fresno. As such, the Department asserts that such records are exempt from disclosure pursuant to Government Code sections 6254.19, 6254(aa), and 6255 and California Code of Regulations, title 2, section 19064.

17. "Provide those documents, reflecting communications on any incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) prior to October 15, 2020."

Response: The County is identifying responsive records and will produce general policies and procedures that do not describe potential vulnerabilities or otherwise increase the potential for an attack on the information technology system associated with the Department and the County of Fresno.

Additionally, given the overbroad nature of the request, the County may be in possession of other responsive records that describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Department and the County of Fresno. As such, the Department asserts that such records are exempt from disclosure pursuant to Government Code sections 6254.19, 6254(aa), and 6255 and California Code of Regulations, title 2, section 19064.

18. "Provide those documents, reflecting management oversight on any incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) prior to October 15, 2020."

Response: The County is identifying responsive records and will produce general policies and procedures that do not describe potential vulnerabilities or otherwise increase the potential for an attack on the information technology system associated with the Department and the County of Fresno.

Additionally, given the overbroad nature of the request, the County may be in possession of other responsive records that describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Department and the County of Fresno. As such, the Department asserts that such records are exempt from disclosure pursuant to Government Code sections 6254.19, 6254(aa), and 6255 and California Code of Regulations, title 2, section 19064.

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

Response: To the extent that the Department 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 which identify all persons, not permanently employed by the County, who accessed servers or routers of the EMS and election information system between October 15, 2020 and November 14, 2020."

Response: To the extent that the Department 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 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 the extent that the Department 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).)

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: The Department 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).)

23. “Provide those documents which identify all persons with sign-on authentication authorization as a direct user to the county’s EMS and election information system between September 15, 2020 and December 1, 2020.”

Response: To the extent that the Department 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 the log files for the county’s EMS and election information system with entries between September 15, 2020 and December 1, 2020.”

Response: To the extent that the Department 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 or records reflecting a network topology plan or map referencing the devices attached each other device within the county’s EMS and election information system.”

Response: To the extent that the Department 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).)

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

Response: To the extent that the Department 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 “real-time alerts and notifications”, as referenced in 2 CCR 19064(e)(3) sent between September 1, 2020 through December 10, 2020.”

Response: To the extent that the Department 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 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 the extent that the Department 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 which reflect “any errors” in the county’s EMS and election information system identified between September 1, 2020 through December 10, 2020.”

Response: To the extent that the Department 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).)

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 the extent that the Department 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 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 the extent that the Department 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 which reflect “unauthorized use” in the county’s EMS and election information system identified between September 1, 2020 through December 10, 2020.”

Response: The Department identified no responsive records to this request.

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: The Department identified no responsive records to this request.

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: The Department identified no responsive records to this request.

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: The Department identified no responsive records to this request.

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: The Department does not have existing records that contain the requested information. A record of any responsive data retained by the Department 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 Department can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Department 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 Department can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Department will also need time to apply appropriate redactions prior to producing this information.

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: Please see the response to Request No. 36 above and note that the responsive records would not distinguish between felony status and “federal” felony status.

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: The Department does not have existing records that contain the requested information. A record of any responsive data retained by the Department 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 Department can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Department 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 Department can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Department will also need time to apply appropriate redactions prior to producing this information.

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: The Department 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 Department can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Department will also need time to apply appropriate redactions prior to producing this information.

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

Response: Please see the response to Request No. 36 above.

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

Response: Please see the response to Request No. 37 above.

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

Response: The Department identified no responsive records to this request.

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: The Department does not have existing records that contain the requested information. A record of any responsive data retained by the Department 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 Department can calculate the applicable cost of data extraction and programming pursuant to Section 6253.9. Please note the Department will also need time to apply appropriate redactions prior to producing this information.

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

Response: The Department has identified responsive records and the records are attached to this response. (See Attachments 3-5.)

45. "Those documents reflecting the date of generation of the official list extract from the statewide voter registration system for the purpose of conducting the 2020 General Election."

Response: The Department identified no responsive records to this request. The County of Fresno does not use paper rosters.

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: The Department identified no responsive records to this request. The County of Fresno does not use paper rosters.

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

Response: The Department has identified responsive records and the records are attached to this response. (See Attachments 6-10.)

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

Response: The Department has identified responsive record(s), which will be produced for duplication and production.

To the extent this request seeks production of the 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.)

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

Response: 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.)

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

Response: The Department 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.)

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

Response: The Department has identified responsive record(s), which will be produced for duplication and production.

To the extent this request seeks production of the 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.)

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

Response: The Department 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.)

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: The Department has identified responsive records 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 Department and the County of Fresno; (2) reveal information that would violate the official information privilege, the trade secret privilege or the public interest exemption regarding proprietary business information as set forth in *San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762.

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: The Department has identified responsive records 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 Department and the County of Fresno; (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.

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

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

The Department 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 Department and the County of Fresno; (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.

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

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

The Department 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 Department and the County of Fresno; (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.

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

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

The Department 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 Department and the County of Fresno; (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.

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

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

The Department 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 Department and the County of Fresno; (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.

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

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

The Department 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 Department and the County of Fresno; (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.

60. "All electronic documents containing the phrase "Suite 5.2"."

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

The Department 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 Department and the County of Fresno; (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.

61. "All electronic documents containing the phrase "Image Cast Evolution 5.10.9.3"."

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

The Department 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 Department and the County of Fresno; (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 ICX 5.10.11.11."."

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

The Department 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 Department and the County of Fresno; (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 "Eric Coomer"."

Response: The Department has not identified any responsive records.

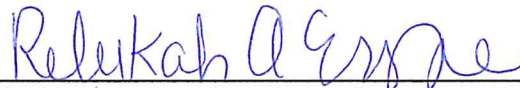
The Department estimates that it will take until April 30, 2021 to produce the non-exempt responsive records identified in the responses above, and such production will be on a rolling basis. Disclosable responsive records will be sent to you via e-mail. Estimated production of confidential voter registration information is subject upon

eligibility pursuant to Elections Code sections 2188 and 2194 and receipt of the required, completed Applications.

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,

DANIEL C. CEDERBORG
County Counsel



By Rebekah A. Eropkin, Deputy County Counsel