Citizens' Oversight Projects (COPs)
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June 10, 2019

Dean Logan
Los Angeles Registrar of Voters
12400 Imperial Highway
Norwalk, CA 90650

Regarding our Public Records Request or Question under Election Code 2300 a(9)B of March 17, 2019:

We thank you for your response dated April 9, 2019, regarding our request for the "computer result for the early VBM ballots, broken down by batch, and the later VBM ballots, if that is available."

You said "The Registrar-Recorder/County Clerk does not have any responsive documents to your request."

Your response included the following description:

> During tabulation, Tally does not generate batch results and then compute election results by summarizing batch results. It generates results by precinct and then summarizes the precinct results. During production Tally processing, each tabulation event tabulates the complete set of Cast Vote Records (CVR) in the official CVR database. To obtain batch-level results for audit purposes, a Box Tabulation Report is generated for a box of ballots identified by the audit. This report queries the CVRs associated with the box and tabulates directly from the official Cast Vote Record database, just as the official election results are, but is a separate tabulation event from the one that produced the official results.

1. It seems this just may be a matter of terminology. What we were calling "batches" you may be calling "boxes." The <u>Box Tabulation Report</u> appears to be the report that is required PRIOR TO random selection for the audit to be compliant with best practices. Let me explain.

We understand that each one of the boxes is scanned as a group for tabulation by one scanner. Assume for a moment that a malicious actor had hacked into that scanner or central tabulator so that the results of the scan were modified according to their desires. In such a case, the box of ballots would not match the Box Tabulation Report because that report has been modified maliciously. If that modified box was selected in the random draw, and if the fraudster was a compromised insider who had access to the computer system, then he/she could "undo" the hacking, so that the computer report would then match the box of ballots, and the 1% manual tally would not detect the hack.

Another way for the fraudster to avoid detection is simply to reassign the box numbers so that the ones drawn will avoid any batches/boxes that have been modified. Since only 1% of the boxes are included in the 1% Manual Tally, it would be an easy matter for a fraudster to reassign the box numbers to avoid any that were modified, as long as at least 1% of the boxes were not modified.

To perform our oversight appropriately, and to thwart a fraudster from avoiding detection by the 1%

manual tally, it is essential that you publish the full report of all boxes you process, box by box, with totals broken down by box, PRIOR TO the random draw.

--> Our request is that for future elections, you always produce a Box Tabulation Report for all boxes processed by box (i.e. by batch), and publish it, so we can download it prior to the random draw. This report should is easy for a computer to produce, as you already admit you can produce the report for the boxes that are selected for the audit (but after the fact), and you recently spent millions of dollars on a new tabulation system that should not have any limitations on reports.

If you comply with this request, then we can be sure that the two vulnerabilities described above cannot occur. First, any hacker that might otherwise fix-up a selected batch after it is selected would not be able to do so because we already have the full Box Tabulation Report for all boxes tallied. Secondly, a fraudster would not be able to reassign the box numbers to a different box, because they have already been published.

--> Please let us know if you will voluntarily produce this report to as to thwart the hacking vulnerabilities described above in future elections, and if you will not, why not.

2. In your description above, you state that

> To obtain batch-level results for audit purposes, a Box Tabulation Report is generated for a box of ballots identified by the audit.

--> Please provide the Box Tabulation Report generated for audit purposes, for the boxes selected in the audit in the November 2018 election.

3. In your description in your April 9 letter quoted above, you mention that the system "queries the CVRs associated with the box and tabulates directly from the official Cast Vote Record database."

--> Please provide the entire official Cast Vote Record database for the November 2018 election and provide information on how this database can be queried, i.e. which fields of each record are used to determine whether it is in one box or another. We anticipate that each record will provide a box number. Please provide this database in either comma-separated-values (CSV) or similar format and include documentation regarding how we can extract the data we need for our oversight investigation.

Thank you for your kind assistance. Please note that these requests may not fall within the nature of a "public records request" and if that is the case, then we request that you answer our questions anyway, and regard it as a "question" per Election Code Section 2300 a(9)B. We do expect an answer to our question with the information outlined above regardless of whether you prefer to classify the request as a Public Records Request or a Question as mentioned in Election Code Section 2300 a(9)B.

Please call me directly to work out any logistics (such as needing a thumb drive, etc) to getting the data.

Sincerely,

Raymond Lutz
National Coordinator, Citizens' Oversight Projects