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April 9, 2020

Raymond Lutz
771 Jamacha Road #148
El Cajon, California 92019

Re: Your Request dated March 22, 2020

Dear Mr. Lutz:

This letter responds to the California Public Records Act request that you sent to the Orange County Registrar of Voters, which is referenced above. We respond to those specific requests below:

1.   The complete (or nearly complete) set of ballot images for the March 3 primary election. We accept the format as produced by your election system as further described below. We understand that it may be practical to exclude a small set of ballots for privacy concerns. If so, then please provide the total vote counts for each contest included in the set of ballots that are excluded so we may add this to the total of the other ballots.

Responsive records have been identified. These 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).

2.   The set of "cast-vote records" which can be paired up with each ballot image, as your process has determined voter intent. Please include the "style(s)" designator(s) for each record for each sheet, and whether the ballot is from a BMD (ballot marking device) or not.

The Registrar has identified responsive records, which consists of cast vote records within the meaning of Election Code section 15366(d) and 2 CCR §§ 20111, 20119. These records are exempt from production for the reasons set forth in the response to Request No. 1.

3.   The "voted/non-voted" file, sometimes also called the "poll list" which provides the number of voters who cast a vote from the standpoint of polling place sign-in sheets or e-pollbooks.

This Registrar has identified records that contain information responsive to your request. Voter history data can be ordered online upon the completion of an online application and the payment of fee at the following URL: https://www.ocvote.com/data/purchase-voter-data/

4.   If available, a file containing the actual text printed as the title and description of each contest if they vary on each style of ballot. Generally, we find that the text is the same for a given contest on all styles except for those based on language differences, but that the text on the ballot differs from the official contest name. If this is not easy to provide export, we can reconstruct this data by examining the ballots.

The Registrar of Voter is not able identify records responsive to your request, because the contest titles are the same on every ballot.

5.   In the future, we hope to also be able to obtain a file containing SHA-256 message digests of each ballot image as originally scanned by the ballot scanner device, especially if such devices are used in the precinct. As we are still working on standards regarding how these are to be produced, we understand if this is not available but if you do have such a file, we would appreciate it.

We understand this request as seeking digitized ballot images. Please see response to Request No. 1.

6.   Please also provide the ballot images used in the Logic & Accuracy test, and the corresponding cast-vote records so we can review that as well. As this has no privacy or other concerns, and is not related to the certification cycle, please provide this portion separately and earlier than the rest of the request.

This request appears to seek ballot images for logic and accuracy tests conducted prior to an election, rather than records of actual cast ballots. The Registrar of Voters has identified responsive records, which will be made available for review and duplication.
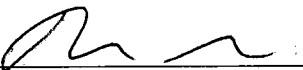
Please feel free to contact Marcia Nielsen at (714) 714-567-7568 to arrange for the delivery of a copy of the responsive records. If you would like to obtain printed copies of the

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requested records, you will be required to pay the County's copy charge of $0.15 per page (8 ½ by 11) in accordance with Government Code Section 6253(b).

Very truly yours,

LEON J. PAGE
COUNTY COUNSEL

By_____
Mark Servino, Supervising Deputy

mds:ml