

**Subject:** RE: Request for recount of certain ballots in 2016 Primary; access to manual tally sheets and other records  
**From:** "Vu, Michael" <Michael.Vu@sdcounty.ca.gov>  
**Date:** 03/07/2017 3:06 PM  
**To:** 'Ray Lutz' <raylutz@citizenoversight.org>  
**CC:** "Barry, Timothy M" <Timothy.Barry@sdcounty.ca.gov>, 'Bill Simpich' <bsimpich@gmail.com>, 'Dwana Bain' <dwana.bain@gmail.com>, "'Alan L. Geraci'" <alan@carelaw.net>

Mr. Lutz:

The 1% Manual Tally sheets requested for the June 2016 Election is ready for inspection. So that I may ensure personnel will be available to oversee this activity, please let me know which day and time you will be coming to inspect these documents.

Michael Vu

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**From:** Vu, Michael  
**Sent:** Thursday, February 23, 2017 3:26 PM  
**To:** 'Ray Lutz'  
**Cc:** Barry, Timothy M; Bill Simpich; Dwana Bain; Alan L. Geraci  
**Subject:** RE: Request for recount of certain ballots in 2016 Primary; access to manual tally sheets and other records

Mr. Lutz:

Please see responses below.

Michael Vu

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**From:** Ray Lutz [<mailto:raylutz@citizenoversight.org>]  
**Sent:** Friday, February 17, 2017 9:57 AM  
**To:** Vu, Michael  
**Cc:** Barry, Timothy M; Bill Simpich; Dwana Bain; Alan L. Geraci  
**Subject:** Re: Request for recount of certain ballots in 2016 Primary; access to manual tally sheets and other records

Dear Mr. Vu:

1. In #1 and #2 below, per California Public Records Act, please provide the legal basis for withholding ballots from our inspection. Please specifically state which exemption you are claiming and how the exemption applies. Gov't Code § 6253(c).

**Response:** The ballots have been sealed pursuant to Elections Code 15370 and 17301, and may only be opened in compliance with those statutes. The Public Records Act does not apply to official records which are exempted or prohibited from disclosure by other statutes. (Gov. Code § 6254(k); Evidence Code §1040.)

2. Regarding records of 1% manual tally, we were not provided with the actual TALLY SHEETS nor the TOTALS OF THE VOTE counts in each race. The early VBM total of ballots cast did NOT match the number cast in the snapshot data file. Therefore, we need to know if the vote totals used in the 1% manual tally were the same as the snapshot file. To discover this fact, we can look at the tally sheets of the VBM precincts tallied. Since these are PUBLIC RECORDS that you are required to keep for 22 months, please let us know when we can inspect these records.

**Response:** This request is under review and any responsive documents will be compiled and provided for

inspection.

3. Please DO NOT DESTROY ANY RECORDS from the 2016 elections.

--Ray Lutz

On 02/07/2017 5:29 PM, Vu, Michael wrote:

Mr. Lutz:

Please see responses below.

Sincerely,

Michael Vu

-----Original Message-----

From: Ray Lutz [<mailto:raylutz@citizenoversight.org>]

Sent: Thursday, February 02, 2017 6:17 PM

To: Vu, Michael

Cc: Barry, Timothy M; Bill Simpich; Dwana Bain; Alan L. Geraci

Subject: Request for recount of certain ballots in 2016 Primary; access to manual tally sheets and other records

Dear Mr. Vu:

I have filed a CONTEST to the 2016 Primary Election, which is still pending. The contest document is attached. This CONTEST gives me additional rights in terms of review of the 2016 primary election.

1. I and my associates wish to conduct recount of the presidential race in the June 2016 primary in certain batches or precincts of ballots.

Please provide details on cost for your office to conduct the recount or time and date when we can access the ballots to conduct the recount using our own personnel. We want to recount only a very few selected batches or precincts and only for that one race, and that may expand based on our results. We intend to do this in a manner which will avoid any undo or difficult processing of the batches or precincts and will want to process them directly as you have them stored. That is, if we choose to review VBM ballots, we will do it by batch.

**Response: The time period to request a recount has passed and the ballots for the 2016 June Primary Election have been sealed per State law.**

2. As part of the above recount, we must be able to review any WHITE OUTS and other ENHANCEMENTS on the ballots.

**Response: Please see response above.**

3. We wish to inspect the manual tally sheets and other documents generated in the 1% manual tally audit in the June Primary.

**Response: Documents and files associated with the 1% Manual Tally for the June 2016 Primary Election were provided to you on June 8, 2016, July 19, 2016 and August 8, 2016.**

Please let us know of the logistics and details so we may progress this oversight project. we have

attempted to time this project so it would not conflict with your duties in processing the elections.

Sincerely,

Ray Lutz

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Ray Lutz  
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619-820-5321

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