

Debbie Cohen
Ventura County Citizen
District 4

October 7, 2024

Ventura County Board of Supervisors
800 South Victoria Avenue, Hall of Administration
Ventura, California 93009

cc: Michelle Ascencion - County-Clerk, Registrar of Voters
Tiffany North – County Counsel

Re: Early Election Process Observations

Dear Board of Supervisors,

As an observer of the elections process over the last 2 weeks, I and others have already witnessed and brought to the attention of the Registrar of Voters (“RoV” or “Elections Division”), major issues with the Pre-Logic & Accuracy Testing (Pre-LAT) they conducted, and what I believe to be illegal pre-processing of UOCAVA (overseas) ballots.

We need an audit of measurable significance and accuracy to ensure that our votes are being tabulated accurately by the Election Management System (EMS) and all the ancillary processes that lead to tabulation. The 1% manual tally the RoV plans to conduct beginning Nov 13th may be the minimum prescribed by law, but it is not sufficient to even overcome statistical errors.

We cannot trust the Elections Management System (EMS) beyond a shadow of a doubt that it will count the votes accurately, and we cannot trust that the EMS system will be fed 100% truthful data via the election processes that are in place.

Here is a sampling of issues observed in just the past two weeks:

1. On Day 1, we asked for a copy of the Pre-LAT testing plan. It’s been two weeks and Pre-LAT has been completed. We still have not received the testing plan.
2. We’ve witnessed massive security breaches, including but not limited to, unauthorized and unescorted personnel in the tabulation room; unauthorized personnel left alone with voting machines (BMDs); secure fenced area (cage) which is for authorized personnel only, and is only accessible by badge scan, door was propped open with a bungee cord for hours with unauthorized and unaccompanied persons going in and out of the area the entire time -- some of this occurred when BMDs were still not all sealed/secured, as

they were still being used as part of the Pre-LAT process; BMDs were left completely unattended in the secure area with cage door propped open.

3. I and others witnessed alleged interference with the Logic & Accuracy test. We witnessed what can only be described as possible interference or tampering with the EMS system along with a security breach where one of the lead Election IT workers went into the tabulation room, pulled a USB drive out of his pocket, inserted it in the main EMS workstation, ran some sort of process, re-ran a report, looked it over, then pulled out the USB drive, put it back in his pocket and exited the tabulation room. We witnessed this twice in the same observation period. It was during the time they were supposedly only “verifying and comparing reports before they send final report to the Secretary of State.”

This is important because the Election Management System was undergoing Logic & Accuracy testing based on the installed software version and configuration that was supposed to be the final trust build that was to be tested. If a software patch or other process was run, it could have served to alter the trust build, effectively circumventing a failed test.

It is my contention, after reviewing LAT and EMS certification processes, that the process run off the USB was likely *not* the action to calibrate or change a setting on the ICC scanners as described in the Final Report. If I am wrong, I invite the RoV to provide proof.

4. I and others were lied to by RoV staff on several occasions:
 - a. We were lied to during Pre-LAT, when we told RoV staff that we were witnessing a problem that IT was working on. When we asked the nature of the problem and what the plan to resolve/address it was, we were repeatedly told that there were no issues, no problems and that staff was simply validating the reports before sending them to the Secretary of State (SoS). Reading the Pre-LAT Final Report, it lists that a technical issue was reported in regard to the ICC tabulator scanning machines, saying that they “identified a configuration change and that the paper setting was adjusted”. Was this the adjustment that was made by inserting the USB drive? We have no way to know, the RoV is not responding to our questions. We were instructed to email questions that could not be answered by RoV staff on the spot. Several of us have emailed our questions and concerns and have still not received a response.
 - b. We were lied to about personnel in the tabulation room. It was clear that there was an individual in there assisting IT staff on multiple occasions, including during the problem troubleshooting time mentioned above, who had extensive knowledge and expertise on most if not all the hardware and software in the tabulation room. When we asked if he was a vendor or temporary employee, we were told he was a permanent County IT employee. He was not. He does not even live in this area.
 - c. We were repeatedly told that there was no activity happening when we showed up to observe. We were being discouraged from observing by them repeatedly saying that there was “nothing to see today”, “they’re just looking over the reports”, or

“they’re just packing up the machines (BMDs)” and “there’s really nothing interesting going on today” or “we think we’re all done for the day”. A few times we left, only to come back a short time later to find that there was significant activity happening. One day, when we pressed the issue and wouldn’t leave, we were finally allowed in after 30-40 minutes of arguing back and forth and staff checking with supervisors. All the while we could see that people were working in observable areas and even noticed that the cage door was propped open with a bungee cord for at least 1/2 hour. We were finally let in to observe. That was the day we witnessed a USB drive being used to run a process on the main terminal in the tabulation room, an act that we are pretty sure is in serious violation of security and testing protocol.

Why does the RoV feel the need to hide information and lie about what’s going on? It only serves to make us even more suspicious.

It’s been less than two weeks and we’ve already witnessed and experienced these issues and more. I have asked Elections Division staff in person and via email to address some of these issues and questions and I have still not received a reply.

This is why we need your Board to act NOW. You have power and legal authority to AT LEAST do the following immediately and in time before you have to certify the Nov 5 election.

1. Insist that a measurable, significant hand count audit of ballots shall be used in lieu of the insignificant 1% manual tally. In my opinion, “significant” must be at least a 25% sampling of ballots, chosen AT RANDOM, not by a computer or software algorithm but by several people with elections observers as witness.
2. Appoint an Independent Inspector of Elections and have that person institute an Independent Elections Hotline for voters, elections observers and other concerned citizens to report issues. The RoV has already proven once again that they cannot be trusted, or they do not have sufficient ability, to answer questions and allay citizen concerns, not at the moment things are happening, nor weeks after they receive inquiries via email which is the only method they have given us to report issues.

Declare an Election Emergency if you need to. This cannot wait. Our Cities, our County and our Nation are at stake. We have sounded the alarm for an entire year, it is now your turn to ACT.

Sincerely,

DEBBIE COHEN

Debbie Cohen
Ventura County Citizen
Founding Member of Restore the Vote Ventura