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Re: California Public Records Request  
Dear Registrar of Voters,

Under the US Freedom of Information Act and the Ca Public Records Act, PRA, of August 1968, I am officially requesting information about our voting systems from the VC Registrar of Voters, Michelle Ascencion.

The California Public Records Act, under California Government Code 7920 - 7931, is the law that provides the public the right to inspect and the right to promptly obtain copies of "public records." The purpose of the Act is to provide access to information that enables the public to monitor the functioning of their Government.

Specifically, there are 17 pages of CA Code that address Certification and Testing requirements for Voting equipment and software.

The 14 applicable Codes are: (CA 19006, 19100, 19101, 19200, 19202, 19204.5, 19205, 19210, 19211, 19212, 19213, 19216, 19221, 19223, 19233, 19270, and 19270. See details below.)

Please provide:

1. All Certification plans, procedures and test results for the 2022 election
2. Plans, procedures and test results already completed for the March 5 election,
3. The same for what remains to be done for the March 5 election,
4. Failing items 1, 2 and 3, your proof that the voting systems are certified
5. A record of all hardware and software updates for the March 5 election, notification of any future changes, and documentation verifying recertification has been performed.

(Note: The most recent documentation on the CA SOS website for the Dominion equipment does not address the above as it is dated April 22, 2022.)

The CA PRA gives 10 days to respond to my request. That would be Feb. 16, 2024.

I also request that the Board of Supervisors conduct an audit of our election system each election year to ensure compliance with the 17 foregoing CA Election Codes,

*David Assael*

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David Assael

## The 14 Election Codes relating to Certification and Testing of Hardware and Software:

In order for the California SOS mentioned below to be compliant with the CA Election Codes, it is necessary that the execution and compliance with them rests with the SOS's and/or Registrars of Voters for each CA county.

(The following paragraphs are verbatim excerpts from the CA Election Codes, "Election Code – ELEC")

1. 19006 - It is the intent of the Legislature that:

(a) All voting systems be certified or conditionally approved by the Secretary of State, independent of voluntary federal qualification or certification, before they are used in future elections to ensure that the voting systems have the ability to meet accuracy, accessibility, and security standards.

(b) The Secretary of State adopt and publish testing standards that meet or exceed federal voluntary standards set by the United States Election Assistance Commission or its successor agency.

2. 19100 - The Secretary of State shall study and adopt regulations governing the use of voting machines, voting devices, vote tabulating devices, and ballot marking systems, and shall be responsible for certifying voting systems for use in this state.

3. 19101 - (a) The Secretary of State shall adopt and publish voting system standards and regulations governing the use of voting systems.

(b) (3) The system shall be safe from fraud or manipulation.

4. 19200 - The Secretary of State **shall not** approve any voting system, or part of a voting system, unless it fulfills the requirements of this code and the regulations of the Secretary of State

5. 19202 - (d) A jurisdiction **shall not** purchase or contract for a voting system unless it has been certified or conditionally approved by the Secretary of State

6. 19204.5 - (a) The Secretary of State **shall not** certify or conditionally approve a voting system that cannot facilitate the conduct of a ballot level comparison risk-limiting audit.

7. 19205 - A voting system **shall comply** with all of the following:

(a) No part of the voting system shall be connected to the Internet at any time

(b) No part of the voting system shall electronically receive or transmit election data through an exterior communication network, including the public telephone system, if the communication originates from or terminates at a polling place, satellite location, or counting center.

8. 19210 - (b) The Secretary of State shall publish and make publicly available on his or her Internet Web site a quarterly report of regulatory activities related to voting systems.

9. 19211 - (a) Prior to publishing his or her decision to certify, conditionally approve, or withhold certification of a voting system or part of a voting system, the Secretary of State shall provide for a 30-day public review period and conduct a public hearing to give persons interested an opportunity to review testing and examination reports and express their views for or against certification or conditional approval of the voting system.

(c) The decision of the Secretary of State to certify, conditionally approve, or withhold certification of a voting system or part of a voting system shall be in writing and shall state the findings of the Secretary of State. The decision shall be open to public inspection.

10. 19212 - (2) No later than 10 business days after the Secretary of State certifies or conditionally approves a new or updated ballot marking system, the vendor or county seeking certification or approval of the ballot marking system shall cause an exact copy of the approved source code for each component of the ballot marking system, including complete build and configuration instructions and related documents for compiling the source code into object code, to be deposited into an approved escrow facility

11. 19213 - Within 60 days after the completion of the examination of a voting system, the Secretary of State shall make publicly available a report stating whether the voting system has been certified or conditionally approved, or whether certification has been withheld. The report shall also contain a written or printed description and drawings and photographs that clearly identify the machine or device and its mechanical operation.

12. 19216 - If a voting system or a part of a voting system has been certified or conditionally approved by the Secretary of State, it **shall not** be changed or modified until the Secretary of State has been notified in writing and has determined that the change or modification does not impair its accuracy and efficiency sufficient to require a reexamination and recertification, or conditional approval, pursuant to this article.

13. 19221 - The Secretary of State shall do all of the following:

(a) Publish requirements for the approval of state-approved testing agencies that are authorized to conduct the testing and examination of voting systems. Until the requirements are published, federally accredited voting system laboratories shall be used to conduct testing and examination.

14. 19223 - The Secretary of State shall use a state-approved testing agency or expert technicians to examine and test voting systems or parts of voting systems proposed for use or sale in this state. He or she **shall furnish a complete report** of the findings of the examination and testing to the Governor and the Attorney General

15. 19233 - The Secretary of State **shall conduct random audits** of the software installed on direct recording electronic voting systems, as defined in Section 19271, to ensure that the installed software is identical to the software that has been approved for use on that voting system.

16. 19270 - (a) The Secretary of State **shall not** certify or conditionally approve a direct recording electronic voting system unless the system includes an accessible voter verified paper audit trail.

17. 19273 - (a) On a direct recording electronic voting system, the electronic record of each vote shall be considered the official record of the vote, except as provided in subdivision (b).

(b) (1) The voter verified paper audit trail shall be considered the official paper audit record and shall be used for the required 1-percent manual tally described in Section 15360 and any full recount or post-election audit.

(2) The voter verified paper audit trail shall govern if there is any difference between it and the electronic record during a 1-percent manual tally, full recount, or post-election audit.