
From: Dupuis, Tim, ITD-ROV <Tim.Dupuis@acgov.org>
Sent: Monday, November 11, 2024 2:16:02 PM
To: Tam, Lena, Supv BOS Dist 3 <Lena.Tam@acgov.org>; Márquez, Elisa, BOS Dist2 <Elisa.Marquez@acgov.org>; Nate Miley <miley.nate@gmail.com>; Haubert, David, Supv BOS Dist 1 <David.Haubert@acgov.org>; Carson, Keith, Supv BOS Dist 5 <kcarson@acgov.org>
Cc: Muranishi, Susan - CAO <susan.muranishi@acgov.org>; Ziegler, Donna, County Counsel <donna.ziegler@acgov.org>
Subject: Alameda County release of Cast Vote Record in JSON format

Good afternoon, Board Members,

I am pleased to inform you that, over the weekend, the Secretary of State granted Alameda County verbal approval to produce the Cast Vote Record (CVR) in JSON format for the November 5, 2024, election. I have been working closely with Deputy Secretary of State NaKeshia Robinson to address the concerns raised by your Board, the Election Commission, and members of the public about the limitations of providing the CVR in a secured PDF format. This afternoon, I sent a follow-up email to Ms. Robinson to confirm and document this direction (see below).

As you know, the CVR production is scheduled for discussion (item 28) at tomorrow's Board Meeting. I hope this direction from the Secretary of State will support you in making an informed decision. Thank you for your patience as we worked through this complex issue with our partners at the Secretary of State. I believe this step will provide the additional transparency you have been advocating for in the election process.

Thank you,

Tim

From: Dupuis, Tim, ITD-ROV <Tim.Dupuis@acgov.org>
Sent: Monday, November 11, 2024 1:51 PM
To: nakesha.robinson@sos.ca.gov <nakesha.robinson@sos.ca.gov>
Cc: Cornejo, Cynthia, ROV <Cynthia.Cornejo@acgov.org>
Subject: Alameda County release of Cast Vote Record in JSON format

Hello NaKeshia,

Thank you again taking time this Saturday, November 9 and Monday, November 11 to discuss the release of electronic Cast Vote Records (CVR) data reports in JSON versus PDF format. I write to confirm the substance of those discussions.

As we have discussed, in Alameda County, members of our Board of Supervisors, our Elections Commission, and some members of the public have advocated for our Office to produce CVR data reports along with our periodic updates during the canvassing period, and with our final results after we certify the election. I have consistently taken the position that our Office is willing to produce CVR reports, to the extent the law permits.

Since SB 1328 passed earlier this year, questions have arisen about its implications for producing CVR reports. On October 18, the Secretary of State's Office issued CC/ROV Memorandum #24220 to address this issue and other impacts of SB 1328. That memo opined that, while CVR "data reports are electronic data" as defined by Elections Code section 17600, an elections official may provide CVR reports to members of the public, but only so long as the reports are "delivered in a secure, locked PDF format." CC/ROV Memorandum #24220, at page 2.

Consistent with that directive, our Office has, so far, provided CVR reports related to the November 5, 2024 General Election to members of the public who have requested them, but only in "secure, locked PDF format." Members of the public, including members of our County's Elections Commission, have expressed dissatisfaction for producing CVR reports in PDF format because it does not allow them to analyze the CVR data to check for accuracy in the vote tally. Instead, they have requested production of CVR reports in JSON format, or in another format that allows them to analyze the CVR data. Additionally, our County's Board of Supervisors plans to consider whether to direct our Office to produce the CVR data in JSON format at its meeting scheduled for November 12, 2024.

Beyond this level of concern in Alameda County, we understand that, in this November 5, 2024 election, the City and County of San Francisco has so far continued its prior practice of posting both CVR reports, in JSON format, and ballot images online. Based on our discussions this weekend, I understand that the Secretary of State's Office will request San Francisco's Department of Elections to stop posting ballot images to its website, but the Secretary will not, at this time, ask San Francisco to remove or stop posting CVR reports in JSON format.

In our discussions this weekend, you explained that the Secretary of State's Office would similarly permit our Office to produce CVR reports for the November 5, 2024 General Election in JSON format. You stated that the Secretary would prefer that we encrypt and redact any such CVR reports produced in JSON format, but that, if we could not resolve technological issues necessary to encrypt or redact CVR reports in JSON format, then the Secretary of State's Office would permit us to produce the reports in JSON format, without encryption or redaction. You also stated that your Office would provide us with a copy of its correspondence with San Francisco related to ballot images and CVR reports.

Relying on those representations made during our discussions this weekend, our Office will begin releasing CVR reports for this election in the JSON format with our canvassing updates later this week. I will also inform the Alameda County Board of Supervisors of our discussions and the plan to begin producing CVR data in JSON format. Thank you again for your time and guidance on this issue. As always, please feel free to contact me to discuss any of these issues further.

Thank you,
Tim Dupuis
Registrar of Voters
Alameda County