



**ELECTION
DEFENSE
ALLIANCE**

United We Count!

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September 1, 2009

**CALIFORNIA PUBLIC RECORDS ACT (CPRA) REQUEST FOR PUBLIC
INFORMATION**

Re:

___ June 3, 2008 Consolidated Statewide Primary Election, Riverside County
and
___ November 2008 General Election, Riverside County

Please refer to attached PDF version of this communication

Riverside County Registrar of Voters
2724 Gateway Dr.
Riverside, CA 92507
ATTN: Barbara Dunmore, Registrar

Dear Ms. Dunmore,

On behalf of myself and Election Defense Alliance, pursuant to the rights of citizens under the California Public Records Act (Government Code Section 6250, et seq.) and the California Constitution as amended by passage of Proposition 59 on November 3, 2004, I am seeking copies of the following public records related to both the June 3, 2008 Consolidated Statewide Primary Election and the November 4, 2008 Presidential General Election in Riverside County, CA which I understand to be in the possession of your agency.

"DOCUMENT" means records, reports, correspondence, agreements, receipts, and other WRITINGS.

"WRITING" means handwriting, typewriting, printing, Photostatting, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

I am requesting the production of the following documents, all in original electronic format as required by Government Code Section 6359:

1. The "BPS data file" used for the June 3, 2008 election.

This data file is created with a utility written by Sequoia Voting Systems, known as "BPS". I know that "BPS" needs to generate a data file connected to ballot preparation, and that the data from BPS is then imported into the WinEDS application (also from Sequoia). BPS might be used by Riverside County if you have a copy of that application, or you might contract with Sequoia and thus get a "ballot prep data file" of some sort from Sequoia. Either way, I am requesting an electronic copy of that data file as it would exist before being imported into WinEDS. I suspect the data file is in an MS-Access compatible format (extension ".MDB") but I am not certain about that.

2. The "BPS data file" used for the November 4, 2008 election.

This data file is created with a utility written by Sequoia Voting Systems, known as "BPS". I know that "BPS" needs to generate a data file connected to ballot preparation, and that the data from BPS is then imported into the WinEDS application (also from Sequoia). BPS might be used by Riverside County if you have a copy of that application, or you might contract with Sequoia and thus get a "ballot prep data file" of some sort from Sequoia. Either way, I am requesting an electronic copy of that data file as it would exist before being imported into WinEDS. I suspect the data file is in an MS-Access compatible format (extension ".MDB") but I am not certain about that.

Pursuant to Government Code section 6253.9, subdivision (a)(2), I request that you make information that constitutes an identifiable public record that is in an electronic format available in the electronic format in which you hold the information.

I ask for a determination on this request within 10 days of your receipt of it, and an even earlier reply if you can make that determination without having to review the records in question.

I ask that you notify me of any costs involved prior to incurring those costs.

Please treat this clarifying request as severable. That is, should you determine that

one or more portions of the request cannot be released, please state the legal basis for such non-release, and release the remaining portions expeditiously as required by Government Code Sections 6250 et seq.

If you determine that any or all of the information is exempt from disclosure, I ask that you reconsider that determination in view of Proposition 59, which has amended the California Constitution to require that all exemptions be "narrowly construed." The newly amended Government Code, section 6250, et seq., may modify or overturn authorities on which you have relied in the past.

If you nonetheless determine that the requested records are subject to a still-valid exemption, I would further request that: (1) you exercise your discretion to disclose some or all of the records notwithstanding the exemption; and (2) that, with respect to records containing both exempt and non-exempt content, you redact the exempt content and disclose the rest.

Finally, should you deny part or all of this request, you are required to provide a written response describing the legal authority or authorities on which you rely.

If you need clarification that will help expedite the processing of this request, please contact me by telephone at 877-375-3930 and e-mail at Info@ElectionDefenseAlliance.org.

I look forward to your prompt and professional compliance with this public records request.

Sincerely,

A handwritten signature in black ink that reads "Daniel Ashby". The signature is written in a cursive style and is placed on a light gray rectangular background.

Daniel Ashby
Co-founder and Director
Election Defense Alliance

Election Defense Alliance is a program of International Humanities Center, a nonprofit organization under Section 501(c)(3) of the IRS Code.