Lloyd Leighton

From:	Voting Systems <votingsystems@sos.ca.gov>
Sent:	Monday, August 7, 2023 11:32 AM
To:	Lloyd Leighton; Voting Systems
Subject:	RE: Proposed regulations for manually counting ballots, Section 20303

Hello,

Thank you for your inquiry regarding the review period for the proposed Ballot Counting regulations. The agency must consider any comments received during the 15-day comment period ending July 24, 2023, that are directed at the proposed changes. For each comment, the agency must include either an explanation of how the proposed action has been changed to accommodate the comment or state the reasons for rejecting the comment. In summarizing and responding to public comments, the agency must demonstrate that it understood and considered the comment. The summary and response to comments is included as part of the rulemaking file in a document called a Final Statement of Reasons. (Government Code section 11346.9.)

The agency must then transmit the rulemaking action to the Office of Administrative Law (OAL) for review within one year from the date that the notice was published in the California Regulatory Notice Register. Once submitted, OAL has 30 working days to conduct a review of the rulemaking record to ensure that the agency satisfied the requirements of the Administrative Procedure Act (APA) and OAL's regulations. OAL will then either approve the rulemaking action and file the proposed regulation with the Secretary of State or disapprove the rulemaking action.

Regarding voting system usage and approval in California, California exceeds Federal requirements for election security. Voting equipment used to cast and count ballots must be certified for use in California through extensive testing and pursuant to California Elections Code section 19205.

All certified voting systems must undergo months of extensive independent certification testing which includes:

- Examination and testing of system software;
- Software source code review and evaluation;
- Hardware and software security penetration testing;
- Hardware testing under conditions simulating the intended storage, operation, transportation, and maintenance environments;
- Inspection and evaluation of system documentation; and
- Operational testing to validate system performance and functioning under normal and abnormal conditions.

Pursuant to Elections Code section 19205, no part of a voting system shall be connected to the internet at any time. Nor shall any part of a voting system electronically receive or transmit election data through an exterior communication network of any type. During certification testing, it was determined that all voting systems certified for use in California do not include modems or telecommunications devices. The certification and testing documents for voting systems certified in California are on our website here.

The source code for the voting systems certified in California were thoroughly tested by the Secretary of State and a federally certified Voting System Test Laboratory through source code review and red team and penetration testing. There were no backdoors found. There were no wireless communications found.

In addition, the California Secretary of State mandates voting system vendors, security consultants and county officials follow strict chain of custody requirements for voting system software and hardware throughout the testing and

certification process. Upon certification of a system, the "trusted build" is held in a secure location and all distributed copies of the trusted build are hand delivered by Secretary of State staff to the recipient county officials.

Once a voting system is certified in California and the trusted build is delivered to the county, by law it cannot be modified without prior approval from the Secretary of State. California Elections Code section 19216 provides that, 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.

To validate the Voting Systems used in California have not been compromised or modified, mathematical algorithms called HASH Codes are generated during the certification testing process. These HASH codes can be run against any voting machine used in California at any time to validate that the software is identical to what was tested and certified and has not been modified.

Additionally, California counties are required to abide by stringent sets of rules and regulations regarding implementation and use of a voting system. A few notable rules and regulations include; performance of logic and accuracy testing on voting systems prior to each election and ensuring specific procedures for programming, deployment and use of voting equipment during elections are met.
Further, as a safeguard to ensure votes were accurately read and tallied, county elections officials are required to conduct a manual tally of one percent of the precincts, or a risk limiting audit as part of the official canvass of election results.

Sincerely,

OVSTA
California Secretary of State

SHIRLEY N. WEBER, Ph.D.
CALIFORNIA SECRETARY OF STATE

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From: Lloyd Leighton <l.leightonjr@comcast.net>
Sent: Wednesday, August 2, 2023 12:03 PM
To: Voting Systems <votingsystems@sos.ca.gov>
Subject: Proposed regulations for manually counting ballots, Section 20303

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Good morning Danielle,

Can you give me an idea of when the review period will end and either the final or revised regulations will be posted?

On another matter, Dr. Douglas G. Frank, PhD, has been making the rounds in California claiming the 2020 election was stolen. He will be the guest speaker here in Sutter County and I know he made a presentation to the Shasta County Board of Supervisors. Among his claims is that almost every county in the nation had their election system hacked. He indicates this was done wirelessly.

Here in Sutter County, we use Canon Image Formula Model DR-G2140 scanners/tabulators. These have USB only connectivity according to their website. So, as I understand it, these machines lack any hardware that would allow a hacker to access the machines remotely. That seems like an excellent security feature.

Somewhere, I saw something indicating that hardware used by elections office needs to be approved by the State. Do you know or can you connect me with someone that can address the issue of what hardware is approved and does the State requite voting equipment not include any hardware that allows wireless connectivity?

Thank you for your assistance,

Lloyd Leighton
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