



## **CERTIFIED MAIL- RETURN RECEIPT REQUESTED**

September 6, 2024

Dr. Shirley N. Weber  
California Secretary of State  
Elections Division  
1500 11<sup>th</sup> Street  
Sacramento, CA 95814  
[secretary.weber@sos.ca.gov](mailto:secretary.weber@sos.ca.gov)  
[constituentaffairs@sos.ca.gov](mailto:constituentaffairs@sos.ca.gov)

**Re: 1) Inconsistencies in California's November 8, 2022 Federal Election Results  
2) California Elections Code §§ 2188 et seq., 2191, 2300(a)(9)(B), and NVRA**

Dear Secretary Weber,

As you may be aware, Election Integrity Project<sup>®</sup> *California* (EIPCa) is a registered non-profit corporation headquartered in California. Founded out of concerns about California election irregularities, EIPCa provides grassroots oversight in support of the intent of the California legislature that the rights of each and all voters are respected by assuring that all votes are lawfully cast and accurately counted. EIPCa is neither affiliated with nor supportive of any political party or organization.

You are receiving this letter as a Constitutional Officer of the State of California; California's chief election officer and, as such, you are ultimately responsible under state and federal laws, among other things, to ensure election laws are enforced, maintain an accurate statewide database of all registered voters, verify that all registrants are eligible under the law, and compile election returns and certify election results.

On February 26, 2024, pursuant to EC §2191, EIPCa submitted an application to your office requesting a statewide "voter list or file", by precinct, of each person who had voted in California in the November 8, 2022 federal general election. The application requested each voter's name, address, birthdate, state Registration ID number, voting method and current registration status (active, inactive, cancelled, pending, etc.)

Four months later, on June 28, 2024 EIPCa received from your VoteCal department the voter history file for the November 2022 election and the corresponding voter information file.<sup>1</sup> EIPCa understands VoteCal is California's official voter list for federal elections and is the data which supports the certification of California's elections. EIPCa's analysis of these files are as follows:

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<sup>1</sup> File names: 2092-273425-59-2092-2-73425-59-pvrdr-vph-20240628-1110.txt, 2092-273425-59-2092-2-73425-59-pvrdr-vrd-20240628-1110.txt

1. The number of statewide November 8, 2022 votes provided to EIPCa by your VoteCal department pursuant to EC §2191, **EXCEEDS your certified number of votes** by 43,624 votes.

Nov 2022 # certified votes <sup>2</sup>	11,146,620
Nov 2022 # votes provided EIPCa per EC §2191	11,190,244
<b># votes in excess of certified # votes</b>	<b>+43,624</b>

2. In the VoteCal data provided pursuant to EC §2191, there are 21,355 voters whose voter histories indicate they **voted more than once** in California’s November 8, 2022 election. 21,296 voters had TWO votes credited to their respective Registration ID numbers, and 59 voters had THREE votes credited to their Registration ID numbers. Note: each Registration ID number is unique to one registrant and is not duplicated in the VoteCal file.

<b>Voting Methods <sup>3</sup></b>	<b>Number of Voters</b>
VBM, VBM	19,793
CVR, CVR	972
VCR, VCR	333
VBM, VCR	100
CVR, VBM	50
POLL, VBM	28
CVR, VCR	10
POLL, VCR	9
CVR, POLL	1
VBM, VBM, VBM	48
VBM, VBM, VCR	6
CVR, VBM, VBM	3
CVR, CVR, VBM	2
<b>Total with 2-3 Nov 2022 votes</b>	<b>21,355</b>

3. Note, if the double and triple votes are REMOVED, the number of unique November 2022 VOTERS provided by your department pursuant to EC §2191 still EXCEEDS the number of certified votes by 22,210.

Nov 2022 # certified votes	11,146,620
Nov 2022 # VOTERS provided EIPCa per EC §2191	11,168,830
<b># voters in excess of certified # voters</b>	<b>+22,210</b>

<sup>2</sup> <https://elections.cdn.sos.ca.gov/sov/2022-general/sov/03-voter-participation-stats-by-county.pdf>

<sup>3</sup> POLL= polling place vote, VBM= vote by mail, CVR= conditional (same day) vote, VCR= vote center vote

4. There are 296 November 8, 2022 voters who have votes credited to their Registration ID numbers but do not appear in the corresponding voter information file you provided. If these are all the California “confidential” voters who participated in the election, 296 confidential voters out of more than 11 million voters seems implausibly low.
5. Only ONE of California’s 58 counties’ number of votes provided per EC §2191 matches the county-level official results (Modoc County). 25 counties have fewer votes than certified, while 32 counties have more votes than certified. Results by county can be found on the attached chart.
6. Los Angeles County makes up the bulk of the excess votes.

	<b>California</b>	<b>Los Angeles County</b>	<b>All Other CA Counties</b>
Nov 2022 # certified votes <sup>4</sup>	11,146,620	2,456,701	8,689,919
Nov 2022 # votes provided EIPCa per EC §2191	11,190,244	2,506,478	8,683,766
<b># votes different than certified # votes</b>	<b>+43,624</b>	<b>+49,777</b>	<b>-6,153</b>

7. The US Election Assistance Commission report for the November 8, 2022 election <sup>5</sup> shows that there were 94,072 votes cast in Los Angeles County that were rejected (not counted) due to late arrival, signature mismatch, etc. This figure well exceeds the 49,777 excess Los Angeles County votes you provided, so it’s clear your figures do not include rejected ballots.

<b>Type of Ballot Cast Nov 2022</b>	<b>LA County # of Rejected Ballots</b>
VBM	92,427
Provisional	1,137
UOCAVA	507
Federal Write-in	1
<b># rejected ballots in LA County</b>	<b>94,072</b>

EIPCa is submitting the above findings pursuant to the policy of California election law generally as exemplified in California’s Voter Bill of Rights EC §2300(a)(9)(B). This statute states: “You have the right to ask questions of the... elections officials regarding election procedures and to receive an answer or be directed to the appropriate official for an answer.”

<sup>4</sup> <https://elections.cdn.sos.ca.gov/sov/2022-general/sov/03-voter-participation-stats-by-county.pdf>

<sup>5</sup> <https://www.eac.gov/research-and-data/studies-and-reports>. - EAVS Reports and Materials by Reporting Year/ 2022/ EAVS Dataset Version 1.1/ Excel/ Los Angeles Co. row. Sum of LA county data columns labeled B18a (rejected UOCAVAs), B25a/B26a/B27a (rejected Fed Write-Ins), C9a (rejected VBMs) and E3a (rejected Provisionals), to total LA County’s # rejected ballots in the Nov 2022 election.

Pursuant to this policy, EIPCa submits the following questions, with the reasonable expectation that responses will be timely provided.

- A. (1) Why does the number of November 8, 2022 votes and voters provided to EIPCa by your office pursuant to EC §2191 exceed California's certified count for that election?  
(2) What pre-certification procedures are used to reconcile the total number of votes with the total number of persons who voted?
- B. Why did you report to EIPCa 32 counties as having more votes than certified and 25 counties having fewer votes than certified?
- C. Did the registrants with more than one vote credited to their respective Registration ID numbers (or a subset) vote or attempt to vote twice in the November 8, 2022 election?
- D. What corrective action has your office taken or will it take with respect to those who appear to have voted more than once?
- E. Where it can be shown that voters did not vote more than once, why does the VoteCal system permit entry of multiple votes for one registrant in an election and what course of action is planned to correct this problem?
- F. (1) How are the votes of "confidential" registrants accounted for in your system?  
(2) How many "confidential voters" voted in the November 8, 2022 election?

EIPCa looks forward to a timely response, in accord with California Election policy. If convenient, EIPCa is willing to meet virtually to walk through its findings and assist your response team.

For data questions please contact EIPCa Chief Analyst Ellen Swensen at:  
[ellenswensen@eip-ca.com](mailto:ellenswensen@eip-ca.com).

Respectfully,

(Signature on letter sent to SOS)

Linda Paine, President  
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**Attachments:**

- Nov 2022 EC 2191 Votes vs Certified Votes by County (Totals by County)
- Nov 2022 EC 2191 Votes vs Certified Votes by County (Number of Votes per Method of Voting)
- February 26, 2024 letter re application to purchase data
- VoteCal Application for Nov. 2022 Data