



## **Election Integrity Project California (EIPCa) Sends Letters to Registrars with Warning of Intent to Sue**

**November 7, 2024** - Election Integrity Project®*California* (EIPCa) sent a “letter of intent to sue” to the Ventura and Sacramento County Registrars of Voters regarding huge integrity breaches in their election management procedures.

Due to the need for Registrars of Voters to take quick action on some of these issues, EIPCa will continue to bring issues of concern directly to the Registrars with the hope that the issue will be quickly addressed.

The letter sent to the Sacramento County Registrar addressed the [“Lack of Voter Privacy due to Punched Holes in VBM Ballot Envelope.”](#)

### **Here is an excerpt from the letter:**

EIPCa has been made aware that the Sacramento County Registrar has implemented a procedure that includes sending VBM ballots with a punched-hole in the envelope provided to voters to return their mail-in ballots for the November 2024 general election. This hole allows for some votes to be viewed on the ballot, which should remain sealed within the envelope. Enacting this hole-punching procedure is a clear violation of voters’ rights. Your office has neither addressed why this hole-punching procedure is necessary nor provided education to voters for how to properly place their ballots in the envelope in a manner ensuring anonymity. Your action violates Article II, Section 7, of the California Constitution, which states that, “Voting shall be secret.” Further, your procedure violates the Elections Code, division 19, Chapter 3, Article 1(b)(2), which provides that, “The system shall preserve the secrecy of the ballot.”

Your hole-punching procedure must also comply with the Help America Vote Act, requiring you to provide voter education regarding voter privacy as a requirement for continued receipt of federal funds. (52 U.S.C. § 20902(a).)

To ensure that voters’ rights are protected, and to avoid the time and expense associated with litigation, our office requests that you provide voter education to account for an accurate vote and to preserve voters’ confidentiality.

The letter sent to the Ventura County Registrar addressed [“Issues of Concern Regarding Cybersecurity Breaches.”](#)

### **Here is an excerpt from the letter:**

California grants its citizens a statutory right to observe elections, including the right to check and review the preparation and operation of tabulating devices. (Elec. Code §§ 20872 and 20873.) Observers also have the right to ask questions and receive answers regarding the election process and procedures that have been implemented. (Id.)

EIPCa has numerous volunteers that are currently observing the November 2024 election process. Through their careful observation, these workers have noticed several concerning issues regarding how the election has been conducted by your office. In lieu of formal litigation, EIPCa is requesting answers to certain questions and demanding that your office comply with the above-referenced election laws.

The California Constitution provides that “[t]he Legislature shall prohibit improper practices that affect elections.” (Cal. Const., art. II, § 4.) Such improper practices impacting elections involve the connection of voting machines to the internet. Specifically, “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; (c) No part of the voting system shall receive or transmit wireless communications or wireless data transfers.” (Elec. Code § 19205(a)-(c).)

The acts requested by EIPCa are only those ministerial acts which are already required of your office. (*Devlin v Donnelly* (1912) 20 Cal.App. 495, 498.) However, litigation to enforce those duties is costly, time-consuming, and ultimately, may erode trust between the electorate and the elected. EIPCa asks only that you take the above-referenced actions in accordance with California law and in lieu of any further litigation.