

VIA CERTIFIED MAIL OR HAND DELIVERY

Ms. Shannon Bushey
Registrar of Voters Office
1555 Berger Drive Building 2
San Jose, CA 95112

Dear Ms. Bushey,

We were made aware that your office has made the executive decision to manually adjudicate under votes. After carefully reviewing Uniform Vote Counting Standards, California Election Code Section 19101, California Code Regulation 20982, California Voting System Standard Section 3.2.2.2 and 3.2.2.3 and other relevant codes, we believe this decision violates a voter’s right in choosing not to vote for a particular race without interference and it creates potential opportunity for the voter’s vote to be manipulated without voter’s knowledge. The law does not grant you the right to review voter’s ballot before counting their vote and interpret their intent when the intent is clear. The following are two examples that clearly demonstrate the issue:

1. Contests where the voter has opportunity to vote for multiple candidates such as school board races, while the ballot instructions specifically state to “vote for no more than 3”, your office decided to manually adjudicate any ballots that voted less than 3. This action clearly demonstrates a contradiction with the instructions provided.
2. Situations where the voter has voted in person using paper ballot and scanned their own ballot using the ICP scanner/tabulator, it allows the voter to review their voting choice on the LED screen. The ICP scanner/tabulator actually informs the voter of an under-vote situation and gives them the option to confirm or redo their choice. In this case, manually adjudicating a ballot that the voter themselves has confirmed their vote is clearly unacceptable.

Pursuant to Uniform Vote Counting Standards, California Election Code section 19101, California Code Regulation 20982, California Voting System Standards Section 3.2.2.2 and 3.2.2.3 and all other relevant codes, this inappropriate adjudication of undervotes is prohibited and must cease for 2022 mid-term election and all elections thereafter.

We have observed that you ignored our requests dated October 26, 2022 and continued to infringe on the voter’s right by continuing to adjudicate under votes both in Vote-By-Mail ballots and Vote-In-Person ballots.

Please take notice that we are prepared to seek any and all legal remedies necessary to enforce election code section 19101, California Code Regulation 20982, California Voting System Standards 3.2.2.2 and 3.2.2.3 and all relevant codes to protect a voter’s right to vote without interference including, but not limited to, initiating a formal lawsuit against you and your office for the mentioned egregious violations.

Sincerely,

Signature: _____ Printed Name: _____ Date: _____

Address: _____

Santa Clara County Concerned Citizens