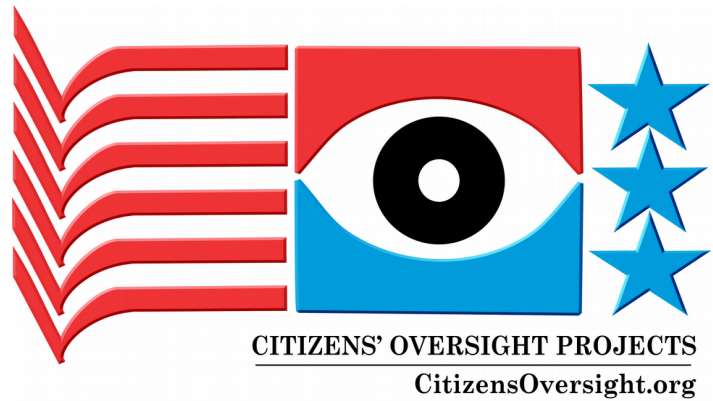


Citizens' Oversight Projects (COPs)

771 Jamacha Rd #148
El Cajon, CA 92019
CitizensOversight.org
619-820-5321

October 27, 2018



To: San Luis Obispo County Registrar of Voters and Clerk Tommy Gong
CC: San Luis Obispo County Sheriff's Dept Sgt J. Cronin, Badge #706
CC: San Luis Obispo County Counsel
[Please distribute to county contacts listed above.]

Copy also mailed to CA SOS Complaint Office.

Greetings:

The random selection meeting you are required to hold per California Election Code is a PUBLIC meeting, and under open meeting laws, all such public meetings must be open to recording by the public per Cal. Gov't. Code §54953.5(a). In the 2018 primary election, you refused to allow me to video record your random selection meeting and threatened me with arrest or violent removal from the meeting location, with no valid basis. You and the County of San Luis Obispo promised that you would provide a letter stating your policy that no video recording of this public meeting would be allowed so I could follow it up with a court case. This promise was witnessed by San Luis Obispo Sheriff's Dept Sgt J. Cronin, Badge #706. I also sent a follow-up email on 18 June 2018 (attached).

Unfortunately, SLO county never did provide the letter as promised. It was due to this promise that I agreed to remove my video camera. In fact, I have received no communication whatsoever from the County of San Luis Obispo regarding this situation. I can only surmise that the reason is because you now understand that indeed, I was operating within my rights as a citizen and providing the letter would mean you would have to assert a position that you actually know is unlawful.

San Luis Obispo Sheriff's Dept Sgt J. Cronin, Badge #706 should have defended my rights to video record per California law against your unlawful suppression of my rights. I ask Sgt Cronin to assist with followup on this violation of my rights by making sure that you make changes to your procedures so such violations cannot occur in the future.

During your random selection meeting, your staff brought in a bowl of slips of paper, each with a precinct number written on it. I asked how I could be certain that all the slips were in the bowl, and you assured me that they were all there. However, I asserted my rights to check and carefully placed each of the slips on the table in order so as to verify that all valid precincts were represented. This took about 45 minutes.

Embarrassingly for you, three of the slips of paper were missing.

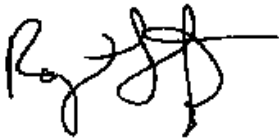
This is precisely the type of sloppy operation we want to expose, and it is the reason a video camera is essential to ensure you do not try to get away with such shoddy operation in the future. Furthermore, we suggest after watching dozens of such meetings that you abandon the "slips in a bowl" technique and instead use a numbered list with ten-sided dice. The list can be easily inspected to insure it is complete. To choose randomly, roll the ten-sided dice with color appropriate for each digit. If the value is out of bounds, roll again. Please see the livestream by SF County for a good example on how to do this at this link: <http://www.copswiki.org/Common/M1859>

Also, public meetings in California must not require attendees to sign in or show identification, and it is not necessary for members of the public to have any sort of qualifications to attend any public meeting. By holding your meeting behind your security, you make it difficult to observe this critical meeting. There are no ballots or personal information that need to be protected. The meeting is simply about choosing some random precincts.

Therefore, I request that the County of SLO move the PUBLIC random selection meeting to a publicly accessible meeting room, and that you amend your rules to explicitly allow video cameras for this meeting. Furthermore, I suggest that you livestream the selection, as SF County does, and that you change your method to list + dice roll so as to remove the chance that you will omit precincts in the future from the chance of being selected.

The manner in which you treat the public at this public meeting is an outrage and must be corrected.

Regards,

A handwritten signature in black ink, appearing to read 'Ray Lutz', with a long horizontal line extending to the right.

Raymond Lutz
National Coordinator, Citizens' Oversight Projects

Email sent to Tommy Gong

To: tgong@co.slo.ca.us

From: Ray Lutz <raylutz@citizenoversight.org>

Subject: Follow up from Random Draw meeting.

Date: Mon, 18 Jun 2018 10:14:41 -0700

Dear Mr. Gong:

I am following up regarding your barring my video camera from your Random Draw public meeting noticed for 2pm on 6/11/2018. At the time, I was promised a letter from your county stating it is your policy to bar cameras and other recording devices from that public meeting. Please provide this letter, and provide rationale as to why you are allowed to violate my rights under Cal. Gov't. Code §54953.5(a). If you cannot provide it directly and immediately in response to this email, please respond anyway to confirm your reception and provide an estimated date when it will be provided.

I will remind you that elections officials have many duties and voters have a right to observe. But only in this case, does the election code 15360 state that the random draw is a PUBLIC meeting, and so the rights of the public under Cal. Gov't. Code §54953.5(a) are applicable, whereas for other operations of your office do not require that you allow recording, but observation is still a right.

And, you will have to admit that there is nothing at all which is revealed during the random draw except possible failure to accurately perform your duty, which was the case during my observation, when three precincts were not included in the raffle-style drawing.

There are many things you are doing very well in your election department and it is too bad that this failure will now be escalated to become a very public matter of concern.

Thank you for your kind assistance.

--Ray Lutz