From:	Melissa D. Strickland
To:	freeholder.j.surrency@gmail.com
Cc:	John Carr; LizBeth Hernandez
Subject:	FW: OPRA Request: # of Democratic Ballots Submitted
Date:	Friday, July 17, 2020 11:11:00 AM
Attachments:	OPRA Requests.pdf

Good morning, Freeholder Surrency,

I hope that this message finds you well, safe and healthy. I am in receipt of the attached OPRA requests, which you recently submitted to the County Board of Elections. After reviewing these requests, I realized that, as written, many of the forms we received from you contain requests for ***information***. The NJ Open Public Records Act, however, defines a government record as: "any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business." Also, immediate access is granted under the statute for the following types of records: "budgets, bills, vouchers, contracts, including collective negotiations agreements and individual employment contracts, and public employee salary and overtime information." Unfortunately, I could not locate anything in the requests that were submitted that meet the criteria for immediate access under OPRA.

County Counsel John Carr is also copied on this email, as he did reach out to speak with you personally on this matter. In the interim, I thought it would be prudent to advise you of these two provisions in the statute so that, if you desire, you could review the attached requests and clarify them to comport with OPRA.

Nevertheless, I did discuss your request with Lizbeth so that, not under OPRA but rather as a courtesy, we could address each individual form and hopefully provide you with answers which may assist you as you consider clarifying your request forms. I typed out your individual requests and the answers are in bold and italics below each request.

1. Specific type of technology used to count paper ballots in the July 7 Primary.
   The BOE has a ballot count system called Dominion ICC (ICC stands for Image Cast Central). It is a scanning system, which is certified by the State.
2. Has the technology used to count the ballots in the July 7 Primary recently been updated or serviced?
   There have been no recent updates to the technology and all of the software has been certified by the State. She indicated that there was a purchase of a roller for the system within the past two years.
3. Total number of overvotes in the July 7, 2020 Primary.
   BOE can run a report to find this number, to get an accurate count, it cannot be done until after July 23rd.
4. Total number of undervotes in the July 7, 2020 Primary.
   BOE can run a report to obtain an accurate number cannot be produced until after July 23rd.
5. Total number of Democratic ballots submitted in July 7, 2020 Primary.
   A bit more clarity is needed on this portion of the request – it is unclear whether the request is seeking all mail-ins? Provisionals? The BOE does not yet have totals broken down by party and, further, cannot give an accurate number until after the 23rd because some of the vote cure ballots are unaffiliated. The BOE won't know

which ones those are until their signature is cured. When BOE receives the completed cure forms, those ballots can then be opened.

6. Total number of Democratic ballots uncounted in July 7, 2020 Primary.
   Kindly provide clarification fort this request. Some ballots are uncounted because they have been rejected and others are uncounted because they are waiting to be counted.
7. Copies or inspections of undervotes or overvote ballots in the July 7 Primary.
   The BOE cannot permit inspections of undervote or overvote ballots themselves. Legally, I believe that this is to maintain the secrecy of ballots. However, as reported above, a report containing an accurate number for both can be provided after July 23rd.
8. Daily tallies of Democratic ballots being submitted in the July 7 Primary on the following dates; July 7, 8, 9, 10.
   BOE will have these numbers after July 23rd.
9. Total number of rejected ballots in the July 7 Primary.
   Again, this number will not be available until after the 23rd.
10. A complete breakdown of al provisional ballots by municipality and district in the July 7, 2020 Primary.
    BOE will have final counts for this available after the 23rd, and by municipality only. Because only 35 polling places out of 92 were open and because there were no district races, every ballot is the same. There is no way for the BOE to distinguish which district they came from.
11. Number of provisional ballots submitted in the July 7, 2020 Primary.
    BOE has an estimated number to date of 2770. This number is only an estimate because some envelopes may not contain ballots.
12. Number of provisional ballots uncounted in the July 7, 2020 Primary.
    Counting of provisional ballots began yesterday and I do not yet have the final number from the BOE.
13. If ballots from the July 7 Primary were rejected, please provide specifics on each ballot.
    BOE will have justification sheets available for all rejected ballots available after the 23rd.
14. A complete vote breakdown of all counted Freeholder ballots by municipality and district in the July 7, 2020 Primary.
    This will be available, by municipality only, after the 23rd.
15. Total number of Democratic ballots submitted in July 7, 2020 Primary.
    This is a duplicate request and has been answered in #5 above.

Please feel free to reach out to me to discuss this further. And if you are able to clarify your requests further, I will be glad to handle them for you, in accordance with OPRA. Otherwise, please have a great weekend.

Respectfully and sincerely,
Melissa

From: Freeholder Jack Surrency <freeholder.j.surrency@gmail.com>

Sent: Tuesday, July 14, 2020 11:02 AM

To: LizBeth Hernandez <LIZBETHHE@co.cumberland.nj.us>

Subject: Fwd: OPRA Request: # of Democratic Ballots Submitted

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Ms. Hernandez -

Our campaign has been advised by counsel that the contents of our OPRA requests should be readily available to your custodian. Therefore, our OPRA request should be responded to and filled immediately.

Please let us know when our 14 OPRA requests will be filled.

Sincerely,
Jack Surrency
Freeholder

---------- Forwarded message ---------
From: **Freeholder Jack Surrency** <freeholder.j.surrency@gmail.com>
Date: Fri, Jul 10, 2020 at 4:00 PM
Subject: OPRA Request: # of Democratic Ballots Submitted
To: <lizbethhe@co.cumberland.nj.us>

Ms. Hernandez -

Please find attached an OPRA request.

Sincerely,
Jack Surrency
Freeholder