



**Judicial  
Watch**<sup>®</sup>  
*Because no one  
is above the law!*

CORRESPONDENCE

BOARD DATE: 12/19/23 ITEM: 28

October 30, 2023

*VIA EMAIL AND USPS CERTIFIED MAIL*

Hon. Shirley N. Weber  
California Secretary of State  
1500 11th Street  
Sacramento, California 95814

**Re: Notice of Violation of the National Voter Registration Act of 1993,  
52 U.S.C. § 20507**

Dear Secretary Weber:

I write on behalf of Judicial Watch, Inc. (“Judicial Watch”) and the Libertarian Party of California (“LPCA”) to notify you that your office is currently in violation of Section 8 of the National Voter Registration Act of 1993 (NVRA). We write to you as the chief state election official responsible for coordinating California’s compliance with Section 8 of the NVRA.<sup>1</sup> This letter serves as pre-suit notice pursuant to 52 U.S.C. § 20510(b)(1) & (2) that Judicial Watch and the LPCA will file a lawsuit against you if these violations are not corrected within 90 days.

### **Background**

As you are no doubt aware, the NVRA was intended both to “increase the number of eligible citizens who register” and “to protect the integrity of the electoral process” and “ensure that accurate and current voter registration rolls are maintained.”<sup>2</sup> The goal of ensuring election integrity was embodied in Section 8, which requires each state to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of ... the death of the registrant; or ... a change in the residence of the registrant.”<sup>3</sup>

The registration of a voter who may have moved may only be cancelled in one of two ways. First, it is cancelled if the registrant confirms a change of address in writing.<sup>4</sup> Second, if the registrant is sent a postage prepaid, pre-addressed, forwardable notice requesting address confirmation (the “Confirmation Notice”), fails to respond to it, and then fails to vote in the next two general federal elections, that registration must be cancelled.<sup>5</sup> Registrants who have failed to

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<sup>1</sup> Cal. Elec. Code § 10(a); Cal. Gov. Code § 12172.5(a).

<sup>2</sup> 52 U.S.C. § 20501(b).

<sup>3</sup> *Id.*, § 20507(a)(4).

<sup>4</sup> *Id.*, § 20507(d)(1)(A).

<sup>5</sup> *Id.*, § 20507(d)(1)(B) (“Section 8(d)(1)(B)”; (d)(2), (d)(3); see *Husted v. A. Philip Randolph Inst.*, 138 S. Ct. 1833, 1841-42 (2018) (“federal law makes this removal mandatory”).

respond to a Confirmation Notice and whose registrations will be cancelled after the statutory waiting period are said to be “inactive.”<sup>6</sup> However, inactive registrations may still be voted on election day.<sup>7</sup>

The NVRA contains a public records provision. Section 8(i) requires that “[e]ach state shall maintain for at least 2 years and shall make available for public inspection . . . all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.”<sup>8</sup> That provision goes on to specifically provide that “[t]he records maintained . . . shall include lists of the names and addresses of all persons to whom [address confirmation] notices . . . are sent, and information concerning whether or not each such person has responded to the notice.”<sup>9</sup>

Federal law requires the Election Assistance Commission (“EAC”) to submit a report to Congress every second year assessing the impact of the NVRA on the administration of federal elections during the preceding two years.<sup>10</sup> Federal regulations require you to provide data to the EAC for use in this report.<sup>11</sup> The EAC posted the most recent survey it sent to the states to elicit their responses for its biennial report.<sup>12</sup>

On June 29, 2023, the EAC published the data it received from the states, including your state, in response to this survey, for the reporting period from November 2020 through November 2022.

### Facts Showing Violations of the List Maintenance Provisions of the NVRA

✱ According to your state’s responses to the EAC’s survey, 27 California counties reported removing five or fewer—and, in most of those counties, zero—voter registrations from the list of eligible voters during the period from November 2020 to November 2022 for failing to respond to a Confirmation Notice and failing to vote in two consecutive general federal elections.<sup>13</sup> Another 19 counties simply did not report any data whatsoever to the EAC regarding removals under

<sup>6</sup> *E.g.*, 11 C.F.R. § 9428.2(d).

<sup>7</sup> 52 U.S.C. § 20507(d)(2)(A).

<sup>8</sup> 52 U.S.C. § 20507(i)(1).

<sup>9</sup> *Id.*, § 20507(i)(2).

<sup>10</sup> 52 U.S.C. § 20508(a)(3).

<sup>11</sup> 11 C.F.R. § 9428.7.

<sup>12</sup> The survey is available at <https://www.eac.gov/research-and-data/datasets-codebooks-and-surveys> at the link entitled “2022 Election Administration and Voting Survey Instrument.”

<sup>13</sup> The data referred to is available at <https://www.eac.gov/research-and-data/datasets-codebooks-and-surveys> at the link entitled “EAVS Datasets Version 1.0 (released June 29, 2023),” in Column CZ, which contains the responses to question A9e of the survey. The following 19 counties reported zero such removals during that period: Alpine County, Amador County, Calaveras County, Del Norte County, Glenn County, Humboldt County, Madera County, Merced County, Modoc County, Monterey County, Placer County, San Bernardino County, San Francisco County, San Mateo County, Santa Barbara County, Santa Cruz County, Sierra County, Solano County, and Stanislaus County. Another eight counties reported from one to five such removals during that period: Alameda County (1 removal), Colusa County (1), Lake County (1), Mendocino County (1), San Joaquin County (2), San Luis Obispo County (5), Siskiyou County (2), and Yolo County (2).

Section 8(d)(1)(B). Instead, in the relevant column where the data should have been, the survey response for each of these counties merely states, “Data not available.”<sup>14</sup>

On August 4, 2023, Judicial Watch wrote to you to pointing out these facts and asking you to confirm the data contained in the EAC’s report and to provide the data that was omitted. We also asked for certain public records pursuant to Section 8(i). On August 29, 2023, your office responded by means of an email from “Secretary of State, Constituent Affairs,” which treated our factual inquiries about the aforementioned county data as requests for public records, and stated that “[w]e have no records responsive to your requests.” (Both our letter and your email response, without documentary attachments, are annexed hereto.) Our inquiries were not requests for public records, however, but requests for information, which your response signally failed to provide.

Both common sense and Judicial Watch’s enforcement experience confirm that there is no possible way California has complied with Section 8(d)(1)(B) of the NVRA, the key NVRA provision dealing with voters who have changed residence, when 46 of its 57 counties either removed no or just a few registrations under that provision, or failed to report removals at all, for the past two reporting years. Nor is it possible, given these facts, that California is complying with its list maintenance obligations to “conduct a general program that makes a reasonable effort to remove the names” of voters who have moved or died. *See* 52 U.S.C. § 20507(a)(4).

California’s non-compliance with the NVRA is further indicated by the unusually high registration rates observed in its counties. Comparing the data your state reported to the EAC regarding the total registration numbers for each county<sup>15</sup> to the U.S. Census Bureau’s most recent five-year estimates of the numbers of resident citizens over the age of eighteen<sup>16</sup> suggests that 21 California counties have more voter registrations than citizens of voting age.<sup>17</sup> Several federal courts have determined that such high registration rates are sufficient grounds for alleging a failure

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<sup>14</sup> These responses are also found at <https://www.eac.gov/research-and-data/datasets-codebooks-and-surveys> at the link entitled “EAVS Datasets Version 1.0 (released June 29, 2023)” in Column CZ. The 19 counties for which no data was provided are: El Dorado County, Imperial County, Inyo County, Kern County, Lassen County, Marin County, Mono County, Napa County, Nevada County, Orange County, Plumas County, Riverside County, San Benito County, Santa Clara County, Shasta County, Sonoma County, Trinity County, Tulare County, and Ventura County.

<sup>15</sup> See the data at <https://www.eac.gov/research-and-data/datasets-codebooks-and-surveys> at the link entitled “EAVS Datasets Version 1.0 (released June 29, 2023),” in Column E.

<sup>16</sup> This data is found on the U.S. Census Bureau’s website in table DP05 (“ACS Demographic and Housing Estimates”), by selecting “2021: ACS 5-Year Estimates Data Profiles” as the data source and scrolling down to the heading, “Citizen, 18 and over population” for each county. For example, the relevant data for Alameda County is available at <https://data.census.gov/table/ACSDP5Y2021.DP05?q=Alameda+County,+California>.

<sup>17</sup> These are: Alameda County, Alpine County, Calaveras County, El Dorado County, Imperial County, Marin County, Modoc County, Nevada County, Placer County, Plumas County, Riverside County, San Benito County, San Diego County, San Mateo County, Santa Clara County, Santa Cruz County, Shasta County, Solano County, Stanislaus County, Ventura County, and Yolo County. The same is true for the State of California as a whole, in that its total registration exceeds its citizen voting-age population.

to comply with the NVRA's mandate to make reasonable efforts to remove voters by reason of death or change of address.<sup>18</sup>

Consistent with the foregoing facts, your own data shows that California's counties have unusually high inactive registration rates. For example, data your state supplied to the EAC shows that in 12 California counties inactive registrations constitute more than 20% of all registrations, and in one county more than 27% of all registrations.<sup>19</sup> By contrast, the national inactive rate is 11.1%.<sup>20</sup> High inactive rates are also sufficient grounds for alleging non-compliance with the NVRA.<sup>21</sup>

The foregoing facts amply demonstrate that California is not complying with the list maintenance provisions of the NVRA.

### **Facts Showing Violations of the Public Records Provisions of the NVRA**

Judicial Watch's August 4, 2023 letter also requested, pursuant to Section 8(i) of the NVRA, seven categories of public records concerning California's programs and activities to ensure the accuracy and currency of its voter lists.

The second request and the response we received from you on August 29, 2023, were:

2. A list of the names and addresses of all persons to whom notices described in 52 U.S.C. § 20507(d)(2) were sent, and information concerning whether or not each such person responded to the notice.

Response: We have no records responsive to your request.

This request seeks a category of documents that the NVRA specifically requires states to provide on request.<sup>22</sup> Accordingly, your response effectively concedes a violation of the public records provisions of the NVRA.

The third request and your response are as follows:

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<sup>18</sup> See, e.g., *Green v. Bell*, No. 3:21-cv-00493-RJC-DCK, 2023 U.S. Dist. LEXIS 45989, at \*12 (W.D.N.C. Mar. 20, 2023); *Judicial Watch, Inc. v. Griswold*, 554 F. Supp. 3d 1091, 1107 (D. Colo. 2021); *Voter Integrity Project NC, Inc. v. Wake Cnty. Bd. of Election*, 301 F. Supp. 3d 612, 620 (E.D.N.C. 2017).

<sup>19</sup> These are: Del Norte County, Imperial County, Lake County, Modoc County, Plumas County, San Mateo County, Santa Clara County, Santa Cruz County, Shasta County, Solano County, Stanislaus County, and Yolo County. The data are obtained for each county by dividing Column G by Column E, in the document entitled "EAVS Datasets Version 1.0 (released June 29, 2023)," available at <https://www.eac.gov/research-and-data/datasets-codebooks-and-surveys>.

<sup>20</sup> See ELECTION ADMINISTRATION AND VOTING SURVEY 2022 COMPREHENSIVE REPORT at 141-42, available at link entitled "2022 Election Administration and Voting Survey Report (Full PDF Version)," at <https://www.eac.gov/research-and-data/datasets-codebooks-and-surveys>.

<sup>21</sup> See *Judicial Watch, Inc. v. Griswold*, 554 F. Supp. 3d at 1107.

<sup>22</sup> See 52 U.S.C. § 20507(i)(2).

3. Communications concerning the EAC's 2022 Election Administration and Voting Survey, including, but not limited to, responses to Section A of that survey, and any records provided along with those responses.

Response: We will provide all non-privileged and non-exempt records relating to this request, however, these records are currently still under legal review.

Until responsive documents have been provided, this request has not been complied with.

The sixth request and your response are:

6. All records concerning any internal or external audit, evaluation, assessment, review, analysis, critique, or request for or response to any of the foregoing, relating to the accuracy and currency of official lists of eligible voters.

Response: This request is not specific enough to perform a search to identify any specific record or records that might be responsive, (not "a reasonable and focused request" per *Rogers v. Superior Court* (1993) 19 Cal. App. 4th 469, 481). ...

This request restricts its reach both to a particular kind of evaluation and to a particular kind of topic for such an evaluation, and is specific enough to allow a proper search. Your failure to conduct a search or provide documents violates the public records provisions of the NVRA.

\* \* \* \* \*

If you do not contact us about correcting or otherwise resolving the above-identified violations within 90 days, Judicial Watch and the LPCA will commence a federal lawsuit seeking declaratory and injunctive relief against you. In such a lawsuit we would seek, in addition to injunctive relief, a judgment awarding reasonable attorney's fees, expenses, and costs. *See* 52 U.S.C. § 20510(c). For the reasons set forth above, we believe that such a lawsuit would be likely to succeed.

We have long experience with list maintenance litigation and are well aware of the practical difficulties jurisdictions face in trying to maintain their voter rolls. As we believe we showed during our previous litigation involving your office and Los Angeles County, we are absolutely willing to compromise and work together to come up with a realistic plan to address these difficulties. We are always glad to avoid costly litigation and to amicably resolve disputes.

Please contact us if you have any questions about the foregoing. We look forward to hearing from you.

Sincerely,

**JUDICIAL WATCH, INC.**

*s/ Robert D. Popper*

Robert D. Popper  
Attorney, Judicial Watch, Inc.

# Improving Elections in Orange County, CA

Restore public trust into our election systems.



# Analytical Study on Election Issues

## 2022 Orange County Register of Voters Activity Reports Analyzed for Validity

Orange County Activity Reports for 2022 Elections were compared with the following records

- USPS National Change of Address (NCOA) Database
- 2022 OC voter rolls were filtered for voters age 100+

## Findings from County and District Analysis

- Total of 1429 voters were 100-150 years old and voted in 2022 General Elections<sup>1</sup> ✎
- ✎ • Approx. 32,000 people who submitted a change of address outside of OC voted in 2022 General Election<sup>2</sup>
- Total of 6781 anomalies found in November 2022 General Election<sup>3</sup>
- An OC Sample District was selected for analysis, which was won by a difference of 5,867 votes<sup>4</sup>

### References

1. Data derived from ROV public records request for 2022 elections analysis reports see addendum for details; 2. Data from 2022 election activity reports compared against NCOA data; 3 Data from 2022 election activity reports compared against NCOA data; See Appendix for additional details; 4. Data from ROV official website. See Appendix for details.



## Concerns in Current Orange County Election Process

- **Public Mistrust:** 60% of CA voters do not trust elections<sup>1</sup>
- **Lower Election Turnout:** OC voter participation dropped by 16% from 2018 to 2022.<sup>2</sup>
- **Inaccurate voter roles** Nearly 50K ballots returned in 2022 as undeliverable<sup>3</sup>
- **Vote Center certification:** For 2022 General Election, 6071 more ballots certified by ROV than were voted at vote center<sup>4</sup>

### References

1. The Transparency Foundation, July 7, 2023. *Audit Reveals Evidence of Voter Fraud in California's 2022 Election*. Accessed at <https://thetransparencyfoundation.org/news/audit-reveals-evidence-of-voter-fraud-in-californias-2022-election> on 7/17/23 ; 2. Data derived from ocvote.com website for 2022 elections; 3. Data from ROV public records request; 4. See Appendix for additional details.

## Voter's Choice Act (VCA)

- 2019 Orange County Board of Supervisors vote opted-in to the Voter's Choice Act
- VCA established model for mass mail-in ballots , drop boxes and vote centers
- VCA is an opt-in program, counties do not have to use it<sup>1</sup>
- VCA renewal in 2021 required for public hearing but only 23 people attended hearing<sup>2</sup>
- Inadequate notification provided to voters



### References

1. Reference from <https://www.sos.ca.gov/voters-choice-act/vca-participating-counties>; 2. Data from ROV public request records regarding 2021 VCA public hearing.

# Precincts

## Benefits of Precincts

### Convenience:

- Neighborhood precincts are closer to home
- Easier and quicker to get to than centralized vote centers

### Provable Chain of Custody:

- Verifiable chain of custody to and from the vote area and then to the precinct ballot box
- Easily aligns one voter to one ballot
- Small number of election workers needed at small precincts
- Easier to manage vote tallying and live stream



### Simplified Audits:

- Easy to audit ballots cast in the voter's precinct
- Eliminates time and money because all results are already tallied by precincts
- Removes four unnecessary steps in vote tallying process:
  - a. Receiving votes cast in person or dropped off in vote centers from other counties
  - b. Deconstructing vote tallies from other counties
  - c. Aligning vote tallies from different counties with appropriate OC precinct vote tallies
  - d. Summarizing deconstructed findings into a report to the SOS

### Regain Public Trust:

- Restores voter confidence in the integrity of the process
- Secures transparency, fairness and justice to our citizens
- Voter turnout is a reflection of voter confidence

## County of Orange Board of Supervisors Authority to Make Changes

### Legal Considerations

**County of Orange Board of Supervisors has authority to move to a precinct and hand counting model**

*Details to be discussed by  
Alexander Haberbusch, Esq. SBN 330368 from  
the Lex Rex Institute  
(involved in constitutional jurisprudence)*

### Cost Considerations

- Labor costs strategies to migrate to a precinct model were also analyzed
- Records about the 2018 Elections show:
  - Total of **5107** volunteers staffed precincts<sup>1</sup>
  - Approximately **5.7** people staffed each site<sup>2</sup>
  - *Estimated* **\$3,441,882** vendor technology costs needed to support precinct voting<sup>3</sup>

#### References

1. Data derived from ROV public records request for 2018 elections; 2. Value calculated based on 900 precincts; 3 Data from 2018 public records request for technology contract estimates from the Hartintercivic vendor. Total assumes vote scanners from existing stock will also be used to support precinct sites. See appendix for details.

## Public Records Request Information - Activity Reports vs USPS NCOA Database

### November 2022 General Election for OC Sample District Activity Reports vs USPS NCOA Data

Anomaly Found	# of Voters Who Voted in Election
People over 100 years of age	258
Moved out of OC before Nov. 8, 2022 election	337
Moved, but new address unknown	598
Undeliverable address by USPO	923
Registered after they voted (e.g. Voted June 7, 2022, Registered in Oct. 1 2022)	4665
TOTAL	6781

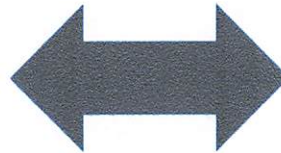
## Benefits to Improve Elections

We can compare the outcomes of the 2018 elections with the 2022 election outcomes to see expected results in moving to a precinct model.<sup>1</sup>

Last Election Using Precinct Model

### 2018 General Election

1,106,729 People Voted
70.5% Voter Turnout
984 of Voting Sites
\$ 2,798,419 (NCC)
\$ 2.53 Spent Per Voter



Most Recent Election Using VCA Model)

### 2022 General Election

994,227 People Voted
54.7% Voter Turnout
181 of Voting Sites
\$ 5,084,703 (NCC)
\$ 5.11 Spent Per Voter

#### References

1. Data derived from ROV public records request, OC Vote website (<https://ocvote.gov/>), and adopted budgets from Budget section of the OC Gov website (<https://cfo.ocgov.com/budget>). See appendix for details.

# Pathway to Improve Elections in 2024

Improvements will save time, personnel and dollars by removing four unnecessary steps in the system.<sup>1</sup> All improvements are supported by CA Election Code Sections 15270-15281 and 15290.

## Suggested Improvements

### 1. Opt Out of VCA

- Have BOS vote to Opt out of VCA
- Opting out give BOS and OC voters more control over elections.



### 2. Precincts

- Vote in precincts where votes are cast
- Use currency grade paper



### 3. Paper Rosters

- Replace electronic pollbooks with manual ones
- Instill more public confidence that their vote counts



### 4. One Day Voting

- Eliminate 4 day and 11 day voting
- Have 1 day voting with 3 early voting days



### 5. Hand Counting

- Use volunteers to hand count
- Can save millions of dollars
- Hand count votes where they are cast for transparency

#### KEY

Blue = Suggested changes before 2024 primary  
Gray = Changes post 2024 primary

#### References

1. See Simplified Audits section in the slide titled *Precincts* for a list of the unnecessary steps.

# Appendix

Details on Data Analyzed



## Appendix: Public Records Request Information - Activity Reports

### November 8, 2022 General Election Activity Counts at Vote Centers

Type	Date											Totals
	10/29	10/30	10/31	11/1	11/2	11/3	11/4	11/5	11/6	11/7	11/8	
11 Day Centers (38 Total Centers)	1,519	755	1,126	1,286	1,369	1,617	2,532	2,280	2,593	7,472	29,273	51,822
4 Day Centers (144 Total Centers)								5,554	5,598	14,650	80,214	106,016
Pop Up Center	11		25		9	82	17		12			156
<b>Totals</b>	<b>1,530</b>	<b>755</b>	<b>1,151</b>	<b>1,286</b>	<b>1,378</b>	<b>1,699</b>	<b>2,549</b>	<b>7,834</b>	<b>8,203</b>	<b>22,122</b>	<b>109,487</b>	<b>157,994</b>

ROV Certified Votes @ Vote Center:	164,065
Votes Cast @ Vote Centers:	157,994
<b>ROV Certified More Votes than Votes Cast</b>	<b>+ 6,071</b>

## Appendix: Public Records Request Information - Activity Reports

### November 2022 General Election Activity Reports (Counts and Discrepancies – All Voting Methods)

Voting Method	Date Voted			Discrepancies
	Prior to 10/29	10/29 -11/7 Early Vote Center	11/8 Election Day	
Drop Box	50,868	107,724	143,832	99 received after election day
Drop Off @ Vote Center	0	60,559	98,733	
Vote Centers	0	48,507	109,487	6,071 additional votes from ROV certification
Mail in Votes	162	102,035	269,930	<ul style="list-style-type: none"> <li>• 162 votes received before 10/10 Legal Date</li> <li>• 199 received after 11/17 Legal Date</li> </ul>

## Appendix: Reports from ROV Official Website

### Additional Anomalies Found in 2022 General Election from OC Sample District

*November 2022 General Election ROV  
Website 11/16/2022 Sample District*

Candidate	# Ballots Cast	%
Incumbent	115,299	51.25%
Challenger	109,671	48.75%
Results Summary		
Difference in # Ballots between Candidates	5,628	

*November 2022 General Election Certified  
Results 12/2/2022 for OC Sample District*

Candidate	# Ballots Cast	%
Incumbent	116,105	51.30%
Challenger	110,238	48.70%
Results Summary		
Difference in # Ballots between Candidates	5,867	

Election Day 11/8/2022 – Certified Vote Count added 1,373, more votes cast after legal cut off.

## Appendix: 2018 General Election vs 2022 General Election Results

Year	Registered Voters	Ballots Cast at Precinct or Vote Center	Vote by Mail Ballots	Voter Turnout	Election Services FY Budget (NCC)
2018 Precinct Model	1,568,988	393,423 <sup>2</sup> (26.8%)	689,756	71%	2,798,419
2022 VCA Model	1,817,149	164,065 (9%)	830,162 <sup>3</sup>	54.7%	5,084,703

### References

1. Data derived from ROV public records request, OC Vote website (<https://ocvote.gov/>), and adopted budgets from Budget section of the OC Gov website (<https://cfo.ocgov.com/budget>). 2. Total includes early in-person ballots casts, which were 23,550 ballots; 3. Number includes ballots received via Dropbox, which were 303,508.

## Appendix: 2018 HartIntercivic Contract Technology Estimates

### 2018 Election Estimated Technology Costs from HearIntercivic Contract with Orange County Registrar of Voters<sup>1</sup>

Equipment	Scanners	Ballot Bags	Verity Keys	Flash Drive
Number <sup>2</sup>	489	1124	441	2686
Cost/Unit <sup>3</sup>	6353	50	109	86
Total Cost	\$3,106,617	\$56,200	\$48,069	\$230,996
Grand Total				\$3,441,882

#### Estimates in the table assume

- OC will have 900 precincts
- Equipment used in HartIntercivic contract will be transferred to precincts
- Each precinct will have a single ADA voting machine
- Voting will be done with paper rosters and paper ballots, instead of electronic pollbooks

#### References

1. Data from 2018 public records request for technology contract estimates from the HartIntercivic vendor. Total assumes vote scanners from existing stock will also be used to support precinct sites. See appendix for details; 2. Average of regular and volume discount cost

## Appendix: Timeline

Milestone	Jul 2023	Aug 2023	Sep 2023	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	Mar 2024
BOS Agenda item to Vote to Opt Out of Voter's Choice Act (VCA)									
Notify Secretary of State that OC is Opting Out of VCA Beginning March 2024 Primary (120 Days Before Primary)									

Note: The ROV will not need to issue a public notice for comments because this requirement only applies to any changes to Election Administration Plan, which is required as part of the VCA. It does not apply when not opting out of the VCA.