

July 15, 2014

Direct: (213) 452-6550

VIA U.S. MAIL AND E-MAIL

Karen J. Rhea
Chief Deputy Registrar
Office of the Kern County Auditor-Controller-County Clerk
1115 Truxtun Avenue
1st and 2nd Floor
Bakersfield, CA 93301-4639

Re: State Controller Recount – Kern County

Dear Ms. Rhea:

As you are aware, I am counsel to John A. Perez and the Perez for Controller campaign in connection with the recount of ballots cast in the June 3, 2014, Statewide Direct Primary Election for State Controller. I am writing to modify our original request letter to request that all ballots cast on touchscreen voting machines for the precincts specified in our letter be recounted using the electronic voting system that was used originally to count these ballots during the vote canvass. (California Elections Code §15627(a); *Nguyen v. Nguyen, et al.* (2008) 158 Cal. App. 4th 1636.)

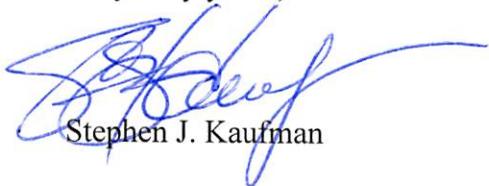
We understand that ballots cast by voters on direct recording electronic voting machines in the June 3 election already went through a full manual review during the original vote canvass, as required by California law. In the course of reviewing the voter verified paper audit trail paper copies of the ballots over the last three days, the accuracy of these machines in this election has not been put into question. It also has become obvious that a manual recount of the touchscreen ballots is significantly slowing down the recount process.

Consequently, in an effort to speed up the process, we are asking you to upload the touchscreen ballot results for the specified precincts and recount those ballots using the same vote tabulating system that was employed during the original vote canvass. We again reserve our right to count any remaining ballots in the County manually or by machine, as appropriate.

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We thank you for your continuing professionalism and cooperation throughout the recount process.

Very truly yours,



Stephen J. Kaufman

SJK:ssn

cc: Devin Brown, Deputy County Counsel (via Email)
Richard Rios, Esq. (via Email)