



Contract Number

21-978 A-2

SAP Number

Registrar of Voters

Department Contract Representative	<u>Stephenie Shea</u>
Telephone Number	<u>909-387-2100</u>
Contractor	<u>Toppan Merrill, LLC</u>
Contractor Representative	<u>Leslie Harwood</u>
Telephone Number	<u>714-690-2294</u>
Contract Term	<u>1/1/2022 through 12/31/2026</u>
Original Contract Amount	<u>\$17,000,000</u>
Amendment Amount	<u>\$1,215,000</u>
Total Contract Amount	<u>\$18,215,000</u>
Cost Center	<u>6800001000</u>

AMENDMENT NO. 2 TO AGREEMENT FOR VOTER INFORMATION GUIDE AND SAMPLE BALLOT PRINTING AND MAILING SERVICES

IT IS HEREBY AGREED AS FOLLOWS:

The following is Amendment No. 2 to the Agreement between San Bernardino County (County) and Toppan Merrill, LLC (Contractor) for Voter Information Guide and Sample Ballot Printing and Mailing Services.

WHEREAS, on December 7, 2021 (Item No. 59), the Board of Supervisors (Board) approved Contract No. 21-978 with Toppan Merrill, LLC (Contractor), to provide voter information guide and sample ballot printing and mailing services, for the period of January 1, 2022 through December 31, 2026, for a contract amount of not to exceed \$17,000,000; and

WHEREAS, on July 12, 2022 (Item No. 37), the Board approved Amendment No. 1 to Contract No. 21-978 increasing the total contract amount by 5%, by \$850,000, from \$17,000,000 to an amount not-to-exceed \$17,850,000 to offset increased materials and labor cost increases with no change to the original contract term; and

WHEREAS, materials and labor costs have increased again, and Contractor has requested an increase to offset these materials and labor costs; and

WHEREAS, through this Amendment No. 2, the Contract amount will be increased from \$17,850,000 to a Contract amount not-to-exceed \$18,215,000; and

NOW THEREFORE, the County and Contractor mutually agree as follows:

1. The above listed recitals are incorporated into the Contract and the Parties represent that they are true and correct.
2. Section F., FISCAL PROVISIONS, Subsection F.1, is amended to read in its entirety as follows:

F. FISCAL PROVISIONS

F.1 The maximum amount of payment under this Contract shall not exceed \$18,215,000 and shall be subject to availability of other funds to the County. The consideration to be paid to Contractor, as provided herein, shall be in full payment for all Contractor's services and expenses incurred in the performance hereof, including travel and per diem.

3. Attachment B, Pricing Schedule is amended as reflected in Attachment B attached hereto.
4. The Registrar of Voters or Assistant Registrar of Voters shall be authorized to approve changes to the Pricing Schedule under Attachment B, so long as the total contract amount does not exceed \$18,215,000, subject to review by County Counsel.
5. Section C., GENERAL CONTRACT PROVISIONS is added, to read:

C.52. CALIFORNIA CONSUMER PRIVACY ACT

To the extent applicable, if Contractor is a business that collects the personal information of a consumer(s) in performing Services pursuant to this Contract, Contractor must comply with the provisions of the California Consumer Privacy Act (CCPA). (Cal. Civil Code §§1798.100, et seq.). For purposes of this provision, "business," "consumer," and "personal information" shall have the same meanings as set forth at Civil Code section 1798.140. Contractor must contact the County immediately upon receipt of any request by a consumer submitted pursuant to the CCPA that requires any action on the part of the County, including but not limited to, providing a list of disclosures or deleting personal information. Contractor must not sell, market or otherwise disclose personal information of a consumer provided by the County unless specifically authorized pursuant to terms of this Contract. Contractor must immediately provide to the County any notice provided by a consumer to Contractor pursuant to Civil Code section 1798.150(b) alleging a violation of the CCPA, that involves personal information received or maintained pursuant to this Contract. Contractor must immediately notify the County if it receives a notice of violation from the California Attorney General pursuant to Civil Code section 1798.155(b).

C.53. 50 Executive Order N-6-22 Russia Sanctions

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the EO) regarding Economic Sanctions against Russia and Russian entities and individuals. "Economic Sanctions" refers to sanctions imposed by the U.S. government in response to Russia's actions in Ukraine (<https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information/ukraine-russia-related-sanctions>), as well as any sanctions imposed under state law (<https://www.dgs.ca.gov/OLS/Ukraine-Russia>). The EO directs state agencies and their contractors (including by agreement or receipt of a grant) to terminate contracts with, and to refrain from entering any new contracts with, individuals or entities that are determined to be a target of Economic Sanctions. Accordingly, should it be determined that Contractor is a target of Economic Sanctions or is conducting prohibited transactions with sanctioned individuals or entities, that shall be grounds for termination of this agreement. Contractor shall be provided advance written notice

of such termination, allowing Contractor at least 30 calendar days to provide a written response. Termination shall be at the sole discretion of the County

C.54 Political Contributions

Contractor has disclosed to the County using Attachment G, whether it has made any campaign contributions of more than \$250 to any member of the Board of Supervisors or other County elected officer [Sheriff, Assessor-Recorder-Clerk, Auditor-Controller/Treasurer/Tax Collector and the District Attorney] within the earlier of: (1) the date of the submission of Contractor's proposal to the County, or (2) 12 months before the date this Contract was approved by the Board of Supervisors. Contractor acknowledges that under Government Code section 84308, Contractor is prohibited from making campaign contributions of more than \$250 to any member of the Board of Supervisors or other County elected officer for 12 months after the County's consideration of the Contract.

In the event of a proposed amendment to this Contract, the Contractor will provide the County a written statement disclosing any campaign contribution(s) of more than \$250 to any member of the Board of Supervisors or other County elected officer within the preceding 12 months of the date of the proposed amendment.

C.55 Certification of Postconsumer Material

Contractor shall certify the following in writing: (1) The minimum percentage, if not the exact percentage, of postconsumer material in the paper products and printing and writing paper offered or sold to the County. The certification shall be furnished under penalty of perjury in a form and manner determined by the County. The County may waive the certification requirement if the percentage of postconsumer material in the paper products, printing and writing paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor Internet website; and (2) That the paper products and printing and writing paper offered or sold to the County is eligible to be labeled with an unqualified recyclable label as defined in 16 C.F.R. Section 260.12 as published January 1, 2013, which is hereby incorporated by reference

6. Section M., ACCESS TO VOTER REGISTRATION INFORMATION, is added to read as follows:

M. ACCESS TO VOTER REGISTRATION INFORMATION

Contractor agrees to follow California Code of Regulations Title 2, Division 7, Chapter 1, Article 1, Access to Voter Registration Information as it currently exists, or hereinafter amended, incorporated into this Contract as Attachment C.

7. All other terms and conditions of the contract remain in full force and effect.

8. ELECTRONIC SIGNATURES

This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Agreement. The parties shall be entitled to sign and transmit an electronic signature of this Agreement (whether by facsimile, PDF or other mail transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Agreement upon request.

IN WITNESS WHEREOF, San Bernardino County and the Contractor have each caused this Amendment to be subscribed by its respective duly authorized officers, on its behalf.

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SAN BERNARDINO COUNTY

► *Dawn Rowe*

Dawn Rowe, Chair, Board of Supervisors

Dated: AUG 22 2023

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD



Lynna Monell
Lynna Monell
Clerk of the Board of Supervisors
San Bernardino County

By *[Signature]* Deputy

Toppan Merrill, LLC

(Print or type name of corporation, company, contractor, etc.)

By ► *Leslie Harwood*

(Authorized signature - sign in blue ink)

Name Leslie Harwood
(Print or type name of person signing contract)

Title Election Sales Manager
(Print or Type)

Dated: June 15, 2023

Address 1600 N. Kramer Blvd.
Anaheim, CA 92806

FOR COUNTY USE ONLY

Approved as to Legal Form
► Jolena Grider, Deputy County Counsel
Date _____

Reviewed for Contract Compliance
► _____
Date _____

Reviewed/Approved by Department
► Stephenie Shea, Registrar of Voters
Date _____

IN WITNESS WHEREOF, San Bernardino County and the Contractor have each caused this Amendment to be subscribed by its respective duly authorized officers, on its behalf.

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SAN BERNARDINO COUNTY

►

Dawn Rowe, Chair, Board of Supervisors

Dated: _____
SIGNED AND CERTIFIED THAT A COPY OF THIS
DOCUMENT HAS BEEN DELIVERED TO THE
CHAIRMAN OF THE BOARD

Lynna Monell
Clerk of the Board of Supervisors
San Bernardino County

By _____
Deputy

Toppan Merrill, LLC

(Print or type name of corporation, company, contractor, etc.)

By ► 
(Authorized signature - sign in blue ink)

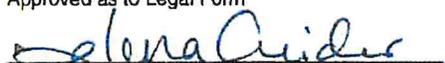
Name Leslie Harwood
(Print or type name of person signing contract)

Title Election Sales Manager
(Print or Type)

Dated: June 15, 2023

Address 1600 N. Kramer Blvd.
Anaheim, CA 92806

FOR COUNTY USE ONLY

Approved as to Legal Form

Jolena Grider, Deputy County Counsel
Date 8/8/23

Reviewed for Contract Compliance
► _____
Date _____

Reviewed/Approved by Department

Stephenie Shea, Registrar of Voters
Date 8/9/23

Cost Proposal

Pricing Schedule

Product / Service	Unit of Measurement	Price
Vendor Content Generation		
Cover Page Generation	per cover	\$ 551.25
Informational Page Generation:		
English	per page	\$ 55.13
Spanish	per page	\$ 55.13
Bilingual	per page	\$ 55.13
Sample Ballot Page Generation	per ballot page	\$ 49.61
Candidate Statement Page Generation:		
English	per page	\$ 49.61
Spanish	per page	\$ 49.61
Local Measure Text Page Generation:		
English	per page	\$ 49.61
Spanish	per page	\$ 49.61
Coordination of Spanish Translations	per hour	\$ 137.81
Content Programming & Data Processing	per hour	\$ 137.81
Generation of VIG Assembly Guide - Includes Assignment & Set Up of Unique Pages for each Ballot Style	per page	\$ 3.25

Production

Printing and Binding Setup	per book style	\$ 137.81	
			Digest Size *Price Per Book
			Full Size *Price Per Book
Print and Bind VIG's / Sample Ballots:			
16 pages + cover	1,000 books or less	\$ 0.43	\$ 0.78
24 pages + cover	1,000 books or less	\$ 0.54	\$ 0.97
32 pages + cover	1,000 books or less	\$ 0.61	\$ 1.08
40 pages + cover	1,000 books or less	\$ 0.83	\$ 1.48
48 pages + cover	1,000 books or less	\$ 0.88	\$ 1.60
56 pages + cover	1,000 books or less	\$ 0.94	\$ 1.70
64 pages + cover	1,000 books or less	\$ 0.98	\$ 1.76
72 pages + cover	1,000 books or less	\$ 1.16	\$ 2.09
80 pages + cover	1,000 books or less	\$ 1.21	\$ 2.18
88 pages + cover	1,000 books or less	\$ 1.27	\$ 2.28
96 pages + cover	1,000 books or less	\$ 1.31	\$ 2.37
104 pages + cover	1,000 books or less	\$ 1.37	\$ 2.47
112 pages + cover	1,000 books or less	\$ 1.42	\$ 2.56
120 pages + cover	1,000 books or less	\$ 1.47	\$ 2.66
128 pages + cover	1,000 books or less	\$ 1.52	\$ 2.75
136 pages + cover	1,000 books or less	\$ 2.13	\$ 3.85
144 pages + cover	1,000 books or less	\$ 2.32	\$ 4.18
152 pages + cover	1,000 books or less	\$ 2.37	\$ 4.28
160 pages + cover	1,000 books or less	\$ 2.41	\$ 4.37
168 pages + cover	1,000 books or less	\$ 2.93	\$ 5.30
176 pages + cover	1,000 books or less	\$ 3.05	\$ 5.51
184 pages + cover	1,000 books or less	\$ 3.15	\$ 5.70
192 pages + cover	1,000 books or less	\$ 3.26	\$ 5.89
200 pages + cover	1,000 books or less	\$ 3.36	\$ 6.07

Cost Proposal

Pricing Schedule

Product / Service	Unit of Measurement	Price	
16 pages + cover	1,001 - 15,000 books	\$ 0.33	\$ 0.60
24 pages + cover	1,001 - 15,000 books	\$ 0.40	\$ 0.71
32 pages + cover	1,001 - 15,000 books	\$ 0.42	\$ 0.76
40 pages + cover	1,001 - 15,000 books	\$ 0.56	\$ 1.01
48 pages + cover	1,001 - 15,000 books	\$ 0.58	\$ 1.08
56 pages + cover	1,001 - 15,000 books	\$ 0.66	\$ 1.20
64 pages + cover	1,001 - 15,000 books	\$ 0.72	\$ 1.29
72 pages + cover	1,001 - 15,000 books	\$ 0.78	\$ 1.41
80 pages + cover	1,001 - 15,000 books	\$ 0.76	\$ 1.37
88 pages + cover	1,001 - 15,000 books	\$ 0.83	\$ 1.48
96 pages + cover	1,001 - 15,000 books	\$ 0.85	\$ 1.53
104 pages + cover	1,001 - 15,000 books	\$ 0.98	\$ 1.76
112 pages + cover	1,001 - 15,000 books	\$ 0.92	\$ 1.64
120 pages + cover	1,001 - 15,000 books	\$ 0.94	\$ 1.70
128 pages + cover	1,001 - 15,000 books	\$ 0.98	\$ 1.76
136 pages + cover	1,001 - 15,000 books	\$ 1.08	\$ 1.95
144 pages + cover	1,001 - 15,000 books	\$ 1.20	\$ 2.16
152 pages + cover	1,001 - 15,000 books	\$ 1.22	\$ 2.21
160 pages + cover	1,001 - 15,000 books	\$ 1.25	\$ 2.26
168 pages + cover	1,001 - 15,000 books	\$ 1.75	\$ 3.18
176 pages + cover	1,001 - 15,000 books	\$ 1.81	\$ 3.26
184 pages + cover	1,001 - 15,000 books	\$ 1.86	\$ 3.36
192 pages + cover	1,001 - 15,000 books	\$ 1.93	\$ 3.47
200 pages + cover	1,001 - 15,000 books	\$ 1.97	\$ 3.57
16 pages + cover	15,001 - 30,000 books	\$ 0.20	\$ 0.35
24 pages + cover	15,001 - 30,000 books	\$ 0.21	\$ 0.39
32 pages + cover	15,001 - 30,000 books	\$ 0.22	\$ 0.41
40 pages + cover	15,001 - 30,000 books	\$ 0.32	\$ 0.57
48 pages + cover	15,001 - 30,000 books	\$ 0.34	\$ 0.62
56 pages + cover	15,001 - 30,000 books	\$ 0.35	\$ 0.64
64 pages + cover	15,001 - 30,000 books	\$ 0.39	\$ 0.68
72 pages + cover	15,001 - 30,000 books	\$ 0.44	\$ 0.80
80 pages + cover	15,001 - 30,000 books	\$ 0.47	\$ 0.85
88 pages + cover	15,001 - 30,000 books	\$ 0.50	\$ 0.89
96 pages + cover	15,001 - 30,000 books	\$ 0.50	\$ 0.89
104 pages + cover	15,001 - 30,000 books	\$ 0.55	\$ 0.99
112 pages + cover	15,001 - 30,000 books	\$ 0.57	\$ 1.04
120 pages + cover	15,001 - 30,000 books	\$ 0.57	\$ 1.04
128 pages + cover	15,001 - 30,000 books	\$ 0.62	\$ 1.10
136 pages + cover	15,001 - 30,000 books	\$ 0.83	\$ 1.48
144 pages + cover	15,001 - 30,000 books	\$ 0.88	\$ 1.60
152 pages + cover	15,001 - 30,000 books	\$ 0.87	\$ 1.64
160 pages + cover	15,001 - 30,000 books	\$ 0.94	\$ 1.70
168 pages + cover	15,001 - 30,000 books	\$ 1.46	\$ 2.63
176 pages + cover	15,001 - 30,000 books	\$ 1.50	\$ 2.70
184 pages + cover	15,001 - 30,000 books	\$ 1.53	\$ 2.77

Cost Proposal

Pricing Schedule

Product / Service	Unit of Measurement	Price
192 pages + cover	15,001 - 30,000 books	\$ 1.58 \$ 2.84
200 pages + cover	15,001 - 30,000 books	\$ 1.62 \$ 2.93
16 pages + cover	30,001 books or more	\$ 0.19 \$ 0.33
24 pages + cover	30,001 books or more	\$ 0.20 \$ 0.35
32 pages + cover	30,001 books or more	\$ 0.21 \$ 0.39
40 pages + cover	30,001 books or more	\$ 0.31 \$ 0.54
48 pages + cover	30,001 books or more	\$ 0.32 \$ 0.57
56 pages + cover	30,001 books or more	\$ 0.33 \$ 0.60
64 pages + cover	30,001 books or more	\$ 0.35 \$ 0.64
72 pages + cover	30,001 books or more	\$ 0.42 \$ 0.76
80 pages + cover	30,001 books or more	\$ 0.43 \$ 0.78
88 pages + cover	30,001 books or more	\$ 0.46 \$ 0.83
96 pages + cover	30,001 books or more	\$ 0.47 \$ 0.85
104 pages + cover	30,001 books or more	\$ 0.51 \$ 0.92
112 pages + cover	30,001 books or more	\$ 0.54 \$ 0.97
120 pages + cover	30,001 books or more	\$ 0.54 \$ 0.97
128 pages + cover	30,001 books or more	\$ 0.56 \$ 1.01
136 pages + cover	30,001 books or more	\$ 0.77 \$ 1.39
144 pages + cover	30,001 books or more	\$ 0.84 \$ 1.51
152 pages + cover	30,001 books or more	\$ 0.86 \$ 1.55
160 pages + cover	30,001 books or more	\$ 0.87 \$ 1.58
168 pages + cover	30,001 books or more	\$ 1.41 \$ 2.54
176 pages + cover	30,001 books or more	\$ 1.44 \$ 2.61
184 pages + cover	30,001 books or more	\$ 1.47 \$ 2.66
192 pages + cover	30,001 books or more	\$ 1.51 \$ 2.72
200 pages + cover	30,001 books or more	\$ 1.54 \$ 2.80

Mailing

Initial & Supplemental Mailings:

Mailing Programming & Data Processing	per hour	\$ 137.81
Setup Each Book Style	per book style	\$ 15.21
Presort by Carrier Route by Ballot Style	1,000 books or less	\$ 0.011
Ink Jet Label, Barcode, Tie & Sack	1,000 books or less	\$ 0.080
Print and Hand Affix Pressure Sensitive Labels	1,000 books or less	\$ 0.114
Hand Affix First Class Indicia Label	1,000 books or less	\$ 0.115
Merge for Maximum Postal Discount	1,000 books or less	n/c
Presort by Carrier Route by Ballot Style	1,001 - 10,000 books	\$ 0.011
Ink Jet Label, Barcode, Tie & Sack	1,001 - 10,000 books	\$ 0.080
Print and Hand Affix Pressure Sensitive Labels	1,001 - 10,000 books	\$ 0.114
Hand Affix First Class Indicia Label	1,001 - 10,000 books	\$ 0.115
Merge for Maximum Postal Discount	1,001 - 10,000 books	n/c
Presort by Carrier Route by Ballot Style	10,001 - 100,000 books	\$ 0.011

Cost Proposal

Pricing Schedule

Product / Service	Unit of Measurement	Price
Ink Jet Label, Barcode, Tie & Sack	10,001 - 100,000 books	\$ 0.082
Print and Hand Affix Pressure Sensitive Labels	10,001 - 100,000 books	\$ 0.114
Hand Affix First Class Indicia Label	10,001 - 100,000 books	\$ 0.115
Merge for Maximum Postal Discount	10,001 - 100,000 books	n/c
Presort by Carrier Route by Ballot Style	100,001 books or more	\$ 0.011
Ink Jet Label, Barcode, Tie & Sack	100,001 books or more	\$ 0.080
Print and Hand Affix Pressure Sensitive Labels	100,001 books or more	\$ 0.113
Hand Affix First Class Indicia Label	100,001 books or more	\$ 0.114
n/c	100,001 books or more	
Delivery to Local Post Office	per delivery	\$ 956.34

Electronic File Generation

Electronic Media Programming & Data Processing	per hour	\$ 137.81
VIG Electronic File Generation / Assignment & Set Up of Unique Pages for each Ballot Style:	per page	\$ 1.38

Misc. Other Charges (enter description of charge and Unit of Measurement)

Minimum charge per mailing function	\$ 551.25
Minimum labor per mailing	\$ 1,708.88
Additional PMS colors for cover @\$3.20/M	\$ -

*Price per book needs to be populated for all scenarios, whether there is a quantity provided or not.

Attachment C

CALIFORNIA CODE OF REGULATIONS
TITLE 2. ADMINISTRATION
DIVISION 7. SECRETARY OF STATE
CHAPTER 1. VOTER REGISTRATION

ARTICLE 1. ACCESS TO VOTER REGISTRATION INFORMATION

19001. Definitions.

As used in this Article, the following terms have the following meanings:

1. "Agent" means a person authorized by a beneficiary to use voter registration information on that person's behalf including, but not limited to, employees and volunteers.
2. "Applicant" means a person who completes and submits an application to a source agency for the purpose of obtaining voter registration information. If an applicant submits the application on their own behalf, they are also the beneficiary. If an applicant submits the application on behalf of another person, the other person is the beneficiary.
3. "Beneficiary" means a person, including a vendor, who receives voter registration information either directly or indirectly from a source agency.
4. "Person" includes any individual, firm, association, organization, partnership, business trust, committee, political organization, corporation, or company.
5. "Source agency" means the Secretary of State or a county elections official, both of which maintain voter registration information and provide access to such information pursuant to Elections Code sections 2188 and 2194.
6. "Specific voter registration record" means voter registration information of an individual named voter for whom the applicant provides all required identifying information such as date of birth. Specific voter registration information does not include requests of unidentified individuals meeting certain criteria, such as any voters living on a certain street in a certain city.
7. "Vendor" means a person that obtains voter registration information from a source agency for another person's use, including, but not limited to, political parties, political campaigns, political committees, and data aggregators that prepare voter registration information for beneficiaries.
8. "Voter registration information" means information on registered voters that may be provided to an authorized applicant by a source agency under the provisions of this Article, Elections Code section 2194, and Government Code section 6254.4. This information includes the following for each voter, to the extent that it is included in any individual voter's record: registration county, unique registration identification number, name, residential address, mailing address, phone number, email address, language preference, date of birth, gender, party preference, registration status, registration date, precinct, registration method, place of birth, registration status reason (reason for the most recent update to the registration), voting assistance request status, permanent vote-by-mail status, county voter identification number, and voting participation history (election date and voting method).

Note: Authority cited: Section 2188.2, Elections Code; Sections 6254.4 and 12172.5, Government Code. Reference: Sections 2188 and 2194, Elections Code.

19002. Application of this Article.

1. This Article shall apply to any person who directly or indirectly receives voter registration information from any source agency.
2. This Article shall not apply to any voter requesting their own voter registration information through a publicly available voter record lookup tool. However, when a voter requests additional information about their own specific voter record than is available on such a tool, they must submit an application for specific voter registration record pursuant to this Article.

Note: Authority cited: Section 2188.2, Elections Code; Sections 6254.4, 12172.5, Government Code. Reference: Sections 2188, 2194, Elections Code.

19003. Permissible Uses.

1. Voter registration information obtained from a source agency shall be used solely for the following purposes:
 1. Election: for any person to communicate with voters in connection with an election by means that shall include, but shall not be limited to, the following:

1. Communicating with voters for or against any candidate or ballot measure in any election;
 2. Communicating with voters regarding the circulation or support of, or opposition to, any recall, initiative, or referendum petition;
 3. Surveying voters in connection with any specific election campaign or specific potential election campaign in which any voter registered to vote may vote;
 4. Surveying voters in connection with an election-related exploratory committee;
 5. Soliciting contributions or services as part of any election campaign on behalf of any candidate for public office or any political party or in support of or opposition to any ballot measure, initiative, or referendum petition.
2. Scholarly: students working on theses, professors researching voting patterns, and other academics involved in research related to political or election activities.
 3. Journalistic: members of the press for any purpose related to political or election activities.
 4. Political: for any person to communicate with voters to influence public opinion related to political or election activities. The content of such communications shall include, but shall not be limited to: news and opinions of candidates, elections, education related to political matters, political party developments, ballot measures, initiatives, referendum positions, and related political matters.
 5. Governmental: Any request from a governmental agency or for a use related to a governmental function by means including, but not limited to:
 1. Encouraging participation in the United States Census;
 2. Conducting any survey of opinions of voters by any government agency or its contractors;
 3. Any official use by any local, state, or federal governmental agency, which shall include use in connection with any judicial proceeding or investigation involving or being conducted by any local, state, or federal governmental agency.
 6. Record review: For any person to conduct an audit of voter registration lists for election, scholarly, journalistic, political, or governmental purposes. Record review includes, but is not limited to, detecting voter registration fraud, evaluating voter registration information accuracy, and evaluating compliance with applicable Federal and California laws.
 7. Vendor: By any vendor to compile and/or organize voter registration information for another person's use consistent with this Article.
 2. Requests for voter registration information for a purpose not specifically listed in subdivision (a), and not prohibited by section 19004, shall be evaluated for compliance with the Elections Code by the source agency.
 3. A source agency shall review each application for compliance with the Elections Code and this Article independent of decisions made on other applications.

Note: Authority cited: Section 2188.2, Elections Code; Sections 6254.4 and 12172.5, Government Code. Reference: Sections 2188 and 2194, Elections Code.

19004. Impermissible Uses.

1. Using voter registration information in a manner contrary to the authorized uses specified in Elections Code section 2194 is impermissible. Impermissible uses include, but shall not be limited to:
 1. Any communication for any personal, private, or commercial purpose other than for those purposes permitted by Section 19003.
 2. Solicitation of contributions or services for any personal, private, or commercial purpose.
 3. Conducting any survey of opinions of voters other than for those purposes permitted by Section 19003, subdivision (a).
 4. Using the voter registration information to harass any voter or the voter's household, including, but not limited to, any conduct prohibited by Elections Code sections 18540 and 18543.

2. Voter registration information shall not be sent outside of the United States, as specified in Elections Code section 2188.5.
3. Notwithstanding section 19003, a source agency may reject a request for voter registration information based on a reasonable belief or determination that it is being requested for use in a manner prohibited by law, including, but not limited to, uses contrary to the prohibitions or authorized uses specified in Elections Code sections 2188.5 and 2194 or that is contrary to Elections Code section 10. An impermissible purpose may include requests for voter registration information for an impermissible purpose submitted for fraudulent purposes or in bad faith or for the purpose of harassing or defrauding a person or entity. In such instances, the source agency shall provide the applicant its reasons for refusal. An applicant whose application is rejected shall not be prohibited from filing a new application.

*Note: Authority cited: Sections 2188.2 and 2188.5, Elections Code; Sections 6254.4 and 12172.5, Government Code.
Reference: Sections 2188 and 2194, Elections Code.*

19005. Transfers.

1. Only a vendor may transfer voter registration information to another person, as described in subdivision (c).
2. A beneficiary, including a vendor, may share voter registration information with their agent(s) without prior written authorization from a source agency.
 1. An agent may only use the voter registration information for the purposes specified in the approved application.
 2. LA beneficiary sharing voter registration information with an agent must exercise reasonable care that the agent uses the voter registration only for purposes approved by the source agency and report any unauthorized use as described in Section 19012 of this Article.
 3. A beneficiary remains responsible for the actions of their agent with respect to the use of the voter registration information.
3. A vendor may provide voter registration information to another person, other than its agent as described in subdivision (b), only upon providing written notification to the Secretary of State.
 1. This is intended to mean that the Secretary of State can approve the transfer of voter registration information obtained from both the Secretary of State and other source agencies.
 2. This notification shall include the name, address, phone number, and email address of the person to whom the information is provided. If applicable, the notification shall also include the business name and address of the person to whom the information is provided.
 3. A vendor that provides voter registration information to another person must share, in writing, the information security requirements in Section 19012 with that person and acknowledge, in writing, that they provided this information in the notification.
 4. A vendor who fails to provide the notification or transfers voter registration information to another person for an impermissible purpose shall be issued a warning by the Secretary of State for the first violation. For a second violation, a vendor will be barred from providing voter registration information to any person for the remainder of that presidential election cycle, defined as the period beginning on a presidential election day through the next presidential election day.
 5. This Article shall apply to any person who receives voter registration information from a vendor, as if that person had received the voter registration information directly from a source agency.

*Note: Authority cited: Section 2188.2, Elections Code; Sections 6254.4 and 12172.5, Government Code.
Reference: Sections 2188 and 2194, Elections Code.*

19006. Charges; Deposits.

1. The fee to obtain voter registration information from the Secretary of State is \$15.00 per one thousand records, up to a maximum of \$100.00. The minimum fee is \$15.00.
2. The fee to obtain a specific voter registration record is \$30.00 per record, up to a maximum of \$100.00. Each request for specific voter registration records is limited to 10 records.
3. A source agency (other than the Secretary of State) may designate the fee to obtain voter registration information and specific voter registration record(s).

Note: Authority cited: Section 2188.2, Elections Code; Sections 6254.4, 12172.5, Government Code. Reference: Sections 2188, 2194, Elections Code.

19008. Application.

1. Every applicant shall execute and deliver to the source agency an application that contains all of the following information:
 1. The full name of the applicant, and, if applicable, the full name of the beneficiary of the requested voter registration information.
 2. The applicant's telephone and email address.
 3. The applicant's complete business address.
 4. The applicant's complete mailing address, if different from the business address.
 5. If applicable, the complete business address of the beneficiary of the requested voter registration information.
 6. The purpose(s) or type(s) of business, organization, or committee that the applicant represents.
7. The purpose(s) for which the request for voter registration information is made and the specific intended use(s) of this information or data in accordance with Section 19003.
 1. If the intended use of the requested voter registration information is for political purposes, the applicant shall submit documentation establishing compliance with section 19003(a)(4), for example a letter establishing an affiliation with a political organization.
 2. If the intended use of the requested voter registration information is for scholarly purposes, the applicant shall submit a letter from the representative of the institution (professor, administrator, etc.) on the institution's letterhead stating that the applicant is authorized to receive the information.
 3. If the intended use of the requested voter registration information is for journalistic purposes, the applicant shall submit a clear copy of the applicant's press pass or media credential. In the event the applicant does not have a press pass or media credential, the applicant shall submit other evidence that they are a journalist. The source agency shall determine whether submitted press passes, media credentials, or other evidence properly establish a journalistic purpose.
8. A detailed explanation of how the requested voter registration information will be maintained securely and confidentially consistent with Section 19012.
9. The type of information requested. Examples include voter history, precinct to district information, whether voter registration information is requested for a specific jurisdiction, and specific voter registration information.
10. Shipping instructions for the source agency to deliver the requested voter registration information.
11. If applicable, detailed identifying information on a specific voter for a request of a single voter's voter registration information.
12. A completed agreement section, which contains spaces where the applicant must place their initials acknowledging the following statements:
 1. Applicant and beneficiary, if applicable, hereby agree that the information set forth in the voter registration information will be used for the approved purposes, consistent with state law, as defined by Elections Code section 2194, this Article, and Government Code section 6254.4.
 2. Applicant and beneficiary, if applicable, further agree not to sell, lease, loan, or deliver possession of the registration information, or a copy thereof, in any form or format, to any person, organization, or agency except as prescribed in Section 19005.
 3. Applicant and beneficiary, if applicable, agree to maintain information in a secure and confidential manner using the best practices identified in Section 19010 of this Article, and will notify the Secretary of State immediately of any violation, exposure, and/or breach of voter registration information or suspected violation, exposure, and/or breach of voter registration information and will cooperate with the Secretary of State's office or any investigative agency efforts related to any resulting investigation.

4. Applicant and beneficiary, if applicable, understand that it is a misdemeanor for a person in possession of voter registration information to use or permit the use of all or any part of the information for any purpose other than is permitted by law.
 5. Applicant and beneficiary, if applicable, agree to pay the State of California, as compensation for any unauthorized use of each individual's registration information, a penalty as described in Section 19007 of this Article.
2. The applicant shall certify the content of the application as to its truthfulness and correctness, under penalty of perjury, with the applicant's signature and the date and place of signing.

Note: Authority cited: Sections 2188.2 and 2188.3, Elections Code; Sections 6254.4 and 12172.5, Government Code. Reference: Sections 2188, 2194, and 18109, Elections Code.

19009. Application Submission and Processing.

1. The applicant must submit the completed application for voter registration information in the following manner:
 1. The applicant must deliver it to the source agency in person or by U.S. mail or other delivery/courier service. A wet signature is required on the application; therefore, a source agency shall not accept emailed and faxed applications for voter registration information.
 2. The applicant must include a clear copy of their current photo identification issued by a federal or state government agency with the completed application.
 3. The applicant must submit the appropriate fee with the completed application.
2. All source agencies, including the Secretary of State, shall process applications in the following manner:
 1. The source agency shall process requests for voter registration information in the order received.
 2. The source agency shall log all applications received, including whether each application was approved or denied and the contact information of each applicant, and maintain in this log all applications received, at a minimum, in the past five years.
 3. If the application is denied, the source agency shall inform the applicant of the reasons for denial, and shall return all application materials, including any payment. Payment will not be processed for denied applications.
 1. The Secretary of State shall inform the applicant of the reasons for denial in writing. Other source agencies may, but are not required to inform the applicant of the reasons for denial in writing.
3. Applicants may re-submit denied applications after addressing the reason(s) for denial.

Note: Authority cited: Section 2188.2, Elections Code; Sections 6254.4 and 12172.5, Government Code. Reference: Sections 2188 and 2194, Elections Code.

19010. Requests for Specific Voter Records.

1. If specific voter registration record(s) are requested, the source agency shall only use the exact information provided by the applicant to locate the record(s). The applicant shall provide as much detail as is possible, including, but not limited to, the full name, date of birth, and present and/or former residence address of the specific voter that is the subject of the request.
2. The source agency will only use the exact information provided (full name, date of birth, county of residence, and residence address, etc.) to identify specific voter registration record(s).
3. In the event there are insufficient details for the source agency to fulfill the request for a specific voter registration record, the source agency shall communicate that fact to the applicant to determine if additional criteria to identify the voter(s) is available.
4. If the request cannot be filled, the source agency shall send a letter to the applicant stating such. Payment will not be processed for requests that cannot be filled.
5. An applicant may request up to 10 specific voter registration records per application. A variant of a name shall be considered a part of one request.

Note: Authority cited: Section 2188.2, Elections Code; Sections 6254.4, 12172.5, Government Code. Reference: Sections 2188, 2194, Elections Code.

19011. End User Technical Support

A source agency that provides voter registration information under this Article is not responsible for end-user technical support for processing purchased data or for assistance on converting provided data for usage.

Note: Authority cited: Section 2188.2, Elections Code; Sections 6254.4 and 12172.5, Government Code. Reference: Section 2194, Elections Code.

19012. Requirements for Storage and Security of Voter Registration Information

1. Any person who has directly or indirectly obtained voter registration information from a source agency must exercise due diligence in maintaining and securing the voter registration information in order to reduce the risk of information exposure and/or breach.
2. Any person who has directly or indirectly obtained voter registration information from a source agency shall:
 1. Use a strong and unique password ("strong password hygiene") per account with access to the voter registration information or privileges to grant access.
 2. Apply security best practices, which includes the following:
 1. Obtaining training on security awareness to avoid social engineering and phishing attacks.
 2. Practice the principles of "least privilege" By restricting user access to the minimum need based on users' job necessity.
 3. Ensure user accounts are logged off or the session is locked after a period of inactivity, which shall be no more than 15 minutes.
 4. Remove, deactivate, or disable accounts or default credentials.
 5. Erase or wipe voter registration information that is no longer needed for its retention and sanitized following National Institute of Standards and Technology (NIST) 800-88 Guidelines for media sanitization.
 6. Restrict physical access by not leaving your computer in places unlocked and unattended.
 7. Limit the use of portable devices. If a portable device is used, strong storage encryption procedures must be applied utilizing Federal Information Processing Standards (FIPS) 197, commonly referred to as "Advanced Encryption Standard" or "AES."
 8. Use wireless technology securely with Wi-Fi Protected Access 2 (WPA2) or better.
3. In addition to the requirements set forth in (b) above, any vendor shall:
 1. Apply additional security best practices, which include the following:
 1. Use strong identity and access management, preferring multi-factor authentication for any and all privilege accounts and/or accounts with access to voter registration data.
 2. Initiate an account lockout after a pre-defined number of failed attempts, no more than 10. Any automated account unlock actions must wait no less than 30 minutes from the lockout event.
 3. Force password changes on a pre-defined basis, but not less than 365 days.
 4. Backups of voter registration information shall be securely stored separately and utilizing FIPS 197 encryption at rest.
 2. Implement security log management, which includes the following:
 1. Enable logging on all systems and network devices with sufficient information collection that answers the following:
 1. What activity was performed?
 2. Who or what performed the activity, including where or on what system the activity was performed?
 3. What activity was the action performed on?
 4. What tool(s) were used to perform or performed the activity?
 5. What was the status, outcome, or results of the activity?
 2. Review log(s) regularly for any errors, abnormal activities and any system configuration changes.
 3. Securely store log files separately from the systems monitored, archived, and protect from unauthorized modification, access, or destruction.

4. Use log monitoring tools to send real-time alerts and notifications.
5. Utilize multiple synchronized United States-based time sources.
3. Employ system hardening techniques, which include the following:
 1. Update and install all firmware and patches from a trusted and verifiable source.
 2. Use only the most up-to-date and certified version of vendor software.
 3. Install and maintain active malware and anti-virus software.
 4. Implement firewalls, also known as host-based firewalls, and/or port filtering tools with host-based intrusion protection services.
 5. Encrypt voter registration information using FIPS 197 at rest.
 6. Encrypt voter registration information in transit such as Transport Layer Security (TLS) 1.2 or better with a valid certificate and certificate chain.
 7. Do not use self-signed certificates.
 8. Conduct regular vulnerability scanning and testing for known or unknown weaknesses.
 9. Use application whitelisting on all endpoints and systems.

*Note: Authority cited: Section 2188.2, Elections Code; Sections 6254.4 and 12172.5, Government Code.
Reference: Sections 2188 and 2194, Elections Code.*

19013. Reporting Requirement for Unauthorized Use and Data Breaches

Any person who has obtained voter registration information from a source agency shall report detected unauthorized use, suspected breach, or denial of service attack on the voter registration information or the system containing the voter registration information to the Secretary of State Elections Division Help Desk within twenty-four (24) hours of discovery.

Note: Authority cited: Section 2188.3, Elections Code. Reference: Sections 2188 and 2194, Elections Code



ATTACHMENT G

Senate Bill 1439

Contractor Information Report

DEFINITIONS

Actively supporting the matter: (a) Communicate directly, either in person or in writing, with a member of the Board of Supervisors or other County elected officer [Sheriff, Assessor-Recorder-Clerk, District Attorney, Auditor-Controller/Treasurer/Tax Collector] with the purpose of influencing the decision on the matter; or (b) testifies or makes an oral statement before the County in a proceeding on the matter; or (c) communicates with County employees, for the purpose of influencing the County's decision on the matter; or (d) when the person/company's agent lobbies in person, testifies in person or otherwise communicates with the Board or County employees for purposes of influencing the County's decision in a matter.

Agent: A third-party individual or firm who is representing a party or a participant in the matter submitted to the Board of Supervisors. If an agent is an employee or member of a third-party law, architectural, engineering or consulting firm, or a similar entity, both the entity and the individual are considered agents.

Otherwise related entity: An otherwise related entity is any for-profit organization/company which does not have a parent-subsidary relationship but meets one of the following criteria:

- (1) One business entity has a controlling ownership interest in the other business entity;
- (2) there is shared management and control between the entities; or
- (3) a controlling owner (50% or greater interest as a shareholder or as a general partner) in one entity also is a controlling owner in the other entity.

For purposes of (2), "shared management and control" can be found when the same person or substantially the same persons own and manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a regular and close working relationship between the entities.

Parent-Subsidiary Relationship: A parent-subsidiary relationship exists when one corporation has more than 50 percent of the voting power of another corporation.

Contractors must respond to the questions on the following page. If a question does not apply respond N/A or Not Applicable.

1. Name of Contractor: _____

2. Name of Principal (i.e., CEO/President) of Contractor, if the individual actively supports the matter and has a financial interest in the decision:

3. Name of agent of Contractor:

Company Name	Agent(s)

4. Name of any known lobbyist(s) who actively supports or opposes this matter:

Company Name	Contact

5. Name of Subcontractor(s) (including Principal and Agent(s)) that will be providing services/work under the awarded contract if the subcontractor (1) actively supports the matter and (2) has a financial interest in the decision and (3) will be possibly identified in the contract with the County or board governed special district.

Company Name	Subcontractor(s):	Principal and/or Agent(s):

6. Is the entity listed in Question No.1 a nonprofit organization under Internal Revenue Code section 501(c)(3)?

Yes

No

7. Name of any known individuals/companies who are not listed in Questions 1-5, but who may (1) actively support or oppose the matter submitted to the Board and (2) have a financial interest in the outcome of the decision:

Company Name	Individual(s) Name

8. Was a campaign contribution, of more than \$250, made to any member of the San Bernardino County Board of Supervisors or other County elected officer on or after January 1, 2023, by any of the individuals or entities listed in Question Nos. 1-7?

No If **no**, please skip Question No. 9 and sign and date this form.

Yes If **yes**, please continue to complete this form.

9. Name of Board of Supervisor Member or other County elected officer: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

Please add an additional sheet(s) to identify additional Board Members/County elected officer to whom anyone listed made campaign contributions.

By signing the Contract, Contractor certifies that the statements made herein are true and correct. Contractor understands that the individuals and entities listed in Question Nos. 1-7 are prohibited from making campaign contributions of more than \$250 to any member of the Board of Supervisors or other County elected officer while award of this Contract is being considered and for 12 months after a final decision by the County.