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## File a Complaint

### Formal Complaints

Any person may file a formal complaint with the board. **The complaint must be filed within 60 days of the occurrence.** The complaint shall be written, signed (electronic submission of the identifying information in the completed form below meets the signature requirement) and dated by the person submitting the complaint using the form set forth below.

The complaint shall allege a violation of Iowa Code Chapter 21, Chapter 22 or both; provide specific facts in support of the allegation, including the identification of persons and the government entities involved in the alleged violation, and indicate the specific action requested of the board. Additional information deemed relevant by the requestor may also be submitted, and requested information is not limited to the space provided.

A written complaint, containing the information requested in the form below, may also be submitted by ordinary mail (Iowa Public Information Board, Wallace Building, 502 East 9th St., Des Moines, Iowa 50319), Fax (515-725-1789) or email ([IPIB@iowa.gov](mailto:IPIB@iowa.gov)).

**The Board treats written and electronic communications to it as public records subject to disclosure, except when the board determines an exemption or other provision of law prohibits or limits release of some or all of a communication's contents. If you think the communication you are considering making to the board would qualify for confidential treatment under Code section 22.7 or another provision of law, you should discuss this with the board's executive director or deputy director prior to submission.**

**Time of alleged violation:**

4 : 30  am  pm

**Date of alleged violation:**

Dec 12 2019 

**Place of alleged violation:**

State of Iowa

**Names of government employees/officials involved:**

Heidi Burhans - Chair of the Iowa Voter Registration Commission; Paul Pate - Iowa Secretary of State; Matthew Gannon - Assistant Attorney General - Office of the Attorney General of Iowa; Molly Widen - Legal Counsel for the Office of the Iowa Secretary of State

**Name of government entity involved:**

Office of the Iowa Secretary of State

**Alleged violation of:**

Open meetings law

Public records law

Both

**Other persons having information and their contact information:**

**Description of alleged violation:**

See attachment emailed to IPIB@iowa.gov on 12/12/2019.

**What would you like the board to do?**

Order the Office of Iowa Secretary of State to obey Iowa laws related to public records requests AND order the SoS to provide the requested records.

**Name:**

HON. JOEL D. MILLER - LINN COUNTY AUDITOR

**Home address:**

935 2ND ST SW

**City:**

CEDAR RAPIDS

**State:**

IA ▼

**Zip:**

52404

**Cell phone:**

**Home phone:**

**Work phone:**

319-892-5333

**Email Address:**

JOEL.MILLER@LINNCOUNTY.ORG

[Submit](#)

Printed from the website on December 12, 2019 at 4:17pm.





October 23, 2019

Heidi Burhans  
Chairperson of the Iowa Voter Registration Commission  
Office of Secretary of State  
First Floor – Lucas Building  
321 East 12<sup>th</sup> ST  
Des Moines, IA 50319

Dear Ms. Burhans:

**This public records request relates to my pending HAVA complaint.**

I am requesting a copy of the following records pursuant to Iowa Code Chapter 22, the public records law:

**All public records including emails in the custody of the Iowa Voter Registration Commission (VRC) related to I-Voters aka IVoters aka a voter registration system including, but not limited to, references to IVoters Status, IVoters Updates, IVoters Security Updates, Future IVoters Releases, and IVoters Revamp.**

**All public records including emails in the custody of the Iowa Voter Registration Commission containing the key words "Citrix" or "Arikkan" or "Chaves Consulting" or common misspellings of those words.**

**The preceding public records may include, but not be limited to, flow charts, graphs, or timelines.**

The Iowa Public Information Board indicates most requests for records are routine and should be handled promptly. An Advisory Opinion issued by the IPIB on October 16, 2014, references a 2013 Iowa Supreme Court case (*Horsfield Materials Inc. v. City of Dyersville*) which states that an open record should "be provided promptly when requested unless the size and nature of the records make access infeasible." If compliance for providing the record requires time due to the size or nature of the request, the custodian of the record should comply as soon as feasible.

Please contact me with date you expect to release the records or if you have any questions about this request.

If there is a fee for fulfilling this request, please inform me in advance of the amount. Section 22.3 says that the fee shall not exceed the actual cost of providing the service.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel D. Miller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joel D. Miller  
Linn County Auditor

**Enclosures: Samples of VRC public records containing key words or phrases are:**

*VRC minutes dated 7/28/2015 – Keywords: Overview of IVoters Status, flow chart;*

*VRC minutes dated 12/31/2015 – Keywords: Arikkan, revamp;*

*VRC meeting notice dated 8/30/2017 – Keywords: Proposed I-Voters Updates; and*

*VRC minutes dated 9/12/2018 – Keywords: I-Voters Security Updates, I-Voters Releases, and I-Voters Replacement Updates.*

## Miller, Joel

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**From:** Miller, Joel  
**Sent:** Friday, November 01, 2019 6:29 PM  
**To:** Gannon, Matt [AG]  
**Cc:** Rebecca Stonawski  
**Subject:** Request to the respondent for confidential and public records related to the Cybersecurity Working Group

Matthew L. Gannon  
Assistant Attorney General  
Office of the Attorney General of Iowa  
/via email/

Dear Mr. Gannon:

***RE: Confidential and public records request related to HAVA Complaint Hearing scheduled for 12/9/2019***

On 5/4/2018, Iowa Secretary of State Paul Pate announced the creation of a Cybersecurity Working Group.

**I am requesting a copy of the following records pursuant to Iowa Code Chapter 22, the public records law:**

**All confidential and public records including meeting minutes and emails related to the Cybersecurity Working Group from the time of its creation until the present.**

The Iowa Public Information Board indicates most requests for records are routine and should be handled promptly. An Advisory Opinion issued by the IPIB on October 16, 2014, references a 2013 Iowa Supreme Court case (*Horsfield Materials Inc. v. City of Dyersville*) which states that an open record should “be provided promptly when requested unless the size and nature of the records make access infeasible.” If compliance for providing the record requires time due to the size or nature of the request, the custodian of the record should comply as soon as feasible.

Please contact me with the date you expect to release the records or if you have any questions about this request.

An email to the Secretary’s legal counsel dated 8/1/2019 requesting information on which county auditors were assigned to the Group, as well as, other information went unanswered.

If there is a fee for fulfilling this request, please inform me in advance of the amount. Section 22.3 says that the fee shall not exceed the actual cost of providing the service.

Thank you for your attention to this matter.

Sincerely,



**JOEL D. MILLER**

*County Auditor, BS, CERA*

**OFFICE OF LINN COUNTY AUDITOR**

935 2ND St. SW | Cedar Rapids, IA 52404

Ph: 319-892-5333 | Ph: 319-892-5300

*Vision: Every person engaged in local government*

*WARNING: Your initial email to me (if any), this email, and your reply, may be viewed by other Linn County elected officials and/or County personnel without our knowledge or consent. Any email exchanged between us may be subject to public disclosure or subpoena.*



## Miller, Joel

---

**From:** Miller, Joel  
**Sent:** Friday, November 01, 2019 7:44 PM  
**To:** Gannon, Matt [AG]  
**Cc:** Rebecca Stonawski  
**Subject:** Request to the respondent for confidential and public records related to the Secretary of State Presentation at ISAC

Matthew L. Gannon  
Assistant Attorney General  
Office of the Attorney General of Iowa  
Via email

Dear Mr. Gannon:

**RE: Public records request related to HAVA Complaint Hearing scheduled for 12/9/2019**

On 8/23/2019, Iowa Secretary of State Paul Pate, Director of Elections Heidi Burhans, and other employees of the Secretary presented information to county auditors and others gathered at the ISAC Annual Conference in Des Moines.

**I am requesting a copy of the following records pursuant to Iowa Code Chapter 22, the public records law, and Discovery as allowed by IAC 721-25.17 et al:**

**All confidential and public records including the written note cards typically used by the Secretary whether used or unused by the Secretary during the Secretary of State Presentation.**

**All confidential and public records including timelines related to the topics of I-Voters Security, I-Voters Feedback, New Election Management & Voter Registration System, and I-Voters New User Request Process whether used or unused by the Director of Elections and other employees of the Secretary during the Secretary of State Presentation.**

The Iowa Public Information Board indicates most requests for records are routine and should be handled promptly. An Advisory Opinion issued by the IPIB on October 16, 2014, references a 2013 Iowa Supreme Court case (*Horsfield Materials Inc. v. City of Dyersville*) which states that an open record should "be provided promptly when requested unless the size and nature of the records make access infeasible." If compliance for providing the record requires time due to the size or nature of the request, the custodian of the record should comply as soon as feasible.

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Thank you for your attention to this matter.

Sincerely,



**JOEL D. MILLER**

*County Auditor, BS, CERA*

**OFFICE OF LINN COUNTY AUDITOR**

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## Miller, Joel

---

**From:** Miller, Joel  
**Sent:** Friday, November 01, 2019 8:44 PM  
**To:** Gannon, Matt [AG]  
**Cc:** Rebecca Stonawski  
**Subject:** Request to the respondent for confidential and public records related to I-Voters contracts

Matthew L. Gannon  
Assistant Attorney General  
Office of the Attorney General of Iowa  
/via email/

Dear Mr. Gannon:

**RE: Public records request related to HAVA Complaint Hearing scheduled for 12/9/2019**

On 10/29/2019, I received an email from Molly Widen, Legal Counsel for Iowa Secretary of State Paul Pate. Widen's email indicated that the cost to fulfill my public records request dated 10/3/2019 would be more than twenty-six hundred dollars. Her email did not contain an explanation as to which, if any, records would be provided.

**I am requesting a copy of the following records pursuant to Iowa Code Chapter 22, the public records law, and Discovery as allowed by IAC 721-25.17 et al:**

**All contracts including change orders and termination notices approved by any former or current employee, appointee, or elected official of the State of Iowa related to the creation, administration, maintenance, operation, and changes to Iowa's voter registration system aka I-Voters from its first use by the State of Iowa through 31 December 2020 for ONLY the following vendors.**

**Chaves Consulting, Inc.;**  
**Arikkan, Inc.; and**  
**BPro, Inc.**

The Iowa Public Information Board indicates most requests for records are routine and should be handled promptly. An Advisory Opinion issued by the IPIB on October 16, 2014, references a 2013 Iowa Supreme Court case (*Horsfield Materials Inc. v. City of Dyersville*) which states that an open record should "be provided promptly when requested unless the size and nature of the records make access infeasible." If compliance for providing the record requires time due to the size or nature of the request, the custodian of the record should comply as soon as feasible.

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Sincerely,



**JOEL D. MILLER**

*County Auditor, BS, CERA*

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**Miller, Joel**

---

**From:** Miller, Joel  
**Sent:** Monday, November 04, 2019 1:25 PM  
**To:** Gannon, Matt [AG]  
**Cc:** Rebecca Stonawski  
**Subject:** Request to the respondent for confidential and public records related to I-Voters vulnerability and penetration tests

Matthew L. Gannon  
Assistant Attorney General  
Office of the Attorney General of Iowa  
/via email/

Dear Mr. Gannon:

**RE: Public records request related to HAVA Complaint Hearing scheduled for 12/9/2019**

According to Iowa Secretary of State Paul Pate, his office submitted an application for a NASS IDEAS award in 2019. The Comprehensive Timeline in the application indicates: "August 2018: DHS conducts a variety of cybersecurity assessments on the Secretary of State's systems."

I am requesting a copy of the following records pursuant to Iowa Code Chapter 22, the public records law, and Discovery as allowed by IAC 721-25.17 et al:

**All cybersecurity assessments, tests, and reviews conducted on the Secretary of State's systems including Iowa's voter registration system aka I-Voters by any government agency, contractor, vendor, or person(s) including the DHS or FBI for the time period from 1/1/2016 through the current date.**

**All cybersecurity assessments, tests, and reviews of the Secretary of State's systems planned to occur between the current date and 12/31/2020 by any government agency, contractor, vendor, or person(s).**

The Iowa Public Information Board indicates most requests for records are routine and should be handled promptly. An Advisory Opinion issued by the IPIB on October 16, 2014, references a 2013 Iowa Supreme Court case (*Horsfield Materials Inc. v. City of Dyersville*) which states that an open record should "be provided promptly when requested unless the size and nature of the records make access infeasible." If compliance for providing the record requires time due to the size or nature of the request, the custodian of the record should comply as soon as feasible.

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Thank you for your attention to this matter.

Sincerely,



**JOEL D. MILLER**

*County Auditor, BS, CERA*

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