

DRAFT 7/7/2014 10:30 a.m.

2014 Primary Election Certification Report

On Thursday afternoon July 3rd, the following Election Records were provided by the Boulder County Clerk & Recorder to the Boulder County Canvass Board: four (4) data files, three (3) EXCEL files, and (7) PDF files. Board members independently inspected the data to ascertain compliance with C.R.S. 1-10-101, Election Rule 10, and associated statutes and rules.

Performance of board duties requires the records and tasks are identified in EXHIBIT-A.

DETERMINATION

The records provided to the board do not conform to the requirements of Title 1 and the Election Rules.

1. Required records have not been provided to the board.
2. Reported defects including the 2012 report have not been addressed by the Clerk.
3. Ballots appear to have been collected at unannounced locations.
4. There has been no response to board requests for information and data.

The board nevertheless has made an honest effort to canvass the materials that were provided by the Clerk and found the following:

1. The chain of custody of individual ballot return packets is inadequate. There is no way to know how many voters voted or how many ballots were cast; these events occur outside of official oversight. We adopted a temporary alternative.
2. The records are not sufficiently explicit. They lack sufficient detail to detect potential defects and do not support evaluation with any confidence.
3. The records provided are inconsistent. The board attempted to reconcile, by precinct/style, the number of ballot return packets received with the number of ballots accepted and the number of ballots rejected, and with the number of votes counted by contest. The numbers provided in the official election records are not reliable. The same numerical result reported in different records is not consistent.

The canvass board does not have the records needed to complete the canvass as required by law. The records provided are not sufficiently trustworthy to conduct a meaningful "substitute canvass".

The canvass board has voted to not certify any of the 2014 Boulder County Primary Election contests.

Notes and comments will be published in a separate report.

We are conflicted at once again being forced into not certifying the election. We initiated our requests for data and specifications more than a month ago. We held several face to face discussions regarding the data and how it will be used. Unfortunately the data and election department participation were not forthcoming. At this late hour, it is too late to analyze any additional data. The time has been squandered. However, after the certification is complete, we would agree to meet to discuss the data that will be required for the November 2014 General Election.

Signed by Boulder County 2014 Primary Canvass Board, July 7, 2014

EXHIBIT-A

Canvass records and tasks.

1. Appointment of canvass board members
2. Certification report
3. Written complaint resolution or proposed remedy
4. Number of ballots cast in each precinct
5. Number of accepted mail ballots
6. Number of rejected mail ballots
7. Number of provisional ballots
8. Number of provisional ballots accepted and rejected
9. Number of ballots cast in the election
10. Number of ballots counted in the election
11. Number of registered electors in each precinct
12. Abstract of votes by precinct or ballot style
13. Detailed ballot logs
14. Statement of ballots
15. Account and balance the election
16. Reconcile ballots counted with ballots cast
17. Reconcile ballots cast with voters who voted
18. Observe post-election audit
19. Audit records