

**Boulder County 2012 General Election
Watcher Report 2 – October 26, 2012**

Al Kolwicz, Watcher for Committee to Pay City Council Members for 52 Meetings.

I arrived at the 33rd Street facility at 10:30 a.m. My objective was to witness and verify election processes and data that the Clerk disallowed during the Primary Election, and to accompany Republican Party Chair George Leing on a tour of the building. See report #1, October 18th, for details of my objectives.

I joined George and described what he was about to see. We then went to sign in and were met by Mary Beth Scheu (sp?).

1. 10:40 After a 15 minute delay getting signed in we got our Watcher badges. Part of the confusion was whether George, as a Party Chair, is considered a watcher. This relates to Boulder County's restriction limiting the number of Party watchers in each election area.
2. The 33rd Street Facility has many isolated rooms, each with many work stations. It is not reasonable for one person per Party to be an effective watcher.
3. Republican Watcher Sarah Cooper was already in the Ballot Processing Center.
4. We were not provided copies of Election Alert 2012-03 or the Dear Judge letter (undated).
5. Part of the watcher form includes an OATH. I was not asked to retake the oath.
6. 10:55 I asked Mary Beth to first describe the election activities that take place on the 2nd floor, in the rooms before us.
7. She explained that at the work table, workers were preparing to mail ballot packets.
8. She indicated that she is not yet familiar with the details of this floor's activities and made a call. There was an additional delay waiting for Sidney Power.
9. We asked where UOCAVA ballots are processed. The UOCAVA ballots returned by USPS come in with the other Ballot Return Envelopes. The electronic UOCAVA ballots are processed at 4:30 daily – perhaps on the 2nd floor.
10. 11:05 I suggested that George and I visit the 33rd Street Early Voting Center while waiting for Sidney, which we did. We were admitted to the EVC by Sue, the head judge.
 - a. Sue was surprised that we already had badges, as her procedures did not cover this.
 - b. The arrangement of the vote marking stations makes it impossible for anyone to walk along the voter check-in, ballot issuance, etc. desks without violating C.R.S. 1-5-503. A watcher must do so in order to perform their witness and verify and challenge duties, and to compile lists of voters.
 - c. The DRE stations are so oriented that the screen is visible from the opposite side of the room.

- d. The layout of the equipment in the room and workflow should be redesigned to protect voter privacy, and provide watcher access to the non-vote marking activity.
11. 11:20 we left EVC and returned to the 2nd floor.
12. 11:25 Entered Ballot Processing Center.
- a. Mary Beth directed our attention to many workers in the open room. They were performing Opening and Separating. We were told that the bipartisan teams of two receive trays of exactly 150 Ballot Return Envelopes.
 - b. 11:30 Molly Tayer joined us. Sarah Cooper, Republican Watcher joined us as well.
 - c. I asked questions about the exception-condition processes related to O&S.
 - i. What happens if the team receives a tray with more than 150 envelopes?
 - ii. What happens if the team receives a tray with fewer than 150 envelopes?
 - iii. What happens if the Ballot Return Envelope and contents are REJECTED? E.g. wrong precinct, wrong style, too many ballots, too few ballots, etc?
 - d. After the ballot is removed from the envelope:
 - e. Do the teams inspect the votes on the ballot? I did not observe them doing so. Yet, it is my understanding that the Conditions of Use for the HART equipment may require that they do so. **This could be a serious problem and must be explored.**
 - f. We were told that the team calls for the Supervisor when any exception occurs.
 - g. Molly and Mary Beth say that do not know what the Supervisor does, or what happens for exceptional conditions. The answer to these questions is important because in past years when ballots were removed from batches, they were replenished from the incoming mail. This may destroy the chain of custody and make accurate counts impossible. Also, in the current workflow, if such replenishment occurs, are the new envelopes ACCEPTED ballots or raw incoming?
 - h. I asked where do teams and Supervisors learn their tasks. Is there documentation?
 - i. I noted that for the team I was watching one member held each slit envelop so that contents partially fall to the table while still partially inside of the envelope. The second member inspected the contents of the ballot - still held by the first.
13. 11:36 we entered the Receiving Room and met Patty Stahl and Karen.
14. Molly and Mary Beth us that there is no incoming piece count, incoming batch control sheet, or log showing where the materials originated. **This is a serious problem. No provenance. (When did they arrive, how many, where did they come from, seal checked, transmittal count checked against received count?)**
- a. The slitter machine in the room is no longer used to stamp and count incoming envelopes – just slitting.
 - b. We asked to inspect the attached storage room. Initially were told that we may not, because do not have permission. But eventually, Molly let us look from outside the

entry door to the room. We could not see the entire area, and could not distinguish between different classes of materials.

- c. We did not observe a room access log, and the door between the Receiving Room and the Storage Room was not locked.
 - d. The far end of the Storage Room appears to be accessible through an outside door. I don't know if there is a room access log, who is authorized to enter the room, or whether two-party control is enforced in the room?
15. We witnessed the operation of the Bell & Howell equipment. It has 16 pockets. We were told that this component functions as follows:
- a. Stage I
 - i. Bundles of 50 Ballot Return Envelopes arrive at the Bell & Howell area.
 - ii. The 50-BRE bundle is read by the equipment, each envelope scanned, and the digital image is stored. It is not clear whether the signature portion and the label portion of the image are stored in a single image, or if they are separated.
 - iii. The bundle is kept at the Bell & Howell area for further processing.
 - iv. I asked if the voter record is updated at this point to reflect that the ballot has been received. We were told "no", the voter record is not marked "ballot received" until after signature verification ACCEPTS the envelope. This means, I think, that the ballot return envelope may have been transferred from the Post Office, possibly transferred by staff rather than USPS personnel, to 33rd Street; it has been stored in the receiving room or storeroom; it has been bundled in 50-BRE; it has sat waiting for the Bell & Howell scan; it has been scanned; it has sat waiting for the completion of signature verification; and thru this entire time, there is no record that the voter's BRE has been received. No indication that the voter is attempting to vote.
 - v. We were told of no test to determine if this Elector has already voted.
 - vi. After the scan, in some mysterious way, the image and voter specific data is made available to the signature verification process (described below).
 - b. Stage II – STYLE and REJECT SORT
 - i. After the signature verification process, the bundle of 50-BRE are placed again into the Bell & Howell, this time for a **STYLE and REJECT sort**. (The following specific pocket numbers are invented to clarify the process.)
 - 1. We were unable to see any controls for the machine that enable it to perform different functions.

2. We were told that the STYLE sort placed the Styles 1-14 into pockets 1-14, BREs that were REJECTED by signature verification (mysteriously communicated to the B&H) into pocket 15, and other styles into pocket 16.
3. Style sets (1, 2, 3 ... 14) are kept separate for further processing.
4. The "Other" BRE's are sorted a second time, styles 15 – 29 into pockets 1 – 15, and other styles into pocket 16.
5. Style sets (15, 16 ... 29) are kept separate for further processing.
6. The remaining "Other" BREs are sorted a third time, styles 30-46 into pockets 1 – 16.
7. Style sets (30, 31 ... 46) are kept separate for further processing.

c. Stage III FINE SORT

- i. After the STYLE sort, the 50-BRE bundles have lost their identity, and the multi-precinct style sets grow larger in number.
- ii. NOTE: The amount of storage space in the B&H work area does not look sufficient to accommodate the 46 style stacks, and the 50-BRE bundles. Also, there is no apparent security in place for the work in process.
- iii. The set of BREs for a single style is then sorted to achieve Precinct-Style separation. We are told that there are 234 precincts, and 46 styles. We were told that there are 349 unique precinct-style combinations.
- iv. Most ballot styles have fewer than 16 precincts (one pass), and some have only one precinct (no pass required).
- v. Five of the ballot styles have more than 16 precincts so more than one pass for these is required. For example, it appears that Style 22 has more than 50 precincts. This would require 4 passes, I believe.

d. Batch formation

- i. After the fine sort, there are 349 stacks of BREs. Again, it is hard to imagine where this many stacks are stored, and what is their security.
- ii. From one of the 349 stacks, exactly 150 ballots are selected and placed into an uncovered tray. A batch control ID is assigned, and a batch control sheet is created.
- iii. The batch of 150 precinct-style-sorted BREs is slit in the receiving room.
- iv. The batch of slit BREs is moved to Opening & Separating area. I don't know what security protects them.

16. We entered the Signature Verification room. No signature verification was underway.

- a. One person was using one of the SigVer computers to examine a voter registration document and the SCORE record.
- b. I asked how the signature verification computers are connected; Molly and Mary Beth do not know. To understand any potential point of failure, we need to understand how the two systems communicate and how they connect to SCORE.
- c. I verified that Molly had received a copy of the Jim August complaint.
- d. It is my understanding that it is nearly impossible to witness and verify this process due to unsatisfactory screen layout/design and the distance from the screen.
- e. The detailed log of application and system events is a requirement for any after-the-fact analysis of this process. Were screens skipped? Were there service interruptions or reboots? etc.
- f. I understand that Sarah Cooper is writing up a report on this room.

17. 12:00 Scan Room.

- a. There are 8 BallotNow systems (I think). They are not labeled so they can be identified from our vantage point outside the glass.
- b. There is no activity.
- c. It is not possible to read the screens in order to witness and verify the operation.
- d. Watchers can enter the signature verification room, and also the ballot resolution room), and look into but not enter the scan room. This does not allow any better ability to witness and verify. The screens, reports and controls are all too distant.
- e. There is no MBB log apparent.
- f. There is no indication of the component versions.
- g. There is no apparent adherence to the Condition of Use.

18. 12:06 Ballot Resolution Room

- a. Bipartisan teams determine voter intent when ballots are identified to them by the BallotNow interpretation system.
- b. I asked what happens if on the same ballot one contest is marked properly, and a second contest is marked by drawing a circle around the marking area. Molly said that every under-vote and every over-vote and every write-in-vote is sent by BallotNow for ballot resolution by the resolution teams.
- c. I asked how a resolution decision can be challenged by a watcher? Molly said that there is no law permitting a watcher to challenge a resolution decision.

19. I asked Molly about the TALLY and FUSION systems in the resolution room

- a. Who operates the equipment? Is it a bipartisan team? Molly and Mary Beth do not know. We would need to ask Crystal.

- b. When may vote-counting begin?
- c. Because of the critical nature of this system, the county should install a much larger screen to facilitate watching.
- d. I asked how the election night (and future) interim results will be communicated to the public? Molly and Mary Beth do not know.

We were shown no areas designated as:

- Poll book maintenance (for Election Day voters/ballots)
- Ballot Duplication
- Ballot on demand
- UOCAVA processing
- Provisional Ballot Processing
- Rejected Ballot Processing
- Voter Challenge processing
- Problem Recording and Reporting
- Canvass Board
- Post Election Audit
- Etc.

Throughout the tour, George asked about the personnel at each station. Are the Party appointed Judges, or what? How do watchers know that they are from different parties? (They should have badges with color code for “Affiliation” and “Appointed By” (Clerk or Political Party), and their name or number so that they can be identified at a distance (for reports).

Also, George asked for a list of all of the jobs/places where people are assigned.

I suggested that Molly make copies of blank forms, sample reports, procedures and training manuals available to the public.

12:25 End of Watching Session.

Some of the descriptions in this report are my interpretation of what I was told. A

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