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November 4, 2012

Hillary Hall  
Boulder County Clerk and Recorder  
1750 33<sup>rd</sup> St.  
Boulder, Co 80301

Suzanne Staiert  
Deputy Secretary of State  
Colorado Department of State  
1700 Broadway  
Denver, Co 80290

**Re : Election Complaint**

Dear Boulder Count Clerk Hall and Deputy Secretary Staiert:

**Requests**

1. I am again requesting that opening of all mail in ballots be **stopped immediately** and remain stopped until the Bell and Howell system problems are solved and corrected and the applicable hardware and software is certified. After you received my previous request, the Bell & Howell system has continued to have failures. In my previous request I suggest an alternate method to provide signature verification that would not interrupt or disrupt the election process.
2. I am requesting a full explanation of the reason ballots were being printed in the ballot receiving room, which is part of the ballot processing area. I would like complete accounting and proof that these ballots were not incorporated in the actual ballot counting process. I would expect that printing of any ballots be printed in the same area as live ballots are being processed be prohibited.
3. I am requesting that monitors not be turned off simply to prevent us as watchers from seeing what is on the screens as has happened multiple times in the signature verification area.
4. While observing ballot resolution process in the evening of Oct 31<sup>st</sup> I noticed several ballots that had no target Box for the voter to fill in. As I remember in all cases the box below the missing box was filled in. Were these defective ballots miss marked? I am requesting that all cases where this ballot defect occurred that all candidates in those races be notified of this problem.
5. Dan Gould measured signature verification rates and shared his findings with me. He observed during 5 minute sampling periods for each team, that groups of 4

signature pairs were reviewed with an average rate of as short as 1.8 seconds and as long as 10.7 seconds. In my judgment a more accurate rate is near the longer time I am requesting that signature verification procedure be revised to achieve better accuracy.

### **Basis for my requests**

1. I received your reply dated October 26, 2012 to my letter to you dated October 25, 2012 where you stated that your staff and you have reviewed the effectiveness of the Bell and Howell system and you were confident in its continued use.
2. I have continued my Poll Watcher duties on Oct 26<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup>. See attached copies of my notes for each of these 3 days.
3. I have continued to observe abnormal operations of the Bell & Howell scanner / sorter (B&H system) on all days that I was present as poll watcher. These serious malfunctions can impact the accuracy of the elections.
  - a. On October 29<sup>th</sup> at about 1:38pm you were in the hallway near the B&H while problems were occurring with the B&H system. It appears you did not recognize there were problems with the B&H system while you were standing there watching this trouble shooting operation. The two B&H technicians and two staff members were hand feeding one envelope into the system and studying the results. This went on until at least 1:52pm.
  - b. About 3:10pm I observed one B&H technician and another person who appeared to me to be a B&H engineer still sending one envelope at a time through the B&H system. This was still continuing at 3:23pm when the scanner / sorter was tossing some envelopes on the floor. When I left about 3:34pm they were still fussing with the B&H scanner / sorter. I fail to see how anyone could consider that this hardware / software was operating properly.
  - c. On October 30<sup>th</sup> at about 11:10am I observed two B&H technicians arrived with a roll around tool kit. This was a flag to me that major changes were going to be needed. About 11:15am a B&H technician was using the laser scanner on top of the B&H system console to scan envelopes that had been routed into a position past the end of the normal sorting trays.
  - d. About 1:31pm, one B&H technician restarted the software on all 12 workstations in the Signature Verification area. Why? Was a new version being executed? Who tested the software and when was it tested?
  - e. From at least 2:44pm until I left at 3:30pm twenty envelope opening teams (40 people) were idle waiting on the final sort by the failed B&H scanner / sorter system. I fail to see how this is in the best interest of Boulder County. When I was in the facility as a ballot reconciliation judge on Saturday, November 3rd it appeared there was a hold up in the Bell & Howell area and about 20 teams of openers were idle.
  - f. On October 31<sup>st</sup> at about 1:35pm a B&H ERROR message popped up on one workstation in the Signature Verification area. Two B&H technicians were

called in to analyze the source of the error message. They were stumped and then one staff member came in and was able to get what looked like the VBM software going again.

- g. About 2:46pm the B&H technicians were “under the hood” again working
- h. About 3:31pm one B&H technician stated, “**All wires rerouted**”. I fail to understand how hardware and/or software which is used on a very important live process such as ballot processing can be repaired and/or modified then used without some form of recertification.
- i. I have very little confidence in the proper validation of many ballot envelopes that have been processed since the beginning of operation of the B&H system for this election. The primary failure mode in the use of the B&H system may be in allowing envelopes with ballots from people that are not legally registered voters in Boulder County to be accepted and counted without proper verification. This can result in the suppression of count value of legally cast votes.

James August

Cc : Jim Fletcher  
George Leing  
Al Kolwicz  
Joel Champion  
Russ Boehm  
Mary Eberle  
Dan Martin  
Jay Kanzle

Attached : Summary report of poll watching 10-26-12 by James August  
Summary of poll watching 10-30-12 by James August  
Summary of poll watching 10-31-12 by James August