

Complaint

<input type="checkbox"/> District Court <input checked="" type="checkbox"/> County Court 1777 6 th Street, Boulder, Colorado Boulder County, Colorado	
Plaintiff(s)/Petitioner(s) William B. DeOreo, Candidate for HD 10 v. Defendant(s)/Respondent(s) Molly Fitzpatrick, Boulder County Clerk	▲ COURT USE ONLY ▲
	Case Number:
	Division: Courtroom:
COMPLAINT	

Contents

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COMPLAINT	1
Introduction	2
Basis for Complaint	2
Factual Evidence that Substantiates this Complaint	3
The Detailed Analysis	4
Requested Relief	4
Exhibit A: CORA Request.....	5
Exhibit B: Email from Molly Fitzpatrick	6
Exhibit C: Analysis of Videos	7
EFAA (rated 8/12)	8
Avery Brewing (rated 5/12)	11
County Courthouse (rated 4/12)	12
South Boulder Rec Center (rated 3/12).....	14
County Clerk and Recorder (rated 2/12).....	17
Mental Health Facility (rated 2/12)	20
CU Campus-UMC (rated 2/12)	22
CU-Williams Village (rated 1/12)	25
Conclusions of Report	30

Complaint

Introduction

My name is William B. DeOreo and I am filing this complaint pro se as a concerned Boulder County citizen and as a candidate for the Colorado House of Representatives HD10.

An issue has come up, which requires the immediate intervention of the Court. I respectfully request that my complaint be carefully considered, favorably responded to, and the relief that I am requesting be granted immediately.

Time is of the essence since the election is imminent. If the court agrees that a violation of the law has occurred, it is necessary to act in an emergency fashion to prevent injury.

It should be noted that this complaint is focused on Boulder County. All of the remote ballot boxes which are discussed are in Boulder County, and the entire HD10 also lies in the County. We make no allegations and have no specific knowledge about the conditions of similar boxes in other counties or House Districts.

Basis for Complaint

This complaint concerns the remote drop ballot boxes that have been deployed by the County Clerk throughout HD10, and the fact that these drop boxes are not being monitored according to state law. According to State Law and the rules of the Secretary of State, laws that must be adhered to, and with which we have no argument, all remote drop off locations, including remote drop ballot boxes, must be located in secure places under the supervision of the clerk, election judge, or other election official. (CRS 1-5-102.9(f)).

According to the Secretary of State Rule 7.4.1 "The county clerk **must adequately light** all drop box locations and use a video security *surveillance recording system* as defined in Rule 1.1.44 to monitor each location. (a) Drop box locations must be monitored when they are open to receive ballots."

The common and reasonable interpretation of the word "monitor" as used in the rule means that the boxes are being actively supervised by the Clerk in a way that would allow the Clerk to: 1. Identify who is using the box; and 2. Be able to identify what the person is depositing into the box. This level of monitoring is absolutely necessary in order to ensure that no one is collecting and depositing more than the allowed 10 ballots per election with 10 ballots being the legal limit.

It is respectfully requested that the court please consider exactly what constitutes "monitoring" and "surveillance". Since both monitoring and surveillance are required duties of the Clerk. If a company was hired to monitor the operations of an industrial furnace, for example, and that company simply installed a camera in the vicinity of the furnace and then allowed it to run out of control and burn down the factory, but only captured the event on video, I believe the company providing the monitoring services would have failed to meet its obligations. Or, as another example, if a company was hired to monitor a children's swimming pool and did so by simply installing a camera at the pool, but failed to intervene when a child was drowning, wouldn't that company be liable for the failure to properly supervise and detect an emergency condition? I believe the situation with the way the County Clerk is "monitoring" the ballot boxes is analogous and does not comply with the Clerk's statutory duty to properly monitor the ballot boxes.

I have spoken with the Clerk's office. To my dismay and that of my constituents, the Clerk informed me in writing (by email, See Exhibit B) that in her opinion I am not correct in my interpretation of the Clerk's statutory duty to monitor the activities at the ballot boxes. This is of great concern to me and all voters regardless of party affiliation. According to the Clerk, she is not required to identify who uses a ballot box and/or monitor what a person is depositing into a box. According to the Clerk, her only requirement is to is "to provide law enforcement with information if someone tried to do something to destroy the ballot box ". Even if for the sake of argument, we agree that her only obligation is to collect evidence in the event of vandalism her system still fails. If it is too dark because of inadequate lighting or the camera is positioned too far away, the level of video evidence is meaningless and moreover, does not constitute proper monitoring even for this basic requirement, which represents a failure on the part of the Clerk to perform her statutory duty. The Clerk's position obviously is not in accordance with state laws and Secretary of State Rule 7.4.1. which has led me to file this Complaint. This issue is not whether the Clerk is performing her duty at a high standard or even mediocre standard, but rather that she is not performing her duty at all and is in violation of state law and Secretary of State Rule 7.4.1.

Complaint

Please consider this definition of monitoring and surveillance from the Encyclopedia of Science:

Monitoring is a general term that refers to the systematic, continual, and active or passive observation of persons, places, things, or processes. By contrast *surveillance* is used to indicate **targeted monitoring of activities by police or security officials for specific evidence of crimes or other wrongdoing**. Surveillance focuses on individuals, buildings and properties, or vehicles deemed suspicious on the basis of credible information that they are connected in some way to illegal or otherwise inappropriate activity.¹

The key phrase here is that surveillance requires targeted monitoring for purposes of gathering evidence of specific crimes. In our case the crime that we believe the Legislature and the Secretary of State were concerned about involved violations of election laws by persons depositing more than the allowed number of ballots either at one time or in aggregate for the election. If the video system is not able to identify a face and the drop box deposit slot, then how can it provide any evidence of individuals behaving improperly? The Clerk makes it clear in her email, as I have highlighted, that she believes her only responsibility is to obtain evidence of vandalism.

It is also worth noting that in her email the Clerk acknowledged that 3 out of 8 boxes were not properly signed with notices of the 10 ballot limit. Having signage on the boxes to this effect is another requirement of the law (Rule 7.4.1(c)), which was not being complied with. Furthermore, and most troubling was her statement that “we will correct the problem as soon as we are alerted to it”. Here she is openly admitting that her surveillance and monitoring system was not able to detect the missing signage, and she needed to rely on the public to inform her of these violations. This is a clear admission on her part that she is not monitoring the boxes and not in compliance with the law. If she was unaware that nearly 40% of the boxes under her supervision lacked proper signage, then what else was happening at these boxes of which she was unaware?

I believe that the facts show that my position is correct according to the language of Secretary of State Rule 7.4.1. I am asking the court to rule that the Clerk has the obligation to properly monitor and surveil the remote ballot boxes on a 24-hour basis whenever the ballot boxes are open to receive ballots, and to ensure that there is adequate lighting, security, and video coverage to comply with the two above items that constitute “monitoring” thereby rendering the ballot boxes to be in compliance with state laws and Secretary of State Rule 7.1.4. Furthermore, I believe that during the election season when ballots are being dropped off, the Clerk is obligated to monitor the ballot boxes (as required by state law) by actually reviewing the video tapes from each box on a daily basis in order to spot possible violations of election laws, and to then take corrective action. Simply storing the videos on a hard drive is an abdication of her responsibility.

Factual Evidence that Substantiates this Complaint

In June of 2022 I attended a tour of the Boulder County Election office on 33rd St in Boulder. During that tour we were shown the location of the remote drop box that serves at that location, and the position of the camera that is supposed to monitor the box. It was clear from a visual inspect that the box was over 100 feet from the camera and there was no way that the box could be properly monitored by the camera. It was too far away, too poorly lighted, and the camera could not visualize either the face of the user nor what was being inserted into the box. This made me wonder about what the other boxes were like. (Please see Figures 10-12 of Exhibit C.)

In June of 2022 I visited the 8 remote ballot boxes that serve HD10 to make a preliminary determination of how well they might, or might not, comply with the monitoring requirements of the laws and rules of the State. This inspection confirmed the suspicion that there are problems. I submitted a CORA request, (See Exhibit A: CORA Request), for one hour of video from each of the 8 boxes around noon and one hour around midnight on election day. Initially I asked for all of the video, but later amended this to just the 2 hours per box, since all we needed to do was assess the adequacy of the surveillance at each box.

This request was complied with by the County Clerk, and they sent both the video files and a video application that allowed the files to be viewed.

¹ <https://www.encyclopedia.com/science/encyclopedias-almanacs-transcripts-and-maps/monitoring-and-surveillance>

The Detailed Analysis

On July 13, 2022, I released a detailed analysis of the video files provided by the Clerk. This report is attached to the complaint as Exhibit C: Analysis of Videos

Without repeating the report, the salient facts it contains are:

1. According to the Random House dictionary the word "monitor" means an "arrangement for observing or recording the operation of a system..., a *person* who admonishes, esp. with respect to conduct..., or to observe, record or *detect* an operation or condition..., or to *observe critically*; oversee; and *supervise*." (Emphasis added)
2. By inspection of the video files provided by the Clerk it can be seen that none of the boxes satisfy this requirement. While some a better than others, none of the surveillance at the boxes is able to identify who is using the box, or what is being deposited into the box, especially at night.

Requested Relief

As stated previously, time is of the essence. I request that you issue an emergency injunction on the County Clerk ordering her to bring the boxes into compliance with the laws and that she review the tapes from each box on a daily basis. If the Clerk pleads that she cannot or will not comply, then it is requested that the court rule that the boxes be shut down and not used as remote drop off locations until such time that the Clerk returns to the court with a showing the boxes have adequate lighting and camera coverage to provide the necessary surveillance.

The remote drop boxes are not essential for voting since all of the ballots are in return mail envelopes, and all the voter has to do is stamp the envelope and drop it into a mail box. Alternatively, voters can bring their ballots into voting centers themselves and give them to the staff at those centers. So, if the court rules that the boxes must be shut down there will be no damage done to the voters of HD10.

The plaintiff respectfully asks the court to consider that in addition to causing no harm should the drop boxes be taken out of commission during the upcoming general election, if they are left in place with such obvious vulnerabilities to their security this will cause harm to the integrity of the elections in the mind of the public. There is already considerable concern about election security in the county, and in Boulder County. If the Court allows these unsupervised and un-monitored remote ballot boxes to remain in service without being brought into compliance with election laws and rules this will give cause for more doubts in the minds of citizens and will not be in the public interest. On a personal level, the presence of unmonitored drop boxes damages my chances of competing in a fair election.

Dated: _____

BY THE PLAINTIFF:

Exhibits

Exhibit A: CORA Request

William B. DeOreo
3030 15th Street
Boulder, CO 80304

June 28, 2022
Molly Fitzpatrick
Stephanie Gnoza
County Clerk and Recorder
1750 33rd Street
Boulder, CO 80302

Dear Molly and Stephanie,

Pursuant to the Colorado Open Records Act §24-72-201 et seq. I request that you make available for inspection and copying the following public records:

All surveillance videos for the following ballot drop boxes for the period from Wednesday June 22, 2022 through the close of polls on Tuesday June 28, 2022 for the following sites:

1. Boulder County Clerk and Recorder site, 1750 33rd Street,
2. Boulder County Courthouse, 2025 14th Street,
3. Boulder County Housing and Human Services, 3400 Broadway at Iris Avenue,
4. CU Campus-UMC 1669 Euclid Avenue,
5. CU Campus-William Village, 500 30th Street
6. Emergency Family Assistance Association, 1575 Yarmouth Avenue
7. South Boulder Recreation Center, 1360 Gillaspie Drive
8. Gunbarrel Site at Avery Brewery, 4910 Nautilus Ct

If you are not the custodian of records for this request, please forward this letter to the appropriate person or let me know which person(s) has custody of these records.

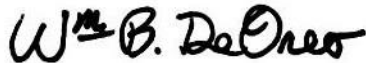
I request a waiver of all fees for searching or copying these records in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the security of Boulder's mail-in ballot system. This information is not being sought for commercial purposes. If there are any fees for searching or copying these records please inform me if the costs will exceed \$50.

Please set a date and hour, within three working days following receipt of this letter, at which time the records will be made available for inspection. If access to these records will take longer, please cite the extenuating circumstances and let me know when I should expect copies of the ability to inspect the requested records. If any records are available in electronic format please send them to me at wbdeoreo@gmail.com, or I can pick up any portable media, such as thumb drives at your convenience.

If you deny any portion, or all, of this request, please provide me with a written explanation of the reason(s) for your denial, including a citation to each specific statutory exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. If you conclude that portions of the records that I request are exempt from disclosure, please release the remainder of such records for inspection and copying, redacting only the portion or portions that you claim are exempt.

Please contact me with any questions about my request and thank you for your time.

Sincerely,



William B. DeOreo
303-859-4997
wbdeoreo@gmail.com

Exhibit B: Email from Molly Fitzpatrick



Fitzpatrick, Molly <mfitzpatrick@bouldercounty.org>

Tue, Jun 28,
10:52 AM

to me, Stephanie

Hello Bill,

I received your email yesterday that you sent to our vote@bouldercounty.org inbox. You asked me to review your blog post and comment, which I am happy to do.

Generally speaking, most of the criteria you created for this post are not criteria in state law or rule.

Colorado law requires that all drop boxes be kept under 24-hour video surveillance with adequate lighting and that boxes are emptied by a bipartisan team who maintain a chain of custody log when transporting ballots between drop boxes and our ballot processing center. I believe we are in compliance with these requirements.

That being said, I take feedback from the public seriously and I am more than willing to do a review after the primary and before the general to see if any adjustments would further ascertain our compliance obligations.

Regarding the notice taped to the box – in the future, please call our office directly if you see signage is missing. If something like this notice is missing, we will correct the problem as soon as we are alerted to it. This is also something couriers are looking at when they visit the boxes. We did not receive a notification from you or anyone else that this notice was missing. I noticed over the weekend through last night that it was evident the whole time – I personally checked.

I see that you are concerned about being able to visually ID a face at the dropbox for the purpose of identifying if someone is depositing more than 10 ballots. Please note that this is not the purpose of the video surveillance. The intention of the video surveillance for the boxes is to provide law enforcement with information if someone tried to do something to destroy the ballot box – an example could be attempting to set it on fire or trying to drag it away somehow. If this happened we would use that footage to provide to law enforcement.

If someone was collecting ballot envelopes and then signing them as if they were that voter, in almost all circumstances, this would be caught at the signature verification process and that ballot would be rejected. Every single mail ballot envelope is signature verified by election judges who are trained using Secretary of State standards, and in Boulder County we also provide additional training from handwriting experts. And, I can assure you, we have not had any cases of voters reporting that their ballot was somehow intercepted and voted. We have cases of ballots that get lost in the mail and have to be reissued, but not cases where those ballots have been attempted to be voted. We have a short video on mail ballot security: <https://youtu.be/gM--Sxy6R5Y> and the signature verification process: https://youtu.be/NKSG_4d-JKQ.

Last, I'll just add that our office gets call from the public about a lot of different concerns. If there was a mobilization effort to steal ballots and forge signatures, 1) one would have to assume that none of the owners of those ballots would inquire about their mail ballot and why it was received in our office when they hadn't voted yet and 2) we have not seen this happen in previous elections or been alerted to an issue like this by voters – and we receive a lot of calls from the public about just about all topics. In general, we are a high turnout county, and voters would notice if their ballots were missing.

Please let me know if you have any other questions.

Molly Fitzpatrick

Exhibit C: Analysis of Videos

Analysis of Video Surveillance at 8 Remote Drop Boxes in Boulder, CO

By: William B. DeOreo, Candidate for Colorado HD 10

Introduction

We in Boulder County have been told repeatedly that our mail-in elections are the “gold standard” for all such elections, and that we have nothing to worry about or even question with respect to the integrity of our elections. Out of curiosity, we examined the only part of the election process that is truly amenable to review by normal citizens, which is the security of the remote ballot drop boxes used to collect a large percentage of the ballots in the County. This included both a visual inspection of the boxes and a review of 2, 1 hour video clips from the surveillance cameras located at each site, one around noon and the other at midnight. As you will see upon reading over this short report, the results were not encouraging. According to CRS 1-5-102.9 (f) “A drop off location must be located in a secure place under the supervision of a municipal clerk, an election judge, or a member of the clerk and recorder’s staff”. Remote ballot drop boxes would certainly fall under this requirement, meaning that all remote ballot drop boxes are required by law to be supervised by the County Clerk. Each county is to follow the secretary of state’s “current security rules”.

According to the secretary of state rule 7.4.1 “The county clerk must adequately light all drop box locations and use a video security surveillance recording system as defined in Rule 1.1.44 to monitor each location. (a) Drop box locations must be monitored when they are open to receive ballots.”

Rule 7.4.1(c) says: “Signage at each drop box location must inform voters that it is a violation of law for any person to collect more than ten ballots for mailing or delivery in any election, and that electioneering is prohibited within 100 feet of any drop box”.

Rule 1.1.44 says that “‘Video security surveillance recording’ means video monitoring by a device that continuously records a designated location or a system using motion detection that records one frame, or more, per minute until detection of motion triggers continuous recording.”

As soon as the county clerk mails out the ballots to the persons on the voter list the chain of custody is lost. No one knows who actually receives the ballots and who returns them. Custody is not recovered until the ballots are in the hands of the clerk via a secure ballot box, drop box at valid drop off locations.

Clearly the rules anticipate that the most vulnerable part of this return process involves otherwise valid ballots being intercepted by untrustworthy actors and returned illegally. Their attempt to prevent this type of abuse was to specifically limit the number of ballots that any person is allowed to collect to 10 ballots per election.

Here are three examples of how this type of illegal returns might work, there are certainly many others:

1. Ballots are intercepted at mail-boxes, signatures are forged, and the ballots are voted and returned.
2. People, either private parties or county employees, enter shelters, nursing homes or hospitals, *assist* residents to vote, and then return batches of ballots.
3. People work in communities to get people to vote their ballots, perhaps by paying them to do so, collect their signed ballots and return them.

In all these cases the ballots need to be returned. If there is time to do so, they could be mailed in, and these would be virtually impossible to detect. If time is short, however, and ballots are needed immediately, then the only way to do so would be to use the remote drop-boxes. (Presumably the voting officials would prevent people from returning more than 10 ballots at voting centers.)

The issue we have here is that the remote ballot drop boxes are probably the safest and easiest way for ballot harvesters or ballot box stuffers to get their ballots into the system. The only defense against this is the video monitoring and surveillance devices required to be present at all drop off locations. Our question is: “Do the ballot drop boxes in Boulder and Gunbarrel have adequate video surveillance systems in place to prevent illegal voting?”

We believe that that answer to this is: No, they do not.

Definition of the word “Monitor”

According to the Random House dictionary the word “monitor” means an “arrangement for observing or recording the operation of a system..., a *person* who admonishes, esp. with respect to conduct..., or to observe, record or *detect* an operation or condition..., or to *observe critically*; oversee; and *supervise*.” (Emphasis added)

Exhibits

All these elements imply an active and thoughtful process on the part of a *person* who is charged to observe and detect a problem, in our case illegal depositing of votes, and then to take action to admonish the bad behavior, to critically observe the action and to act in a supervisory capacity to ensure that the illegal activity is stopped.

The voting rule requires that no person may collect more than 10 ballots per election. The county clerk is required to monitor the remote drop boxes to make sure that this does not happen. We believe that there are two essential things for the video surveillance system to do in order to allow the county clerk to successfully monitor the drop boxes for illegal voting:

1. The system lighting and camera placement must allow the face of the person using the box to be identified. This is the only way that the responsible official can verify that the same person or group of persons is not making multiple visits to a single box or to multiple boxes in a way that indicates illegal voting. For automobile drop offs this must also include the ability to record the license plates of the cars.
2. The lighting and camera placement must allow the ballot box slot to be recorded so that what the person is placing into the box can be verified.

We believe that any drop box that does not have a video surveillance system with these capabilities is not being properly monitored, and as such is an illegal box that should be taken out of service until the errors can be corrected.

Video Surveillance Tapes Obtained

On June 29, 2022 our campaign filed a CORA request for 2 hours of video coverage at the following 8 remote ballot drop boxes in the City of Boulder:

1. Boulder County Clerk and Recorder, 1750 33rd St
2. Boulder County Courthouse, 2025 14th St
3. Boulder County Housing and Human Services, 3400 Broadway
4. CU Campus-UMC, 1669 Euclid Ave
5. CU Campus-William Village, 500 30th St
6. EFAA, 1575 Yarmouth Ave
7. South Boulder Rec Center, 1360 Gillaspie Dr
8. Avery Brewery, 4910 Nautilus Ct.

We had previously visited the sites and given them a preliminary rating based on their location, lighting, cameras and notice placements. The top rating possible was 12. At that time we were of the opinion that none of the boxes would pass muster as being properly monitored. Below is our summary table, ranked from best to worst.

Table 1: List of drop boxes in descending order of surveillance quality

Site	Name	Address	Location	Lights	Camera	Notice	Total	Comment
6	EFAA	1575 Yarmouth Ave		2	2	2	2	8 Next to door, Good camera and light position, notice taped on with duct tape, no camera on slot
8	Avery Brewery, Gunbarrel	4910 Nautilus Ct.		0	3	1	1	5 Isolated, good lights, camera 60' away & prob can't ID faces, notice scotch taped on
2	County Courthouse	2025 14th St		1	1	1	1	4 on street but not in a supervised location, only lights from distant streetlights, camera far away, notice taped on
7	SB Rec Center	1360 Gillaspie Dr.		1	0	1	1	3 far from building, no lights nearby, camera far away & can't ID faces, Notice just scotch taped on
1	County Clerk and Recorder	1750 33rd St		0	0	1	1	2 very private, no lights nearby, camera far away and won't show faces or slot, notice just taped on.
3	Mental Health Facility	3400 Broadway		1	0	1	0	2 in parking lot, no lights, camera far away and poorly aimed, notice missing
4	UMC	1669 Euclid Ave		1	0	1	0	2 near street but unsupervised, no lights, camera far away, notice missing
5	William's Village	500 30th St		1	0	0	0	1 in parking area no supervision, poor lighting, no camera, notice missing

The purpose of obtaining the video footage was not to determine if any illegal voting had occurred at the sites, but rather to determine if the video surveillance system at each of them would allow anyone to detect illegal voting if it were to occur. Here are the results.

EFAA (rated 8/12)

This was the best rated of the boxes. As shown in Figure 1 and Figure 2. The daytime resolution is fairly good and it allows a gross determination of the age and sex of the person to be determined, but not what is being placed into the box.

The nighttime situation at this box is not as good. As shown in Figure 3 the lighting is not good enough to come close to identifying the face of the person at the box or what they are inserting into the slot.



Figure 1; EFAA Site in daytime 1

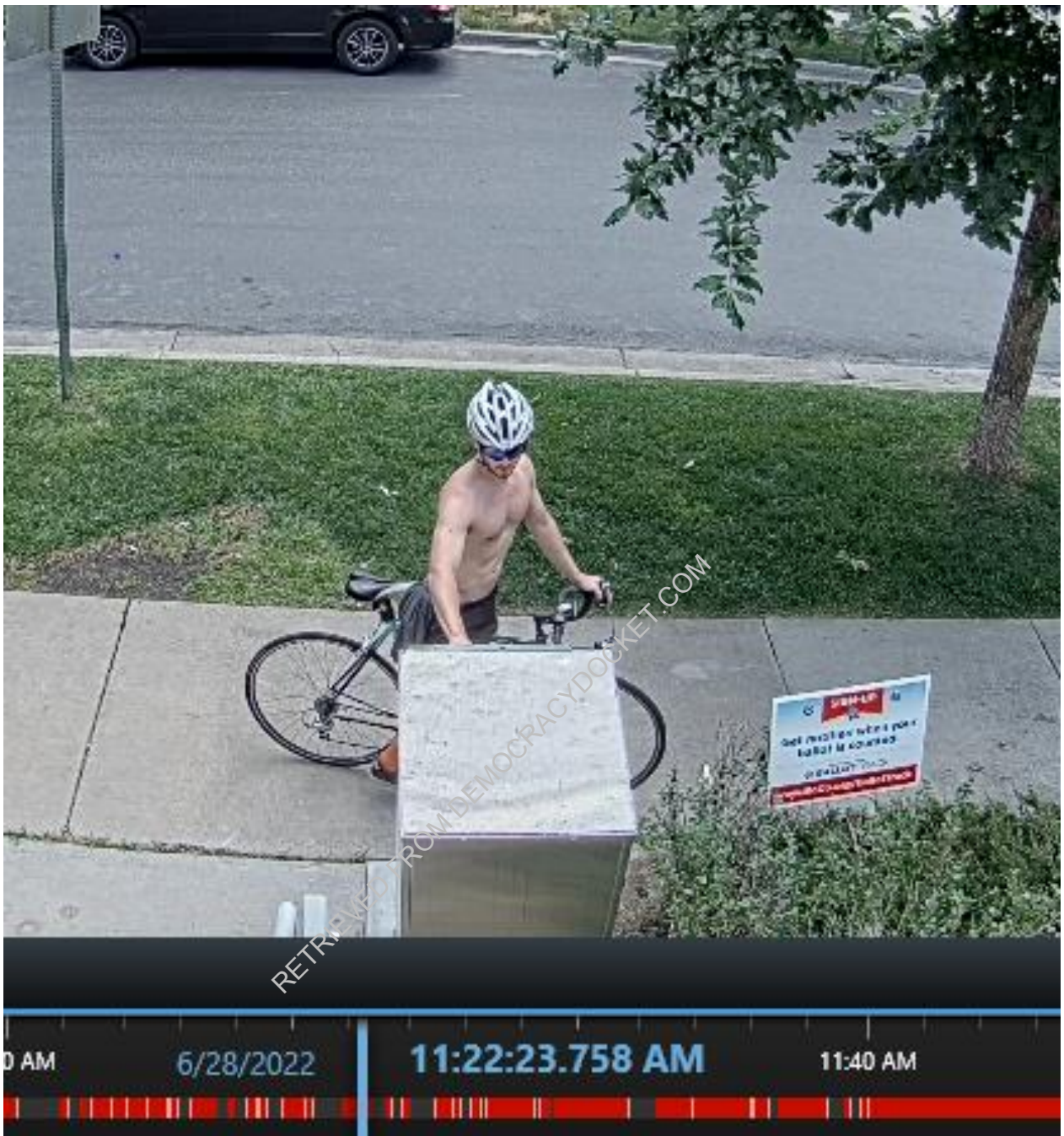


Figure 2: EFAA Site Daytime 2

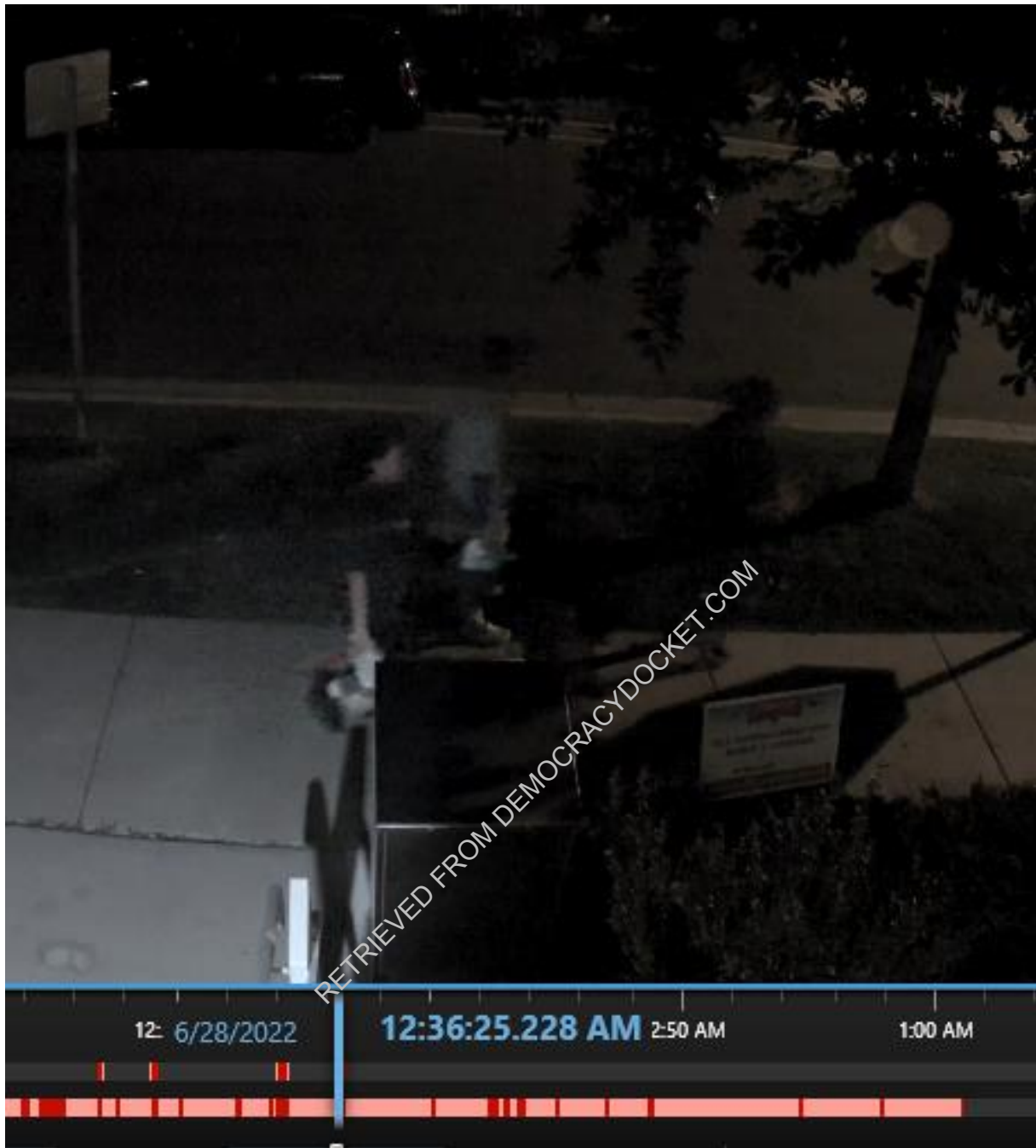


Figure 3: EFAA Site, Nighttime 1

Avery Brewing (rated 5/12)

The camera was out of service during the day at this site. No one came to the site during the 1 hour of nighttime video we had, but the site has a good light over the box, and with the side view it would be possible to detect gross violation of the limits, such as if someone were inserting many ballots with multiple drops or hauling ballots out of a backpack. The camera was too far away to be able to identify the person making the drops with enough detail to do any good.

Exhibits



Figure 4: Avery brewery, nighttime 1

County Courthouse (rated 4/12)

The daytime view is shown in Figure 5. Note that the gross details of the person using the box can be seen, but the tree branch blocks the face. Also note that the license plate of the SUV right across the sidewalk can not be read. This camera would be able to detect a gross violation of the drop limit, but probably not one that was being deliberately concealed. At nighttime, Figure 6, the lighting and camera placement show that there is a man at the box, but any kind of identification would be impossible. Notice, that as in all the cases, the resolution of the camera is so poor that the lettering on the side of the box cannot be read or is barely distinguishable.

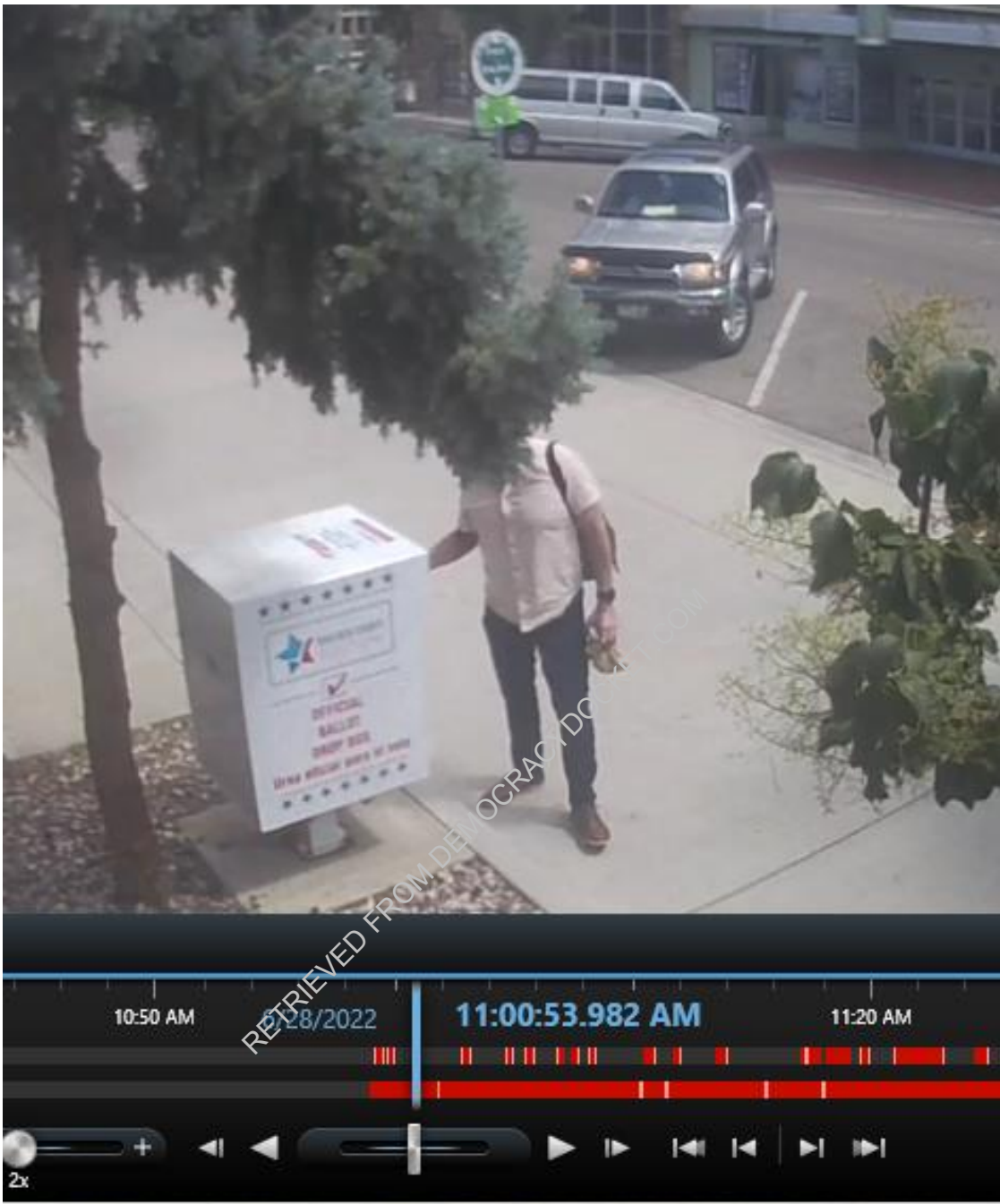


Figure 5 County Courthouse, daytime 1

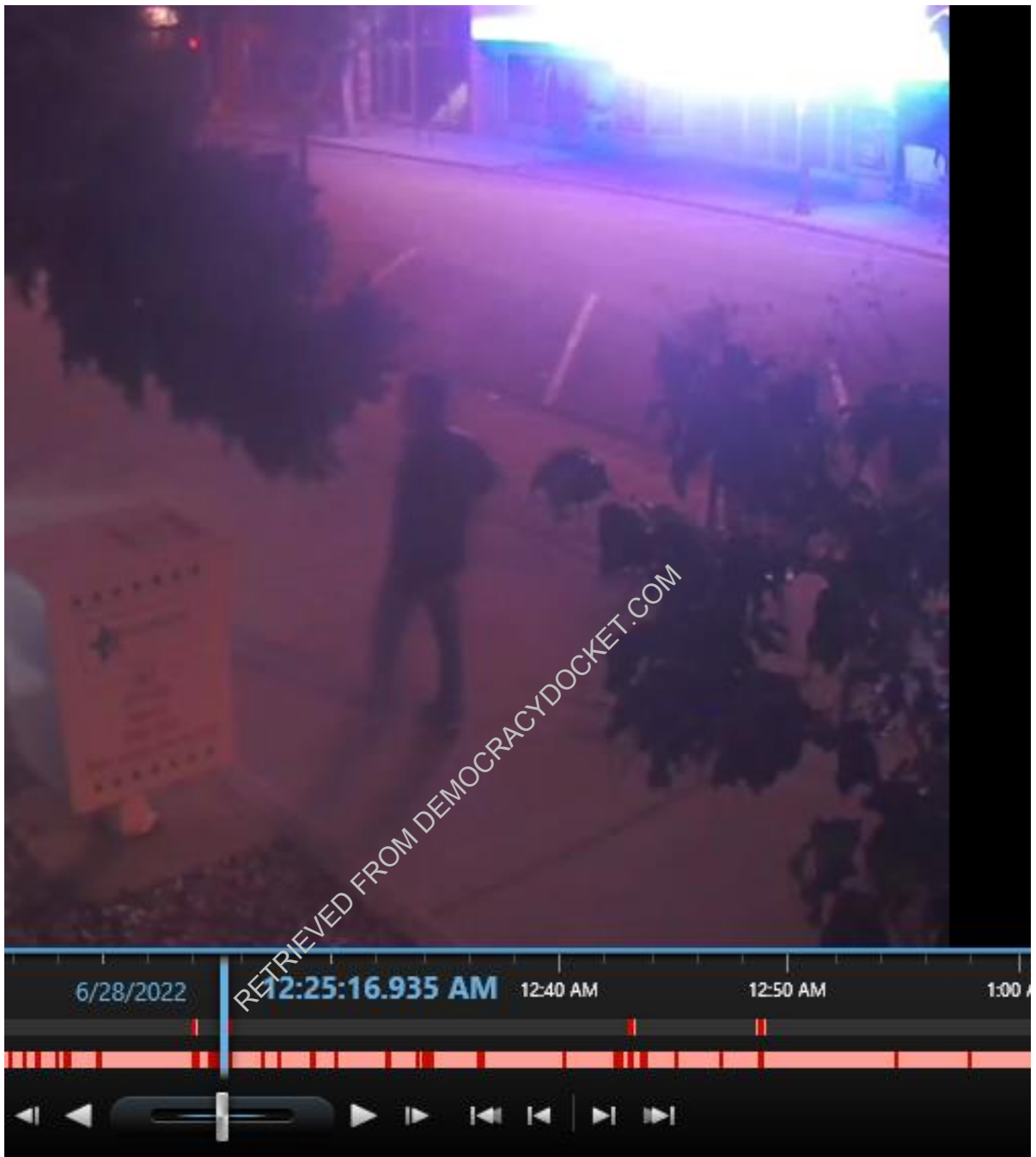


Figure 6: County Courthouse, nighttime 1

South Boulder Rec Center (rated 3/12)

The first daytime shot of this box is shown in Figure 7. The daylighting is fine, but the camera is too far away to see what is happening at the box. The video playback utility allows the image to be magnified. Figure 8 shows that at maximum magnification it is possible to see that this is a person of undetermined gender, with something in his or her hand, but a true facial identification would not be possible.

The nighttime view of the SB Rec Center is shown in Figure 9. No one visited the site during the 1 hour of video we had, but the quality of the nighttime video was worse than that during the day, and the ability to ID a face would be worse than the daytime shots.

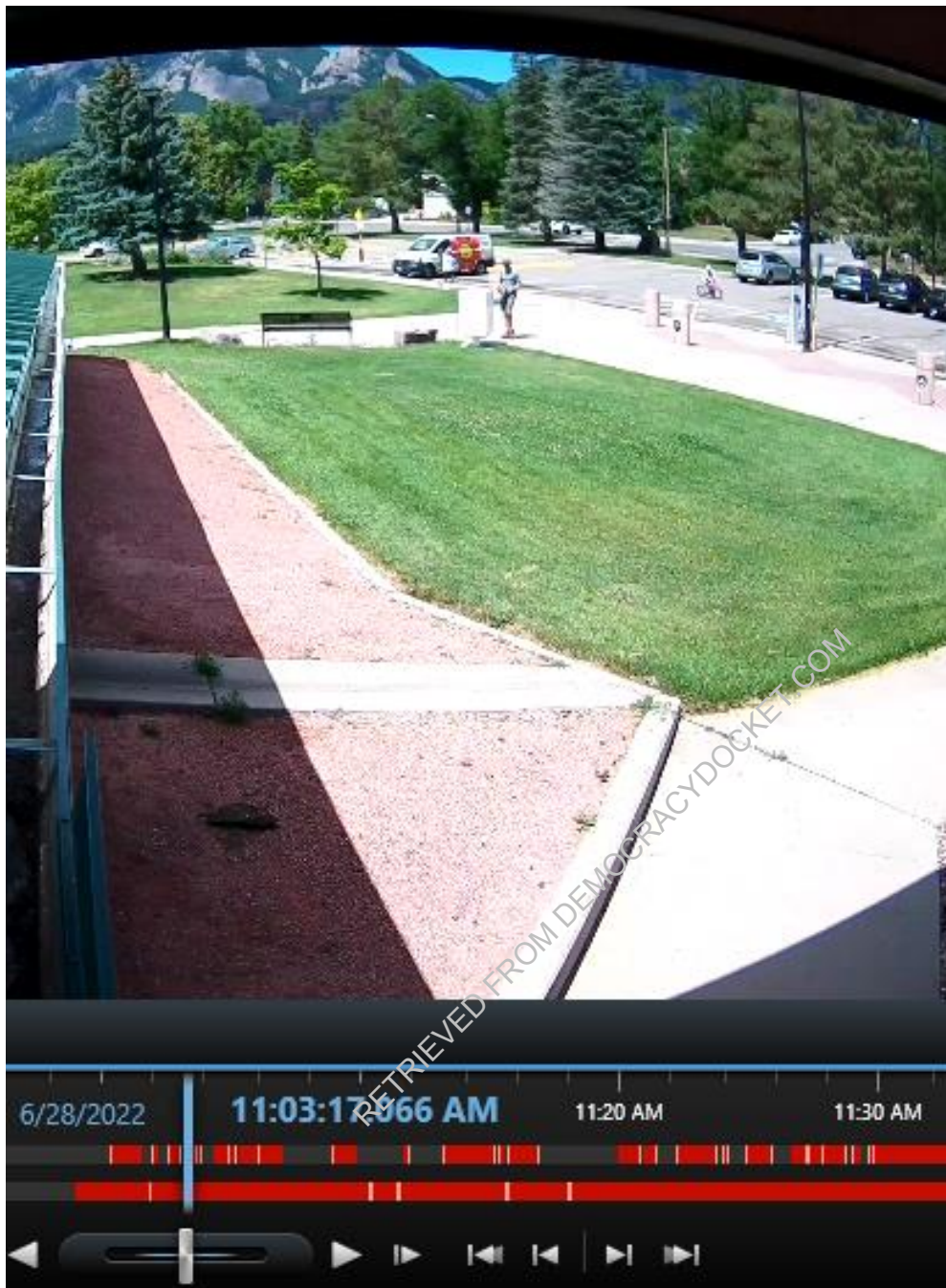


Figure 7: South Boulder Rec Center, Daytime 1

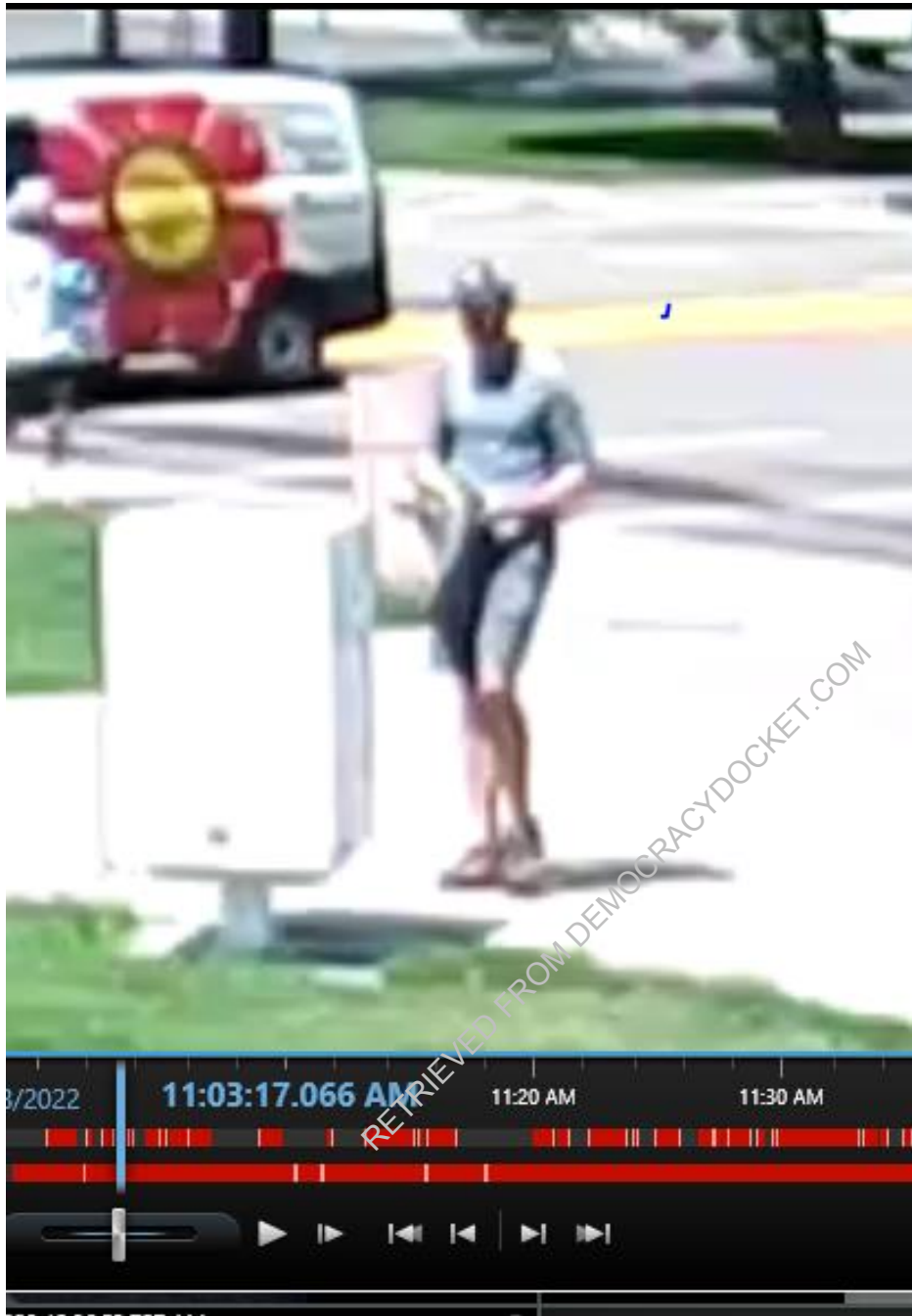


Figure 8: Figure 7 at maximum magnification



Figure 9: South Boulder Rec Center, nighttime 1

County Clerk and Recorder (rated 2/12)

During the day it is possible to see the box (in the top left corner), but it is impossible to identify who is using it, the license of the car, or what they are inserting. Even at maximum magnification, Figure 11, it is possible to see the color of the car, but not its make and model, nor it is possible to read the license plate. The situation at night, Figure 12, is the same or worse. It is possible to see that there is a vehicle at the box, but not who is in the vehicle or what they are depositing into the box.

Exhibits

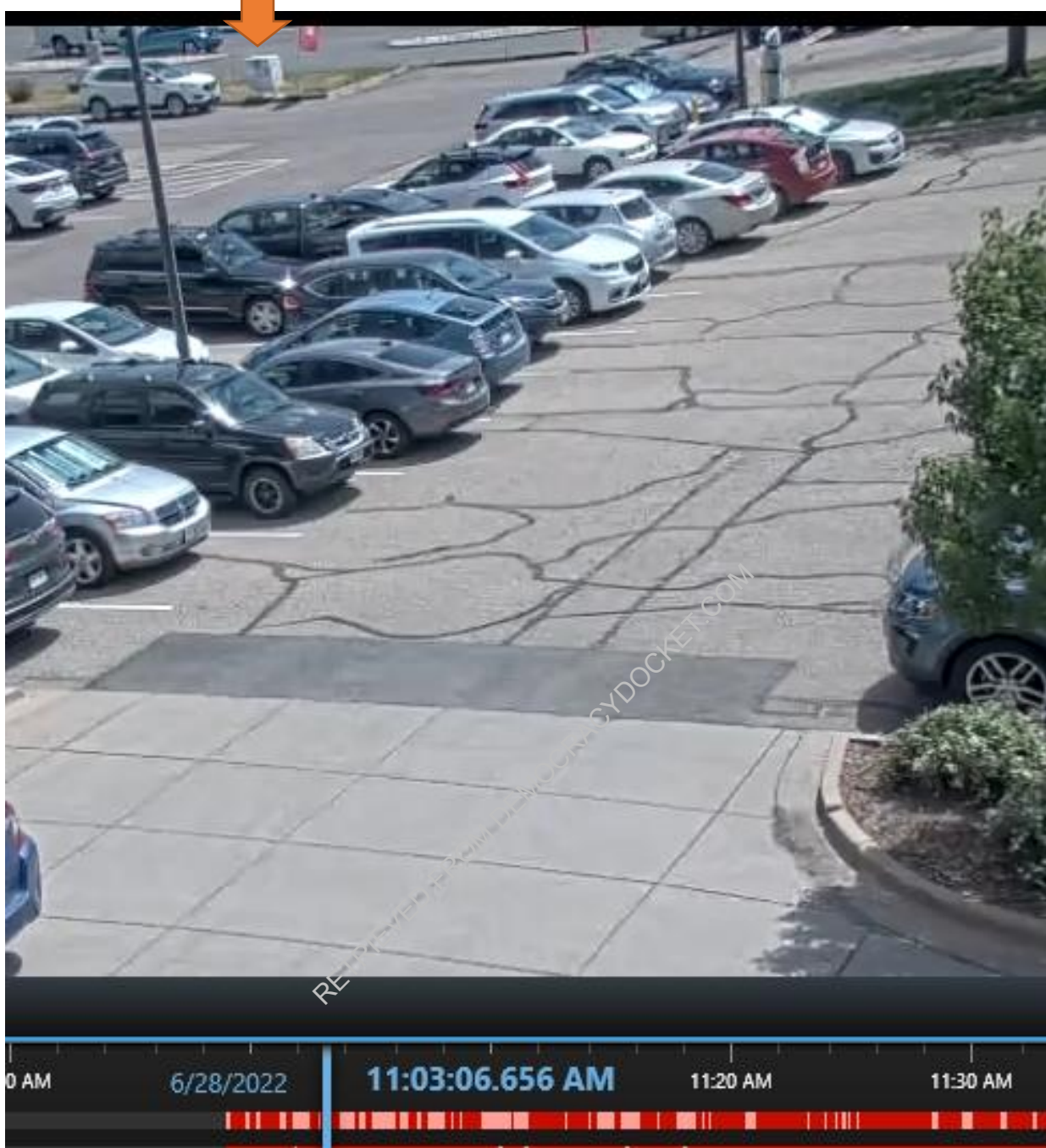


Figure 10: County clerk and recorder, daytime 1



Figure 11: Clerk and recorded at max magnification

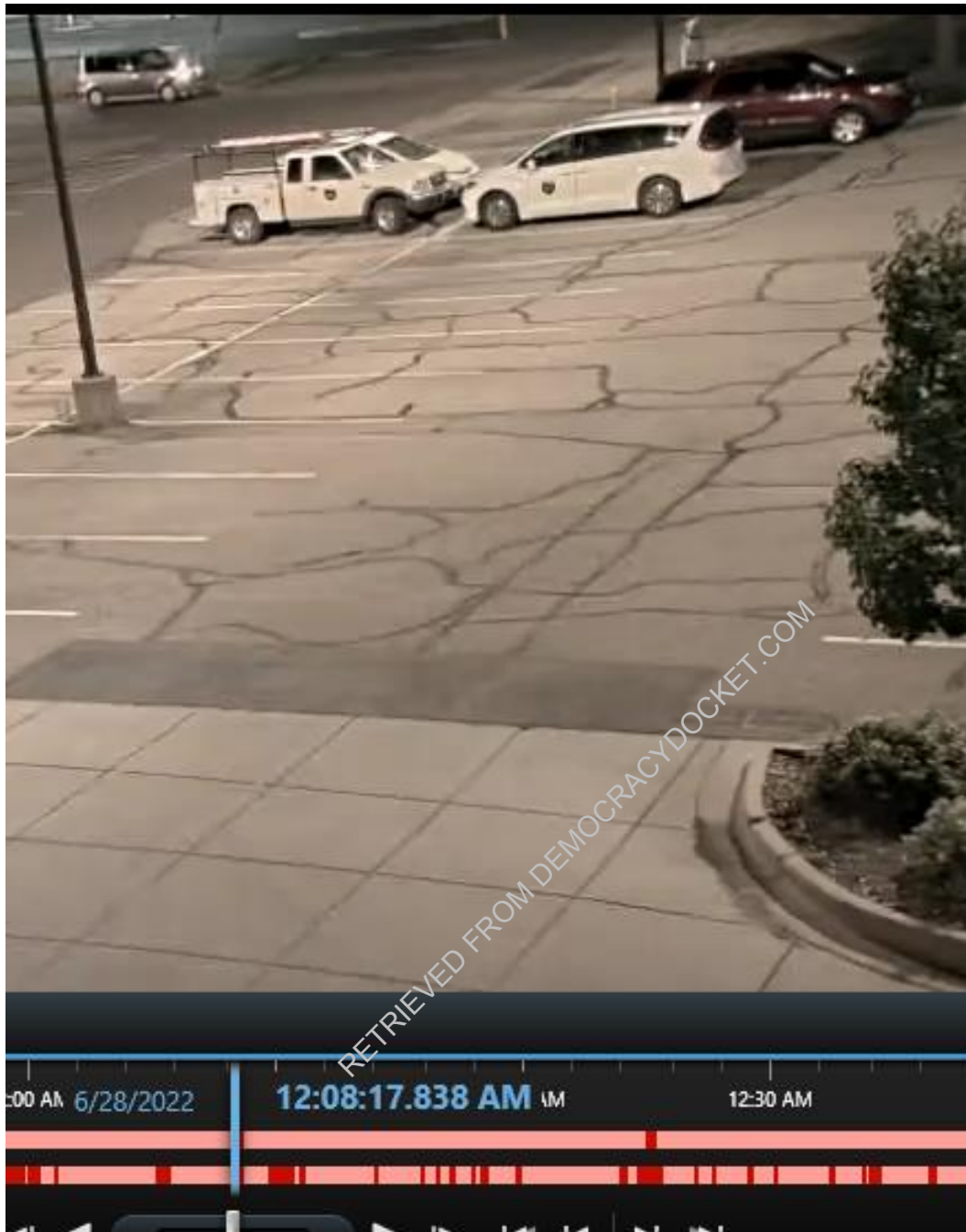


Figure 12: Clerk and recorder, nighttime 1

Mental Health Facility (rated 2/12)

As shown in Figure 13, during the day it is possible to see the box and that there is someone at it, who appears to be a female. It is not possible to identify a face, or read the license plates on the cars. The lettering on the side of the box is not readable. The ballot box is obscured by the other black box next to it, which would make it possible to conceal containers if one was acting illegally. During the night, Figure 14, it is possible to see that someone is near the box, but not to identify a face or see what they are doing.

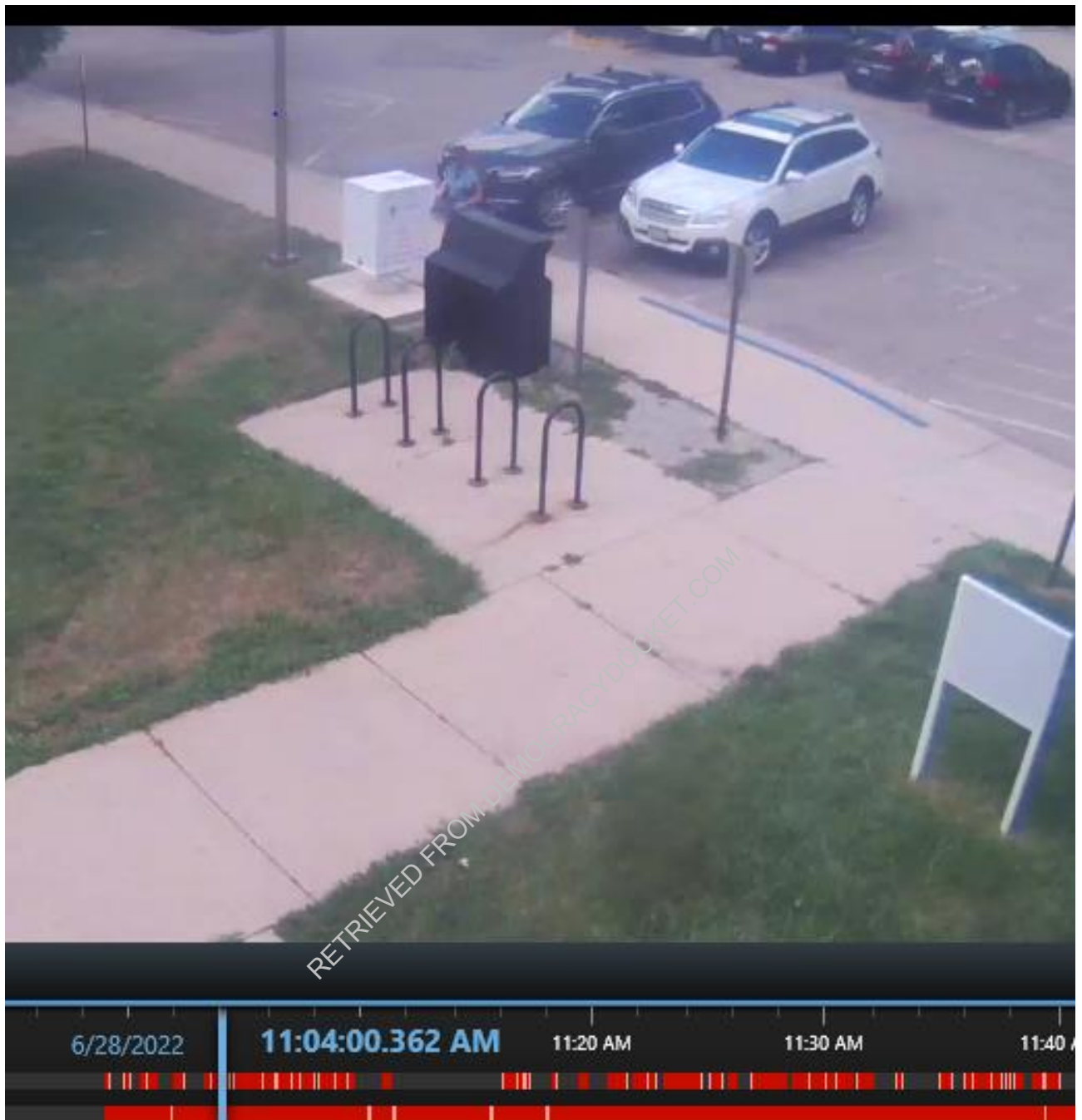


Figure 13: Boulder county mental health, daytime 1

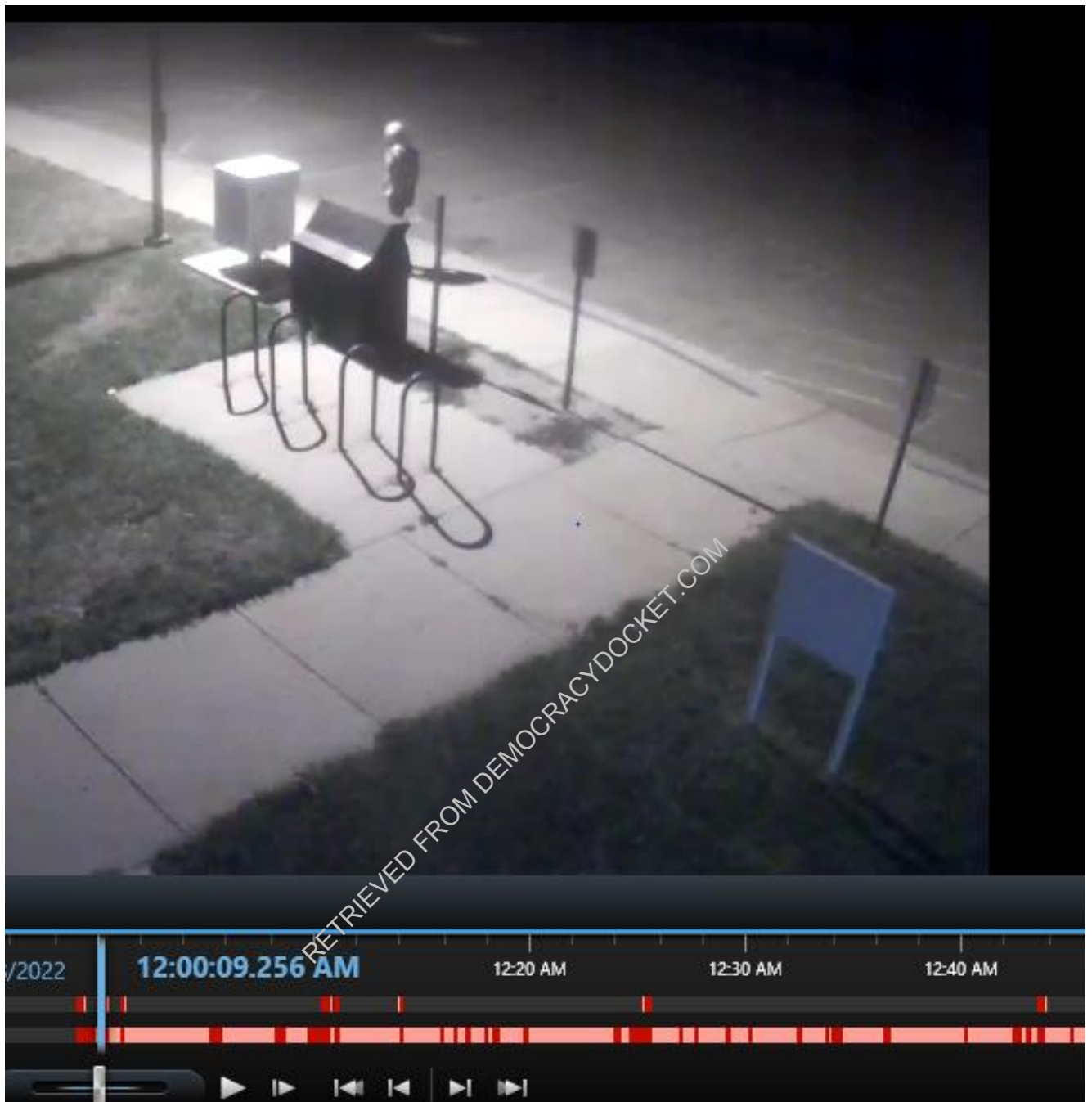


Figure 14: Boulder County mental health, nighttime 1

CU Campus-UMC (rated 2/12)

This camera is so far away from the box that it is difficult to find the box without magnification. The un-magnified view, Figure 15, shows that there is someone at the box, but that is all. It is difficult to determine from the video whether the person is actually using the box or is simply standing by it. With magnification, Figure 16, you can see a lady in a purple sweater reaching towards the box, but not face or what she is inserting can be seen. During the nighttime the quality of the video is worse. As shown in Figure 17, you can see that there is a group of persons by the box, but not who they are or what they are doing. For all the video “monitor” can tell, the people in front are screening for the people in back who are stuffing ballots into the box.

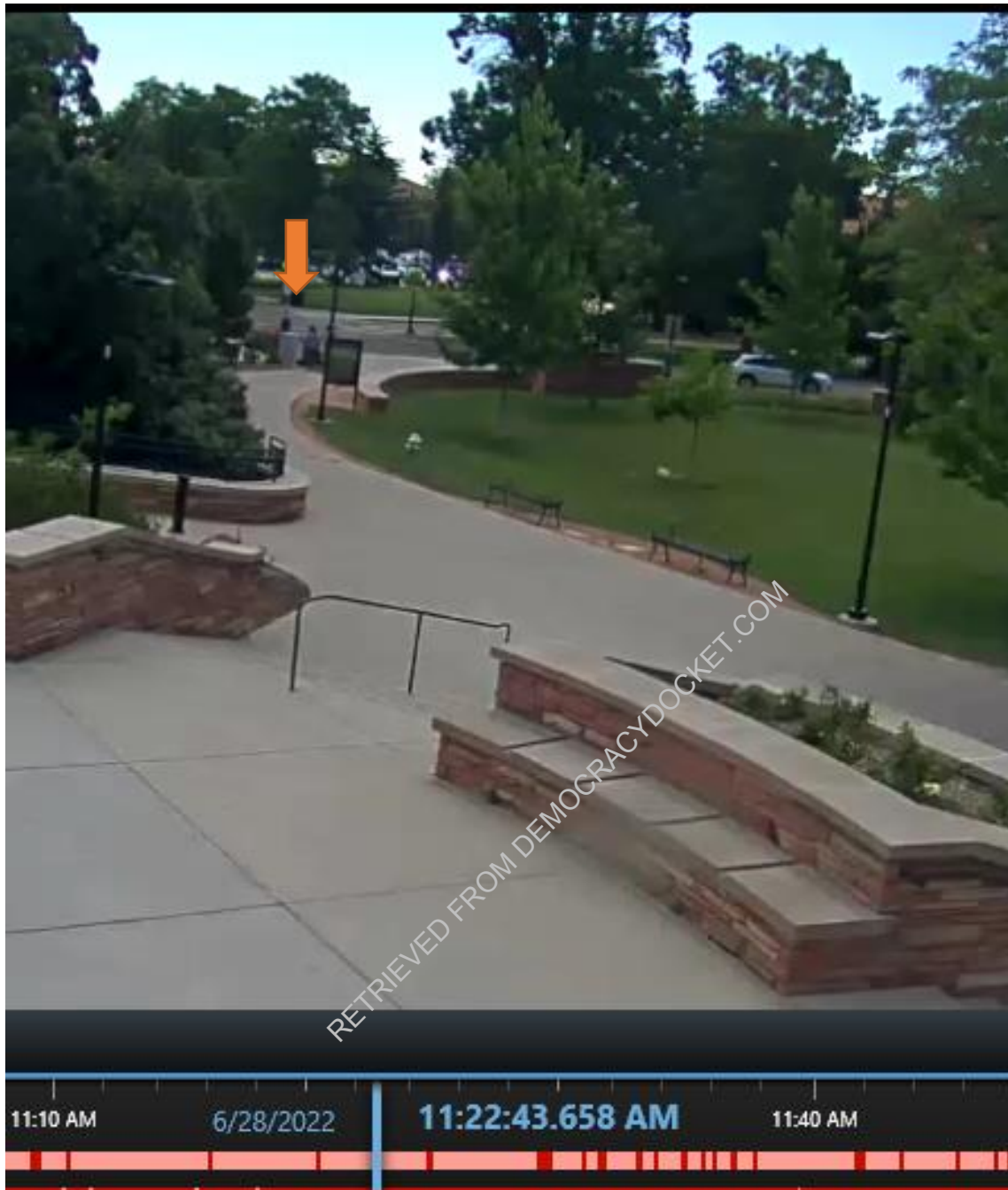


Figure 15: CU-UMC, daytime 1 no magnification

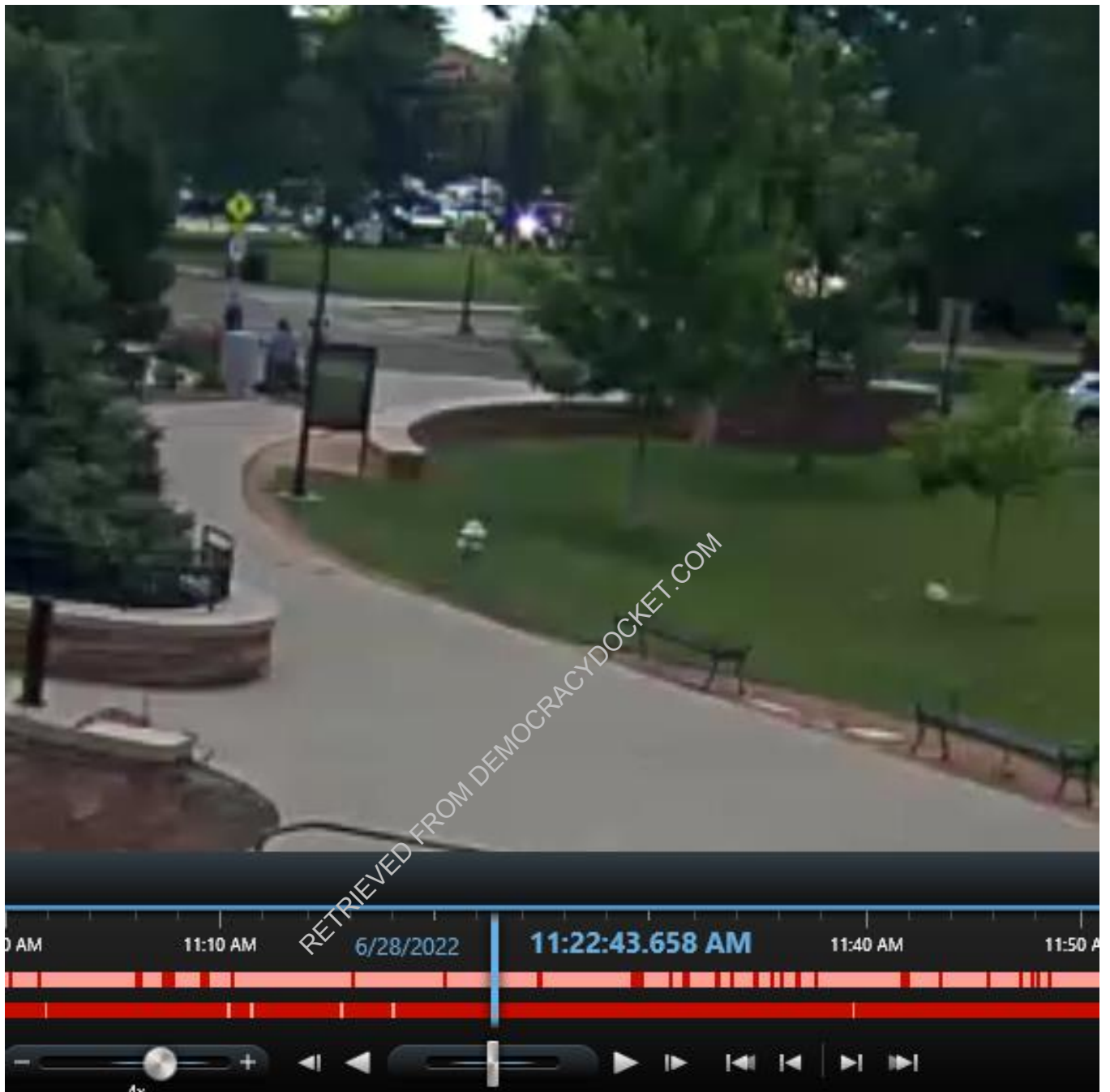


Figure 16: CU-UMC, daytime 1 magnified

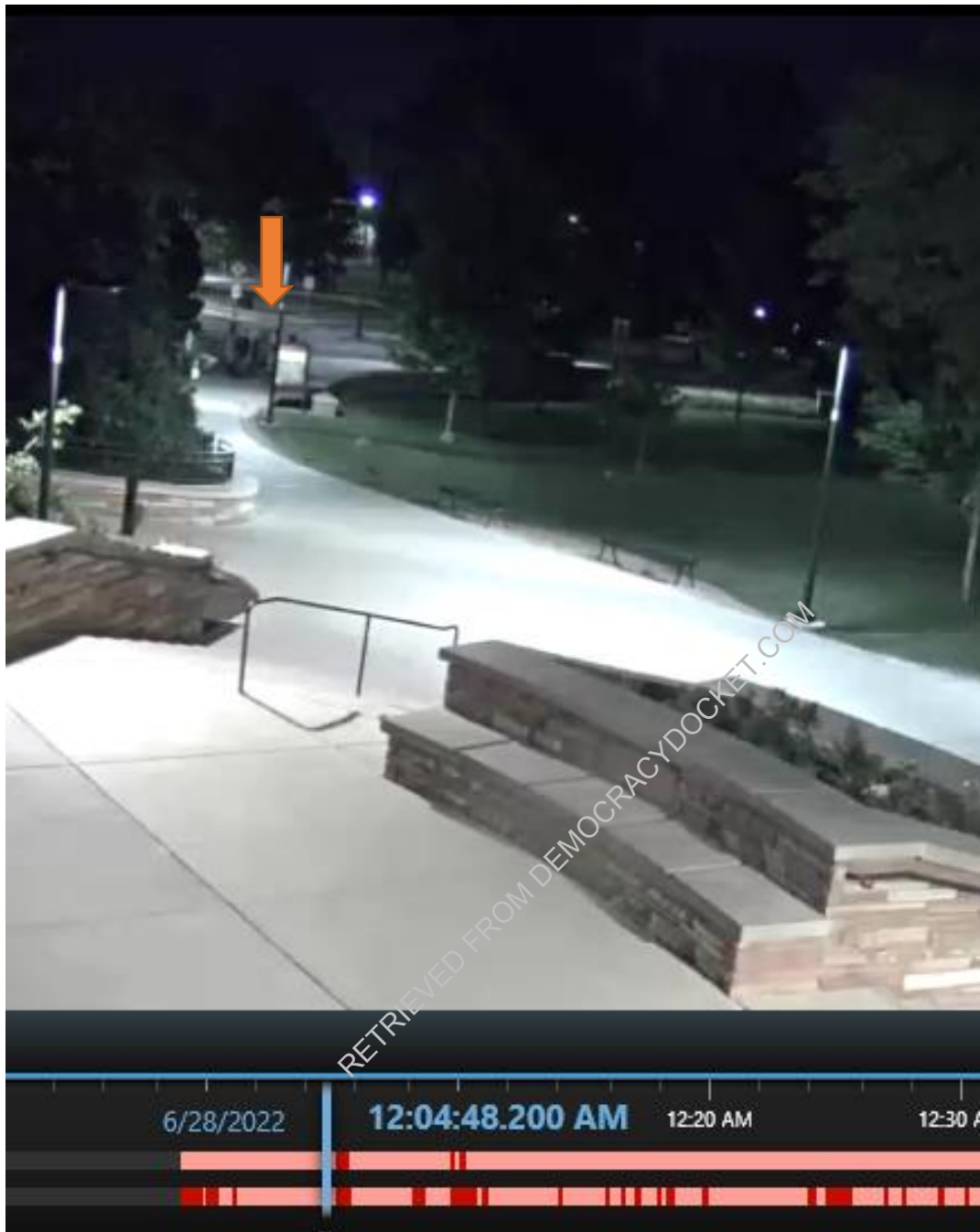


Figure 17: CU-UMC, nighttime 1

CU-Williams Village (rated 1/12)

This was the worst rated of the boxes.

As shown in Figure 18, if someone tells you where to look you can discern that there may be a box there. Under maximum magnification, Figure 19, you can barely make out the shape of the box. In Figure 20, you can barely see that there is someone at the box, but the idea of a facial recognition or determination of what is being placed into the boxes is out of the question. Using magnification, as shown in Figure 21, does not improve the situation. The nighttime view is equally poor, as shown in Figure 22. This shows a car driving past the box, no one got out, but it shows that one could not identify anyone in any case, nor could you determine the model of car or its license plate or see what was being deposited into the box.

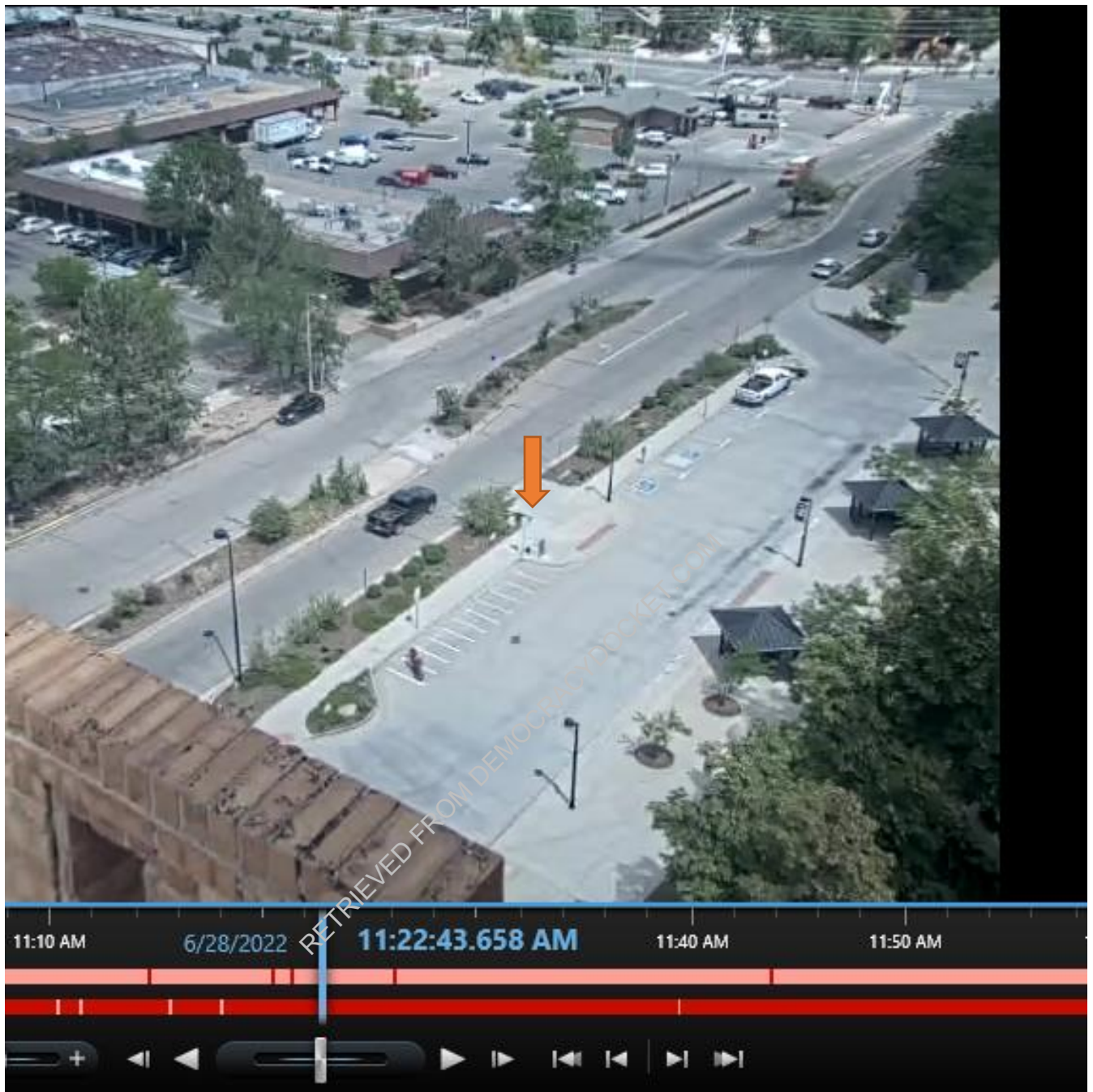


Figure 18: CU-Williams Village, daytime 1

Exhibits

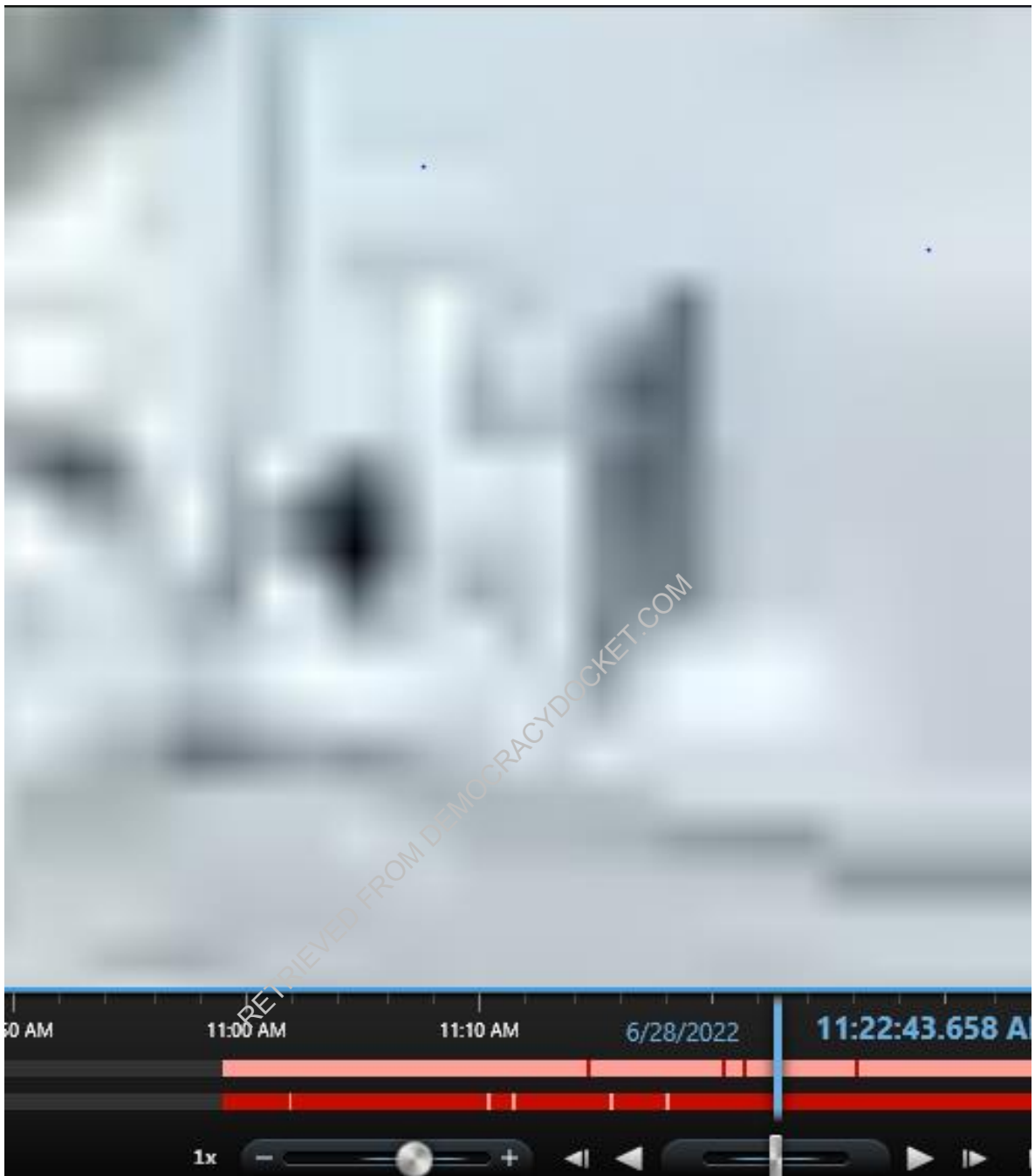


Figure 19: CU-Williams Village, Daytime 1, maximum magnification

Exhibits

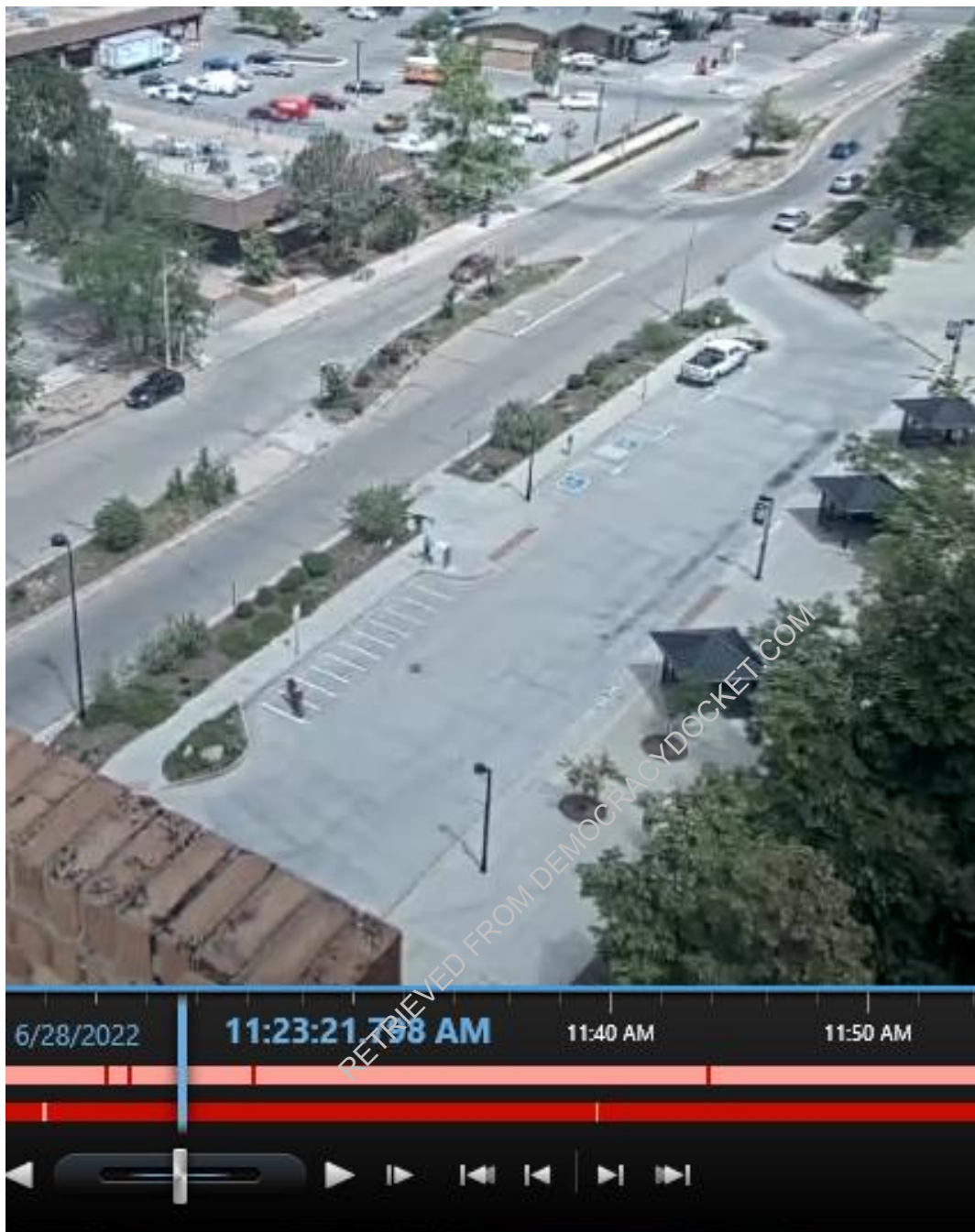


Figure 20: CU-Williams Village, daytime 2

Exhibits

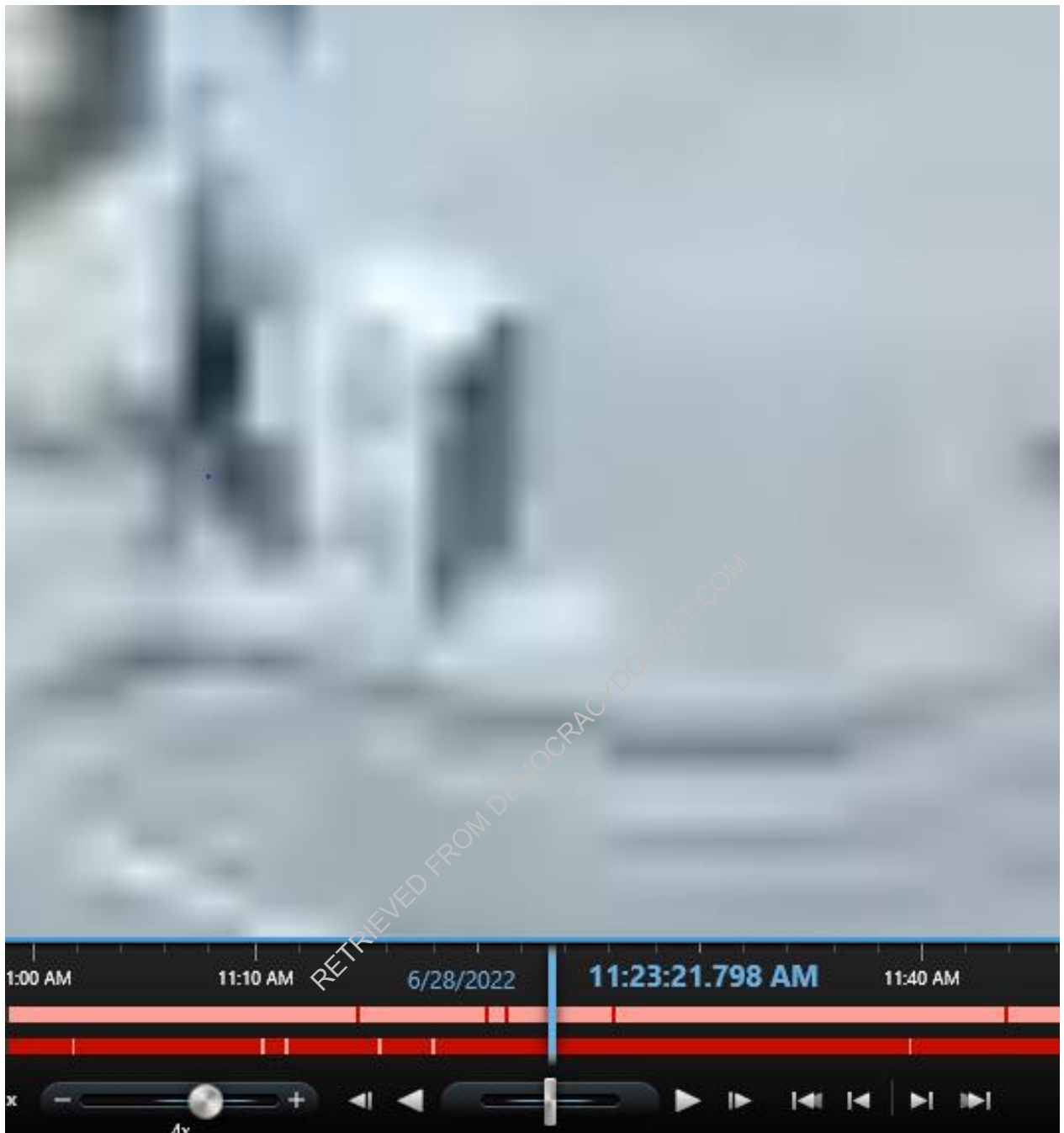


Figure 21: CU-Williams Village, daytime 2 w/magnification

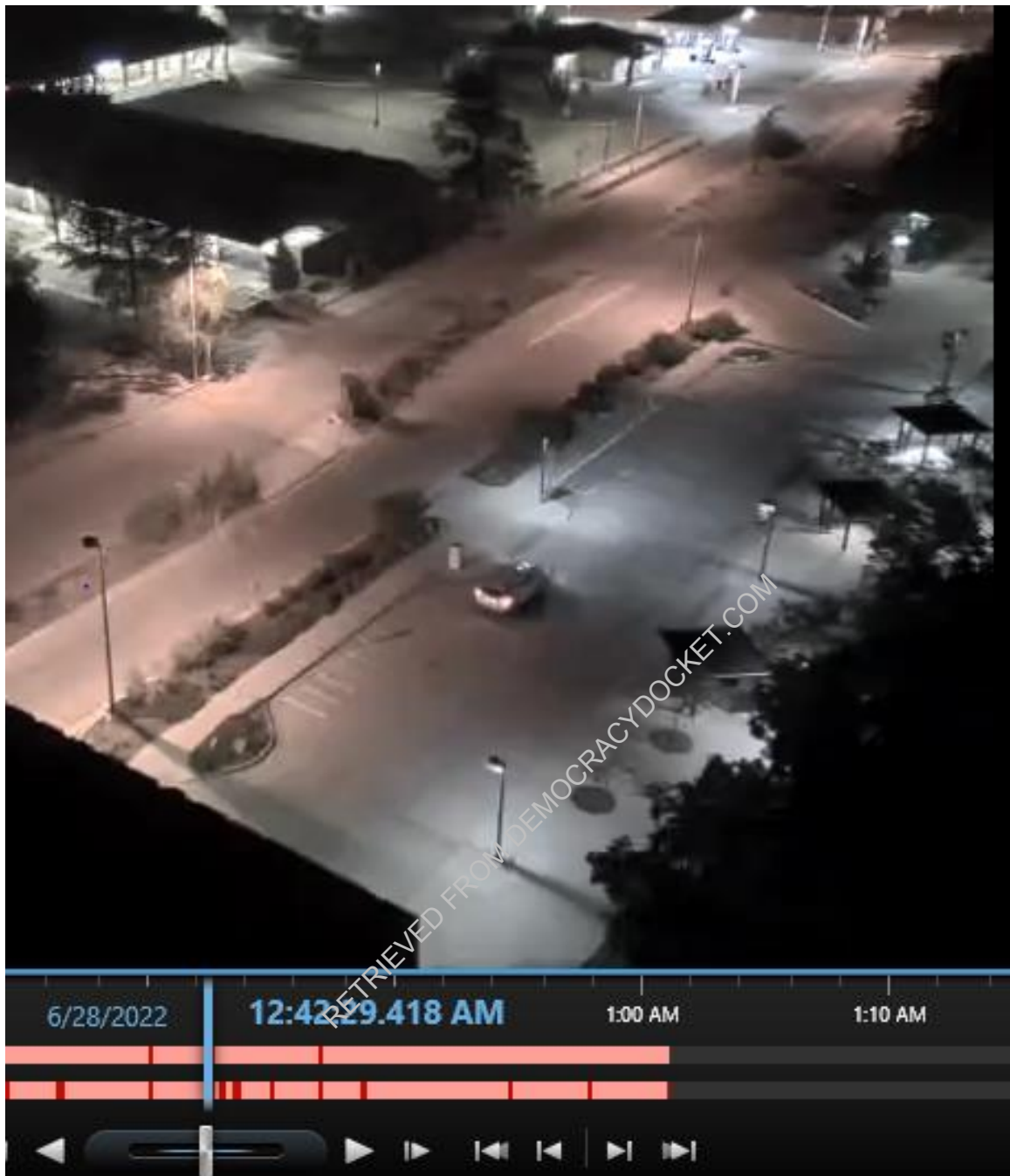


Figure 22: CU-Williams Village, nighttime 1

Conclusions of Report

There are only three out of eight boxes where it might be possible to identify the face of the person using the location: EFAA, Avery and the Courthouse. But even at these sites this is not a sure thing. At EFAA the camera is so high that the faces are shortened, at Avery the camera is a long way off, and at the courthouse there is a tree branch in the way. At none of these sites would faces be visible at night when illegal activity is most likely to occur.

In all of the other sites the cameras are too far away to be useful for either recognition or monitoring of activities. The two worst sites are on the CU campus. Neither the UMC nor the Williams Village sites have adequate resolution to provide any reasonable degree of monitoring to the election process taking place there. Both sites are tailor made for ballot harvesters and ballot box stuffers.

We are not saying that any such illegal activities have in fact taken place during the short time frames for which we have coverage. That is not our point. What we are saying is the none of these boxes, even the best ones, can be considered “monitored”. All of them should either be shut down or have significant alterations made to their configurations, lighting, and

Exhibits

camera coverage so that the faces of the users can be recognize and what is being inserted into the drop slots can be verified. If this is done then Boulder County can have a better basis to claim the gold standard, at least for their drop boxes.

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