

**Colorado Secretary of State  
Scott Gessler**



**Teller County Primary Election Report  
August 13, 2012**

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## Staff Report on Teller County 2012 Primary Election

### Executive Summary

The Secretary of State has a duty to supervise primary elections in Colorado.<sup>1</sup> As part of this duty, the Secretary monitors county election activities. Based upon an 18-month assessment of activity in Teller County, the Secretary concludes that Teller County is not prepared to properly administer elections.

Before the 2012 Primary Election, the Secretary of State had reason to believe that J.J. Jamison, the Teller County Clerk and Recorder, did not have the capacity to conduct an election. This belief was based on hundreds of hours of training, visits, and phone calls with the Clerk Jamison and her staff. The belief was confirmed when the County committed a fundamental error: the failure to include a signature line and affidavit on mail-in ballot return envelopes. Not only did this extreme lack of oversight and inattention to detail cast doubt on the integrity of the election, it also caused a significant amount of voter confusion.

After the envelope affidavit error and other issues that were brought to the Secretary's attention, the Secretary exercised his authority to assign staff members to assume the election duties in Teller County. The two assigned staff members were onsite three weeks before the election and documented the following problems in the Teller County elections division. Clerk Jamison failed to:

- Plan and provide effective oversight of the election;
- Properly train county elections division staff;
- Dedicate sufficient elections division staff resources to election activities; and
- Effectively manage the work schedules of the elections division staff.

In addition, Secretary of State staff documented several additional elections division staff errors, such as:

- Failure to use Secretary of State tools and training;
- Insufficient knowledge of voter registration procedures and the statewide voter registration database (SCORE);
- Inability to properly use election tabulation equipment;
- Disorganization of election supplies and equipment;
- Insufficient space to process ballots; and
- Insufficient ballot security.

Though Secretary of State staff had several general concerns, the late stage of the election cycle allowed Staff to focus only on the most critical and immediate needs, which included: voter registration, ballot accuracy, inventory, security, polling place availability, and election day preparation. With the help of Secretary of State staff, Teller County successfully administered the 2012 Primary Election

Despite the successful Primary Election, the Secretary of State is not confident in Clerk Jamison's abilities to administer the 2012 General Election. As such, the Secretary strongly encourages the Teller

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<sup>1</sup> Section 1-1-107(1) (a), C.R.S.

County Board of Commissioners to employ competent election professionals at the earliest opportunity to assist Teller County in the conduct of the 2012 General Election and subsequent elections.

## **Background**

**1. Clerk Jamison and Teller County election division staff had very little prior election experience and required extensive training.**

Clerk Jamison took office and appointed an election administrator in January 2011. Because neither Clerk Jamison nor her election administrator had any prior election experience, the Secretary of State sent staff to train Teller County employees several times over the course of the 2011 calendar year. In addition, Secretary of State staff hosted a three-day SCORE training for Teller and four other counties. Finally, Clerk Jamison and her staff attended several regional election trainings and Secretary of State staff paid several visits to Teller County during the course of the 2011 November Coordinated Election.

**2. Frequent interaction with Teller County led the Secretary to believe that Clerk Jamison and her staff lacked the ability to administer the 2012 General Election.**

As 2011 proceeded, The Secretary and his staff became increasingly concerned with Teller County's ability to properly conduct elections. In the fall of 2011, the Secretary and his staff notified Clerk Jamison of their concerns. Despite that notification and despite hundreds of hours of training, onsite visits, and regular phone meetings, Clerk Jamison's continued to demonstrate an inability to administer elections.

On June 5, 2012, Clerk Jamison notified the Secretary of State that the return envelope portion of the mail-in ballot packets the county delivered to voters lacked a statutorily mandated affidavit and signature box.<sup>2</sup> The Secretary's staff immediately prepared a plan for Clerk Jamison to mitigate the error.

On June 11, 2012, Clerk Jamison terminated her elections administrator. Because of these compounding issues, the Secretary assigned his staff and a former county clerk, to assist in the election. After working in Teller County for two weeks, the assigned staff was joined by a third Secretary of State employee. On June 20, 2012, the Secretary, in coordination with the Teller County Board of Commissioners, formally relieved Clerk Jamison of her election administration duties.

## **Explanation**

**1. Teller County elections division staff does not have the knowledge or experience necessary to run an election through SCORE.**

Counties in Colorado conduct elections via the statewide voter registration system, or SCORE. Teller County has only one employee with any SCORE training. Despite this training, the employee has limited knowledge of and experience with SCORE. Upon arrival in Teller County, Secretary of State staff immediately addressed the training deficit by giving the County employee a SCORE refresher course. Next, Secretary of State staff, along with the county employee, spent approximately 30 hours

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<sup>2</sup> Section 1-7.5-107 (3) (b), C.R.S.

rectifying Teller County's data-entry backlog. In addition to the data entry back log, Teller County also had problems with the following SCORE processes:

- Training for Early Voting and Vote Center modules;
- Issuing and replacing ballots; and
- Receiving and processing returned mail-in ballots.

**2. Teller County's physical election space and general disorganization contributed to its inability to properly administer an election.**

Secretary of State staff immediately noticed Teller County's inability to effectively organize election materials; employees store election material and mail-in ballot processing equipment in a small basement room. Additionally, county elections division employees haphazardly arranged and stored election material from prior years. Third, employees incorrectly marked supplies, signs, and other election materials. Finally, verifiable ballot option rolls, presumably for the Primary, were not cleared of prior election tapes. In general, the County's lack of organization hindered its ability to run the election.

**3. Teller County failed to maintain voting machines and institute proper training procedures.**

With regard to equipment maintenance and training, Secretary of State staff had specific concerns with the following:

- Voting Equipment Condition:* Teller County had not maintained its voting equipment, particularly the Accuvote and TSX machines; nearly half of the county's equipment did not work and needed repair or maintenance. This led to a shortage in functioning equipment, which further stressed the county as functional machines were shuffled between locations. The county was often unable to fulfill requests for back-up equipment.
- Election Judge Training:* While the county's election judges were dedicated to public service and election integrity, they simply did not have the training necessary to perform their duties: only one judge appeared to have solid knowledge of how to use the TSX machine; judges didn't know that voters choosing to affiliate with a party must complete mandatory forms; mail-in ballot judges didn't have the state's official Voter Intent Guide; and the judges in Florissant were not aware until Election Day morning of the requirement to return equipment to the courthouse.
- No Written Procedures:* Clerk Jamison failed to provide any written procedures for election judges.

**4. Teller County failed to accurately conduct Logic and Accuracy Testing.**

A canvass board member reported that, during the Logic and Accuracy Testing, the county only tested a portion of the memory cards for the primary election, a clear statutory violation. Clerk Jamison was directed to reset the cards, complete logic and accuracy testing, and recount any votes cast on untested cards.

**5. Teller County failed to plan or document election operations.**

Teller County failed to plan for the most basic election activities, including:

- Early voting;

- Election Day;
- Mail-in ballot processing;
- Provisional ballots; and
- Check lists.

Secretary of State staff performed the following basic election functions:

- Seal log creation;
- Provisional ballot processing document assembly;
- Early voting documentation;
- Election Day close-out documentation;
- Mail-in ballot processing documentation; and
- Staff assignments planning.

In addition to these basic process problems, Clerk Jamison gave very little thought to the actual conduct of the election. For example, she hadn't created or signed any intergovernmental agreements, nor had she created an election calendar, or repaired or maintained voting equipment. Clerk Jamison also added unneeded complexity by labeling equipment for one precinct and then using it in another.

**6. Teller County failed to accurately process mail-in ballots.**

Clerk Jamison's earlier failure to include the affidavit and signature box on mail-in ballot return envelopes required employees to categorize the ballots as follows: "signature-no affidavit," "no signature-no affidavit," and "signature-affidavit." When the Secretary of State ordered Clerk Jamison to carry out certain procedures to rectify the harm, Clerk Jamison assigned an employee who failed to pay attention to detail, further complicating matters. In general, Clerk Jamison greatly complicated mail-in ballot processing, both with her original misstep and her continued inability to institute basic mitigation procedures.

**7. Teller County's lack of early voting planning and testing caused location changes in and voting equipment malfunctions.**

Primary Election early voting started June 18, 2012. The County advertised that early voting would take place in the Centennial Building in Cripple Creek and the Woodland Park Library in Woodland Park. Early voting in Cripple Creek was uneventful. The Woodland Park location, however, experienced significant problems.

On the Friday immediately preceding early voting, Clerk Jamison went to the Woodland Park Library and found there was no connectivity for SCORE's early vote module. Clerk Jamison should have verified connectivity weeks earlier.

Because of the connectivity issues, Clerk Jamison decided to change the Woodland Park early voting location to the county's annex at Manor Court; she posted a sign at the old location that directed voters to the new location. Such a late location change is highly irregular and requires a large information and publication effort.

The early voting room at the new location was so small that election workers could not efficiently process voters. Additionally, when Secretary of State staff arrived, neither the TSX nor the Accuvote machine was functioning properly: voters stood waiting for assistance even though they had already voted. As mentioned above, election judges weren't trained on how to react. Clerk Jamison was similarly unaware of how to resolve the problems and asked for Secretary of State staff for assistance. Secretary of

State staff then instructed the judges on proper contingency procedures and instructed Clerk Jamison to replace the Accuvote machine immediately (Clerk Jamison failed to have a replacement machine on site).

Election judges also had problems with the TSX machines: the County didn't send the correct programming cards for the machine so Secretary of State staff instructed Clerk Jamison to deliver the correct cards immediately.

All of this indicates that neither the election judges nor Clerk Jamison were properly trained on the voting equipment. Further, election judges received no training on contingency planning and had no written policies or procedures.

### **8. Teller County failed to adequately prepare and plan for Election Day problems.**

Best practices call for adequate contingency planning so election judges and officials may quickly resolve problems that arise on Election Day. Based on what Secretary of State staff witnessed during early voting, the Secretary asked his staff to also be present in Teller County on Election Day to mitigate problems. Secretary of State staff observed at three voting locations: Cripple Creek, Florissant, and Woodland Park.

#### *Cripple Creek*

The supply judge and a majority of the judge team either worked at this location during Early Voting or were experienced judges. Only minor issues occurred at this site: the county did not provide the key to the ballot bag and the County sent incorrect programming cards for the TSX. Because the site is near the clerk's office, resolving these issues did not impact voters.

#### *Florissant*

The Florissant vote center experienced connection problems with the ePollbook and its Dymo label printer. The connection problem was caused by a SCORE outage affecting several counties and had nothing to do with Teller County employees or election judges. The Florissant vote center operated without further incident.

#### *Woodland Park*

After the early voting issues at the library, Clerk Jamison unilaterally decided she would use the Manor Court location for Election Day. Secretary of State staff immediately informed Clerk Jamison that she can't change voting locations without official notice and publication. Fortunately, the library location was still able to accommodate the vote center, even on such short notice.

Once judges began setting up, they found, as the judges did in Cripple Creek, that the county had not included the key to the ballot bag with the equipment. The county did not deliver the ballot bag key until a few minutes before the polls opened at 7:00 a.m.

Though the election judges at Woodland Park were mostly capable of carrying out their duties, they didn't know how to set up the TSX machine; they apparently assumed someone from the county would do that for them. Fortunately, the vendor's instructions were in the TSX bag and the supply judge, equipment judge, and Secretary of State staff were able to set up the machines before voting commenced. Though the key issue was resolved before voters arrived, the correct programming cards for the TSX machine were not delivered until much later in the morning.

The Waldo Canyon Fire threatened the Woodland Park location and much of the surrounding area was evacuated. Though Secretary of State staff stood ready to move the voting center to Divide, the Woodland Park location was never evacuated and the emergency vote center in Divide remained unused.

**9. Faulty security and testing procedures nearly resulted in incorrect election results.**

While preparing the voting equipment and during the pre-election Logic and Accuracy test, the county incorrectly sealed the Cripple Creek Election Day memory card in the early voting Accuvote machine. Due to this error, the county had to recount Cripple Creek early voting ballots on the proper card. The Election Day card was reset and sealed in the correct machine.

### **Conclusions**

Clerk Jamison was completely unprepared to fulfill her duties.

Clerk Jamison failed to plan for and document the most remedial aspects of elections. She failed to adequately train staff to use the SCORE system and voting equipment and didn't provide any guidance on general election administration.

Clerk Jamison showed no leadership or comprehension of her duties. Further, she vastly underestimated the ramifications of her mistakes and was generally overwhelmed. To properly run future elections, the County must make immediate changes and dedicate full-time competent staff to its election needs.

With the stress of nearby fires, local elections workers showed poise and dedication despite inadequate election administration training. Secretary Gessler commends Teller County's election judges for their service to their community and fellow citizens.

### **Recommendations**

In order to properly administer elections under the laws and rules of Colorado and in accordance with best practices, the County should:

1. Hire staff knowledgeable in running elections and prepared to work overtime on nights and weekends;
2. Ensure several staff members understand the SCORE system;
3. Repair, maintain, and properly store all voting equipment;
4. Create comprehensive written documents and procedures for:
  - a. Election preparation;
  - b. Provisional voting;
  - c. Polling place set up;
  - d. Polling place close down;
  - e. Staff assignments;
  - f. Security;
  - g. Mail-in ballot receipt;
  - h. Mail-in ballot processing and counting;

- i. Contingency planning;
  - j. Election judge training;
  - k. Ballot inventory; and
  - l. Ballot proofing and ordering.
5. Dedicate additional space for equipment storage, ballot counting and processing, and other election-related activities;
6. Inventory and organize all materials in the election room;
7. Destroy election records that have passed beyond retention time;
8. Hold standing election planning meetings;
9. Complete IGA's with any polling locations not owned by the county; and
10. Develop an equipment/material delivery plan so that items are efficiently delivered to polling places.