

STATE OF COLORADO
Department of State

1700 Broadway, Suite 200
Denver, CO 80290



Bernie Buescher
Secretary of State
Judd Choate
Director, Elections

2010 Primary Post Election Audit

County: Eagle

Attn: Teak Simonton, County Clerk and Recorder

Pursuant to Section 1-7-514 C.R.S. and Election Rule 11, the attached documents provide guidance to completing the post election audit. The following information is to be used to resolve "special case" issues that arise from the selection of machines and races by the Secretary of State's office:

If a device was "AVAILABLE FOR USE" but DID NOT HAVE VOTES CAST (i.e. accessible machines for mail ballot counties) on it for this election, please indicate on the form the status as "NO VOTES" in the field for "machine count" and "hand count." This still requires canvass board member signatures for verification.

If a device was "NOT USED" (i.e. backup equipment) but was selected for the audit, please contact the Secretary of State's Office for selection of an alternative device.

If any NON CENTRAL COUNT device (scanner or DRE) has votes on it, but the "RACES SELECTED" for audit do not appear on the device; For Mail Ballot counties, the canvass board may randomly select an alternative race to count. For Polling Place and Vote Center counties, you must contact the Secretary of State's Office for selection of alternative races.

If a CENTRAL COUNT device has votes on it, but the races selected for audit do not appear in the BALLOTS CHOSEN by the canvass board, the canvass board shall continue to randomly select ballots until all races appear and can be audited.

Please complete the highlighted fields in the attached table and fax or e-mail the form back to the Secretary of State at: (303) 869-4861 or jerome.lovato@sos.state.co.us. This form must be returned no later than: 5:00 p.m. August 23, 2010.

Please contact the following staff for additional assistance:

- Danny Casias: (303) 894-2200 ext. 6356 or danny.casias@sos.state.co.us
- Jerome Lovato: (303) 894-2200 ext. 6355 or jerome.lovato@sos.state.co.us

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Type	Make/Model	Serial #	Race Name to Audit	Candidate	Machine Count	Manual/Hand Count	Canvass Board Initials
DRE	Kodak eSlate	K4326- A0A9DB 8176	State Treasurer - REP	Ament	66	66	TS DM
DRE	Kodak eSlate	K4326- A0A9DB 8176	State Treasurer - REP	Stapleton	111	112	TS DM

DRE	Kodak eSlate	K4326- A0A9DB 8176	US Senator - REP	Buck	113	113	TS DM
DRE	Kodak eSlate	K4326- A0A9DB 8176	US Senator - REP	Norton	114	114	TS DM

CCOS	Kodak i610 Scanner	K4326- 8176	County Sheriff - REP	Hoy	118	118	TS DM
CCOS	Kodak i610 Scanner	K4326- 8176	County Sheriff - REP	Wolf	118	118	TS DM

CCOS	Kodak i610 Scanner	K4326- 8176	State Treasurer - REP	Ament			
CCOS	Kodak i610 Scanner	K4326- 8176	State Treasurer - REP	Stapleton			

Stapleton race Ballot 7 images attached. Voter intent not captured by Ballot Box.

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Primary Audit Notes:

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The Eagle County Canvass Board consisting of Harvie Branscomb from the Democratic Party, Donna Meyer from the Republican Party and Teak Simonton Clerk and Recorder met on August 12th from 9 a.m. to 5 p.m. We reviewed all processes, procedures and forms used in the election and then proceeded to conduct the audit.

13 batches had been created by pre-election plan of the DEO, consisting of approximately 350 ballots each, except the 13th batch. The intention was to satisfy the statutory requirement for central count auditing with a single randomly selected batch (or in case of random selection of the 13th batch, two batches would have been selected for audit). Each batch had been uploaded onto a separate Hart MBB memory card and interim tabulations taken from Hart Tally after uploading each MBB to Tally. By saving a spreadsheet of the aggregate totals and calculating the differences associated with each incremental, batch sub-tabulations are obtained for auditing.

We selected the batch for the random audit by creating two piles of reports for cards tallied. A coin was flipped and half of the reports were eliminated from the stack with that tag (heads or tails). This process continued until there was one report left. The physical ballots for this batch were removed from the sealed duffle bags and divided into three piles; Democratic, Republican and Libertarian. The batch selected was the first batch of ballots processed and included only two ballots from House District 61. Races involving Libertarian candidates (1 ballot) were not audited. The Canvass board was instructed to audit all other contests.

The board decided by majority to divide into two teams of two, with one person on each team reading the ballot choices and one recording these votes on the hand tally sheets. Initially it was thought desirable to have each team count both Republican and Democratic ballots, but in the end this approach was deemed unnecessary by the majority of the board. All races except Libertarian were hand counted and compared to the Tally totals. It was determined in conversation with the Secretary of State's office that in fact all contests are to be audited although the form delivered by that office directed Eagle County to audit only three. DRE's were tested for use but not used by any electors in this election.

Harvie Branscomb and Teak Simonton worked together on the Republican ballots and pat Magdziuk (Clerk's office Chief Deputy) and Donna Meyer worked on the Democratic ballots. The batch to be audited was not divided into smaller batches for hand counting, but in the future will be to allow for easier verification of hash marks should this be needed in case of an error detected while using the read and mark method. One such restart was needed by the team auditing the Republican ballots, and it was possible to restart at a half-way point.

Several ballots in the Republican audit batch had marks that indicated the voter intended to vote for a candidate, but had not followed the directions on the ballot warning them not to put an "X" or a checkmark in the rectangle. In most cases these marks were counted

properly by the Ballot Now software program in conjunction with election judge vote resolution, but in two instances, where the checkmark barely grazed the rectangle, the system did not see it and did not count that vote. There were other ballots where the voter had seemingly rested their pen or marker in one rectangle, but filled in the other rectangle. In these cases among the sample of ballots audited, the system initially recorded an overvote and in all but one instance the resolution board corrected the situation to reflect voter intent. In one situation they did not (in the Canvass Board's opinion) reflect voter intent accurately.

In all cases the votes tallied by hand matched those totaled from the system with the exception of the X situations listed above, in which we were in each case able to determine the reason why they did not match, and in no case was it different by more than one vote among the ballots audited.

A sort method was used for a second hand count verification of votes cast for each contest in cases where the hand count did not match the Tally totals. Republican or Democratic ballots were sorted according to fully voted ballots and then again into piles where consistent patterns (e.g. party line voting) were obvious. This pre-sorting led to a much smaller number of ballots with unique vote patterns to be counted by stacking by candidate and undervote. These stacks were put in groups of ten and totals combined to come up with total votes cast as intended by the voters.

Canvass activities resumed on August 20th at 9:30 a.m. The board reviewed the votes cast for several contested and several uncontested races on both Republican and Democratic ballots using the sort method. A review of the status of the counts from the first day of auditing revealed that some extra contests needed a second count. In particular one contest that appeared to have matched on the first day required reconciliation both because the Tally report sub-total values had been swapped when inserting them into the tally sheet- a process that was done after the hand count was completed. This made the hand count appear to match the machine count, when in fact there was a compensating error in the original read and mark hand count as well as the error in transcription. This contest was counted a second time with the sort and stack method, that revealed the error in the first count. This combination of methods further confirmed that the votes were tallied accurately with the exception of the X situations detailed above. Voter intent detected by the Canvass Board during the audit process will not be reported as a change in the vote counts reported on the official certified totals. Therefore, were a recount to be required and conducted by hand, not machine, the certified vote totals would be expected to change.

Considering that the Secretary of State's office did not provide a form containing the contests to be audited, we have provided a form containing the information- showing each case where our audit count showed a discrepancy that needed to be resolved, and the pertinent explanation of the resolution.

The Hart ballot Now system was used to make a copy of the ballot images (with overlay signifying an undervote where detected) that are subject to incorrect interpretation and these graphics are attached to this report.

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	Hand total	MBB total	re-Sort	notes
Romanoff	54	54		
Bennet	90	90		
Polis	108	108	108	
Hickenlooper	111	111	111	
Buescher	98	98	98	
Kennedy	100	101	101	Dot on ballot was counted as vote
Garnett	96	96		
Schroeder	92	92		
Hart	91	91		
Scanlan	102	101	101	check mark on ballot (very slight) became undervote
Wilson	1	1		
Fisher	107	106	107	check mark on ballot (very slight) became undervote
Simonton	114	114		
Chapin	97	97		
Corcoran	103	103		
Bettis	110	110		
Buck	113	113	113	
Norton	114	114	114	
Bailey	126	125	126	check mark on ballot (very slight) became undervote

Brancato	52	52			
Maes	106	105	106	voter intent error by resolution board	
McInnis	128	128			
Gessler	167	167			
Ament	66	66	66		
Stapleton	112	111	112	check mark on ballot (very slight) became undervote	
Suthers	164	164			
Ferry	167	167	167		
Bosley	160	160	160		
Irvine	162	162			
Korkowski	1	1			
Alexander	170	169	169	partial x in box counted as an undervote	
Sheaffer	172	172			
Hoy	118	118	118		
Wolf	118	118	118		
Archibeque	173	172		check mark on ballot (very slight) became undervote	