

**STATE OF COLORADO  
DEPARTMENT OF STATE**

**ELECTIONS DIVISION**



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**DECEMBER 10, 2010**

Report in Response to Election Complaints #55-10-0014 and #55-10-0017

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## **Issues Raised in the Complaints**

On September 1, 2010 the Colorado Department of State Elections Division (“Division”) received an Election Complaint from Tim Lovato (Exhibit “A”). The complaint stems from the 2010 Primary Election held in Saguache County. A second complaint regarding the 2010 Primary Election in Saguache County was filed by Richard Drake on October 25, 2010 (Exhibit “B”). The allegations shared by the two independent complaints are listed below:

- Ballots were kept in ballot boxes that were not sealed.
- Ballots were mixed up, not sorted by precinct, or kept in order.
- The tally sheets were not signed by all precinct judges on election night.

In addition to the allegations outlined above, Mr. Lovato’s complaint alleged the following regarding the conduct of the Primary Election:

- A canvass board member in Precinct 5 requested that ballots be sorted by precinct and the request was denied.
- Three voters failed to sign the poll book in the Precinct 5.

Furthermore, Mr. Lovato’s complaint posed the following questions regarding the conduct of the Primary Election:

- Whether all election judges who had access to the ballot boxes for the purpose of counting ballots had signed the election judge affidavit?
- Whether the voting equipment used on election day was properly certified?
- Whether all Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ballots were accounted for?
- Whether ballots requiring duplication were properly duplicated, and if so, who participated in that process?
- Who verified signatures on the mail-in ballots received?
- Whether the final tally of votes accounted for spoiled ballots, voided ballots, provisional ballots, and UOCAVA ballots?

## **Background**

On September 1, 2010, Tim Lovato filed an Election Complaint with the Division regarding the 2010 Primary Election in Saguache County. In response to Mr. Lovato’s complaint the Division sent a request for a written response to the allegations in the election complaint, and documentation where necessary, to Melinda Myers, the Saguache County Clerk and Recorder. A copy of the letter requesting documentation in response to Mr. Lovato’s complaint is attached as Exhibit “C”. The Division did not place a deadline on the request for documentation. On October 25, 2010, Richard Drake filed an election complaint with the Division that was substantially similar to the complaint filed by Mr. Lovato.

### *Saguache County Response:*

On November 16, 2010, Ms. Myers provided the Division with a written response to the allegations contained in Mr. Lovato’s complaint (Exhibit “D”). The following is a general outline of Ms. Myers’ response:

- Seal Logs: Ms. Myers stated that some of the seal logs from the Primary Election were incomplete. Ms. Myers requested letters from election judges to attest that the ballot boxes were sealed.
- Election Judge Oaths: Ms. Myers stated that all election judges had been properly sworn-in and signed the corresponding oath.
- Ballot Sorting: Ms. Myers stated that a request from the Canvass Board to sort ballots by precinct was granted during the canvass of the Primary Election. A Canvass Board member suggested storing ballots by precinct for all future elections.
- Precinct 5 Statement of Ballots Cast: Ms. Myers stated that the Statement of Ballots Cast from Precinct 5 was incomplete at the time of the canvass and therefore the Canvass Board completed the form.
- Signature Verification: Ms. Myers stated that her elections staff completed the signature verification of all mail-in ballots.
- UOCAVA: Ms. Myers stated that to her knowledge all UOCAVA ballots were properly issued.

In addition to providing a written response, Ms. Myers provided a copy of the following documents:

- A receipt from the logic and accuracy test performed on the Accuvote vote system (Exhibit “E”);
- Detailed log of all UOCAVA ballots issued (Exhibit “F”);
- Detailed log of all duplicated ballots (Exhibit “G”);
- Signed oaths for all election judges (Exhibit “H”);
- Seal logs from precincts with polling locations (Exhibit “T”);
- Letters from Election Judges Ginger Freel and Bill Betts attesting that the ballot boxes were sealed (Exhibit “J”);
- The poll book from Precinct 5 (Exhibit “K”);
- Statement of Ballots Form for Canvass from Precinct 5 (Exhibit “L”).

*General Election Vote Tabulation and Observers:*

As a result of the concerns that were raised regarding the Primary Election in Saguache County, the Division sent Amy Wilson, Elections Official Trainer, to observe the General Election in Saguache County on November 2, 2010. Ms. Wilson observed six precinct locations and visited the County Clerk and Recorder’s Office to observe ballot tabulation. A copy of Ms. Wilson’s observation notes are attached as Exhibit “M”.

On November 3, 2010, Ms. Myers informed the Division that the ballot totals from the tabulation that occurred on election night did not balance with the number of electors that had voted through early voting, by mail, and at the polls on election day. Ms. Myers determined that it was necessary to retabulate the ballots on Friday, November 5, 2010. As a result of the second ballot

tabulation the outcome of the County Clerk and Recorder and County Commissioner races changed. The Saguache County Commissioners met the following week at which time the Clerk and Recorder’s Office announced that the Division would be invited to assist the County in verifying the total ballots cast in the election and ensure that all ballots had been properly tabulated. The Division instructed the Clerk and Recorder’s Office to lock and seal all election related materials on Wednesday November 10, 2010.

On November 15, 2010, the Division sent Ms. Wilson, and Michael Hagihara, Voter Registration and Elections Management Manager, to assist the Saguache County Clerk and Recorder’s Office with conducting a physical count of the total number of ballots cast during the 2010 General Election. ES&S, the vendor for the central count optical scanner used by Saguache County, sent Tim King, Technical Services Professional, to review the reports from both ballot tabulations. Mr. King concluded that the ballot tabulation from the night of the election was incorrect, and that the tabulation from November 5, 2010 was accurate. Mr. King provided Ms. Myers with an overview of the issue which is attached as Exhibit “N”.

The error that Saguache County encountered when tabulating ballots on election night was caused when election results were loaded from the M650 central count optical scanner to the vote tabulation software.<sup>1</sup> When the county loaded the results from the mail-in tabulation, Precincts 13 and 14 had the following total ballot pages cast:

Precinct 13	574 Ballot Pages
Precinct 14	150 Ballot Pages

The error occurred when the county loaded another results zip disk that replaced the mail-in totals for Precincts 13 and 14 with the polling place results, and therefore the Precinct 13 and 14 mail-in results were changed to read:

Precinct 13	401 Ballot Pages
Precinct 14	126 Ballot Pages

This effectively reported the polling place numbers for Precincts 13 and 14 twice while not reporting the mail-in totals for those Precincts. As a result of this error the total number of ballot pages cast represented 197 ballot pages less than the actual total. The correct number of mail-in ballot pages cast is 2,848. The amount reported on the night of the election was 2,651 which is 197 ballot pages short of 2,848.

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<sup>1</sup> It should be noted that the voting system refers to ballot styles as precincts, and therefore even though Saguache County contains 9 precincts the system reports totals using Precincts (ballot styles) 1-25

The Division staff members were sworn in as election judges in order to assist the County election judges in counting the number of ballots cast through early voting, by mail, and at the polling places. The election judges and Division staff also counted all UOCAVA and provisional ballots cast in the General Election. An overview of the result of the count is attached as Exhibit "O". The number of ballots counted in this process matched the totals reported from the tabulation on November 5, except that the judges and staff count totaled ten fewer mail-in page 1 ballots than the machine count. The hand count was completed in batches of ten and it was determined by those present that this discrepancy was likely due to human error.

The Division staff and county election judges were able to balance the number of ballots cast with the precinct poll books and the reports from the statewide voter registration system identifying ballots returned by mail. After reviewing the physical ballots, the poll books, and reports from the statewide voter registration system, the Division is confident that the ballot tabulation from November 5, 2010 was the correct tabulation.

On Election Day and during the ballot review process, Division staff had the opportunity to observe the election procedures utilized during the General Election. Division staff paid particular attention to the aspects of the election that gave rise to the Primary Election complaints. During the Primary Election the logs recording the seals on election materials were inconsistent and incomplete. During the election judge training prior to the General Election, Ms. Myers reinforced the importance of seal logs and required that all ballot boxes and election materials be sealed and the numbers recorded. The Saguache County Clerk and Recorder's Office has a limited number of storage devices and therefore ballots were often stored with other election materials such as envelopes, poll books, and voting system reports. This storage practice resulted in seals being broken and replaced more often than if the ballots were stored separately from other election materials. However, Division staff observed that the ballot boxes utilized for the purpose of storage were properly sealed and that the seal logs were complete.

During the ballot review, Division Staff observed that the election judges were not properly resolving ballots that could not be read by the central count scanner. Ballots are often rendered unreadable when an elector marks more than one target area either inadvertently or to correct a previously marked choice. When a ballot is rendered unreadable, a team of election judges must review the ballot to determine the voter's intent in accordance with the Voter Intent Guide, which is produced by the Division and provided to the counties. Election Rule 27 defines unreadable ballots as damaged ballots and requires that all damaged ballots be duplicated. Rather than duplicating damaged ballots, the election judges in Saguache County were incorrectly instructed by their voting system vendor to amend the ballots so that they could be read by the machine. The methods of amendment consisted of placing a white sticker over the target area that was not to be counted, or by filling in the target area that was to be counted.

While the election judges did make notations of their change and initial in the margin of the ballot, the Division instructed Ms. Myers that Election Rule 27 requires duplication for all damaged ballots.

#### *General Election Canvass Activities*

On November 22, 2010, the Division received the certified Saguache County Abstract of Votes Cast, which was signed by all of the six Canvass Board members. The Division subsequently received a letter signed by five members of the Canvass Board rescinding their signatures from the certification. The letter is attached as Exhibit "P". The reasons the Canvass Board members stated for rescission are listed below:

1. The Canvass Board was not able to participate in or observe the post-election audit;
2. Information requested by the Canvass Board was not provided by the County Clerk and Recorder;
3. The Canvass Board was not informed of the conditions for use of the ES&S M650 central count optical scanner;
4. The Canvass Board received a written complaint from a Saguache County elector that the Board did not feel was properly addressed.

The Canvass Board indicated that on November 19, 2010 the Board received a complaint from Nancy A. Johnson (Exhibit "Q"). Section 1-7-514(2), C.R.S., provides for the Canvass Board along with the County Clerk and Recorder to investigate a complaint submitted by an eligible elector to the Board providing evidence that the voting equipment was not operating correctly. The concerns regarding the operation of the voting equipment articulated in the complaint were addressed by the Division during the ballot review. As a result, the Board was advised by Ms. Myers that if the individual who filed the complaint had unresolved concerns they should file an Elections Complaint with the Secretary of State's Office.

The Division responded to the Saguache County Canvass Board with a letter (Exhibit "R"). In the response, the Division noted that statute provides for the Canvass Board to transmit uncertified election results if for any reason a majority of the Board cannot certify the results. The letter advised the Canvass Board members that although their letter was not provided contemporaneously with the Abstract of Votes, it would be treated as a statement of non-certification by a majority of the Board. However, because statute provides for transmittal of the election results to the Division regardless of whether the Canvass Board is able to certify, the Division would complete its statutory requirement to compile and total the results for statewide offices and issues.

The Canvass Board indicated in their correspondence that one of the races fell within the mandatory recount threshold and that the Canvass Board wanted to hand count the races involving the ambulance district ballot issue, the Clerk and Recorder's Office, the County

Commissioner Office for District 3, and Amendment Q. In its response, the Division explained that the Canvass Board did not have the authority to order a recount of Amendment Q, a statewide ballot initiative, and that at the conclusion of a recount the Canvass Board should prepare an amended Abstract of Votes Cast.

Prior to the Canvass Board's recount the Division was informed by the Saguache County Clerk and Recorder's Office that the logic and accuracy testing prior to the General Election was not performed in strict compliance with requirements outlined in Election Rule 11. The testing board utilized a set of test ballots provided by the vote system vendor, ES&S, rather than ballots created by the testing board for the purposes of the logic and accuracy test. The Canvass Board requested that the recount of each of the three races be conducted by hand because the logic and accuracy test was not conducted in accordance with the requirements outlined in Election Rule 11.

Additionally, the Canvass Board felt the need to conduct the recount by hand because the canvass board was not present for the post-election audit. The Saguache County Clerk and Recorder's Office asked the Division whether or not the request to hand count the races could be granted. The Division informed the Clerk and Recorder's Office that Election Rule 14.3 requires that a recount be conducted in the same manner as the ballots were counted on election night. Prior to conducting a recount the Canvass Board is responsible for testing the voting equipment with a test batch of ballots. The Canvass Board counts the test batch by hand and then runs the ballots through the voting system to ensure that the voting system is accurately tabulating the votes. If the voting system tabulates the test batch correctly the voting system should be used in the same manner that it was used on election night.

*Recount Activities:*

On November 29, 2010, the Canvass Board conducted a recount of the ambulance district ballot issue, the County Clerk and Recorder's Office, and the County Commissioner Office for District 3. The ambulance district contest was separated by a single vote and therefore a recount was required by section 1-10.5-101, C.R.S. The margin of votes in the Clerk and Recorder and County Commissioner races did not fall within the statutory range for a required recount; however the winning candidates in these races requested and paid for a recount.

On December 2, 2010, the Division received an amended Abstract of Votes Cast signed by two members of the six member Canvass Board. The amended Abstract of Votes Cast identified larger margins of victory than were reported in the original abstract for the County Commissioner and County Clerk and Recorder races; however, there was no change with regards to the outcome of either race. The margin of votes separating the County Commissioner candidates increased from 26 to 38 votes and the margin of votes separating the County Clerk

and Recorder candidates increased from 61 to 66 votes. The results for the ambulance district race matched the results reported in the original abstract.

On December 3, 2010, the Division received correspondence from four members of the Canvass Board outlining their concerns with the 2010 General Election (Exhibit “S”). The letter from the Canvass Board identified the following concerns:

1. The M650 central count optical scanner was not properly sealed and the seal logs for the ballot boxes were not properly maintained;
2. Ballots that were rendered unreadable by the voting system were not duplicated in accordance with the Election Rules;
3. The post-election audit was not completed in accordance with the Election Rules;
4. The results from the M650 central count optical scanner were inconsistent;
5. The canvass board and the Clerk and Recorder’s staff were not able to create backups from the voting system and transport information to a computer system in order to generate reports;
6. The number of mail ballot envelopes did not match the number of mail ballots received and input into the statewide voter registration system. The canvass board was not able to audit the process used for receiving mail-in ballots.

The correspondence concluded by indicating that the Canvass Board was able to determine that the number of ballots cast did not exceed the number of eligible electors in the county, however the Canvass Board was not able to attest to the accuracy of the returns due to the concerns outlined in their letter.

### **Resolution**

As the Division worked with the Saguache County Clerk and Recorder’s Office to complete a report addressing the complaints from the Primary Election, Division staff observed a number of county processes and procedures that are not in compliance with Election Rules and state statutes. However, the issues identified during the 2010 General Election cycle can be addressed and corrected through election worker training. In response to the issues raised in the complaints filed by Mr. Lovato and Mr. Drake, the reports from Division staff, and observations from the Canvass Board, the Division will provide ongoing assistance and training to the Saguache County Clerk and Recorder’s Office to implement processes and procedures in compliance with applicable statutes and rules as well as best practices. Ms. Myers will work closely with the Division staff to prepare a plan for conducting the 2011 Coordinated Election, and Division staff will be available to assist in its implementation.

The Division has identified five areas where additional training and assistance will benefit the Saguache County Clerk and Recorder's Office. The areas identified as needing additional training are outlined below:

- Logic and Accuracy Testing

As noted above, the logic and accuracy testing of the M650 voting system prior to the general election was conducted using test ballots provided by ES&S. Election Rule 11.5.3.6 requires that the test ballots represent every precinct and shall include every ballot style. Additionally, the rule requires that the test ballots shall allow for a sufficient number of ballots to mark every vote position for every candidate on every race including write-in candidates. The Division will assist the Clerk and Recorder's Office with planning and overseeing the logic and accuracy testing prior to the 2011 coordinated election in order to ensure compliance with all applicable rules and statutes.

- Ballot Resolution and Duplication

In the General Election, election judges resolved ballots rendered unreadable in a manner that was inconsistent with the requirements of Election Rule 27. The election judges indicated that when the M650 voting system identified that a ballot was unreadable the judges were amending the ballot to make it readable either by filling in an incomplete mark or by placing a white sticker over a stray mark. As a general rule election judges should never place a sticker over a target area or amend a target area. Rather, as outlined in Election Rule 27.4.2(e), all damaged or defective ballots shall be duplicated utilizing the ballot duplication procedures outlined in Election Rule 26. The Division will assist the Clerk and Recorder's Office with developing training and ensuring all election judges follow the appropriate ballot resolution procedures.

- Seal Logs and Ballot Storage

During the Primary Election, seal logs were not utilized consistently and at times were incomplete. Due to the lack of consistency during the Primary Election Ms. Myers made seal log training a point of emphasis during the election judge training prior to the General Election. The representatives from the Division witnessed the proper use of seal logs during their visit after the General Election. However, the canvass board identified seal log maintenance as an ongoing issue of concern. Therefore, the County will continue to emphasize the importance of maintaining proper seal logs in future election judge trainings. The Division has advised Ms. Myers to obtain additional storage containers so that ballots may be stored separately from other election materials. Separate storage containers will limit the number of times that seals would need to be broken to access election materials. Additionally, by storing the ballots separately, the seal logs will have fewer entries and will provide a clear record for the Canvass Board to review.

- Voting Systems

The Canvass Board expressed concerns on multiple occasions that the ES&S M650 central count optical scanner was not properly utilized, secured, and tested during the 2010 General Election. The Division will work with Ms. Myers and her staff to ensure that the conditions for use for the M650 central count optical scanner are implemented prior to the 2011 Coordinated Election. Additionally, the Division will encourage Ms. Myers to visit other counties in Colorado that utilize the M650 central count optical scanner in order to implement best practices. Specifically, Ms. Myers will need to implement a process for completing backups from the M650 and implement a process for transferring data from the voting system to a computer system that can generate reports.

- Post-Election Audit

Members of the Canvass Board did not witness the post-election audit. The Clerk and Recorder's Office mistakenly believed that the post-election audit was to be completed without witnesses from the canvass board. However, section 1-7-514, C.R.S., requires that the post-election audit be observed by at least two members of the canvass board. The Division will assist the Clerk and Recorder's Office with planning and conducting the post-election audit after the 2011 Coordinated Election to ensure compliance will all applicable Election Rules.

Through first hand observation and accounts from the canvass board, the Division has identified multiple procedural issues related to the conduct of the 2010 General Election in Saguache County. Because the issues identified are administrative, the Division will work closely with the Clerk and Recorder's Office to create an election plan and implement best practices during the 2011 Coordinated Election. Odd-year elections generally involve a lower volume of ballots than a General Election, therefore providing for an opportune time to implement improved or new election procedures. If Saguache County does not conduct an election in 2011 the Division will work with Ms. Myers to find a county that will allow her staff to observe election procedures, specifically procedures relating to voting equipment, so that the Saguache County staff may observe best practices.

# Exhibit A

**FAXED**

**RECEIVED**

SEP , 1 2010

ELECTIONS/LICENSING  
SECRETARY OF STATE

**Saguache County Abstract Co.**  
**309 4<sup>th</sup> St-P.O. Box 157**  
**Saguache CO 81149**  
**Ph.719.655.2611 Fax.719.655.2326**

**Date:** 9/1/10

**Message To:** Election Division

**From:** Tim N. Lovato

**No. of Pages** 5

**Notes:**

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SEP , 1 2010

ELECTIONS/LICENSING  
SECRETARY OF STATE

COMPLAINT

COLORADO SECRETARY OF STATE  
1700 BROADWAY, SUITE 270  
DENVER, COLORADO 80290  
303-894-2200, OPTION 3  
FAX 303-869-4861

FOR CLERICAL USE ONLY
COMPLAINT ID: 55-10-0014
DATE OF FILING:

PERSON ALLEGING COMPLAINT

Name Tim N. Lovato Home Phone 719-655-2563 Work Phone 719-510-8660 ★

Address P.O. Box 268

City Saguache State CO Zip Code 81499 County Saguache

PERSON OR ENTITY AGAINST WHOM ALLEGED COMPLAINT IS BROUGHT (LIMIT ONE PERSON/ENTITY PER FORM)

*Saguache County Clerk & Recorder*

Name Melinda Meyers Home Phone \_\_\_\_\_ Work Phone 719-655-2512

Address 501 4th Street

City Saguache State CO Zip Code 81499 County Saguache

STATE LAW VIOLATIONS [NOTE: ALLEGED VIOLATIONS OF STATE ELECTION LAW DO NOT NEED TO BE NOTARIZED]

Pursuant to Section 1-1-107(2)(b), Colorado Revised Statutes (2004), the Secretary of State is granted independent authority to inspect and review the practices and procedures of county clerk and recorders, election commissions, their employees, and other election officials in the conduct of primary, general, and congressional vacancy elections and the registration of electors in this state, with or without the filing of a complaint by any person.

- I was not allowed to vote in secret.
- I was not allowed to turn in my absentee ballot.
- I was not allowed to ask questions or ask for assistance.
- I was not allowed to vote, even though I was standing in line before the polls closed.
- I was not able to vote because I wasn't given assistance to accommodate my disability.
- I was not able to vote because I wasn't given assistance in my own language.
- I was not provided election materials in my own language.
- My voter registration information was altered.
- I observed the casting of a fraudulent vote.
- My polling place was not open (either on time or at all).
- I observed pollworkers acting or saying something inappropriate.
- I observed inappropriate electioneering or campaigning too close to the polls.
- I was not allowed to re-vote after I made a mistake.
- Officials neglected to perform their duties.

★ Other state law violation: See attached sheets

**FEDERAL LAW VIOLATIONS** [NOTE: ALL ALLEGED VIOLATIONS OF THE HELP AMERICA VOTE ACT MUST BE NOTARIZED]

Pursuant to section 1-1.5-105, Colorado Revised Statutes, the Secretary of State has sole jurisdiction to adjudicate alleged violations of Title III of the Help America Vote Act of 2002 (HAVA). Any person who believes that a violation of Title III of HAVA has occurred, is occurring, or is about to occur may file a complaint. In order to initiate the complaint process, a sworn, written, signed and notarized complaint must be filed with the Secretary of State no later than one year from the date of either the occurrence of the alleged violation or of the election giving rise to the complaint, whichever is later. The complaint must allege the violation with particularity, contain a reference to the section of HAVA alleged to have been violated, and the person or entity responsible for the violation.

- I was not allowed to vote using a provisional ballot.
- Required voting information was not publicly posted in a polling place on Election Day.
- Applications for voter registration were not properly processed, e.g. appropriate identification from the registrant were not required.
- I was not able to determine whether my provisional ballot was counted.
- Other federal law violation: \_\_\_\_\_

**DETAILS OF THE COMPLAINT**

STATE IN YOUR OWN WORDS THE DETAILED FACTS AND CIRCUMSTANCES THAT FORM THE BASIS OF YOUR COMPLAINT, INCLUDING ANY RELEVANT PERSON(S). IN YOUR NARRATIVE EXPLANATION, PLEASE INCLUDE RELEVANT DATES AND TIMES AND THE NAMES AND ADDRESSES OF OTHER PERSONS WHOM YOU BELIEVE HAVE KNOWLEDGE OF THE FACTS. ALSO, GIVE ANY REASONS THAT YOU FEEL THE ALLEGED VIOLATION WAS COMMITTED BY THE PERSON AND/OR ENTITY AGAINST WHOM THIS COMPLAINT IS BROUGHT.

IF YOU BELIEVE THAT A VIOLATION OF TITLE III OF THE HELP AMERICA VOTE ACT OF 2002 HAS OCCURRED, IS OCCURRING OR IS ABOUT TO OCCUR, PLEASE STATE THE SPECIFIC ACTS COMMITTED BY THE PERSON OR ENTITY NAMED IN THIS COMPLAINT ALONG WITH A REFERENCE TO THE SECTION OF HAVA ALLEGED TO HAVE BEEN VIOLATED:

*See attached sheet*

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Check here if additional pages are attached

September 1, 2010

The canvassing of ballots started at 9:15 A.M. and concluded at 4:15 P.M. on Thursday, August 19<sup>th</sup>.

Listed below are some questions I have based upon what I observed during the canvassing of ballots and on statements that were made at the canvassing. (Information: from the notes taken by me during the process.)

- The ballots were kept in a ballot box that was not sealed, and the slot was open on top of the box. There was an affidavit with the signatures of the counting judges. I don't know if all of the judges had signed the affidavit. Who had access to the ballot box? Rule: 1-7-701
- The ballots were mixed together, and they had to be sorted by precinct with the help of the canvassing board. When one of the canvassing board participants suggested that the ballots be kept by precinct, the election official said no several times, not if she had anything to say about it.
- During the process, the tally sheets for Precinct 5, which had the highest turn out at the polls, was not completed by the election officials at the close of the polls and had to be filled out by either the election judge or the clerk and then signed by the canvassing board as actual results. Are the results from that precinct actual or are they created? Rule: 1-7-601(2), 1-7-505
- In Precinct 5, three people did not sign the poll book, but their votes were counted in the election.
- The scanners (counting machines) were tested and fixed one day prior to the election. Were they certified? Were the DRE's tested and certified? Rule 1-7-509, 11.5.3
- From the information that was given to me, ten UOCAVA (military) ballots were sent out, and only one was returned and counted. Note: military ballots had until the close of business day on August 19<sup>th</sup> to be included in the total count. One of the UOCAVA ballots was a copy from the company's web site where the ballots were ordered from. The ballot that was copied had Precinct 2 on it but was counted in Precinct 3. The clerk's office has stated that only 3 UOCAVA ballots had been sent out, but from what I can find out, ten had been sent out. (I need to verify. I'm still not sure of the number.) Rule 13.8
- Thirty-five mail-in ballots had to be reconstructed due to glue from the envelopes. The election official had re-folded the ballots prior to being sent out, thus causing the problem. Were the ballots that were recreated the actual way people voted? Who was present when they were reconstructed and who reconstructed them? Did the counting judges actually do the reconstruction of the actual ballot? The duplicated ballots should have been kept together, not in a different stack.
- Do the numbers add up? How and where are the following accounted for: spoiled ballots with no signatures (2 mail-in did not have signatures on the back of the envelope, parties did not show up to sign the envelopes), mail-in ballots of which 9 were voided, provisional ballots of which 9 were rejected (a total of 16 provisional), and three (?) military? How did they finally arrive at a total of 808 Democrats voting?
- Who verified the signatures on mail-in ballots? Rule: 1-8-114.5, 1-7.5-107.3

**IF YOUR COMPLAINT IS AN ALLEGED VIOLATION OF STATE LAW, YOU MUST SIGN THE FOLLOWING:**

I declare under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct.

Executed on 9/1/10, at Louisville, CO  
(date) (city) (state)

Signature of Person Filing Complaint

*[Handwritten Signature]*

**IF YOUR COMPLAINT IS AN ALLEGED VIOLATION OF THE HELP AMERICA VOTE ACT, A NOTARY PUBLIC MUST COMPLETE THE FOLLOWING:**

**CERTIFICATE OF ATTESTATION**

STATE OF COLORADO  
COUNTY OF \_\_\_\_\_

I, the undersigned, under penalty of perjury, do swear or affirm that the information contained in this complaint is true and correct to the best of my knowledge.

\_\_\_\_\_  
Signature of Complainant

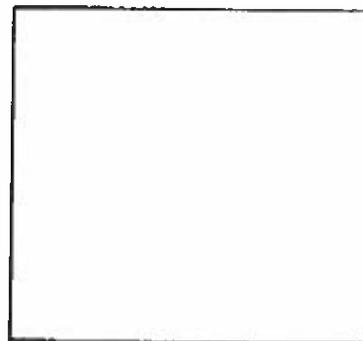
Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Officer Authorized to Administer Oaths or Notary Public

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

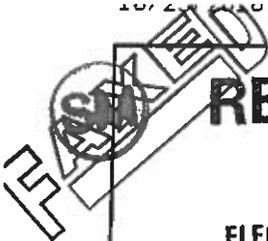
Personally known or  Produced Identification

\_\_\_\_\_  
Type of Identification Produced



*NOTICE: This Complaint is not confidential and, once filed with the Department of State, will be treated as a public record.*

# Exhibit B



RECEIVED

OCT 25 2010

ELECTIONS/LICENSING  
SECRETARY OF STATE

COMPLAINT  
COLORADO SECRETARY OF STATE  
1700 BROADWAY, SUITE 270  
DENVER, COLORADO 80290  
303-894-2200, OPTION 3  
FAX 303-869-4861

FOR CLERICAL USE ONLY
COMPLAINT ID: 55-10-0017
DATE OF FILING:

PERSON ALLEGING COMPLAINT

Name Richard Drake Home Phone 9-256-4257 Work Phone \_\_\_\_\_

Address 59026 Rd 2

City Moffat State CO Zip Code 81143 County Saguache

PERSON OR ENTITY AGAINST WHOM ALLEGED COMPLAINT IS BROUGHT (LIMIT ONE PERSON/ENTITY PER FORM)

Name Melinda Myers Home Phone \_\_\_\_\_ Work Phone 9-655-2512

Address 501 4th St

City Saguache State CO Zip Code 81149 County Saguache

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- |   |   |
|---|---|
| <input type="checkbox"/> I was not allowed to vote in secret.   | <input type="checkbox"/> My voter registration information was altered.                                 |
| <input type="checkbox"/> I was not allowed to turn in my absentee ballot.                                       | <input type="checkbox"/> I observed the casting of a fraudulent vote.                                   |
| <input type="checkbox"/> I was not allowed to ask questions or ask for assistance.                              | <input type="checkbox"/> My polling place was not open (either on time or at all).                      |
| <input type="checkbox"/> I was not allowed to vote, even though I was standing in line before the polls closed. | <input type="checkbox"/> I observed pollworkers acting or saying something inappropriate.               |
| <input type="checkbox"/> I was not able to vote because I wasn't given assistance to accommodate my disability. | <input type="checkbox"/> I observed inappropriate electioneering or campaigning too close to the polls. |
| <input type="checkbox"/> I was not able to vote because I wasn't given assistance in my own language.           | <input type="checkbox"/> I was not allowed to re-vote after I made a mistake.                           |
| <input type="checkbox"/> I was not provided election materials in my own language.                              | <input checked="" type="checkbox"/> Officials neglected to perform their duties.                        |
| <input checked="" type="checkbox"/> Other state law violation: _____  |   |

**FEDERAL LAW VIOLATIONS** (NOTE: ALL ALLEGED VIOLATIONS OF THE HELP AMERICA VOTE ACT MUST BE NOTARIZED)

Pursuant to section 1-1.5-105, Colorado Revised Statutes, the Secretary of State has sole jurisdiction to adjudicate alleged violations of Title III of the Help America Vote Act of 2002 (HAVA). Any person who believes that a violation of Title III of HAVA has occurred, is occurring, or is about to occur may file a complaint. In order to initiate the complaint process, a sworn, written, signed and notarized complaint must be filed with the Secretary of State no later than one year from the date of either the occurrence of the alleged violation or of the election giving rise to the complaint, whichever is later. The complaint must allege the violation with particularity, contain a reference to the section of HAVA alleged to have been violated, and the person or entity responsible for the violation.

- I was not able to vote because my polling place was not accessible to individuals with disabilities.
- Applications for voter registration were not properly processed, e.g. appropriate identification from the registrant were not required.
- Other federal law violation: \_\_\_\_\_
- Required voting information was not publicly posted in a polling place on Election Day.
- I was not allowed to vote using a provisional ballot.
- I was not able to determine whether my provisional ballot was counted.

**DETAILS OF THE COMPLAINT**

STATE IN YOUR OWN WORDS THE DETAILED FACTS AND CIRCUMSTANCES THAT FORM THE BASIS OF YOUR COMPLAINT, INCLUDING ANY RELEVANT PERSON(S). IN YOUR NARRATIVE EXPLANATION, PLEASE INCLUDE RELEVANT DATES AND TIMES AND THE NAMES AND ADDRESSES OF OTHER PERSONS WHOM YOU BELIEVE HAVE KNOWLEDGE OF THE FACTS. ALSO, GIVE ANY REASONS THAT YOU FEEL THE ALLEGED VIOLATION WAS COMMITTED BY THE PERSON AND/OR ENTITY AGAINST WHOM THIS COMPLAINT IS BROUGHT.

IF YOU BELIEVE THAT A VIOLATION OF TITLE III OF THE HELP AMERICA VOTE ACT OF 2002 HAS OCCURRED, IS OCCURRING OR IS ABOUT TO OCCUR, PLEASE STATE THE SPECIFIC ACTS COMMITTED BY THE PERSON OR ENTITY NAMED IN THIS COMPLAINT ALONG WITH A REFERENCE TO THE SECTION OF HAVA ALLEGED TO HAVE BEEN VIOLATED:

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Check here if additional pages are attached

**IF YOUR COMPLAINT IS AN ALLEGED VIOLATION OF STATE LAW, YOU MUST SIGN THE FOLLOWING:**

I declare under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct.

Executed on 10/19/2010 at Monte Vista, CO  
(Date) (City) (State)

Signature of Person Filing Complaint Richard Drake

**IF YOUR COMPLAINT IS AN ALLEGED VIOLATION OF THE HELP AMERICA VOTE ACT, A NOTARY PUBLIC MUST COMPLETE THE FOLLOWING CERTIFICATE OF ACKNOWLEDGEMENT.**

**CERTIFICATE OF ATTESTATION**

STATE OF COLORADO  
COUNTY OF \_\_\_\_\_

I, the undersigned, under penalty of perjury, do swear or affirm that the information contained in this complaint is true and correct to the best of my knowledge.

\_\_\_\_\_  
Signature of Complainant

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Officer Authorized to Administer Oaths or Notary Public

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known or  Produced Identification

Type of Identification Produced \_\_\_\_\_



*NOTICE: This Complaint is not confidential and, once filed with the Department of State, will be treated as a public record.*

I was a canvass judge for the primary election. I have some concerns about the way things were done by the clerk's office.

1. When I arrived the ballots were all in one ballot box together. I did not see any seals on any openings. The slot on top was open. There was a padlock on the main opening of the box.
2. Ballots were all mixed up, nothing was sorted by precincts or kept in any order.
3. The tally sheets were not signed by all the precinct judges at the finish of the election.
4. Also I am not certain of the count of ballots sent by the SOS office, if the number of ballots that were actually used for the election and the unused still totaled the same as were sent.
5. I have also received a letter from one of the election judges of things that went on in precinct 5. I will attach a copy of her hand written letter to me.

Richard Drake  
10-19-2010

10/23

Richard -

As per your request -

The Primary Election - Crestone  
Aug. 2010 Precinct #5

- We were to be at the Community Center by 10:30 & set up.
- Eva & I were looking for the Swear In Sheet & couldn't find one. Mattie Belle also looked, but couldn't find it.
- We were not completely set up when our first voter came in @ 7 a.m.
- In the afternoon some voters came & were asking questions about the ballots they were asking how to decide between the ballots. They needed to declare a party since they were unaffiliated. We asked them to look at the sample ballots to help them decide.  
Mattie Belle went over & was showing them when the ballots said Democrat or Republican. At one point I heard Mattie Belle say "Linda" & "Solar Project". I said that we couldn't discuss the ballots w/ the voters. Mattie Belle said that she felt it was her duty to do that & I told her that we couldn't do that.

- We ran out of some of the forms I had

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their way with them, Mattie Belle wanted to go to the store to make copies. I told her that we couldn't leave.

— One voter brought in a paddle with a political add for Linda Joseph in her back pocket. We didn't see it until she went to the voting booth. I told her she couldn't have it there & I threw it away.

— After we closed the polls we started ~~the~~ counting the stubs from the ballots so that we could fill in the tally page. Several people were counting so I went to close out the voting machine. I ran the tape had everyone sign the roll. We put the signed roll in the ballot box. I took down the voting machine & packed it in its bag. When I finished with the machine I went to the table. Every thing had been packed. I asked if the tally sheet had been completed they said every thing had been done. I never signed the Tally sheet & don't know if anyone else had.

— The other judges helped me carry out the election supplies & boxes. I went from the Community Center to the courthouse. Christain Samora helped me carry everything into the Commissioner's Room Renee Hazard was in the room.

303

left.

Earlier I had asked which Democrat Judge was going to go to Saqueche. Eva Kaess said that she would, but that I would have to take her back to her house. I called Melinda & she said if the Democrat Judges were okay with me bringing everything to Saqueche by myself, it was okay with her. I asked the judges while I was on the phone with Melinda & they said it was fine with them for me to go by myself.

Sincerely,  
Betri Hazard

# Exhibit C

**STATE OF COLORADO**  
**Department of State**  
1700 Broadway  
Suite 200  
Denver, CO 80290

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**Bernie Buescher**  
Secretary of State

**Judd Choate**  
Director, Elections Division

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September 20, 2010

**COPY**

The Honorable Melinda Myers  
Saguache County Clerk and Recorder  
501 4<sup>th</sup> Street  
Saguache, CO 81149

Re: Saguache County election complaints dated September 1, 2010

Dear Ms. Myers,

On September 1, 2010 the Secretary of State received a complaint filed by Tim Lovato regarding the administration of the 2010 Primary Election in Saguache County. A copy of the complaint filed by Mr. Lovato is included with this letter for your reference.

The Secretary of State has determined that this complaint is not a HAVA administrative complaint pursuant to Section 1-1.5-105, C.R.S., and therefore is treating the complaint as an election complaint pursuant to Title 1, C.R.S. In order for our office to investigate the election complaint we ask that you please provide our office with copies of any and all documentation (i.e. custody logs, correspondence, etc.) regarding the allegations and questions contained within the complaint. Specifically, please provide a written statement answering the questions below, and provide copies of the requested documentation:

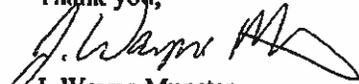
- Were the ballot boxes sealed on election day?
  - Please provide a copy of any documentation that identifies the seal numbers for all ballot boxes utilized for the Primary Election.
- The complaint alleges that the election judges who had access to the ballot boxes for the purpose of counting the ballots signed an affidavit. Was an affidavit signed by the election judges who had access to the ballot boxes for the purpose of counting the ballots? If yes, did any other election judges sign a similar affidavit?
  - Please provide a copy of all paperwork completed by the election judges.
- During the canvass did a canvass board member request that ballots be sorted by precinct? If so was the request granted?
- Was the tally sheet for Precinct 5 completed by an election judge at the end of the night on the day of the Primary Election?
  - Please provide a copy of the report required by section 1-7-505, C.R.S.
- Please provide a copy of the pollbook from Precinct 5, and a copy of the final tally of all ballots received in Precinct 5.
- Please provide documentation to show the results of the logic and accuracy testing for the voting equipment used during the Primary Election.
- Please provide documentation to indicate how many UOCAVA ballots were sent and received.

- Please provide a copy of the duplication log identify all ballots that required duplication.
- Please provide a list of the election judges who verified signatures on mail-in ballots.

Additionally, please provide a written statement detailing how your office has remedied the deficiencies alleged in the attached complaint and list all corrective actions you have taken to ensure that the issues do not occur during future elections. If you disagree with any of the allegations in the complaint please provide a detailed explanation of why the claim is incorrect, along with any documentation that you believe is relevant. In addition, if there is any information or documentation that we have not requested that you believe may be relevant, you should include it in your response.

Please provide our office with your written statement in response to the election complaint as soon as you are able. You may fax your statement to 303-869-4861 or email your statement to [wayne.munster@sos.state.co.us](mailto:wayne.munster@sos.state.co.us). If you have any questions please do not hesitate to contact me at 303-894-2200 ext. 6303. After reviewing the response to this letter the Department of State will issue a written response to the complainant.

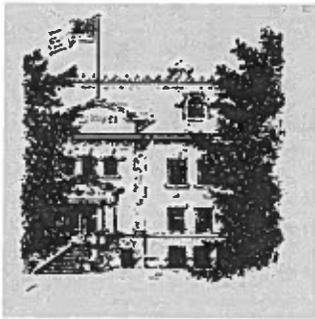
Thank you,



J. Wayne Munster

Encl: Election Complaint filed by Tim Lovato

# Exhibit D



**Melinda Myers**  
**Saguache County Clerk & Recorder**  
**PO Box 176**  
**Saguache, CO. 81149**  
**Phone: 719-655-2512**  
**Fax: 719-655-2730**



Dear Wayne Munster,

Response to complaint filed by Tim Lovato on September 1, 2010.

- **Were the ballot boxes sealed on election day?**

Yes, in all of the precincts, judges reported that the ballot boxes were locked and sealed. Not all seal logs were filled out completely, so I asked some judges to write letters attesting the handling and chain of custody of the ballot boxes. Enclosed are the letters received.

- **Was an affidavit signed by all judges?**

Yes, all judges sign an election judge oath, enclosed are copies of all of them from the Primary election.

- **Sorting ballots by precinct, was this requested and done?**

During the canvass, the recreated ballots were mixed in with the other mail in ballots and it was necessary to sort by precinct to find the coded recreated ballots, the election staff assisted the Board in doing this.

It was suggested by a canvass board member that after every election, all ballots be sorted by precinct before stored. First it is not the preview of the Canvass Board to dictate our office procedure and it would be a lot of unnecessary work, for something that may not be needed. If an occasion arouse that they did need to be sorted - it could be done at that time.

- **Was the ballot Tally sheet from Precinct 5 completed by the judges?**

No, it came in from the precinct incomplete and the Canvass Board finished the math and signed off on it.

- **The elections staff scanned and verified the mail in ballots - no judges were used.**

Enclosed are all requested forms requested. Let me know if you need anything further.

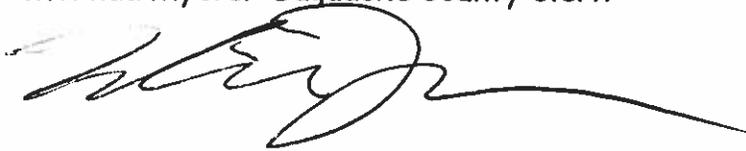
Most of Mr. Lovato's ballot box claims are conjecture, as he was not in the counting room and did not have access to the ballot boxes. To our knowledge all ballot boxes had a secure chain of custody, we have emphasized the seal procedure and documentation of the seal logs with our judges for the general election.

Not sure how he arrived at some of the numbers for the UOCAVA ballots, but as far as I know they were issued correctly.

We have focused in training on seal and ballot logs and poll book procedures. I feel the judges did a much better job in the General.

Thanks,

Melinda Myers/ Saguache County Clerk

A handwritten signature in black ink, appearing to read 'Melinda Myers', with a long horizontal flourish extending to the right.

# Exhibit E



# Exhibit F

WOLFE

Detailed Ballot Log

Precinct or Vote-Center	Date	Ballot Style	Starting Ballot #	End Ballot # used	Total
P 3	7/4	DEM	1	1	1
P 4	7/9	REP	1	1	1
P 5	7/9	DEM	1	1	1
P 5	7/9	DEM	2	2	1
P 5	7/9	DEM	3	3	1
P 9	7/9	REP	1	1	1
P 9	7/9	REP	2	2	1
<p>we made a copy of the ballot of the computer  one from District 60 and one from District 61  we mailed them &amp; will receive when returned</p>					

SOS Rule 41.2.1 The designated election official shall keep a detailed log of all ballots. The designated election official shall begin the log as soon as ballots are ordered and received. The log shall include the polling location and/or precinct number (s), ballot style (s), and account for every ballot that is received and distributed. The detailed log shall be reconciled at the conclusion of each workday.

POLLING LOCATION



204468570

DICK WILLIAM HAZARD  
PO BOX 273  
SAGUACHE CO 81149

600125108  
3056255003  
P03 DEM  
A1

*OK*



203948676

MARK LEE GRICE  
4038 SW MESQUITE DR  
LAWTON OK 73505

*OK*

600118119  
3056255004  
P04 REP  
A1



203948548

LOIS ZOOK ARNDT  
FAX #85523886009  
CAMBODIA

4918181  
3056055005  
P05 DEM  
A1

*OK*



203948549

JOHN ROBERT ARNDT JR  
NORTHBRIDGE INTERNATIONAL SCHOOL,  
PO BOX 2042, 3 PHNOM PENH, PHNOM  
PENH  
CAMBODIA

*OK*

4918182  
3056055005  
P05 DEM  
A2



203947846

CECILIA A MCGOWAN  
HOLY HILL HERMITAGE  
SKREEN, CO SLIGO  
IRELAND  
IRELAND

3740786  
3056055005  
P05 DEM  
A3



203948527

KELLY LYNN POLZIN  
PO BOX 814  
SWEETGRASS MT 59484

200091358  
3056255009  
P09 REP  
A1



203948759

TRAVIS ALAN POLZIN  
PO BOX 814  
SWEETGRASS MT 59484

200091366  
3056255009  
P09 REP  
A2

# Exhibit G

JB  
9-1-10 5:45 PM

Detailed Ballot Log

Duplication  
Log

Precinct or Vote Center	Date	Ballot Styles	OK/NA/   Ballot #	Replacement ballot # used	Total
03-001	8/10/10	Dem	OK	OK	
03-002	✓	✓	OK	OK	
03-003	✓	✓	OK	OK	
03-004	✓	✓	OK	OK	
03-005	✓	✓	OK	OK	
03-001	✓	Republican			
05-002	✓	Rep.			
01-01	✓	Rep.			
01-02	✓	Rep.			
01-01	✓	Dem	OK	OK	
01-02	✓	Dem	OK	OK	
01-03	✓	Dem	OK	OK	
01-04	✓	Dem	OK	OK	
01-03	✓	Rep.			
05-01	✓	Dem.	OK	OK	
05-02	✓	Dem	OK	OK	
05-03	✓	Dem	OK	OK	
05-04	✓	Dem	OK	OK	
05-05	✓	Dem	Not found in pile.		

SOS Rule 41.2.1 The designated election official shall keep a detailed log of all ballots. The designated election official shall begin the log as soon as ballots are ordered and received. The log shall include the polling location and/or precinct number (s), ballot style (s), and account for every ballot that is received and distributed. The detailed log shall be reconciled at the conclusion of each workday.

POLLING LOCATION

5:45 pm  
9-1-10

Detailed Ballot Log

Precinct or Vote Center	Date	Ballot Styles	Original Ballot	Placed in ballot box	Total
05-06	8-10-10	Dem	OK	OK	
05-07	✓	Dem	OK	OK	
05-08	✓	Dem	OK	OK	
05-09	✓	Dem	OK	OK	
05-10	✓	Dem	OK	OK	
05-01	✓	Rep			
02-01	✓	Rep			
02-02	✓	Rep			
06-01	✓	Rep			
06-02	✓	Rep			
06-03	✓	Rep			
06-01	✓	Dem	OK	OK	
07-01	✓	Dem	OK	OK	
07-02	✓	Dem	OK	OK	
07-03	✓	Dem	OK	OK	
08-01	✓	Dem	OK	OK	
08-02	✓	Dem	OK	OK	
08-03	✓	Dem	OK	OK	
08-04	✓	Dem	OK	OK	

SOS Rule 41.2.1 The designated election official shall keep a detailed log of all ballots. The designated election official shall begin the log as soon as ballots are ordered and received. The log shall include the polling location and/or precinct number (s), ballot style (s), and account for every ballot that is received and distributed. The detailed log shall be reconciled at the conclusion of each workday.

POLLING LOCATION

# Exhibit H



# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I *Linda Stagner* do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of *Saguache*; that I am a member of the *Republican* party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

*Linda S. Stagner*

Judge's Signature

*8/10/10*

Date

*[Signature]*

Saguache County Clerk and Recorder

*8-10-2010*

Date





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I *Doug Clark* do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of *Saguache*; that I am a member of the *Republican* party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

*Douglas T. Clark*

Judge's Signature

*8/10/2010*

Date

*[Signature]*

Saguache County Clerk and Recorder

*8-10-2010*

Date





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I Barbara Anderson do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of Saguache; that I am a member of the Republican party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Barbara Anderson

Judge's Signature

8-10-10

Date

[Signature]

Saguache County Clerk and Recorder

8-10-2010

Date

SEAL





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I Renate do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of Saguache; that I am a member of the Dem. party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Renate J. Lamm

Judge's Signature

8-10-10

Date

[Signature]

Saguache County Clerk and Recorder

8-10-2010

Date





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I *Jessica Shook* do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of *Saguache*; that I am a member of the *Democratic* party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Handwritten signature of Jessica Shook in cursive script.

Judge's Signature

7/28/10

Date

Handwritten signature of the Saguache County Clerk and Recorder in cursive script.

Saguache County Clerk and Recorder

7-28-2010

Date

SEAL



# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I Lisa M. Werts do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of Saguache; that I am a member of the Republican party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Lisa M. Werts

Judge's Signature

7/28/10

Date

[Signature]

Saguache County Clerk and Recorder

7-28-2010

Date

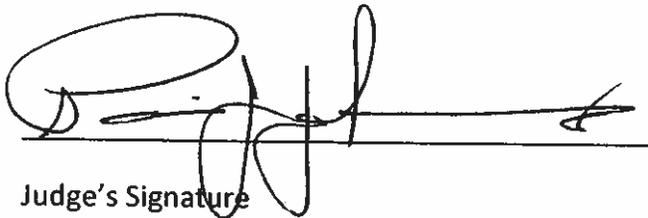
SEAL



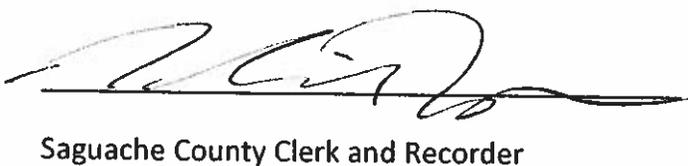
# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I PARVIN J. JOHNSON do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of \_\_\_\_\_; that I am a member of the Democratic party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

  
Judge's Signature

7/28/10  
Date

  
Saguache County Clerk and Recorder

7-28-2010  
Date

SEAL



# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I MATIE B. LAKISH do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of SAGUACHE; that I am a member of the DEMO party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Matie Belle Lakish

Judge's Signature

7-28-2010

Date

[Signature]

Saguache County Clerk and Recorder

7-28-2010

Date

SEAL





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I Peggy Godfrey do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of Saguache; that I am a member of the Republican party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Peggy Godfrey  
Judge's Signature

July 28, 2010  
Date

[Signature]  
Saguache County Clerk and Recorder

7.28, 2010  
Date





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I *CATHERINE O'ADAMS* do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of ; that I am a member of the *Republican* party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

*Catherine O'Adams*

Judge's Signature

*7/28/10*

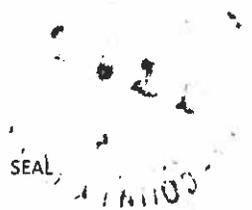
Date

*[Signature]*

Saguache County Clerk and Recorder

*7-28-2010*

Date





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I, Eileen S. Wilfong, do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of Saguache; that I am a member of the Dem. party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Eileen S. Wilfong  
Judge's Signature

7-28-10  
Date

[Signature]  
Saguache County Clerk and Recorder

7-28-2010  
Date





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of *Saguache*; that I am a member of the *Democratic* party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

*Adeline Sanchez*

Judge's Signature

*07/28/10*

Date

*[Handwritten Signature]*

Saguache County Clerk and Recorder

*7.28.2010*

Date





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

Edwin W.

I PETERSON do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of SAGUACHE; that I am a member of the <sup>DEMOCRATIC</sup> party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Edwin W. Peterson

Judge's Signature

7.28.10

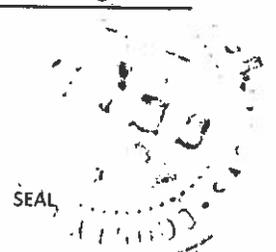
Date

[Signature]

Saguache County Clerk and Recorder

7.28.2010

Date





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of \_\_\_\_\_; that I am a member of the Republican party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Jinger Freese  
Judge's Signature

7/28/10  
Date

[Signature]  
Saguache County Clerk and Recorder

7-28-2010  
Date

SEAL



# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I Rebecca do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of Saguache; that I am a member of the Dem party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Rebecca Amersman

Judge's Signature

7-28-10

Date

[Signature]

Saguache County Clerk and Recorder

7-28-2010

Date

SEAL



# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I Eva Q. Kase do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of Saguache; that I am a member of the Dem. party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Eva Q. Kase  
Judge's Signature

July 28, 2010  
Date

[Signature]  
Saguache County Clerk and Recorder

7-28-2010  
Date





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

*Floyd Jaramila*  
I do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of ; that I am a member of the *DEM* party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

*Floyd Jaramila*  
\_\_\_\_\_  
Judge's Signature

*7/28/2010*  
\_\_\_\_\_  
Date

*[Signature]*  
\_\_\_\_\_  
Saguache County Clerk and Recorder

*7-28-2010*  
\_\_\_\_\_  
Date

SEAL



# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I Carla R. Quintana do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of ; that I am a member of the Democratic party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Carla R. Quintana

Judge's Signature

7-28-2010

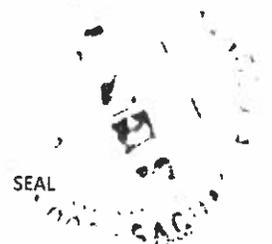
Date

[Signature]

Saguache County Clerk and Recorder

7-28-2010

Date





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I TERESA SEITZ do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of SAGUACHE; that I am a member of the DEMOCRATIC party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

A handwritten signature in black ink, appearing to read "Teresa Seitz", written over a horizontal line.

Judge's Signature

7-28-10

Date

A handwritten signature in black ink, appearing to read "R. Seitz", written over a horizontal line.

Saguache County Clerk and Recorder

7-28-2010

Date





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I **BILL BETTS** do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of **SAGUACHE**; that I am a member of the **REPUBLICAN** party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Bill Betts

Judge's Signature

July 28, 2010

Date

[Signature]

Saguache County Clerk and Recorder

7-28-2010

Date





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I Verna Schmittel, do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of \_\_\_\_\_; that I am a member of the \_\_\_\_\_ party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Verna Schmittel

Judge's Signature

07/28/10

Date

[Signature]

Saguache County Clerk and Recorder

7-28-2010

Date

SEAL





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I *Dora Trujillo* do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of *Saguache*; that I am a member of the *Dem.* party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

*Dora Trujillo*

Judge's Signature

*July 28, 2010*

Date

*[Signature]*

Saguache County Clerk and Recorder

*7-28-2010*

Date

SEAL





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I *Estalita Versaw* do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of *Saguache*; that I am a member of the *Republican* party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

*Estalita Versaw*

Judge's Signature

*7-28-2010*

Date

*[Handwritten Signature]*

Saguache County Clerk and Recorder

*7-28-2010*

Date

SEAL



# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I Dolores Nustbaum do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of ; that I am a member of the Democrat party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Dolores Nustbaum

Judge's Signature

7-28-10

Date

[Signature]

Saguache County Clerk and Recorder

7-28-2010

Date

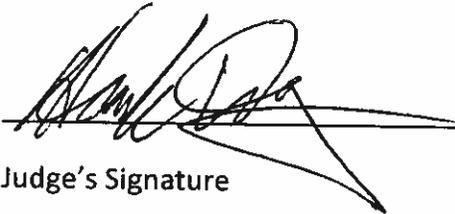
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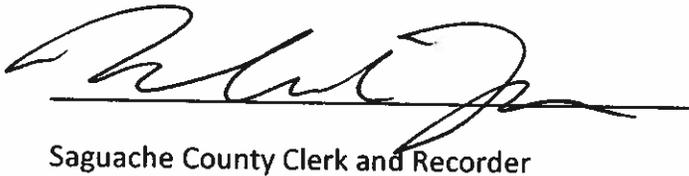
# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I HENRY DAY do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of Sag; that I am a member of the Unf party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

  
\_\_\_\_\_  
Judge's Signature

7/28/10  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Saguache County Clerk and Recorder

7-28-2010  
\_\_\_\_\_  
Date





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I *Elvie M Samora* do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of ; that I am a member of the *Rep* party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

*Elvie M Samora*

Judge's Signature

*7-28-10*

Date

*[Signature]*

Saguache County Clerk and Recorder

*7-28-2010*

Date

SEAL





# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I Judith Lowe do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of Saguache; that I am a member of the Republican party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Judith E. Lowe  
Judge's Signature

7-28-10  
Date

[Signature]  
Saguache County Clerk and Recorder

7-28-2010  
Date

SEAL



# Saguache County Clerk & Recorder

501 4<sup>th</sup> St. PO BOX 176  
SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I CHRIS HARDT do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of \_\_\_\_\_; that I am a member of the \_\_\_\_\_ party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Chris Hardt

Judge's Signature

7/28/10

Date

[Signature]

Saguache County Clerk and Recorder

7-28-2010

Date





# Saguache County Clerk & Recorder

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SAGUACHE, COLORADO 81149  
TELEPHONE 719-655-2512 FAX 719-655-2730

I Rebie S. Hazard do solemnly swear or affirm that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of Saguache; that I am a member of the Republican party or that I am unaffiliated with a political party as shown on the registration books of the County Clerk and Recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

Rebie S. Hazard

Judge's Signature

7/28/10

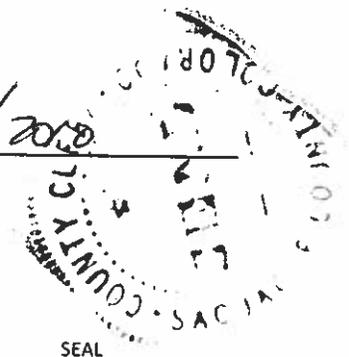
Date

[Signature]

Saguache County Clerk and Recorder

7/28/2010

Date

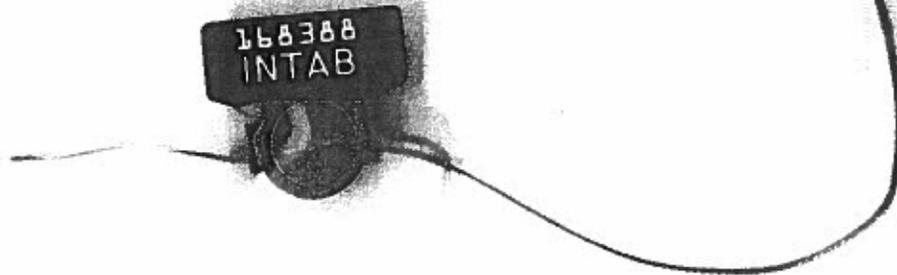
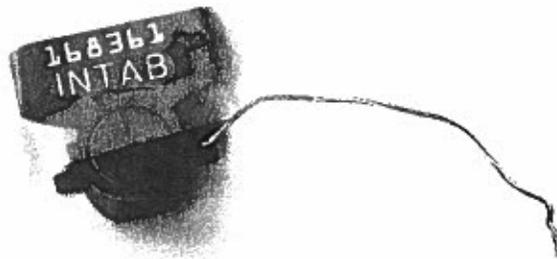


SEAL

# Exhibit I

These were off the other  
ballot boxes but not logged  
by judges or me

Arsene Hazard  
9/30/10



# Seal Log for the August 10, 2010 Primary Election

Precinct # 789

Seal Number	Seal Location Before Removal	Reason for Removal	Place Seal Below	Replacement Seal Number	Judges Int
250819	DRE Voting Machine		<p><b>250819 OFFICIAL ELECTIONS SEAL</b>                      Report immediately if "VOID" appears.                      By: <i>William [unclear] Date: 8-10-10</i></p>		<i>RA</i>
25820	DRE Voting Machine		<i>Not removed</i>		<i>SA</i>
168343	DRE Screen Case	For machine set-up	<i>Removed</i>		<i>M.S.</i>
168386	DRE Stand	For machine set-up	<i>Removed</i>		<i>M.S.</i>
168387	DRE Stand	For machine set-up	<i>Removed</i>		<i>W.M.S.</i>

**250912 OFFICIAL ELECTIONS SEAL**  
 Report immediately if "VOID" appears.  
 Date: 8-10-10  
 By: *ST*

**250914 OFFICIAL ELECTIONS SEAL**  
 Report immediately if "VOID" appears.  
 Date: 8-10-10  
 By: *ST*

**250916 OFFICIAL ELECTIONS SEAL**  
 Report immediately if "VOID" appears.  
 Date: 8-10-10  
 By: *ST*

**250917 OFFICIAL ELECTIONS SEAL**  
 Report immediately if "VOID" appears.  
 Date: 8-10-10  
 By: *ST*

# Seal Log for the August 10, 2010 Primary Election

Precinct # 6

Seal Number	Seal Location Before Removal	Reason for Removal	Place Seal Below	Replacement Seal Number	Judges Int.
168337	DRE Stand	TO SET UP MACHINE			AK
168352	DRE Stand	TO SET UP MACHINE			AK
250815	DRE Voting Machine	TO TURN OFF	<p><b>250815 OFFICIAL ELECTIONS SEAL</b>                      Report Immediately if "VOID" appears.                      By: <i>[Signature]</i> Date: 7-30-10</p>	250871	AK
250816	DRE Voting Machine	Use Machine		168342 168338	SE7.
168355	DRE Screen Case	TO SET UP MACHINE			AK

Seal Log for the August 10, 2010 Primary Election  
 Precinct # 5

Seal Number	Seal Location Before Removal	Reason for Removal	Place Seal Below	Replacement Seal Number	Judges Int.
22928	Ballot envelope				
00063	Ab				
108333	Spool				PSH
250813	DRE machine				PSH
168320	Ballot Box Replacement				PSH

250867 (2nd mail in ballot box)  
 new seal.

**250886 OFFICIAL ELECTIONS SEAL**  
 Report immediately if "VOID" appears.  
 By: *Alexis Noyard* Date: 8/10/10

Seal Log for the August 10, 2010 Primary Election  
 Precinct # 4

Seal Number	Seal Location Before Removal	Reason for Removal	Place Seal Below	Replacement Seal Number	Judges Int.
250866	Ballot envelope				PG A.O.
168357	Voting Machine Stand				A.O. E.S.W.
168360	Voting Machine Stand				A.O. E.S.W.
168348	Voting Machine Console				A.O. E.S.W.
250817	Voting Machine Side				A.O. E.S.W.

168377 seal to secure the tape ~~A.O.~~ PG E.S.W.

168377 broke seal to remove from electronic voting PG E.S.W. A.O.

Seal Log for the August 10, 2010 Primary Election  
Precinct # \_\_\_\_\_

Seal Number	Seal Location Before Removal	Reason for Removal	Place Seal Below	Replacement Seal Number	Judges Int.
250821	Ballot envelope	opening		250824	JJ BFB
168330	Ballot Box	close ballot box	<b>250823 OFFICIAL ELECTIONS SEAL</b> Report immediately if "VOID" appears. By: Alice R. [Signature] Date: 8-10-10		JJ BFB
250823	Mail-in Ballot Box	close ballot box		250825 close gather and	JJ BFB
150871	DRE VOTING MACHINE	REPAIR 75062			BFB H
250822	DRE Voting Machine	Seal card slot			JJ BFB
168339	DRE Voting Machine	Receipt Spool			JJ BFB

**250825 OFFICIAL ELECTIONS SEAL**  
Report immediately if "VOID" appears.  
By: T. [Signature] Date: 8-10-10

*John Countryman  
Judges*

*Mail Ballot box*

Seal Log for the August 10, 2010 Primary Election  
 Precinct # \_\_\_\_\_

Seal Number	Seal Location Before Removal	Reason for Removal	Place Seal Below	Replacement Seal Number	Judges Int.
250811	DRE Voting Machine	set up / opening	<b>250811 OFFICIAL ELECTIONS SEAL</b> Report immediately if "VOID" appears. Date: 7-30-10 BY: <i>Brittany [Signature]</i>		BBB BBB
250812	DRE Voting Machine	set up / opening			BBB BBB
168359	DRE Stand	set-up / opening			BBB BBB
168345	DRE Stand	set-up / opening			BBB BBB
168362	DRE Screen Case	set-up / opening			BBB BBB

Seal Log for the August 10, 2010 Primary Election  
 Precinct # 3

Seal Number	Seal Location Before Removal	Reason for Removal	Place Seal Below	Replacement Seal Number	Judges Int.
250925	Ballots	Remove these Ballots	<b>250925 OFFICIAL ELECTIONS SEAL</b> Report immediately if "VOID" appears. By: <i>Renee Azard</i> Date: <i>8/10</i>		
250814	DRE Screen				
190554	DRE				
250836	Ballot Ball Counter	end of Election	<b>250836 OFFICIAL ELECTIONS SEAL</b> Report immediately if "VOID" appears. By: <i>Elene M. Sauer</i> Date: <i>8-10</i>		
250837	DRE Power				

# Seal Log for the August 10, 2010 Primary Election

Precinct # 4

Seal Number	Seal Location Before Removal	Reason for Removal	Place Seal Below	Replacement Seal Number	Judges Int.
250817	DRE Voting Machine				
250818	DRE Voting Machine				
168360	DRE Stand				
168357	DRE Stand				
168348	DRE Screen Case				

Seal Log for the August 10, 2010 Primary Election  
 Precinct # 5

I Number	Seal Location Before Removal	Reason for Removal	Place Seal Below	Replacement Seal Number	Judges Int.
50809	DRE Voting Machine		<p><b>260809 OFFICIAL ELECTIONS SEAL</b>                      Report immediately if "VOID" appears.                      By: <i>Christina P. ...</i> Date: 7-30-10</p>		
50810	DRE Voting Machine				
68358	DRE Screen Case	✓ setting up machine			
68351	DRE Stand	✓ setting up machine			
68341	DRE Stand	✓ setting up machine			
250928	Ballots	✓			

Seal Log for the August 10, 2010 Primary Election  
 Precinct # 6

Seal Number	Seal Location Before Removal	Reason for Removal	Place Seal Below	Replacement Seal Number	Judges Int.
250924 CRA	Ballot envelope CRA				
250881	inside room hung	2nd of page	<p><b>250881 OFFICIAL ELECTIONS SEAL</b>                      Report immediately if "VOID" appears.                      By: <i>[Signature]</i> Date: 8/10/10</p>	250872	SEA CRA
250924	BALLOT ENVELOPE CRA		<p><b>250924 OFFICIAL ELECTIONS SEAL</b>                      Report immediately if "VOID" appears.                      By: Renee Hazard Date: 8/10</p>		CRA SEA
<del>250924</del>	Ballot Box		New Seal 250873	Box taken by So Sealed	SEA CRA
	mail in Ballot Box		New Seal 250874	Box taken by	SEA CRA

Seal Log for the August 10, 2010 Primary Election  
 Precinct # 789

Seal Number	Seal Location Before Removal	Reason for Removal	Place Seal Below	Facement Seal Number	Judges Int.
250921	Ballot envelope PRE7		<b>250921 OFFICIAL ELECTIONS SEAL</b> Report immediately if "VOID" appears. By: Renee Hazard Date: 8/9/10		RA S7
250922	Ballot envelope PRE8		<b>250922 OFFICIAL ELECTIONS SEAL</b> Report immediately if "VOID" appears. By: Renee Hazard Date: 8/9/10		A.S. S7
<sup>4</sup> 250923	Ballot envelope PRE9		<b>250923 OFFICIAL ELECTIONS SEAL</b> Report immediately if "VOID" appears. By: Renee Hazard Date: 8/9/10		A.S. S7
250928	DE machine 168379 SPOOL				LW RA
250867	Mail ballot Jock	gor Young Jock	<b>250867 OFFICIAL ELECTIONS SEAL</b> Report immediately if "VOID" appears. By: S.A. Hazard Date: 8-10-10		
250918			<b>250918 OFFICIAL ELECTIONS SEAL</b> Report immediately if "VOID" appears. By: S.A. Hazard Date: 8-10-10		

**Seal Log for the August Election**  
**Precinct #** *Center*

Seal Number	Seal Location Before Removal	Reason for Removal	Place Seal	Replacement Seal Number
1108307	<i>Early voting Ballot Box</i>	<i>to count early voting ballots</i>		
168320	<i>Crastone Ballot Box</i>	<i>to count</i>		
168330	<i>Villa Grove</i>			
	<i>Unitee</i>			

**OFFICIAL ELECTIONS SEAL**  
 250873  
 Date: 8-10-10

**250873 OFFICIAL ELECTIONS SEAL**  
 Report immediately if "VOID" appears.

# Exhibit J

Ginger Freel  
PO Box 44  
Hooper, CO 81136

Melinda Myers  
Saguache County Clerk  
PO Box 176  
Saguache, CO 81149

Thursday, October 28, 2010

Dear Melinda,

As the supply judge in Center on the day of the 2010 primary election, August 10, I realize that those of us working at Center's super precinct (precincts 7, 8, and 9) didn't record our end-of-the-day seals on the required record sheet. I want to assure you that the ballot box was sealed at the end of the primary election night. It was sealed over the ballot drop slot and signed by all Republican judges and Democratic judges present. We also put a seal over the side and each judge signed that as well. Our failure to record the seals on the seal log was simply an oversight.

After sealing the ballot box, I and one of the Democratic judges, Adeline, took the ballot box to the Saguache County Courthouse and left it with staff from the County Clerk's office. Candidates from both parties were present and observed us delivering it together. At no time was the ballot box not attended by at least one Democratic and one Republican judge.

Please feel free to contact me if there are any further questions or concerns.

Sincerely,

  
Ginger Freel



HELLO TO YOU FROM FROG HOLLOW

October 27, 2010.

To; Saguache County Clerk.

Re; Primary Election.

In reference to the ballot box. The lock was put on first thing in the morning as we set things up. At closing of the polling place, I closed the shutter to the box so that nothing else could be placed in the ballot box.

Along with all of the election things the box was loaded into the front seat of my pickup. These things, ballot box included was within reach of me at all times till arrival at the court house.

Pick up was locked till a deputy clerk was there to receive it all. The ballot box was within my sight at all times from the time we received it till turned over to deputy clerk.

Bill Betts

*Bill Betts*

# Exhibit K

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**Precinct 5: Poll Book**

Section 24-72-204(8), C.R.S., prohibits a designated election official from disclosing election records that contain an electors date of birth or original signature. The poll book for Precinct 5 contains dates of birth and signatures and therefore is not available for inspection.

# Exhibit L

Statement of Ballots Form for Canvass

Election Date 8/10/10 County Sagadahoc

(15)  
BOC  
RSE  
DIL

Precinct or Vote Center	Number of Ballots Provided	Number of Ballots Cast	Number of Unvoted Ballots	Number of Spoiled Ballots	Number of Provisional Ballots	Total	Remarks
PRESDEM 309-680	<del>342</del> 342	152	190	—	9		<div style="background-color: #cccccc; padding: 5px;">                     Please note the outlined square was completed &amp; initialed by the canvass board                      Anne Dwyer                 </div>
PRESREP 47-100	54	2	52	0	0		
PROVISIONAL DEM 378-300	23	9	14	0	9		
PROVISIONAL REP 3746	10	0	0	0	0		
Liberterian	30	1	29	0	0		
no stubs will be hand counted				RA. RND			

# Exhibit M

# Memo

**Date:** November 5, 2010

**To:** Judd Choate, Director of Elections  
Wayne Munster, Deputy Director of Elections

**From:** Amy Wilson, Training Coordinator

**Re:** Election Observation in Saguache County 11/2/10

I was asked to act as an observer from the Secretary of State's office in Chaffee and Saguache Counties on November 2, 2010. I have included a detailed list of my observation. Based on what I observed, I have also included some recommendations and included comments on the complaint from the Primary Election.

## **Observation**

### 7:10 a.m. Villa Grove Baptist Church

- Polling place was up and running.
- Only 2 voting booths—not enough. Voters were all over the room filling out ballots.
- Accessible machine was not set up (by the time I left at 8:00 it was still not set up). One voter said he had a hard time seeing and the judges told his wife she could read the ballot to him.
- No HAVA signs.
- Judges were logging in seals when I arrived.
- Judges were always asking for ID.

### 8:15 a.m. Saguache County Courthouse

- Met with Melinda, checked on security of early and mail-in ballots. Boxes were sealed and secured in a vault. Seal logs were kept.
- Melinda told me about some problems with issuing ballots to the property owners in the Ambulance District. Judges had mistakenly given the voters their regular ballot (which contained the Ambulance District question) and the Ambulance District ballot. She had sent Renee out to Moffat to open the ballot box and take the three Ambulance District ballots out of the box since they could easily identify that they were wrong.
- Polling place at the courthouse had machine set up.
- Polling place set up was a little strange. Judges were in a room and voters were unattended out in the hall.
- No HAVA signs.

#### 9:00 a.m. Dolores Nusbaum's residence (La Garita)

- Polling place set up in a very small living room of a cabin. Did not meet accessibility requirements.
- No HAVA signs.
- Accessible machine was not set up and judges said they weren't planning on setting it up. There was no room to put it anyway.
- Woman on crutches came in and asked to sit down to vote. There was no booth short enough to accommodate her so she just voted in the open.
- Judges said they could not get the lights on the voting booths to work, which was a problem at 7:00 a.m. when it was too dark for voters to see.
- Asked judges if there was another place to hold voting in the future. The only other buildings in town are a restaurant and a Catholic Church.
- Judges always asked for ID. One voter who didn't have it voted a provisional ballot.

#### 10:00 a.m. Center School Library (3 precincts)

- Interesting set up—greeter judges shouted the voter's ballot style to a judge at another table across the room who shouted the serial number back to the greeter and then issued the ballot. It was quite chaotic at times.
- I stayed for one hour and there were provisional voters the whole time I was there.
- Voters were choosing not to go to the voting booths but instead found tables and chairs anywhere in the room. There were not enough booths. The library was large enough so voters could still have some privacy.
- Provisional voting process gave no opportunity for secrecy. These voters were not given secrecy envelopes. They filled out their ballot where 2 election judges could look at their ballots. Some voters went to the booth and then had to stand there with their voted ballots while the judge filled out the envelope. I saw several voters' ballots. I pointed this out to the head judge that this was a problem and urged her to give secrecy envelopes to provisional voters or instruct them to fold up their ballot and put it in the provisional envelope for secrecy.
- There were 2 judges there who spoke Spanish which was very helpful and necessary.
- Not sure why the judges have to write down the voter's full DL number. Seemed to be holding up the process.
- Judge had to ask a voter to remove his t-shirt which they considered political. Voter was belligerent but judge handled it well.
- Voter who couldn't see well was given reading glasses that one of the judges had brought with her.
- Judges always asked for ID.
- No HAVA posters.

12:45 p.m. Saguache County Courthouse (for counting at 1:00 p.m.)

- Visited briefly with Melinda. Told her about secrecy problems I had encountered. She said next time she would get different color secrecy envelopes for provisional voters.
- Also discussed the "electioneering incident" at Center and complimented the judge.
- Melinda said that staff had been out delivering additional provisional ballots. The need for provisionals was greater than they anticipated. I told Melinda that I had noticed the same thing.
- Watched the counting judges set up for counting. Another watcher was present.
- Talked to Renee' about making sure her early vote totals matched total ballots counted. Went over some methods to reconcile her numbers. Early vote ballot numbers did match with SCORE reports.
- Seal logs on ballot boxes looked good. Judges maintained seal log.
- Judges came up with a method to hand tally the write-in votes which seemed efficient.
- Advised judges not to darken the space on the ballot when it was not read by the machine. Advised them to put the ballot back through the machine and if the machine wouldn't read it, duplicate the ballot. Fortunately, the machine read the ballot on the second time through.
- Spent time talking to Renee about some post-election procedures. I urged her to organize her provisional ballots and to do the "easy" ones first (ID required, mail-ins, etc.) I told her to call us if she had questions. I also told her to call when she was putting together her canvass and Wayne, Hilary, Christi or I could help her with some procedures.

2:45 p.m. Moffat School

- No HAVA signs.
- Accessible machine was set up.
- Stayed for about 15 minutes and saw no voters.

3:30 p.m. Crestone Church

- There were 6 election judges in this precinct which was probably too many for such a small space.
- There were about 6 booths set up and no voters were using them. They were all sitting at the table voting together.
- Accessible machine was set up.
- No HAVA signs
- Two voters came in and said they couldn't see well. One voter was offered the machine but the judge said that the voter would have to go back through processing because a ballot had been issued. The voter chose not to use the machine but tried to read the ballot.
- One voter came in who was very shaky and had difficulty controlling his limbs. Filling out the ballot was very difficult for him and he could have benefited from a voting machine.
- Judges always asked for ID.

## Recommendations

- Provide secrecy envelopes for provisional voters.
- Get HAVA signs for each precinct. (Lisa Doran at the SOS office can help you with this.)
- Print instruction cards at polling places (see Section 1-5-504, C.R.S.).
- Provide sample ballots for precincts (see Section 1-5-413, C.R.S.).
- If the majority of voters want to sit at a table and not use voting booths, consider getting some of the cardboard privacy screens that are designed for tables and setting up 8-10 in the polling place. They can be used instead of a regular voting booth. At the very least, provide a privacy screen for provisional voters.
- Accessible equipment must be set up. Train judges to recognize that a person with limited sight can benefit from using the voting machine. Provide a place (or lower booth) for a voter who needs to sit down to vote.
- Place magnifying sheets in precinct kits to help those who need a little extra help with the small print on the ballot. Work with the SOS Office (Lisa Doran) because grant funds may be available.
- Consider whether you need the judges to write down the voter's DL number in the pollbook. It took a lot of time and may not be necessary.
- Put a process in place for tracking your mail in ballot batches. Perhaps use some kind of "cover sheet" where you can account for ballots as they go from signature verification to opening to counting. Especially create a procedure for tallying valid write-in votes.
- How does Saguache County comply with the HAVA requirements for "second chance" voting? How do voters know if they have overvoted? HAVA requires some kind of education (poster) at the precincts that do not have scanners (none of the precincts have scanners). This is something you may want to visit with Wayne about.
- I did not encounter another watcher at the polling places. However, if there was a watcher there was no way for the watchers to find out who had voted at the polling place.
- Change signs for time in voting booth to 15 minutes (Rule 7.6).

## Follow up on Primary Election Complaint

- All ballot boxes were sealed and locked with a padlock. All mail-in ballot drop-off boxes were also sealed.
- Ballot boxes containing early and mail in ballots were sealed with their corresponding SCORE reports and stored in the vault.

# Exhibit N

## Michael Hagihara

---

**From:** Melinda Myers [mmyers@saguachecounty-co.gov]  
**Sent:** Tuesday, November 16, 2010 7:56 AM  
**To:** matth@chieftain.com; Matie Belle Lakish; Crestone Eagle; Tera Bennis; B Pittenger  
**Cc:** Wayne Munster; Jerome Lovato; Michael Hagihara; Amy N. Wilson  
**Subject:** Saguache Election Reporting Manager election night discrepancy - trip report

Greetings all,

Here is the report from the ES&S technician, Tim King. It explains the discrepancy between the ballot counts of Nov 2 & 5.

Hopefully it will clear up any questions.

Feel free to contact me if you need further information.

The review has preceded well and everything is reconciling well. It was a very good election, thanks to the judges and office staff.

We should be ready to report the results of the election review by the SOS this afternoon. Time has not yet been set.

Thank you,

Melinda

----- Forwarded message -----

**From:** King, Timothy <taking@essvote.com>  
**Date:** Mon, Nov 15, 2010 at 8:15 PM  
**Subject:** Saguache Election Reporting Manager election night discrepancy - trip report  
**To:** mmyers@saguachecounty-co.gov  
**Cc:** "Amos, Erin" <erin.amos@essvote.com>

I visited Saguache County on Monday, November 15th. The reports run on election night (Nov 2nd and morning of the 3rd) were 197 votes short in the Mail-in group. The correct total for the Mail-in group was 2,848 ballots, the reports run on election night showed 2,651 ballots.

The cause was loading of their Polling Places (Election Day) precincts 0013\* and 0014\* into the Mail-in group in replace mode. By replacing the totals in those two precincts, the numbers went down for the group. \*Note these are actually 2 splits of Precinct 5

We reviewed the ERM system log and found the following:

Loaded Precincts 0001 through 00024 (all precincts) from 650 results disk  
11/03 @12:59am Precinct 0013 had 574 ballots cast  
11/03 @12:59am Precinct 0014 had 150 ballots cast  
574+150 = 724

They then almost immediately loaded a 650 results zip that contained only precincts 13 and 14 Polling Place results into the Mail-in group replacing the totals above.

11/03 @12:59am Precinct 0013 then had 401 ballots cast  
11/03 @12:59am Precinct 0014 then had 126 ballots cast  
401+126 = 527

The difference between the two updates is 197, if we subtract that from the correct number of 2,848 the result is the incorrect total of 2,651 which was on the reports.

Additional:

The Model 650 System Log printer jammed on election night and county personnel did not print a Grand Totals or Precinct report on the 650 that night. The final total for the Mail-in group was readable on the log, showing 2,848. They reran all their ballots on November 5th and got the same results for the Mail-ins (2,848) at that time. They loaded the rerun 650 disk into ERM and it shows the correct, matching total. They had some bad luck with a copy they made of the Election Night Mail-in results zip disk, one or more files on the copy are unreadable so they were unable to load those totals back into ERM during trouble-shooting when trying to verify the totals.

Summary:

Other than the one error loading the wrong group totals into the Mail-in group, I did not see any procedural issues in my review of the ERM system log. My only suggestion is to print the final reports on the 650 itself and use those to verify that the reporting software totals match.

*Tim King*

*Technical Services Professional*

*Election Systems & Software*

*Phone: (877) 377-8683 - Select Hardware and Software Support, then Software Assistance*

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--

Melinda Myers

PO Box 176

Saguache, CO.81149

719-655-2512

719-655-2730 Fax

[mmyers@saguachcounty-co.gov](mailto:mmyers@saguachcounty-co.gov)

# Exhibit O

Results by Voting Method	Early Vote	Mail-in	Polling Place	Provisional	UOCAVA
Page 1	107	1415	847	73	7
Page 2	107	1423	847	73	7

\*These results do not include signature discrepancy ballots, DRE votes, or property owner ballots  
 \*\*\*We believe the hand count of the page 1 ballots was short by ten ballots due to a counting error

Polling Place by Precinct	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Precinct 6	Precincts 7-9	Totals
Page 1	116	0	155	35	264	63	214	847
Page 2	116	0	155	35	264	63	214	847

Ambulance District	Polling Place	Mail-in
	5	1

# Exhibit P

**From: Saguache County November 2 Election Canvass Board**

**Lisa A. Cyriacks  
Ed C. Nielsen  
Richard Drake  
Scott Alexander  
Kathy Kulp**

**To: Bernie Buescher, Colorado Secretary of State  
Judd Choate, Director of Elections  
Melinda Myers, Saguache County Clerk**

**Ref: 2010 Post Election Audit and Certification of Results**

**Dear Mr. Choate and Mr. Buescher,**

**Members of the canvass board for the Saguache County 2010 General Election would like to withdraw their certification of the 2010 Post Election Audit and Certification of Results for the following reasons:**

**1. The 2010 Post Election Audit and Certification of Results had been prepared by the clerk's staff and one counting judge and the hand count and machine count were neither observed by the canvass board nor were we allowed to hand count any ballots. Members of the canvass board were asked to sign this document without being given an explanation as to what they were signing. When the county clerk was asked how our signature on this prepared document could serve as verification of something that we neither conducted ourselves, nor did we observe, the response was that this was mere formality. Therefore, we neither examined any ballots nor did we count any ballots.**

**2. Certain requests from individuals of the canvass board for information, and access to some paperwork were continuously denied by the county clerk and her staff. This inhibited our ability to complete a substantial audit and provide adequate public oversight. Examples of requests include:**

- to examine reports printed directly from the newly purchased M650 tabulating machine,**
- to examine and compare reports of results from the November 2 count with reports from the retabulation conducted November 5,**
- to conduct a hand count of at least one of the closely contested races, if not all three,**
- to receive a report of when mail ballots were received and independently verify that they were handled properly**

**In every instance, we were either informed that those reports were not available, that the data from November 2 was no longer available as it had been corrupted, or that we, as a canvass board, did not have the authority to make those requests including the request for a hand count as was made numerous times. Reports of election results by precinct were not provided to many of the canvass board members until shortly before we convened on Friday, November 19, making it virtually impossible to independently assess the outcomes.**

3. The canvass board was never informed of the additional conditions imposed on the M650 machine by the Secretary of State, nor did we conduct any of the mandatory audits for this machine. Due to the concerns raised about how this entire election cycle has been conducted, these audits seem even more necessary.

4. On November 19, the canvas board received a written complaint from Nancy A. Johnson. At the time, we were informed by Melinda Myers that the Secretary of State's office dealt with all correspondence including complaints. According to Title 1-7-514-2

(b) "Upon receiving any written complaint from a registered elector from within the county containing credible evidence concerning a problem with a voting device, the canvass board along with the county clerk and recorder shall investigate the complaint and take such remedial action as necessary in accordance with its powers under this title." Relying upon Melinda Myers instruction, the canvass board never investigated this complaint and responded as required under statute.

The results from the November 5 re-tabulation require a mandatory recount of the ambulance district mill levy question that is one vote apart. In reviewing the conditions imposed by your office for the ES&S M650, there may be three additional races that meet the requirement of a recount.

Because we were denied access to essential information, and in some instances, we were misinformed as to the extent of our role and authority; we have arrived at the conclusion to withdraw our certification of the results as prepared by the county clerk's office.

In order to fulfill our responsibility to the voters of Saguache County and to ensure that the election was conducted in integrity on November 29 we will hand count at least one of the closely contested elections (most likely the NSCAD) and possibly all four including the NSCAD mill levy, the BOCC race, the county clerk's race, and Amendment Q. Once we have been allowed to do our job of assessing the validity of the machine results by testing them with a hand count; we will make the determination if we can certify the remainder of the races as tabulated by the M650 machine.

At this time, it is our intention to follow through with a hand count of these closely contested races on November 29 in hopes of imparting more accountability into the election results.

Sincerely,

*Chris A. Cyractor, 11/22/2010*      *Edwin G. Nelson 11/22/10*  
*Katherine Atchley 11/22/2010*  
*Richard Smith 11-22-2010*

Cc: State Senator Rollie Heath, Chair of State, Veterans & Military Affairs Committee  
[rollie.heath.senate@state.co.us](mailto:rollie.heath.senate@state.co.us)  
State Representative Nancy Todd, Chair of State, Veterans & Military Affairs Committee  
[nancy.todd.house@state.co.us](mailto:nancy.todd.house@state.co.us)

# Exhibit Q

### Formal Complaint to the Canvass Board Concerning the Nov. 2, 2010 Election

1. The new M650 is a complex machine built for large jurisdiction elections (up to 15,000 precincts, and 300 candidates), and is new to Saguache election judges. The public does not have adequate confidence in the machine count.
  - a. It appears that full testing of the machine was not performed in a Logic and Accuracy Test as required by the SOS.  
The Testing Board reportedly was not given the opportunity to mark test ballots and validate the counts of their test ballots as required by SOS Rule 11.5.3.5. The "test deck" was allegedly predetermined and pre-printed by the machine vendor and the clerk, essentially, only testing ballot design, not a blind test of machine accuracy.
  - b. Based on a, above it appears that no test was performed to determine the fidelity of the machine in reading different types and colors of ink, markers, pencil that voters use at home to mark their ballots. (Example, in Pitkin County, the machines cannot read red ink. In Garfield County Bic ball point ink cannot be read by machines. Some organic black inks cannot be read.) The Testing Board was given perfectly pre-printed ballots and denied the opportunity to do this "real world" test.
  - c. There were numerous problems with the M650 on election night, which resulted in the lack of proper reports being generated for control and transparency purposes. The voters and canvass board and press had no timely data to review for reasonableness. Reports delayed by 2 weeks from election night created a "black hole" of information from election night preliminary numbers to latest tallies on November 17.
  - d. The original machine results from the November 2 precinct tabulation have not been made available to the public.
  - e. The ballots printed by the machine vendor were in error creating 25 precincts rather than 9, creating more reason for a careful confirmation of the election software "fix" to summarize the incorrect precinct splits.
  - f. The data files for some precincts or Mail in ballots were "corrupted" and reportedly unreadable.
  - g. A paper jam was blamed for the inability to print report data by precinct and voting methods (mail, early, precinct), on election night. Yet, no electronic file has been produced. (No paper needed!)
  - h. It appears that election data was being deleted from memory cards during

the election and the machine "zeroed" out after various segments of the election processing. This appears to be very unusual processing and not compliant with standard procedure, for zero tapes being run only before election processing and after the final votes have been counted on election night.

2. The number of ballots has not been reconciled between the ballot count on November 15 and the ballot count on the machine. There is reportedly a 10-ballot difference. (It is important for the public and canvass board to recognize that the "hand count" by the SOS and judges was not a "count" or tally of votes, merely a count of the number of ballots on hand, and the number of ballots processed by the M650.)
3. The number of ballots on the SOS report does not agree to the number of ballots on the 11.2 machine totals with small differences in numbers, not accounted for by the data reporting glitch on 11.2. The differences have not been reconciled.
4. The November 5 tabulation shows a number of illogical results that have not been explained. A few examples are:
  - a. When the additional mail in ballots were added, vote counts went down for Senate candidates Stringer and Miller. What could cause a loss of votes when more ballots were added?
  - b. The ESS report shows that 197 ballots (98 voters x 2 page ballots=197), yet the state treasurer race shows 117 more votes cast between 11/2 and 11/5 reports. The highest possible number would have been 98 votes if all 98 voters had voted for a Treasurer candidate.
  - c. The ESS report shows that 1423 page 2 ballots were counted, and 1415 page 1 ballots were counted. It seems unlikely that less page 1 ballots were submitted than page 2 only ballots.
5. It has been reported that the clerk ordered election judges to cover "over-votes" (and possibly other voter errors) on ballots with pressure sensitive white labels to "hide" these marks from the machine. This is highly irregular process and violates the ballot duplication instructions in Colorado law. The process has not been tested to determine the impact on the machine scanning operation. A close visual inspection and testing of such ballots should be performed, possibly in conjunction with a hand count of the close races. (No test was performed to determine what the machine may or may not have scanned and read due to those stickers.) In any event, this process is a serious violation of state regulations, (see attached.) It may be that there was no resolution board log kept of these activities as required.

6. It was reported that the clerk ordered election judges to darken light marks and to complete incomplete marks on voters' ballots, actually marking on the original ballots. This is a significant violation of ballot resolution rules as is 5 above. A close visual inspection of those ballots should be considered to determine if there are questions raised by the judges' markings added to the ballots, (see proper procedures attached.) It may be that there were no resolution board logs kept of these activities.
7. Inquiries from the public and press have not been answered for information concerning the original counts, reconciling items, or verification of chain of custody of ballots and machine reports. Additional investigation is needed to satisfy voters that a full accounting has been provided and tested for accuracy.

MARCI<sup>e</sup> A. JOHNSON  
Marcie A. Johnson  
37200 Rd E 39  
Del Norte, CO 81132  
719-754-1930

# Exhibit R

STATE OF COLORADO  
Department of State  
1700 Broadway  
Suite 200  
Denver, CO 80290

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**Bernie Buescher**  
Secretary of State

**Judd Choate**  
Director, Elections Division

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November 23, 2010

Saguache County Canvass Board Members:

Lisa A. Cyriacks  
Ed C. Nelson  
Richard Drake  
Scott Alexander  
Kathy Kulp  
Randell Arredondo

*Via email delivery*

RE: Letter from Canvass Board members regarding the 2010 Certification of General Election Results

Dear Saguache County Canvass Board Members:

My office is in receipt of the official Abstract of Votes submitted by the Saguache County Canvass Board as well as a letter submitted by the five above-named Canvass Board members on November 22, 2010. Thank you for your service on the Saguache County Canvass Board and your attention to the present matter. We take seriously your concerns.

In your letter, you state that you would like to withdraw the certification of the 2010 General Election by the Canvass Board. In your letter you outline the reasons for noncertification as:

1. The Canvass Board was not able to participate in or observe the post-election audit
2. Information requested by the Canvass Board was not provided by the County Clerk and Recorder
3. The Canvass Board was not informed of conditions for use of the ES&S M650 machine
4. The Canvass Board received a written complaint from a Saguache County elector that the Board did not feel was appropriately addressed

This letter does not speak to these specific points but instead addresses the general role of the Canvass Board and how that role has been fulfilled in the present instance – both by your work and through the observations of personnel from my office.

### **The Duties of a Canvass Board**

The Canvass Board is responsible for reconciling the election to ensure that the number of ballots counted does not exceed the number of ballots cast, and that the number of ballots cast does not exceed the number of registered electors (section 1-10-101.5, C.R.S.). In addition, the Board is tasked with certifying the official Abstract of Votes for transmittal to the Secretary of State in accordance with section 1-10-101.5(1)(c), C.R.S.

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Main Number (303) 894-2200  
Administration (303) 860-6900  
Fax (303) 869-4860

TDD (303) 869-4867  
Web Site [www.sos.state.co.us](http://www.sos.state.co.us)  
E-mail [public.elections@sos.state.co.us](mailto:public.elections@sos.state.co.us)

Section 1-10-101.5(1)(c), C.R.S., provides that the “[w]hen unable to certify the abstract of votes by the majority of the board for any reason, the canvass board shall transmit the noncertified abstract of votes to the secretary of state along with a written report detailing the reason for noncertification.” Although not provided contemporaneously with the abstract of votes, your letter withdrawing certification has been received and will be treated as a statement of non-certification as it is signed by a majority of the Board (section 1-10-101.5(1)(c), C.R.S.).

However, because section 1-10-101.5(1)(c), C.R.S., provides the transmittal of the Abstract of Votes regardless of whether the Canvass Board is able to certify the results, our office shall complete our statutory obligation to compile and total the results for statewide office (section 1-10-103(2), C.R.S.). Section 1-10-104(1), C.R.S., provides that where the canvass process does not strictly conform to legal requirements, that “the returns shall nevertheless be canvassed if they are sufficiently explicit in showing how many ballots were cast for each candidate, ballot question, or ballot issue.” This process must be completed in order for mandatory recounts to be ordered and for non-mandatory recounts to be requested. Moreover, it is our belief that the inspection conducted by our staff November 15 and 16 resulted in a complete resolution of the questions regarding the ballot tabulation process.

### **Inspection of the Cast Ballots in the Present Case**

Staff members from the Secretary of State’s Division of Elections attended a review of the tabulation processes in Saguache County last week to resolve the discrepancies in the ballot tabulation process and to ensure that all properly cast ballots were tabulated. In the course of verifying the accuracy of the voting equipment tabulation, a member of my staff was sworn in as an election judge who then proceeded to physically count the number of ballot pages. He was then assisted by a representative from ES&S, who explained the discrepancy between the unofficial totals reported on November 2 and the unofficial totals reported on November 5. This process was observed by two members of the Canvass Board, the attorney for the Republican Party, and several watchers.

The error that Saguache County encountered when tabulating their ballots on election night was caused when election results were loaded from the physical M650 machine to the vote tabulation software. It should be noted that the voting system refers to ballot styles as precincts, and therefore although Saguache County contains nine precincts, the system reports totals using Precincts (ballot styles) 1-25. When the county loaded the results from the mail-in tabulation Precincts 13 and 14 had the following total ballot pages cast:

Precinct 13	574 Ballot Pages
Precinct 14	150 Ballot Pages

The error occurred when the county loaded another results zip disk that replaced the mail-in totals for Precincts 13 and 14 with the polling place results, and therefore the Precinct 13 and 14 mail-in results were changed to read:

Precinct 13	401 Ballot Pages
Precinct 14	126 Ballot Pages

This effectively reported the polling place numbers for Precincts 13 and 14 twice while not reporting the mail-in totals for those Precincts. As a result of this error the total number of ballot pages cast represented 197 ballot

pages less than it should have. The correct number of mail-in ballot pages cast is 2,848. The amount reported on November 2 was 2,651, which is 197 ballot pages short of 2,848.

Because the polling place results were duplicated for Precincts 13 and 14 on November 2, these results are not a useful tool for comparison. Below is an example of what could have occurred in a fictional race:

Precinct 1-12	Mail-In	Polling Place	Total
Candidate A	100 Votes	50 Votes	MH
<b>Precinct 13</b>			
Candidate A	50 Votes	60 Votes	MH
<b>Nov 2 Tally (Error)</b>			
Candidate A	$(100+50) = 150$	$(60*2) = 120^*$	270 Votes
<b>Nov 5 Tally (Correct)</b>			
Candidate A	$(100+50) = 150$	$(60+ 50) = 110$	260 Votes

\*The Nov 2 Tally is representative of the polling place votes being loaded twice.

In the example above the actual number of votes for Candidate A decreased when the tally was corrected because the polling place results that were loaded twice contained a larger proportionate number of votes cast than the mail-in votes which should have been counted. This type of result would be especially prevalent for a candidate who received a low number of total votes. For example, in Saguache. Senatorial candidates Miller and Stringer each received fewer votes after the November 5 tabulation because votes they received from polling places associated with Precincts 13 and 14 were disproportionately greater than the number of votes received by mail.

### Conclusion

I hope this summary is useful in explaining what happened in Saguache County and why we at the Division of Elections are confident that no more ballots were counted than were voted.

At this point, the Secretary of State has no choice but to accept the Saguache County election totals so that this office can fulfill its statutory responsibility to total the results for statewide offices so that recounts can be ordered. If there are challenges to specific races or concerns about equipment, the Secretary of State can address those as a properly filed complaint is made to this office.

As to your plan to recount several races, I would just point out that regarding Amendment Q, the Secretary of State is the only office with the authority to order a recount on a statewide question. Thus, neither the Saguache County Clerk nor the Saguache County Canvass Board may undertake a recount of Amendment Q without approval from the Secretary of State. Obviously, this does not apply to the local races you mention where a recount is governed by county law.

It is my understanding that a recount is scheduled for a local issue and that a recount of the County Clerk and Recorder and County Commissioner races may also be conducted. Following any recount, the Canvass Board is charged with reconvening to prepare and certify an amended Abstract of Votes. If the official results do not change following the recount, the Board must include a statement to that effect. So, you may well have an opportunity to certify or not certify the recount results, as you feel appropriate.

Again, thank you for your service on the Saguache County Canvass Board and your interest in making the election as fair and transparent as possible. Please get back to me if you have any questions or concerns about your role on the Saguache County Canvass Board or this election.

Respectfully,

A handwritten signature in black ink, appearing to read "Judd Choate". The signature is fluid and cursive, with the first name being the most prominent.

Judd Choate, Director  
Elections Division  
Colorado Department of State

# Exhibit S

From: Saguache County November 2, 2010 Election Canvass Board

To: Bernie Buescher, Colorado Secretary of State  
Judd Choate, Director of Elections  
Michael Hagihara  
Melinda Myers, Saguache County Clerk

RECEIVED

DEC 03 2010

Ref: 2010 Post Election Canvass

Colorado Secretary of State

Dear Mr. Choate and Mr. Buescher,

Please find attached a copy of the Vote Abstract for the recount the canvass board performed on Monday, November 29. For your information, these numbers were derived in the following manner: the NSCAD 5B question was hand counted and the other two races were run through the M650 machine. The 5B question when it ran through the machine changed the numbers to a tie. We were only able to resolve the matter (which we felt we owed Saguache County voters) by conducting a hand count. The final result matched the numbers from the November 5 tabulation.

In the process of completing this task, we identified a number of additional concerns that we would like to address with you. We are in receipt of the letter from Wayne Munster clarifying our concern about the use of alternative language on ballots while using this machine; and acknowledging the unfortunate circumstance that the pre-election logic and accuracy test was not performed according the Rule or according to the specific conditions for use of the M650. Also, the Testing Board was not properly convened and the required steps taken under statute.

1. Other larger concerns the canvass board still has include that the M650 was never secured during the election process – including the critical time between November 2 election counting and the November 5 re-tabulation. In fact, the first time this machine was sealed was November 9 after the BOCC meeting reviewing the election. This is of major concern, since this was also identified in the specific conditions as a security concern. To quote: "Because the voting system operates in a non-restricted system configuration containing open file system access to locate, copy, open and overwrite without detection". Given the particular circumstances of this election, we have no way to affirm or deny that improper access was used to alter the outcomes of this election.

Throughout this election cycle, it appears that the clerk's staff was not always diligent about chain of custody, sealing ballot boxes, and maintaining appropriate logs. This also raises questions from voters as to the integrity of the election and may be a violation of duty on the part of the clerk to run a fair and accurate election. We note that this specific complaint was also included in earlier complaints filed with your office for the primary election.

2. We also observed that the election officials altered the ballots by placing white sticky tabs and use of felt tip pens to facilitate ease of machine scanning. It is our understanding that this is specifically prohibited in state statute and the rules promulgated by the Secretary of State. The proper process in which the election officials should have been trained was to create duplicate ballots, leaving the original ballots intact as they were voted.
3. The ballot sample for the random audit was selected by the clerk's staff solely from the mail ballots and the audit was conducted by an election clerk and one election judge; without any bipartisan representation or canvass board oversight.

4. It should be noted that every time we ran the ballots through the machine it resulted in different numbers. We acknowledge that this could be due to the sensitivity of the machine or any number of factors and may not be a problem in counties where a very large volume of ballots is counted, but in our county where we typically process 2,500 or less, the margin of error can greatly affect the outcome of the race. We had three such races this election cycle.
5. We also observed the inability of the clerk's staff to create backups and use the disks to transfer data to a computer system for generation of reports. After the second stack of ballots for precincts was ran through the machine on November 29, the voting device failed to accept the disk generating this message: "Counters have reached maximum. Counters restored to last batch saved." Therefore, the backups required by the security conditions from the Secretary of State's office for the M650 were not done. Plus the machine does not keep the proper date or accurate time, leaving us no choice but the hand document those items on each report generated.
6. When we attempted to reconcile the mail ballots with the number of envelopes, we found fewer envelopes than any of the page totals generated for mail ballots throughout the election cycle. This discrepancy could have been anywhere from 3 to 11 envelopes depending on which report total we used. Since this was the sector of ballots most impacted by the re-tabulations, especially Precinct 5, this may be of concern. Because the only paperwork produced for us relating to the mail ballots was either the spreadsheet generated by the clerk's staff or reports from SCORE based on data input by clerk's staff we were never able to conduct an independent review of the number of ballots received and counted in this election. We also were denied the opportunity to specifically review and/or hand out the ballots from Precinct 5 which played a key role in the discrepancies.

The canvass board can certify that the number of ballots cast for each race did not exceed the number of registered electors. Due to the fact that the canvass board neither conducted nor observed the random audit, we still issue a statement of non-certification of those results. Due to the concerns about the machine, the inability to ascertain with any certainty the chain of custody, and the various violations of procedural requirements, we cannot attest to the accuracy or inaccuracy of the returns.

We also received a complaint from an elector that we have not yet responded to. We are attaching it for your information and hope that the report prepared by your office will address many of these concerns.

Sincerely,

Edwin Nielsen  
Kathy Kulp  
Richard Drake  
Lisa A. Cyriacks  
Randy Arredondo  
Scott Alexander

*Edwin C. Nielsen*  
*Richard Drake*  
*Chival G. Cyriacks*

Cc: State Senator Rollie Heath, Chair of State, Veterans & Military Affairs Committee  
[rollie.heath.senate@state.co.us](mailto:rollie.heath.senate@state.co.us)

State Representative Nancy Todd, Chair of State, Veterans & Military Affairs Committee  
[nancy.todd.house@state.co.us](mailto:nancy.todd.house@state.co.us)

I do not have the means, at least right now, to print, sign and email a copy of this letter with my signature. Please accept this email as documentation that I affirm and agree with the contents of this letter.  
Respectfully submitted,

Katherine Kulp

Sent from my HTC smartphone



*[The following text is extremely faint and illegible, appearing to be a multi-paragraph letter or document.]*