

Article 1-1-110 of the Colorado Revised Statutes lays out a clear obligation of the County Clerks as the chief election official in the county. As such, it is the clerk's responsibility to monitor and surveil all of the remote drop boxes in their respective counties to prevent, among other things violations of article 7.5-107-4(b)(I)(B), which forbids persons from receiving and depositing more than 10 ballots during the course of the entire election. In addition, the cameras are required to provide evidence of violations of the election laws in Article 13 of the statutes. I believe the current surveillance system is totally unable to detect violations of either article or to provide evidence for their prosecution. This is both because of the poor lighting and camera placements, which makes it impossible to recognize who is using the box, and because the Clerk has admitted that no one regularly reviews the video files that are collected to see if any suspicious behavior is occurring.

Every year when the ballots are mailed out the chain of custody is broken. The exact number of wayward ballots floating around the system during the period from their mailing to election day is a mystery to most voters and election officials. If a nefarious person or group of persons wanted to insert illegal ballots into the system during the final days of the election, the only way to do this would be via the drop boxes. The only way to detect this fraud is via the video surveillance system. If the cameras cannot visualize the face of the person using the box and how many ballots they are inserting into the drop slots, and if no one review the video files on a routine basis then the system fails. Likewise, if someone wanted to tamper with the boxes, destroy ballots or intimidate voters having high quality video surveillance would be vital for detection of the crimes and for their prosecution.

As discussed below the Colorado Court of Appeals has ruled that "Given the tight deadlines for conducting elections, section 1-1-113 is a summary proceeding designed to quickly resolve challenges brought by electors, candidates and to other designated plaintiffs against state election officials prior to election day. Both parties agree that such proceeding generally move at a breakneck pace." (See Frazier vs Williams, pgh 11.)

If the court agrees that the existing remote cameras do not meet the requirements of proper monitoring and surveillance of the remote ballot boxes I request that an order be issued that upgrades to the boxes be started immediately, and that prior to the 2025 election at least the camera at the boulder county clerk office be upgraded, and prior next general election of 2026 all of the drop boxes in HD 10 and Bolder County be upgraded. All of the cameras should, at a minimum, clearly visualize the face of the person using the box (night or day) and show what the person is inserting into the box. Cameras at drive up boxes must show the license plates of the cars. The videos must be available to citizens on the internet so that the entire ballot box system is transparent.

HISTORY OF THIS CASE

When I initially filed this case in 2022, Judge Collins ruled that prior to filing a complaint with the district court I should have exhausted all administrative remedies. As discussed below I must not have been clear that the basis of my claim is on 1-1-113, which clearly states that the District Court is the "sole means" of adjudicating complaints of failure to enforce the election laws. Judge Collins dismissed the case with no hearing on the day of the election.

The supreme court of the state of Colorado reaffirmed the applicability of section 1-1-113 in the case of Frazier v Williams (16SA230) where the judge stated that "Given the tight deadlines for conducting elections, section 1-1-113 is a summary procedure designed to quickly resolve challenges brought by electors and candidates and to other designated plaintiffs against state election official(s) prior to election day. Both parties agree that such proceedings generally move at a breakneck pace." (see pgh 11).

Judge Collins also said that I had not made a claim on which relief could be granted. He also said that as long as the video was available for review after the fact that the system was in compliance with the supervision requirements. However, the judge never considered how such a review would be in compliance if its quality was so poor that it provided no useful information about who was at the box or what they were doing. We hope that the court will reconsider this matter and grant us a hearing.

THE COLORADO ELECTION CODE

The Colorado Revised Statutes specify several requirements for election security in Articles 1, 5, 7.5, and 13. These requirements are clear, and it is the obligation of the County Clerk, as the chief election official, to enforce them affirmatively; not to simply gather information that might of use after the fact of a violation.

The essence of my claim is that the laws require that the ballot boxes be monitored and secured. This is a two dimension requirement. First, is to collect video surveillance information that is capable of enforcing the laws and second that the information be reviewed frequently enough to detect violation of the laws in a timely manner. If the law requires security at the boxes, and specifies video security surveillance systems be in place, then the inescapable conclusion must be that the purpose of the surveillance system is to enforce the laws, and they must deliver information that fulfills these requirements. Exactly as a video surveillance system for cars driving through intersections against the lights must show the license plates of the cars and the faces of the drivers, a video surveillance system for a remote drop box must show who is at the box and what they are doing in violation of the laws.

Article 1: Elections Generally

1-1-110, Clerk is chief official

States that “As chief election official for the county, the county clerk and recorder shall be the chief designated election official for all coordinated elections.”

The statute makes it clear that the county clerk is the person responsible for complying with the provisions of the election statutes and rules of the Secretary of State. This includes both the limits on number of ballots deposited but on all of the other security requirements of the statutes discussed below.

1-1-113 Remedy for controversies

As cited above, this section provides a procedure for adjudicating controversies between election officials and citizens who allege breach or neglect of duty on the part of those officials.

The law states that after giving notice to the official by the party alleging the failure and an opportunity for that official to be heard, the District Court *must* hold a hearing and on finding cause shall order the official to perform the duty or show cause why not. In our case we are alleging that providing adequate monitoring and surveillance systems at the remote ballot drop boxes is one of the duties of the county clerk and recorder.

Article 5: Notice and Preparation of Elections

1-5-102.9(5) Drop Box Statutes

(a) Establishment of Drop Boxes

Requires county clerks to establish drop boxes for deposit of mail ballots

(b) Campuses

Requires drop boxes on campuses

(c) Fifteen-day requirement

It requires boxes to be open 15 days prior to the election.

(d) Subject to SOS Rules

“The placement and security of each drop box must be determined by each county, subject to the requirements of subsection (5)(d)(II) of this section and *in accordance with the secretary of state’s current security rules.*”

This section requires the county clerk to determine the locations and security of each box “*in accordance with the secretary of state’s current security rules.*” This does not give the clerk the authority to ignore or redefine the requirements of security, as defined by the secretary of state’s rules, but only to determine that the required security is present at the boxes.

(e) Tribes

Tribes must be provided with boxes.

(f) Secure locations with supervision

States that: “A county may establish additional drop-off locations at the county’s discretion. *A drop-off location must be located in a secure place under the supervision of a municipal clerk, an election judge, or a member of the clerk and recorder’s staff.*”

A remote ballot drop box is certainly a drop-off location, and all drop-off locations must be under “supervision”. We believe that a poorly lit parking lot with no one around is not a secure place. To the contrary, it invites all of the bad behavior and violations of law that are the subject of the statutes in Article 13.

According to the Random House dictionary, to supervise is to oversee *during the execution* of a process. It also means to superintend a process which means manage or conduct something. Merely having a camera at a site by itself constitutes neither monitoring nor supervision. These must occur “during” the process; not after the fact when it is too late to do anything about it.

Article 7.5 Mail Ballot Elections

Article 7.5-107-4(b)(l)(B) Sets a ten-ballot limit

This statute states that “no person other than a duly authorized agent of the county clerk and recorder or designated election official may receive more than 10 mail ballots in any election for mailing or delivery”.

This 10-ballot limit applies to elections, not visits. This means that no person can collect and deposit more than a total of 10 ballots in total during the course of an election at one or more of the drop boxes. The only way to determine if someone is doing such a thing is by observing both the face of the person using the box and what they are inserting into the drop slot. This information must be collected at all of the boxes so that persons who systematically drop off excess ballots via visits to multiple boxes can be identified. Without adequate surveillance systems at the drop boxes, it would be virtually impossible to enforce this provision, short of having people stationed at each box on a 24 hour basis to visually observe how it is being used.

Article 13: Election Offenses

Following is a list of the offenses defined in Article 13 of Title 1 of the C.R.S. the county clerk, as chief election official is responsible for monitoring the boxes to ensure violations are adequately surveilled for prosecution by the District Attorney.

1-13-101 District Attorney

Requires the District Attorney to investigate all alleged violations of the election laws and rules, and to prosecute offenders using evidence presumably supplied at least partially by the monitoring and surveillance systems managed by the County Clerk. In many cases the surveillance systems will be the primary or only source of evidence of violation of these laws and regs.

1-13-107 Duty to enforce

States that “Any public officer, election official, or other person upon whom any duty is imposed by this code who violates, neglects, or fails to perform such duty or is guilty of corrupt conduct in the discharge of the same or any notary public or other officer authorized by law to administer oaths who administers any oath knowing it to be false or who knowingly makes a false certificate in regard to a matter connected with any election provided by law upon conviction shall be punished as provided in section 1-13-111.”

It is our belief that a primary duty of the County Clerk is to provide a monitoring and surveillance system at all remote ballot drop boxes that will provide the District Attorney with evidence to support a proper investigation and prosecution of violations of these laws and regulations. Note, the Legislature considered this such an important provision that it is repeated in 1-13-723 below. One could argue that the failure of provide adequate monitoring and surveillance of the boxes is a violation of this statute by the clerk and should be prosecuted by the district attorney.

1-13-707.5 Tampering

States that: “Any person who willfully tampers with or who, except as provided by law, willfully breaks open any ballot box, *including a drop-off location*, is guilty of a class 5 felony and, upon conviction thereof, shall be punished as provided in section 18-1.3-401 C.R.S.

This statute would cover people who damage or destroy a ballot box or who destroy the ballots it contains by pouring in a liquid such as detergent or acids that render the ballots unreadable. In many cases the cameras that are currently deployed would only get a very small, or shadowy profile, or the back of someone's body who is tampering with a box. Certainly, not something that would provide the district attorney with evidence for prosecution.

1-13-711 Interference with voting

States that: "Any person who interferes with any voter who is...operating a voting device...at any election provided by law upon conviction shall be punished as provided by in section 1-13-111." The video information provided by the monitoring and surveillance system is a key source of evidence for these offenses. Note that C.R.S. 1-13-111 states that any offense for which no penalty is specified in the statute will default to a Class 2 misdemeanor.

1-13-713 Impeding free exercise

States that: "It is unlawful for any person directly or indirectly, by himself or herself or by any other person in his or her behalf, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise of any elector or to compel, induce, or prevail upon any elector either to give or refrain from giving the elector's ballot at any election provided by law or to give or refrain from giving the elector's ballot for any particular person or measure at any such election. Each such offense is a class 1 misdemeanor." A good surveillance camera can provide evidence of persons who are impeding or preventing people from dropping off ballots at the remote ballot boxes.

1-13-714 Electioneering

States that: "No person shall do any electioneering on the day of any election, or during the time when voting is permitted for any election, within any polling location or in any public street or room or in any public manner within one hundred feet of any building in which a polling location is located, as publicly posted by the designated election official." One of the services provided by a good surveillance system is to identify persons electioneering near remote ballot drop boxes.

1-13-723 Duty imposed and seals protected

States that: "(1) Every officer upon whom any duty is imposed by any election law who violates the officer's duty or who neglects or omits to perform the same upon conviction shall be punished as provided in section 1-13-111.

(2) Any official or person, except one authorized by law, who breaks or loosens a seal on a ballot or a ballot box with the intent to disclose or learn the number of such ballot or ballot box upon conviction shall be punished as provided in section 1-13-111.

Section 1 of this statute specifies that election officers who fail to perform their duties under these laws shall be punished.

Section 2 makes it an offense for anyone except an authorized official to break a seal on the ballot or ballot box. This is one more example of evidence that needs to be supplied by the monitoring and surveillance system.

1-13-724 Intimidation

States that "Firearms in or near a polling place or drop box may intimidate, threaten, or coerce voters, affecting Coloradans' exercise of their voting rights" and further, "It is unlawful for any person to carry a firearm, as defined in section 18-1-901 (3)(h), within any polling location, or *within one hundred feet of a drop box* or any building in which a polling location is located, as publicly posted by the designated election official, on the day of any election or during the time when voting is permitted for any election. *The designated election official responsible for any central count facility, polling location, or drop box involved in that election cycle shall visibly place a sign notifying persons of the one-hundred-foot no carry zone for firearms required pursuant to this section.*

We have listed 7 election offenses from Title 1, Article 13 of the C.R.S. It is the responsibility of the District Attorney or Attorney General to investigate any complaints regarding these offenses and to prosecute them. It is the responsibility of the county clerk to install and maintain a monitoring and surveillance system capable of providing evidence for the investigation and possible prosecution.

ELECTION SECURITY RULES

The Secretary of State is charged with developing rules to ensure that all of the election statutes are properly enforced, including both the 10-ballot limit and all of the requirements of Article 13 discussed above. The Secretary of State chose to rely on well-lit video security surveillance systems to enforce the laws. She could have required much more restrictive measures such as requiring an official to be present at the boxes to monitor and supervise their operation, but she chose the use of video surveillance.

The rules do not provide a specific set of technical requirements for the cameras, such as how high they are to be mounted or what they are to show. The county clerk argues that this lack of specifics basically means that any camera, no matter how poor the image or how bad the lighting meets the rules. This makes no sense. Obviously, in the absence of a specific definition of what constitutes a proper video security surveillance system one must rely on the implied requirements of the statutes and the commonly used meanings of this term. The most basic understanding of surveillance is that it must provide evidence of criminal behavior that can be used by the police to identify and arrest a suspect and the District Attorney to prosecute in court.

The relevant rule for managing drop boxes is rule 7.4.1

- This rule requires that all drop boxes are to be adequately lighted and use a video security *surveillance* system as defined in Rule 1.1.44, which requires the camera to be motion activated.
- This begs the question of what constitutes “adequate” lighting? Common sense dictates that the lighting must be adequate for the intended purpose of the video surveillance system, which is intended to detect violations of the election laws in Articles 7.5 and 13. One must also consider that the surveillance system should also be capable of detecting and providing evidence of someone tampering with the box or destroying ballots in the box by putting some noxious substance into the box like motor oil or acid or anything that would render the ballots unusable. This may sound farfetched, but it certainly is not beyond the range of possibilities in our agitated society.
- Rule 1.1.44 simply requires the video surveillance systems to turn on at a specific rate when motion is detected. It says nothing about the quality of the videos produced, which leaves the matter to the discretion of the clerk. Video systems that are unable to meet the needs of detection of crimes and fraud at the boxes and the identities of the persons involved could not be considered adequate.
- It should be remembered that these boxes are vulnerable to vandalism. A malicious individual or organization could easily destroy hundreds of ballots by pouring liquid into the boxes that would destroy the ballots. Good cameras would be a deterrent to this behavior, and would be necessary for identification of the culprits if deterrence failed. Most of the existing cameras would not provide adequate information.
- Sub paragraph (a) requires all boxes to be *monitored* whenever they are open to receive ballots. This raises the question of whether simply having a camera pointed at the box that produces poor quality videos that no one looks at constitutes monitoring under any definition of that term.
- Sub paragraph (b) requires both the drop slots to be monitored as well as the ballot containers on boxes built into buildings. This does not say that the requirement applies *only* to these boxes, but reiterates that both the drop slot and the container must be monitored in building installations. The drop slots on most of the boxes in HD10 were not visible in the videos, so how does this fulfil the requirement that the drop slots be monitored?
- Rule 7.4.10 require the county clerk to report any violations of the 10 ballot limit, and presumably any other crime or violation of the election laws, to the local DA. This implies that the clerks are intended to actually search for possible violations of the laws as opposed to making accidental discoveries. Clearly, the rules anticipate that the clerks will use the video surveillance systems to actively surveil and search for these violation, or why would the rule even be included?

Definitions:

Two key terms in the rules are: monitor and surveillance. Rule 7.4.1 says that a video security *surveillance* system is to be installed at each drop box, and paragraph (a) of the rule says that the boxes are to be monitored whenever they are open to receive ballots. According to the Random House College Dictionary:

- Monitor. 3. A device or arrangement for observing or recording the operation of a machine or a system, and 9. To observe, record or detect, and 10. To observe critically; oversee; supervise.

- Surveillance. A watch kept over a person, group, etc., especially over a suspect person or the like; supervision or superintendence. From the Latin *vigilare*, to watch, to see as in a vigil.

The balance of this complaint consists of a summary report which I have prepared that compares the video images from the 2022 primary and general elections to this of the 2024 primary election. The pictures that have been copied from the video files demonstrate clearly that in most cases the video systems are incapable of providing adequate information that would allow the Clerk or an appointed election judge to detect election fraud at the boxes. I believe these images provide proof that the existing video system fails as a monitoring and surveillance system and must be closed for the balance of the 2024 general election. This is because due to the failure of the clerk to act on the matter it is now too late to make the necessary improvements.

HD10 CAMERA PERFORMANCE

In this section I will present screen shots from the video surveillance cameras at each of the eight remote ballot boxes from both the 2022 and 2024 election cycles so that the reader of this report can decide whether any of the systems meet the requirements of the election codes and security rules explained above

EFAA Center



Figure 1 shows a daytime shot from the EFAA site in north Boulder. The camera shows the faces of the persons at the site at an oblique angle which makes it difficult to recognize them. It also totally fails to show the drop slot so that all anyone would need to do in order to insert extra ballots would be to conceal them until they were in front of the box where the camera could not see their hands or the drop slot.

Figure 1: Can you see what this person is depositing?

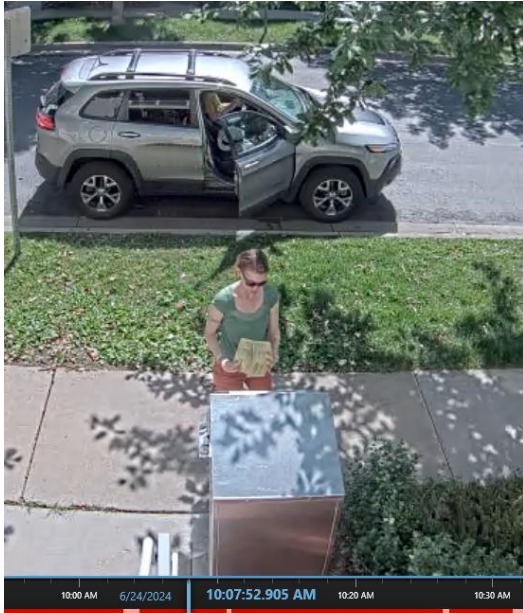


Figure 2 shows the EFAA site during the 2024 primary. The camera shots are very similar. In this case the person at the box is holding what appears to be a stack of ballots high enough so that the camera picks them up. However, if the person had wished to conceal the ballots she could have simply held them at a lower level so they would be out of view of the camera. A camera mounted a 90 degrees to the box at a lower elevation would be able to pick up both the face of the user and the drop slot.

Figure 2: What is this person holding?

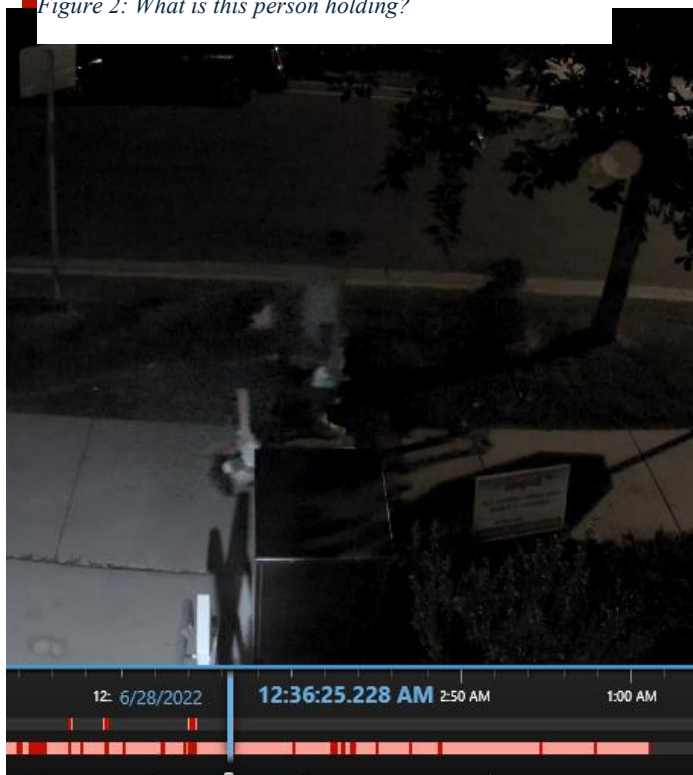


Figure 3 and Figure 4 show nighttime views of the EFAA box in 2022 and 2024. Both pictures are very similar. There is some light from the doorway of the building, but it creates a glare and puts the person in front of the box into a shadow which makes them virtually impossible to identify. It should be noted that this is one of the best camera installations in the district.

Figure 3: Example of bad lighting

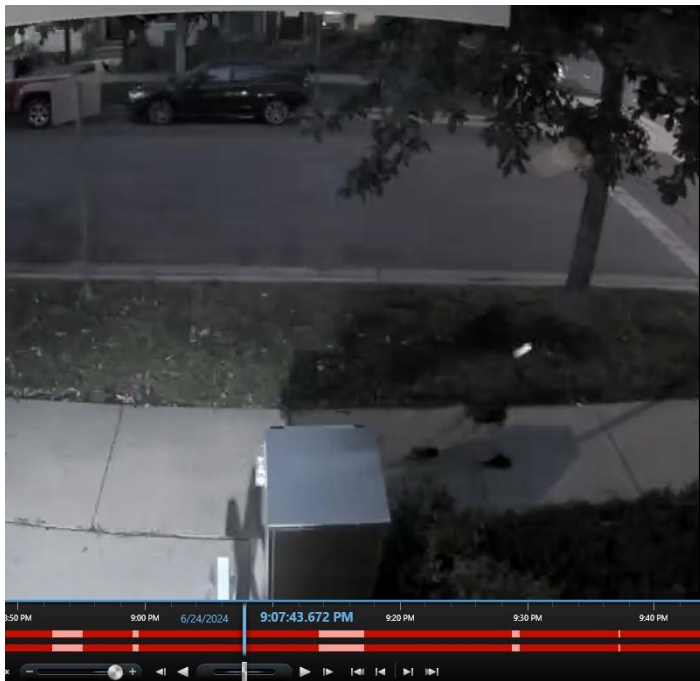


Figure 4: More bad lighting

Avery Brewery



Figure 5: You can almost see

Figure 5 shows a typical daytime view at the Avery Brewery from 2022. The thing that is striking about his image is that the location of the camera at the 90 degree point to the allows both the person and the drop slot to be visualized. This makes Avery one of the better installations.

The problem is that the camera is too far away from the box to give enough resolution to make good identifications or to determine exactly what is being inserted into the box.



Figure 6: Mystery duo at Avery, nighttime, 2022. Is this tampering?

Figure 6 shows that the situation is not as clear during the night. This picture shows two persons working on the box at night with flashlights and tools during the general election. We were not able to determine from the county if they were county employees or not. In any case the photo does not allow anyone to determine who these people are and what they are doing at this box. The election officials were not curious about the event, but it seems to suggest tampering.

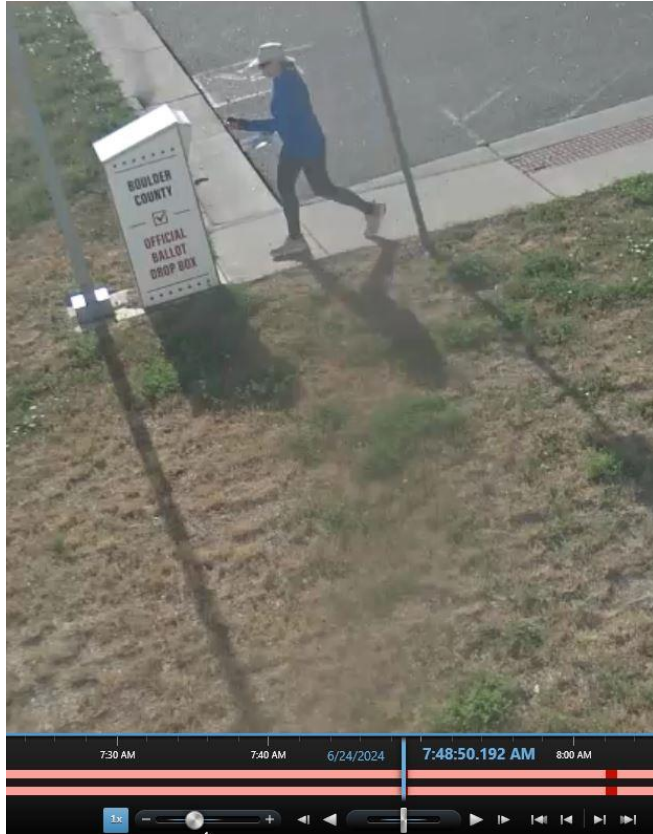


Figure 8 shows a daytime shot at Avery during the day during the 2024 primary election. This is a fairly good view except it is still too far away to allow a clear identification of the user and a clear view of how many ballots are being inserted.'

This site would be a low priority for ballot stuffing, at least during the day.

As shown in Figure 7, however, the situation at the Avery box is much less secure at night. While there is a light mounted above the box with a motion sensor it usually fails to come on when needed leaving the location in the dark.

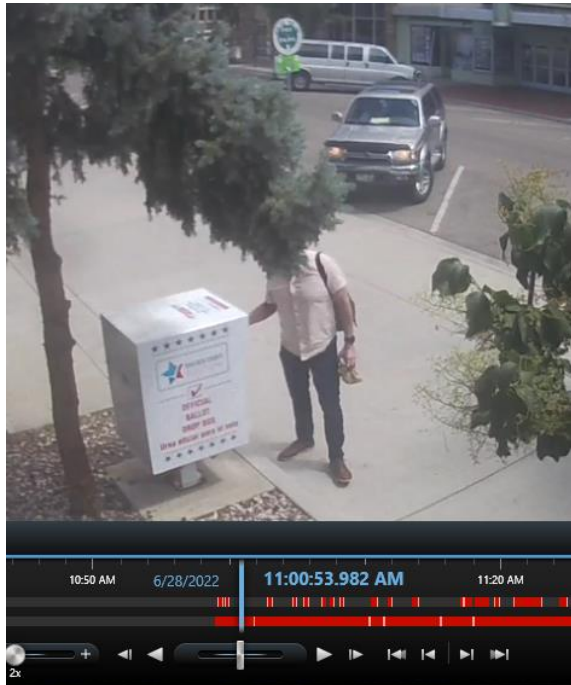
Notice that the license plate on the car is not visible.

Figure 8: Daytime at Avery 2024



Figure 7: What is going on here?

County Courthouse



The county courthouse is one of the sites where an improvement was made. The tree branch that blocked the view of the face of the person using the box was removed. The nighttime lighting seems to have been improved as well, but I am not sure if this is due to lights at the courthouse itself or other lighting in the area from nearby businesses.

Figure 9 shows a daytime view at the courthouse from 2022 which includes the now famous tree branch that has been blocking the face of the use since the cameras were first installed. (This leads one to ask why is it that the election office didn't notice this problem and correct it before it was brought to their attention via a lawsuit?)

Figure 9: Daytime at the courthouse 2022



Figure 11 shows a daytime view from 2024. In this shot, taken during the primary election of 2024 the tree branch has been removed, which improves the visibility of the scene, unless as in this case the person is wearing a hoodie and keeps his face down, in which case he or she is impossible to recognize. The distance of the camera from the box, its elevation and the fact that it is located behind the box at around 120 degrees, makes the system in adequate.

Note that the person in this picture has ballots in each hand, but it is anyone's guess as to exactly how many ballots he or she is about to deliver.

The other issue that should be addressed by the surveillance system, but isn't, is whether this same person appeared at other boxes and made other deliveries. While many tampering deniers have claimed that contentions networks of NGO funded ballot harvester were mere conspiracy theories, no one to my knowledge has actually disproved the cell phone location data that has been collect that seems to confirm this.

I believe that the reason no one wants to deal with this issue is that it would involve a much more rigorous review and analysis of the video data than the election staff wishes to dedicate.

Figure 10: How many ballots in his hand? Can you see his face?

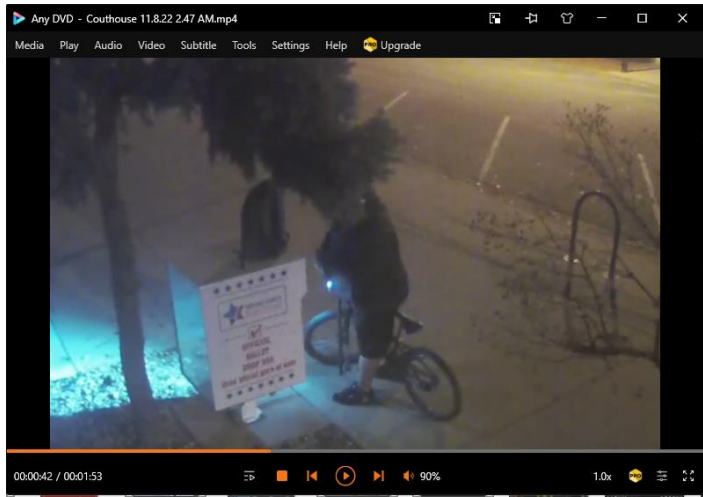


Figure 12: Nighttime at the Courthouse 2022

Figure 12 shows a nighttime view from 2022 with the person's back facing the camera (and the branch blocking the person's face). Even without being able to see the face of the person you can see that it would be simple for this person to shield as many ballots as necessary, possibly taken from the back pack on top of the box, with his back, which is a failure of the camera system to detect fraud.



Figure 13: Still cannot see the drop slot.

Figure 13 shows a nighttime view at the courthouse from 2024. The lighting is better and the face of the person is partially visible but not clearly recognizable, and the oblique camera angle defeats the ability to observe what is being inserted into the slot.

Even though this is one of the better camera views all that someone would have to do to defeat the system would be to walk up to the box keeping his back to the camera, wear a hat, and keep the bundle of ballots close to his vest as he inserted them into the slot.

South Boulder Rec Center



Figure 14 shows a daytime view of the SB Rec Center Box from 2022. The camera is so far away from the box that unless you knew that the white object out at the edge of the grass was a ballot box (under the supervision of the county clerk) you would not know what it was. It is possible to see that there is a person in front of the white object, but the gender of the person is impossible to determine, much less his or her face. The ability to visualize the drop slot is out of the question.

Even during the daytime, it would be very simple to stuff this ballot box without any detection. At nighttime, as shown below, it would be even simpler.

Figure 14: Can you see who this is or what he is doing?

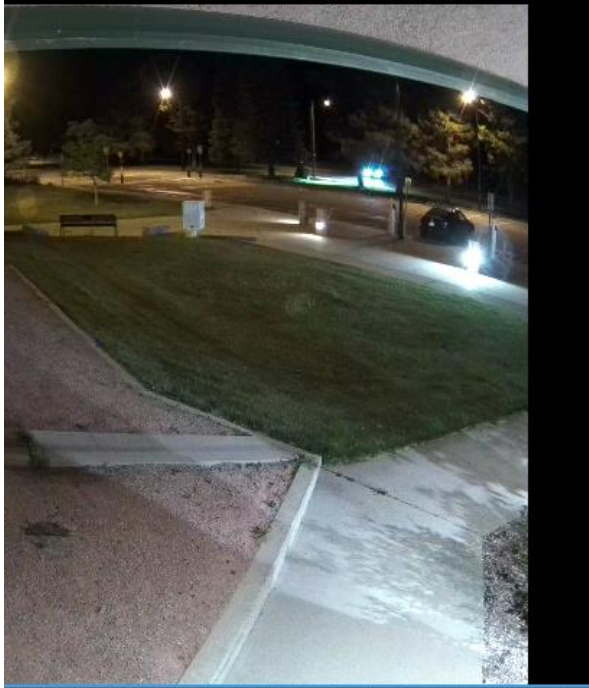


Figure 15; SB Rec Center, nighttime, 2022

Figure 15 shows a nighttime view of the same box from 2022. The box actually stands out a little better without the glare of the sunlight, but it is equally impossible to determine who is using the box or what they are inserting.

This site would be high priority for anyone wishing to inject “orphan” ballots into the electoral system.



Figure 16 shows the “improved” image from the SB Rec Center during the daytime of 2024. In this case the improvement consisted of the zoom setting of the camera being increased to enlarge the image. Unfortunately, all this does is pixilate the image so that all details of the faces are lost. To verify this, try to read any of the license plates of the cars in the lot behind the box.

Having a record of the license plates of vehicles visiting the boxes would be a very good way to identify users and spot repeat visitors.

Figure 16: Magnification does not solve the problem



Figure 17: Magnification just causes pixilation

By way of reinforcing the futility of reliance on magnification of low quality cameras please see Figure 17, in which the image was magnified. All that higher magnification does is pixilate the image at the cost of the detail needed for proper monitoring purposes.

It should again be noted that the camera shows nothing about the drop slot. For all this picture shows, the person could be shoveling ballots into the drop slot from what appears to be a package or satchel in his left hand.

This is another example of a camera that is basically useless for proper surveillance and monitoring of this box. One might almost go so far as to assert that this camera system is an insult to the voters of HD10.

The nighttime situation at this location is the same as from 2022. So, we did not believe it was necessary to capture a nighttime image for this report.

County Clerk and Recorder

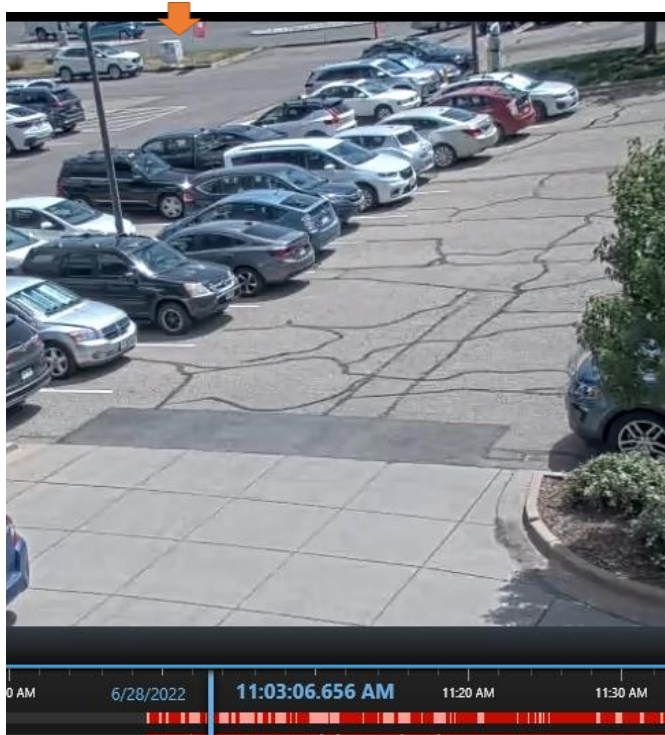


Figure 18: Can you see anything useful here?

It is ironic that one of the worst sites in terms of surveillance and monitoring is at the office of the county clerk and recorder, on 33rd Street in Boulder. As can be seen in Figure 18 by anyone with eyes, this site is so poorly monitored that it would be possible to drive a truck or van up to the box and unload as many orphan ballots as desired into the drop slot with no fear of ever being detected.

As in the case of the SB Rec Center, the clerk attempted to remedy the failure of the system by re-aiming the camera and increasing its zoom level, but this did nothing to solve the basic problems of distance, poor lighting and poor positioning.

Figure 18 shows a daytime shot of the county clerk’s office site from 2022. It was necessary to insert an arrow over the box to help the viewer determine where it was located

Notice the car pulling up to the box. When that car gets to the box and the drop slot the car itself will block the view of the camera allowing the occupants of the car total privacy, just the thing one would want for proper surveillance.

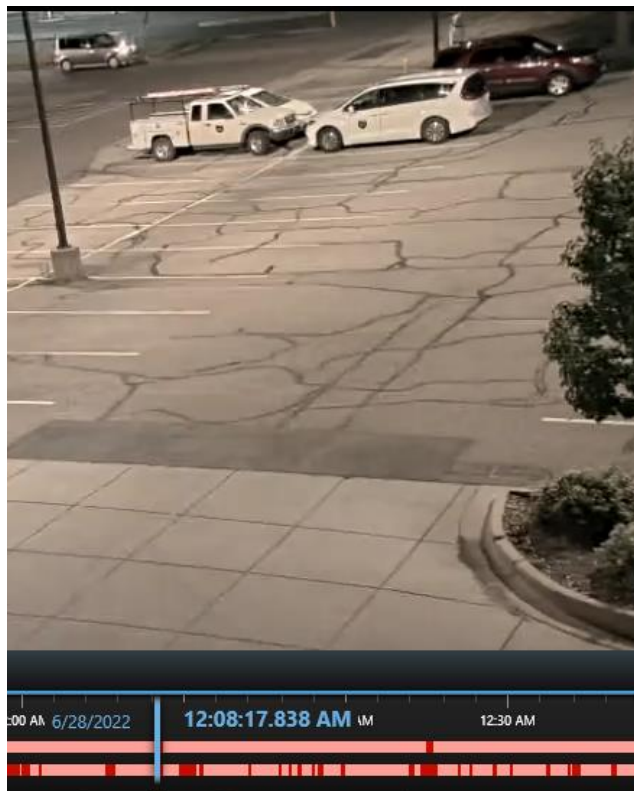


Figure 19: Can you tell what is happening at the box?

Figure 19 **Error! Reference source not found.** shows a nighttime view of the 33rd St. site from 2022. There is a van parked at the drop box. This van could be delivering as many ballots as could be carried by the vehicle and the “surveillance” system would be totally unable to detect it. The van itself provides complete coverage and anonymity to the occupants.

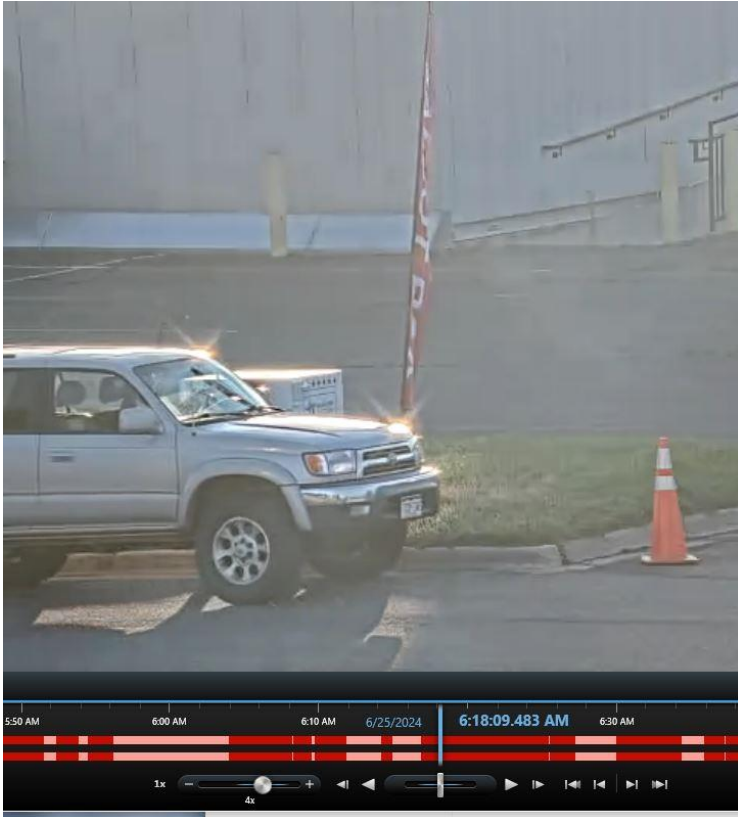


Figure 20: Can you tell the license plate of this vehicle, or what is being inserted into the box?

Figure 20 shows the “improved” view of the drop box in 2024. Again, this improvement consists of adjusting the zoom of the camera so that the image is enlarged. This is fine except for the fact that the camera is still on the wrong side of the vehicle which allows the occupants complete privacy and makes it impossible to read the license plate of the vehicle.

It is impossible to determine who is in the vehicle and what they are inserting into the drop slot, even with the larger image. The camera needs to be in the 90 degree position at the box location; not mounted on the wall of the building 100’s of feet away from the box.

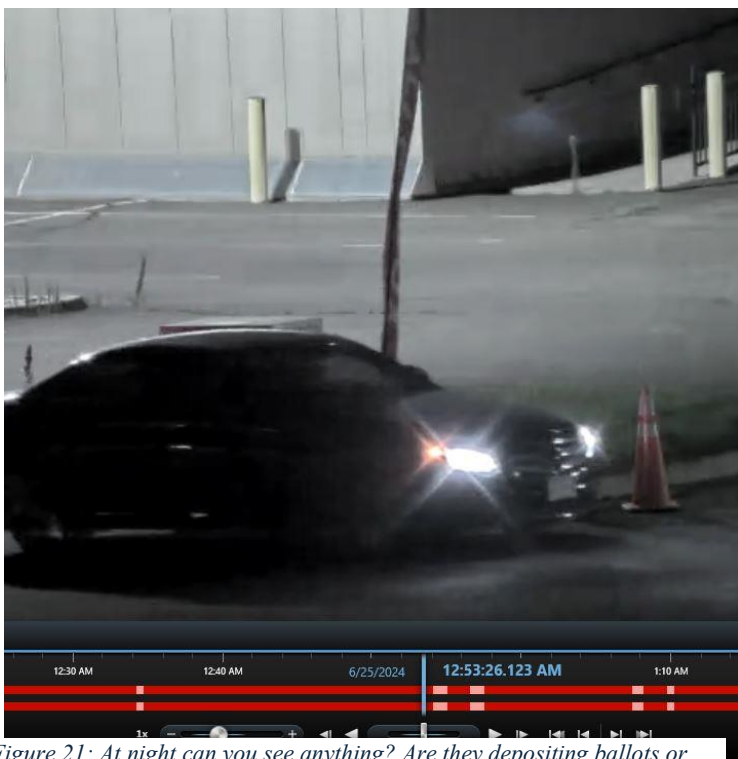


Figure 21: At night can you see anything? Are they depositing ballots or incendiary devices?

Figure 21 shows the view of the clerk office drop box at night. The situation here is worse than during the day, and the camera is even less able to identify what is happening at the drop slot or who is making the ballot deposit.

This site is one of the most heavily used in HD10 for delivery of ballots. The fact that it is so poorly monitored is a travesty for the citizens and voters of the district. It is also an invitation to tamper with the process.

Boulder Mental Health Facility (aka Workforce)

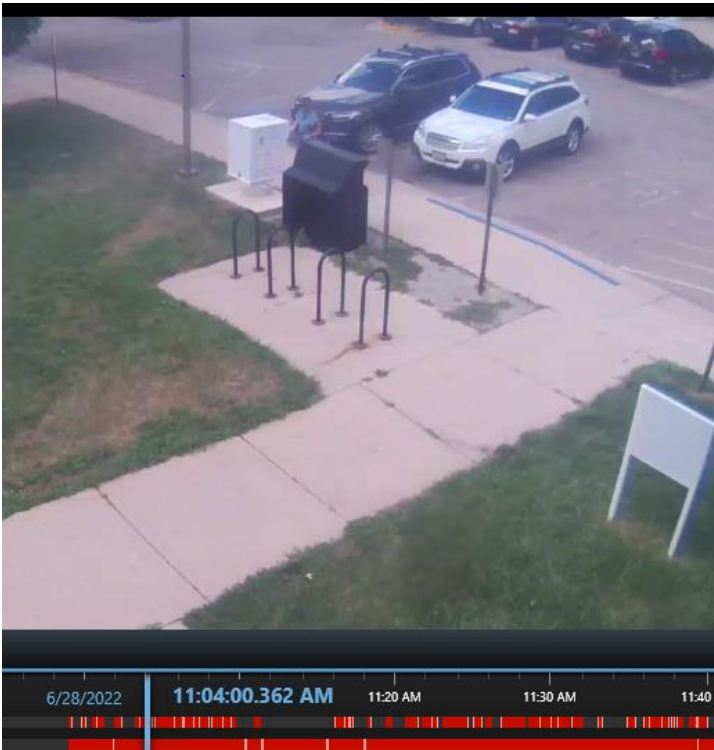


Figure 22 is a shot of someone using the drop box at the mental health center in north Boulder. While the image does confirm that there is someone at the box it would not be possible to identify that person. As is the case with most of the other boxes the camera is not able to see the drop slot, which makes it useless for spotting ballot stuffing.

Figure 22: Can you see the drop slots?

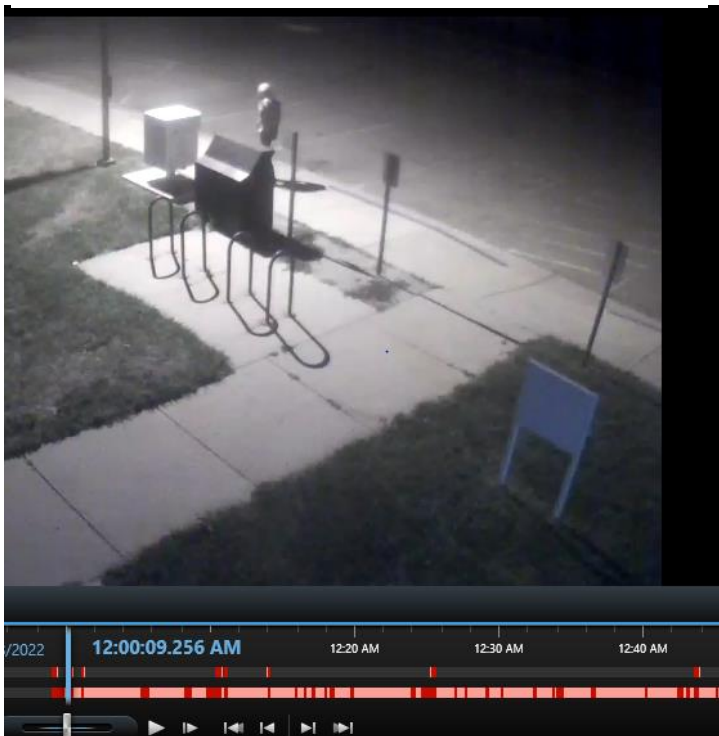


Figure 23 shows the scene at the mental health center at night in 2022. While this camera work might be excellent for a mystery movie it is not helpful for surveillance of an election facility that is supposed to be under the supervision of the county officials. Notice that there is a light pole right next to the box and at close to the desired 90-degree angle. This is where a camera should be installed.

Figure 23: Who is this by the boxes?

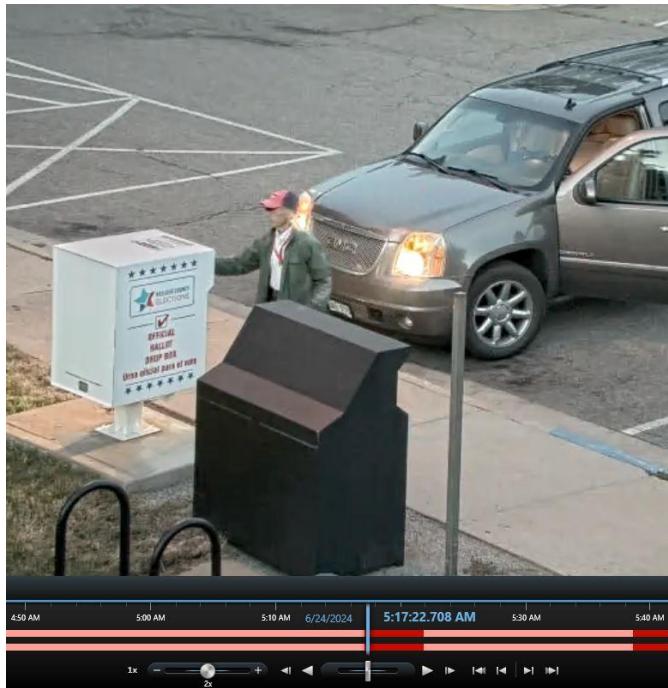


Figure 24 shows the view at the mental health center in 2024 during a typical daytime visit. The image has been enlarged which aids in facial recognition, but not to extent that one could make a definite identification suitable for court evidence. The location of the camera behind the box makes it impossible to see the drop slow and what is being inserted.

Figure 24: Can you see what this person is depositing? Would you be able to identify this person?

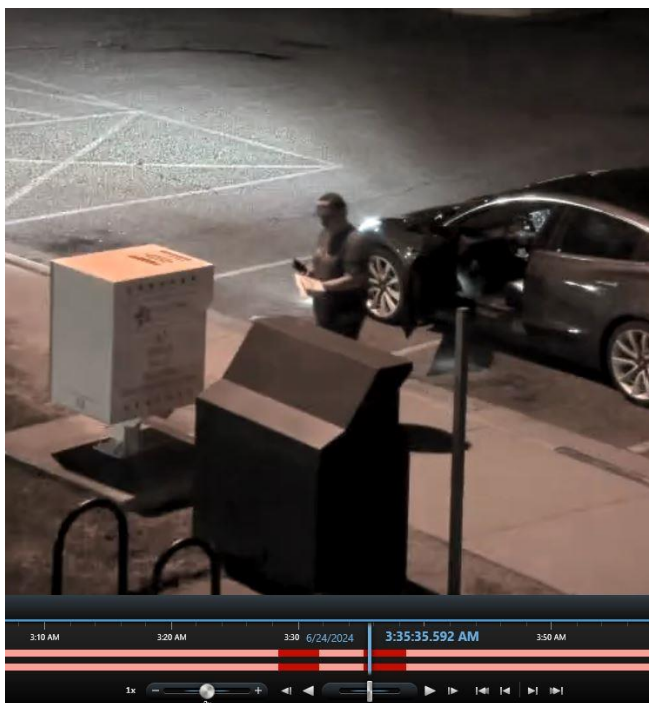


Figure 25 shows the mental health center at night during the 2024 primary election. It shows a man approaching the box with an undeterminable number of ballots in his left hand. His face is totally shadowed making any recognition impossible.

This is another example of why a camera needs to be installed on a pole mounted next to the box, with dedicated lighting and located at a position where both the user and the drop slot can be clearly visible.

Figure 25: Could you give the DA the license plate of this car or a description of the person?

CU-UMC

The UMC site is on the campus of the University of Colorado and is a major source of ballots for the students on campus who wish to vote in Boulder.

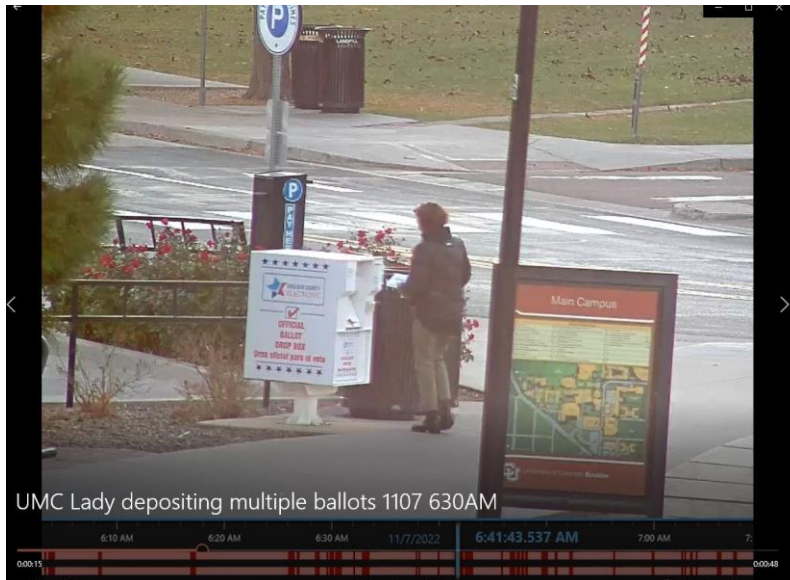


Figure 26 shows the back of a lady who is depositing several ballots into the UMC box election day 2022. This angle shows the drop slot better than most of the others, but only shows the backs of the users.

When crowds of people or vehicles are present this camera is often blocked by the activity and can not visualize what is happening at the box.

Figure 26: How many ballots is this person depositing?

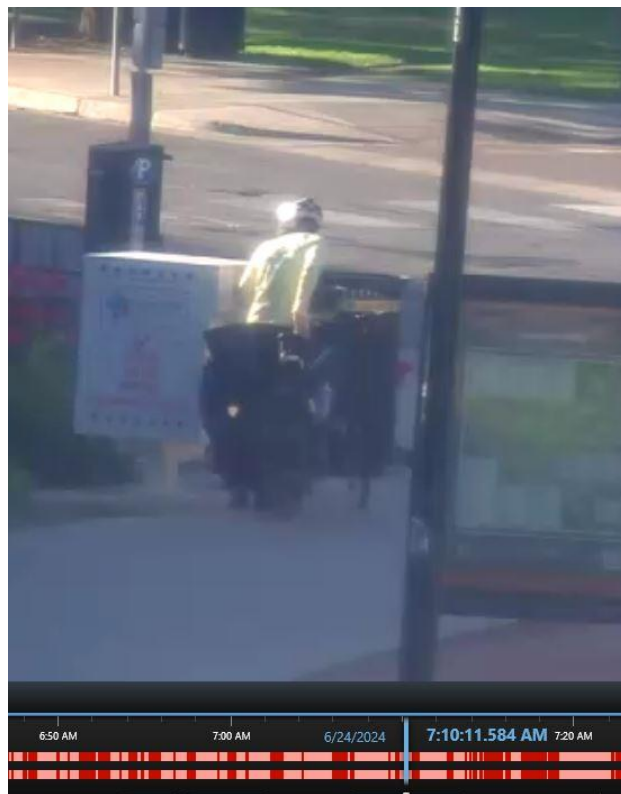
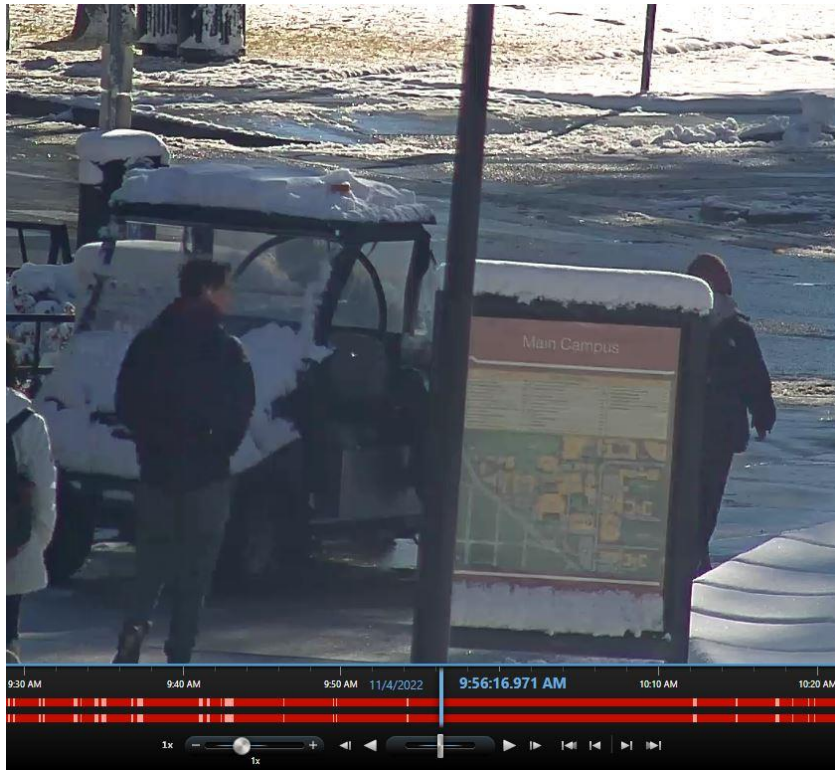


Figure 27 illustrates this problem during the 2024 primary. A lady is at the box with her bicycle which is blocking the view of the camera so that all that can be seen is her back and the bicycle.

The magnification of the camera was increased slightly from 2022, but the placement of the camera and distance still make it of marginal value for surveillance, at best.

Anyone who wished to do so could drive a van up to the box which would block the camera, and then deposit as many ballots as desired into the slot and no one would ever be able to detect it. It would be child's play as can be seen when this exact situation arose during the general election of 2022, as shown in Figure 28 below.

Figure 27: We can see his back, but not what he is putting into the box.



This picture shows a cart which drove up to the drop box at the UMC and stopped directly in front of the box thus blocking the view of the camera. A person got out of the cart (seen on the video) and pulled a satchel of ballots out of the back seat and walked around behind the cart and presumably inserted the ballots into the slot. The “surveillance” camera was blind to all the activity once the person stepped behind the cart. Although you can vaguely see the person bent over the box through the window of the cart you cannot see what he is doing.

Figure 28: Cart blocking UMC box during general election 2022

CU_Williams Village



Figure 30 shows the view from the Williams village camera during the primary election 2022. This camera is located so far from the box and at such a low level of magnification that it is virtually impossible to tell that there is a box at the site.

Figure 29: Daytime at Williams Village, primary 2022



Figure 30 shows the improved view from the general election of 2022. In this case the camera zoom was increased to the extent that it gave a much clearer view of the box area, but unfortunately a sign is located in the perfect spot to block the face of the user. The fact that the camera was once more located behind the box precluded a view of the drop slot.

The fact that the elections staff made this adjustment after our initial report shows that they did agree that at least some of the boxes' surveillance was inadequate.

Figure 30: Could you pick a better place to put the signs to block the face of the user?

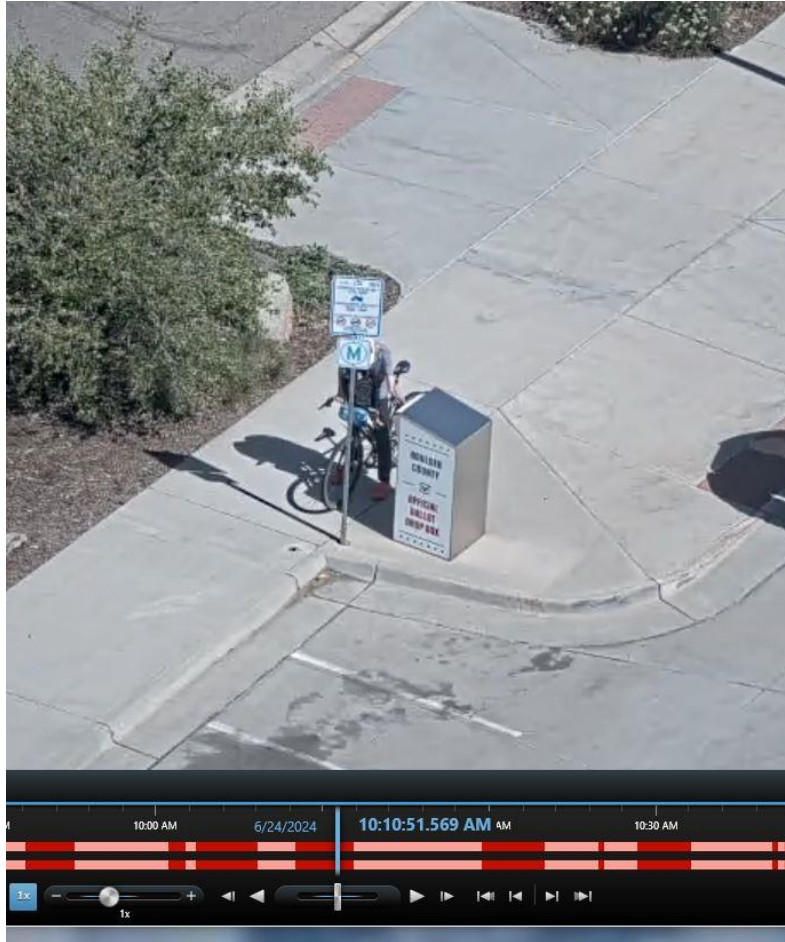


Figure 31 shows that the signage situation at Williams Village was still a problem during the primary election of 2024. It shows a person on a bike with their back to the camera depositing something into the drop slot of the Williams Village box. The combination of the obscuring sign, the distance of the camera from the box and the location behind the box makes the camera of very little use as far as surveillance for violation of election laws.

With this we conclude the presentation of the graphic evidence of the inadequacy of the video camera at the 8 remote ballot drop boxes that serve HD10. We have shown pictures from 2022 and 2024 during both day and night conditions showing that while some minor adjustments have been made to the cameras there are still fundamental problems, to one degree or another, at all of the boxes. It is our opinion that anyone who wished to defeat the video surveillance system could easily do so, even at the best of the boxes.

Figure 31: The sign blocks the face and the position of the camera blocks the drop slot.

SUMMARY AND CONCLUSIONS

This complaint and report has alleged a failure of the Boulder County Clerk to perform the duty required by the Colorado Election Code and the Security Rules of the Secretary of State to properly monitor the 8 remote drop boxes serving HD10 in Boulder County, Colorado. I am making this allegation as a former candidate for the HD10 seat, an official of a political party, and under the provisions of CRS 1-1-113 which specifies that all allegations are to be handled in an expedited manner by the District Court. The law provides that CRS 1-1-113 is the sole method of adjudicating these disputes. This makes sense given the short time available for relief.

This allegation of failure to enforce the election laws derives from two issues:

- First, the cameras installed at the drop boxes do not provide video coverage that can in any way be considered “surveillance quality”. They are too far away, in the wrong positions relative to the box, have too little lighting and cannot show who is using the box and what they are inserting into the drop slot.
- Secondly, even if the cameras were perfect the system would fail simply because no one looks at the video during the election. Furthermore, based on the statements of the clerk herself it is widely known that none of the videos are reviewed by the election staff, so anyone disposed to cheat on the system, tamper with the boxes or otherwise violate the election laws would have nothing to fear. This would involve either stuffing ballots or even destroying the ballots in the boxes.

Imagine that you were a security official in charge of monitoring the site of a political event. The video cameras you had at the site did not provide coverage of the key areas like roof tops or stairways. A shooting occurred at the site but you were not able to identify anything more than some vague and blurry images. That would clearly be a violation of your duty to supervise and monitor the site. On the other hand, even if your cameras were good enough to show what was happening on the site, but you were not watching when the shooting occurred or before when the shooter was getting set up. That would be as bad or even worse than not having cameras at all. I don't think you would believe that that the official had provided proper surveillance. In this case that building represents our elections and the vandals represent anyone with a malicious intention to disrupt, tamper with, or manipulate the process. We expect our election officials, the security firm, to do a better job than the hypothetical security official in our example.

I have been raising this issue with the County Clerk since the primary election of 2022 and have been suggesting remedies using new equipment since February of this year, plenty of time to install new cameras, even if only a few as demonstrations at the most vulnerable spots. Filing this complaint is a last resort measure,

At this point I am asking for a ruling from the Court stating that it agrees with me that the cameras employed by the county clerk are not sufficient to meet the requirements of the statutes or rules regarding security at the remote drop boxes, and to order that the county clerk begin the process up upgrading the cameras immediately and that at least the camera at the county clerk office be upgraded prior to the 2025 election, and that all of the cameras be upgraded prior to the general election in 2026. We believe that the proper standard is that all the drop boxes in Boulder County must be able to clearly visualize the faces of the persons using the boxes, the license plates of cars at auto drop off sites, and the drop slots so that what is being inserted can be determined. Finally, the videos from the boxes must be made available on the internet so that members of the public can see it in real time. This is not a major request since such equipment is readily available in Colorado and could be installed at a minimal cost.

Verification:

I hereby swear that all of the information contained in the petition is true to the best of my knowledge and that I have not concealed or misrepresented anything herein.

Sincerely,

William B. DeOreo
Candidate for HD10

Dated: _____

Sworn before me: _____

Stamp of notary:

