



I have repeatedly requested meetings with the Count Clerk's office to resolve this matter and have even suggested an alternative camera system that could be installed in place of the existing obsolete ones. In February of 2024 I requested a meeting, but to date the Clerk has not been willing to meet with me to discuss how to resolve the matter. That is why I am returning to the Court. The Clerk has made meager attempts to improve the cameras at some of the locations, but as I will show in the body of this complaint, there are still many shortcomings. The fact that these attempts have been made must be considered an admission that there are problems with the system that need to be resolved. 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 deficiencies with the surveillance system cannot be resolved before the election, I request that the Court order that the drop boxes be closed for the balance of the election. This will not impede the election since people can simply drop their ballots into the mail or return them at the various drop off locations, which are supervised by the clerk, an election judges or a member of the clerk's staff or they can vote in person.

## HISTORY OF THIS CASE

This case began in 2022 when I ran for the HD10 seat for the first time. In June of that year, I took a tour of the Boulder County Clerk's elections office on 33<sup>rd</sup> Street. During that tour we were told that the remote ballot drop boxes were being supervised and surveilled by a network of cameras at each of the 8 locations. When I observed the actual location of the camera at 33<sup>rd</sup> street location, however, it was clear that the camera was too far from the box and located at a spot where it would not be able to identify any details about what was happening at the box. This led me to do an inspection of the other 7 sites in HD10. I wrote a report on my findings and submitted it to the County Clerk, who dismissed it as a misinterpretation of the law.

I then obtained video files for each of the eight drop boxes in HD10 for the 2022 primary election, which I reviewed and included in another report. This report was also dismissed by the Clerk based on her understanding that she was not obligated to provide video surveillance of the quality that would be necessary to determine if anyone was delivering more than the allowed number of ballots, and if so, who was doing it, and to make this available as evidence in court.

On August 29, 2022 I filed a lawsuit in District Court asking for a hearing on my contention that the County Clerk was breaching her duty to properly surveil the remote drop boxes. No hearing was ever held on this matter and the case was dismissed the day before the general election on the basis that I had cited an incorrect section of the code and had not exhausted the available administrative remedies.

I filed an appeal to this decision with the Court of Appeals, which was dismissed on the basis that appeals to 1-1-113 hearings should be filed with the Supreme Court not the Court of Appeals.

Since November of 2022 I have continued to monitor the situation at the remote boxes and have obtained additional video files from the primary election of 2024. This has allowed me to compare the quality of the video systems from 2022 through June 2024. These have shown that the Clerk has made some improvements in the cameras by changing their zoom setting and in one case removing a tree branch that blocked the view at the Courthouse box.

After reviewing all of these files I am still of the opinion that the video surveillance systems at the HD10 drop boxes are inadequate to detect election fraud in the form of persons inserting more than 10 ballots into the boxes either at one time or over the course of the election. As proof of this I will submit clips from each of the boxes from 2022 and 2024 to demonstrate that even with the improvements made by the Clerk's office the systems are inadequate to the task for which they were designed.

It is worth noting that beginning in February of 2024 myself and other persons involved with election integrity approached the County Clerk with information about a camera security system manufactured in Colorado that allows stand alone, solar powered, cell phone linked cameras to installed virtually anywhere that is necessary to provide high-quality surveillance for the remote drop boxes. While the elections staff may have met with the

representatives of that company, no effort was made to install even a few of these systems in the most vulnerable spots in the system. This would have been a simple thing to do, and the fact that it was not done shows the degree of insouciance of the election staff regarding what is clearly a huge vulnerability in what they claim to be the “gold standard” of elections.

## THE COLORADO ELECTION CODE

The first relevant portion of the Election Code for our purposes is in section 1-5-102.9(5)(d)(I), which states that all drop boxes are to be managed by the clerks “in accordance with the secretary of state’s current security rules.” The rest of the section talks about the numbers of boxes required for counties of various sizes, the need to provide them on state colleges and universities and that they cannot be installed at police stations, presumably so that voters with active arrest warrants won’t be discouraged from voting.

The next relevant portion of the election code is in section 1-7.5-107-4(b)(I)(B), which makes it a crime for anyone other than a duly authorized agent of the county clerk to collect and deliver more than a total of 10 ballots during the course of the election, either in one visit or a series of visits.

These two sections make it a duty of the county clerks to install remote ballot drop boxes and to monitor them in accordance with the secretary of state’s current security rules in such a way that violations of the 10 ballot limit can be detected.

The final relevant section of the election code is section 1-1-113, which establishes a procedure for resolving claims of neglect of duty by election officials brought by candidates and others. The section requires the court to give notice to the official being charged and to provide a hearing. Upon a finding of good cause the court must issue an order requiring substantial compliance with the provisions of the code. It is important to note that in subsection (4) the statement is made that “the procedure specified in this section shall be the *exclusive method* for adjudication of controversies arising from a breach of neglect of duty or other wrongful act that occurs prior to the day of the election.” (my emphasis). There is no administrative procedure or appeal specified for these cases. The sole method of their adjudication is via the district court, with appeals to be heard by the supreme court.

The supreme court of the state of Colorado reaffirmed the applicability of section 1-1-113 in the case of *Frasier 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).

## ELECTION SECURITY RULES

As discussed above the election code requires the county clerk to verify that no one is delivering more than 10 ballots during the election at any of a combination of the drop boxes, and must follow the secretary of state’s security rules in managing the boxes.

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.
- 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 election fraud at the boxes including violation of the 10 ballot limit. One must also consider that the surveillance system should also be capable of detecting and providing evidence of someone 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.

- 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. 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?

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 picture 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.

## COMPARISON OF 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: EFAA Daytime 2022

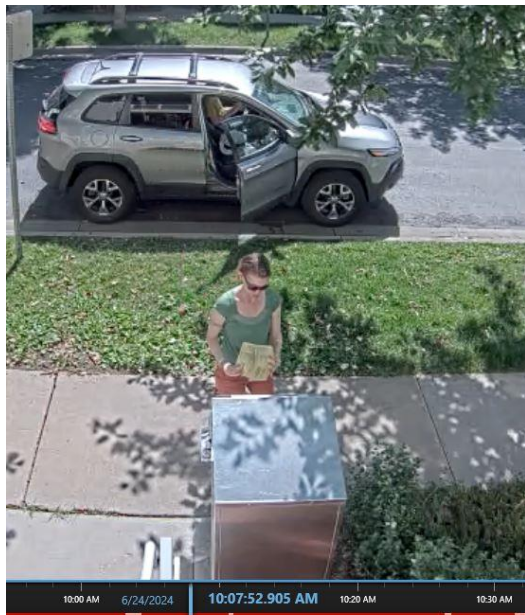


Figure 2 shows the EFAA site during the 2024 primary. The camera shots are very similar. In this case the person at the box is holding what appears to be a stack of ballots high enough so that the camera picks them up. However, if the person had wished to conceal the ballots she could have simply held 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: EFAA Daytime, 2024

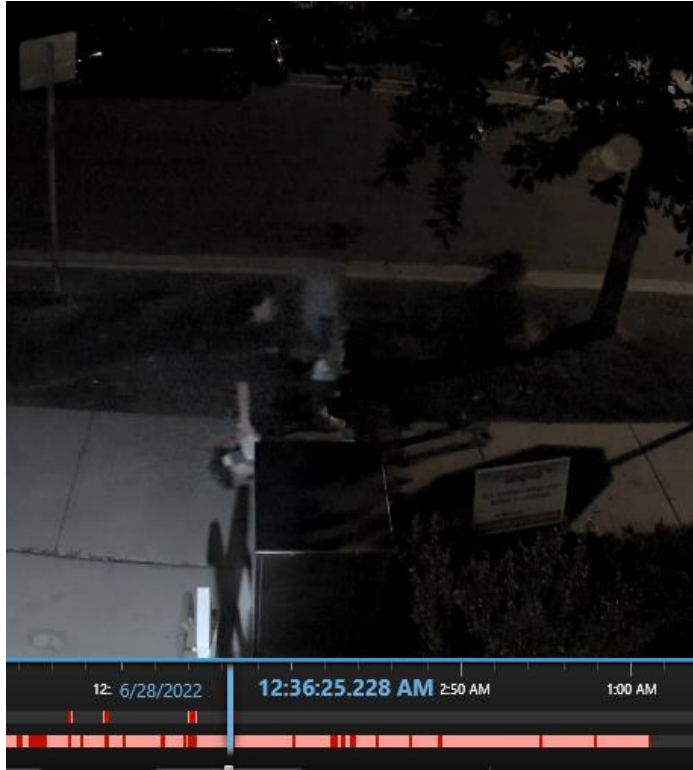


Figure 3 and Figure 4 show nighttime views of the EFAA box in 2022 and 2024. Both pictures are very similar. There is some light from the doorway of the building, but it creates a glare and puts the person in front of the box into a shadow which makes them virtually impossible to identify. It should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

Figure 3: EFAA Nighttime view, 2022

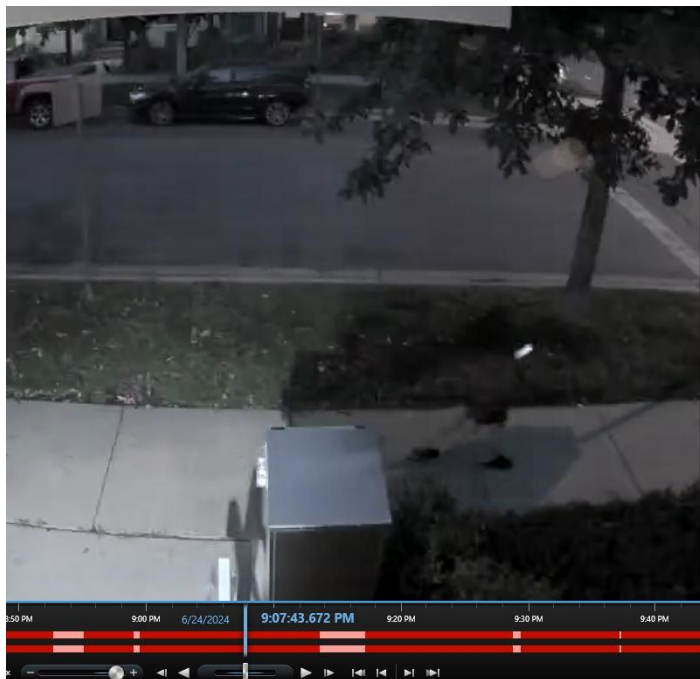


Figure 4: Nighttime at EFAA 2024

## Avery Brewery



Figure 5: Daytime at Avery, 2022

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 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

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.

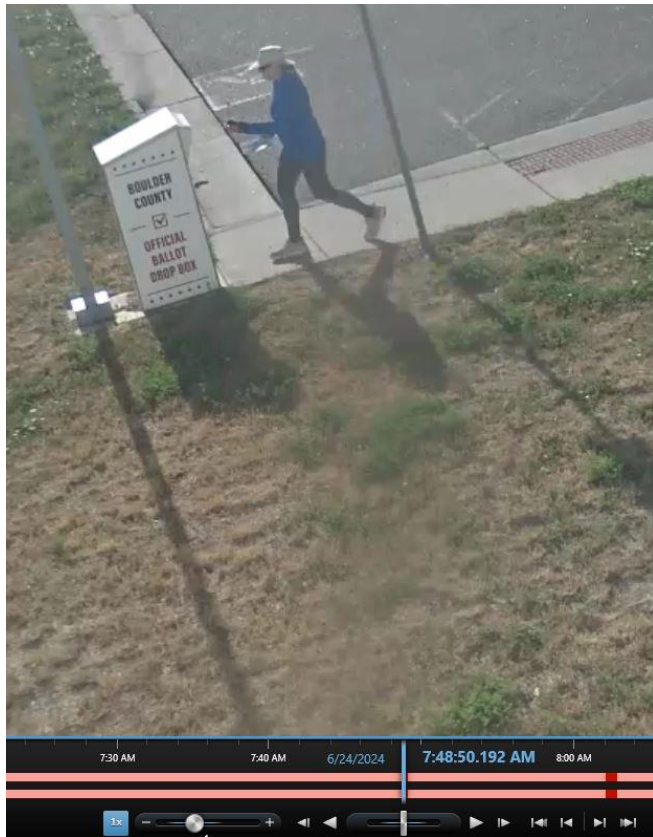


Figure 8 shows a daytime shot at Avery during the day during the 2024 primary election. This is a fairly good view except it is still too far away to allow a clear identification of the user and a clear view of how many ballots are being inserted.'

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.

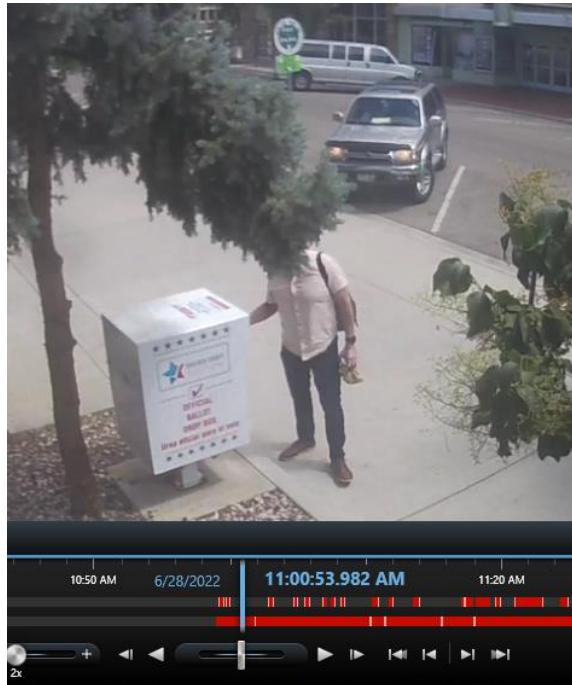
Figure 8: Daytime at Avery 2024



Figure 7: Nighttime at Avery 2024



### 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 10 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.

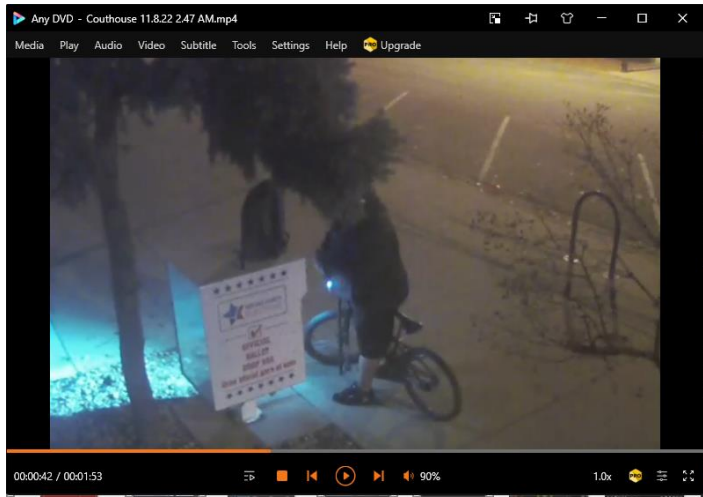


Figure 11: Nighttime at the courthouse 2022

Figure 11 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 12: Nighttime at the courthouse 2024

Figure 12 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 13 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 13: SB Rec Center, daytime 2022*

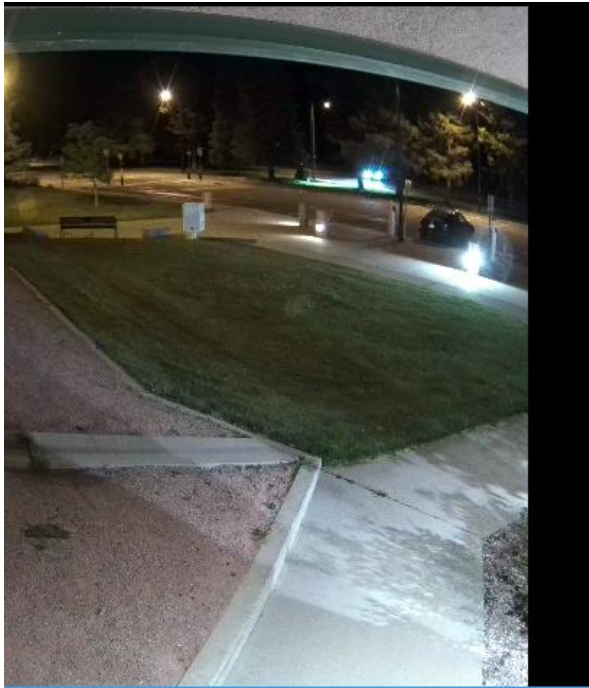


Figure 14 shows a nighttime view of the same box from 2022. The box actually stands out a little better without the glare of the sunlight, but it is equally impossible to determine who is using the box or what they are inserting.

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

Figure 14; SB Rec Center, nighttime, 2022



Figure 15 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 15: SB Rec Center, daytime, 2024



*Figure 16: Daytime shot at SB Rec Center, 2024, magnified*

By way of reinforcing the futility of reliance on magnification of low quality cameras please see Figure 16, 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

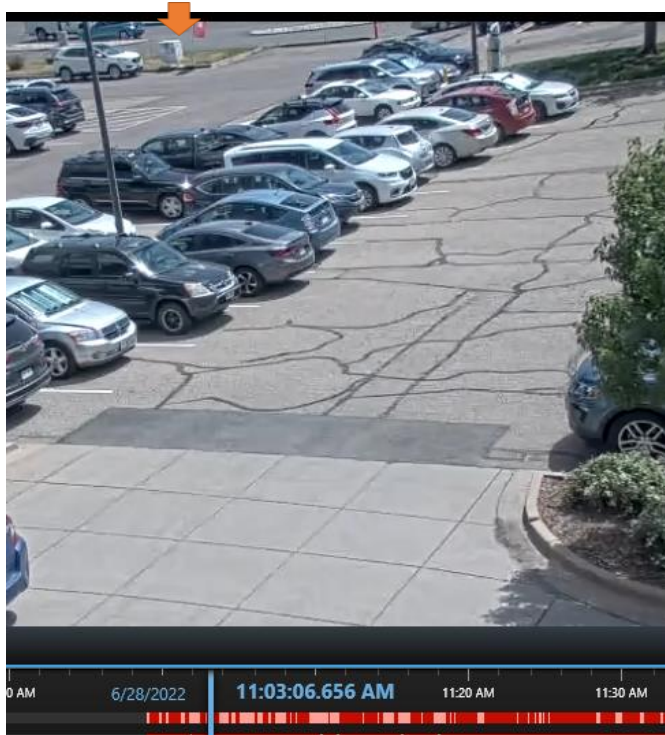


Figure 17: Daytime at the clerk office 2022

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 33<sup>rd</sup> Street in Boulder. As can be seen in Figure 17 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 17 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.

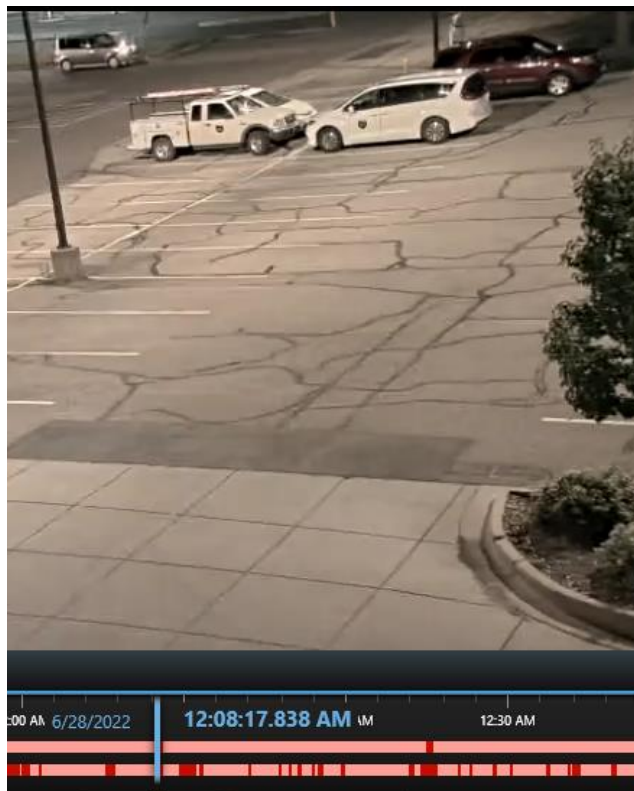


Figure 18: Nighttime at clerk office 2022

Figure 18 **Error! Reference source not found.** shows a nighttime view of the 33<sup>rd</sup> 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.

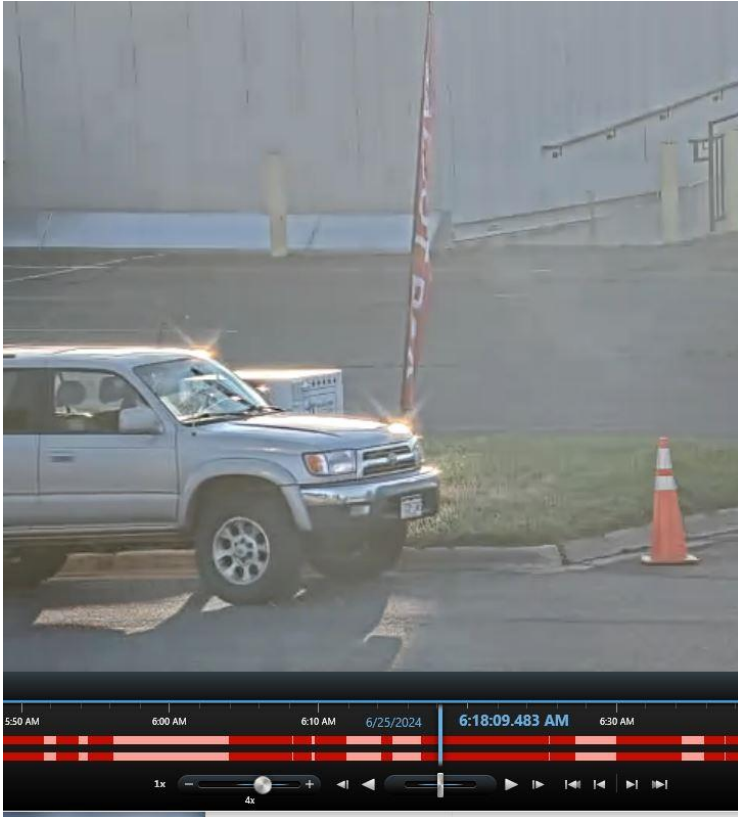


Figure 19: Daytime at clerk office 2024

Figure 19 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.

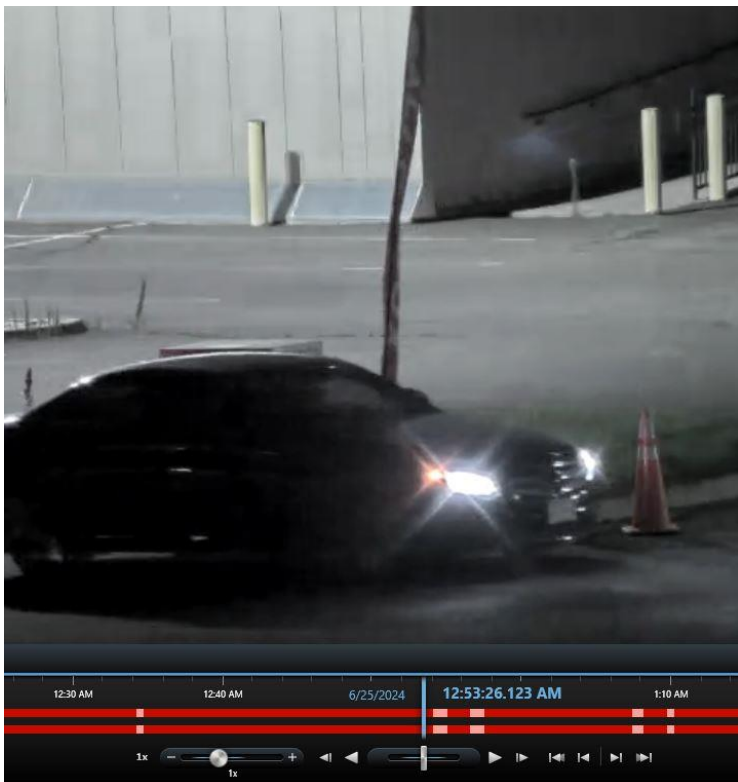


Figure 20: Nighttime at clerk office 2024

Figure 20 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 21 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 21: Daytime at mental health center 2022

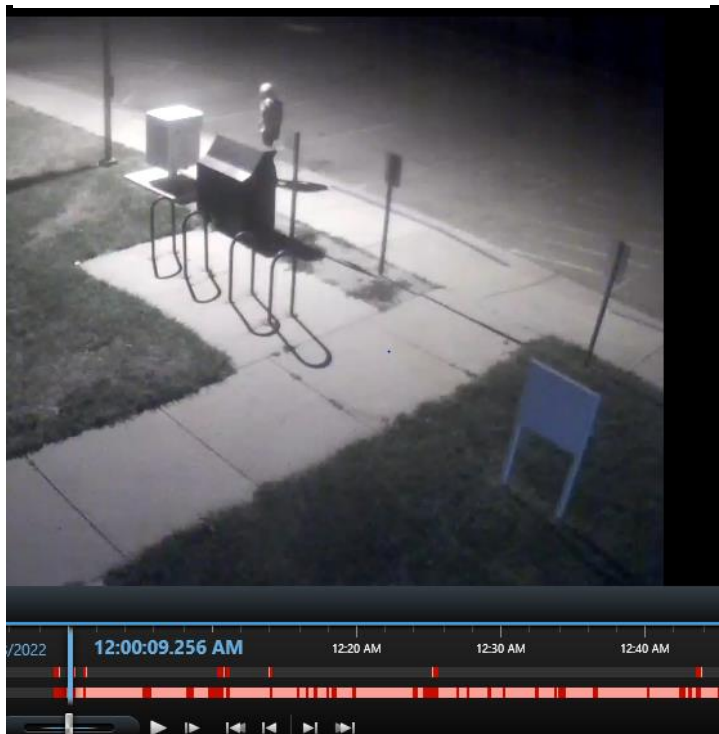


Figure 22 shows the scene at the mental health center at night in 2022. While this camera work might be excellent for a mystery movie it is not helpful for surveillance of an election facility that is supposed to be under the supervision of the county officials. Notice that there is a light pole right next to the box and at close to the desired 90-degree angle. This is where a camera should be installed.

Figure 22: Mental health center, nighttime 2022



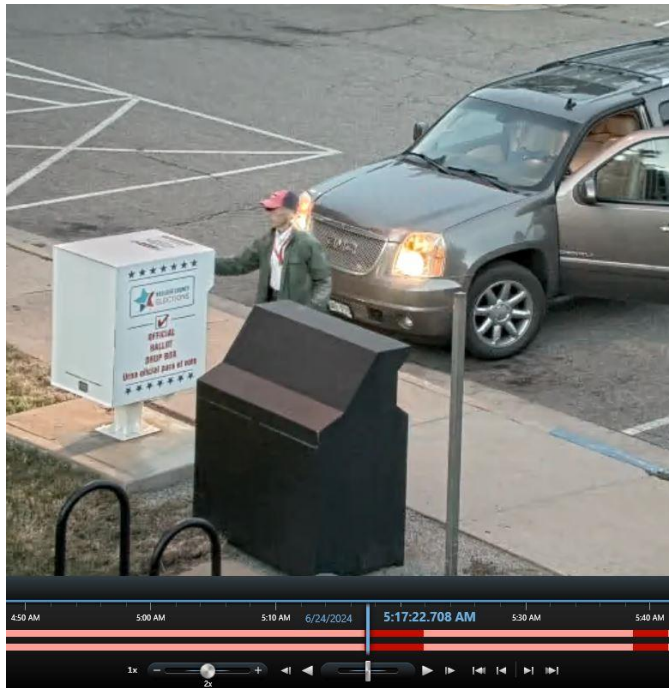


Figure 23 shows the view at the mental health center in 2024 during a typical daytime visit. The image has been enlarged which aids in facial recognition, but not to extent that one could make a definite identification suitable for court evidence. The location of the camera behind the box makes it impossible to see the drop slot and what is being inserted.

Figure 23: Mental Health Center 2024 daytime

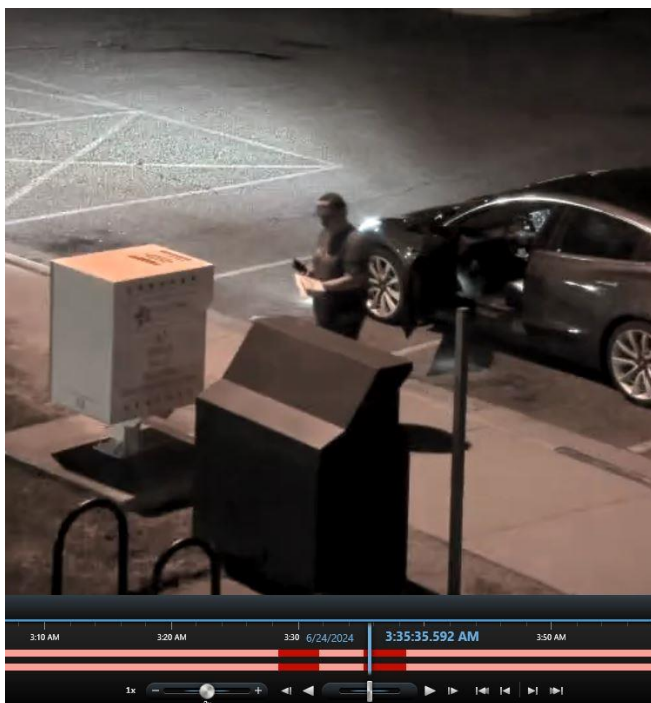


Figure 24 shows the mental health center at night during the 2024 primary election. It shows a man approaching the box with an undeterminable number of ballots in his left hand. His face is totally shadowed making any recognition impossible.

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 24: Nighttime at Mental Health Center, 2024

## 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.

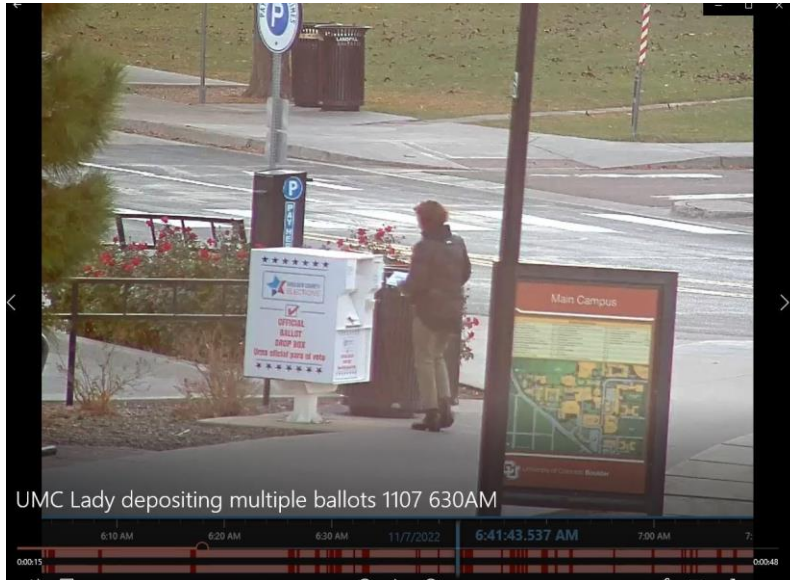


Figure 25: Daytime view at UMC, 2022

Figure 25 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.

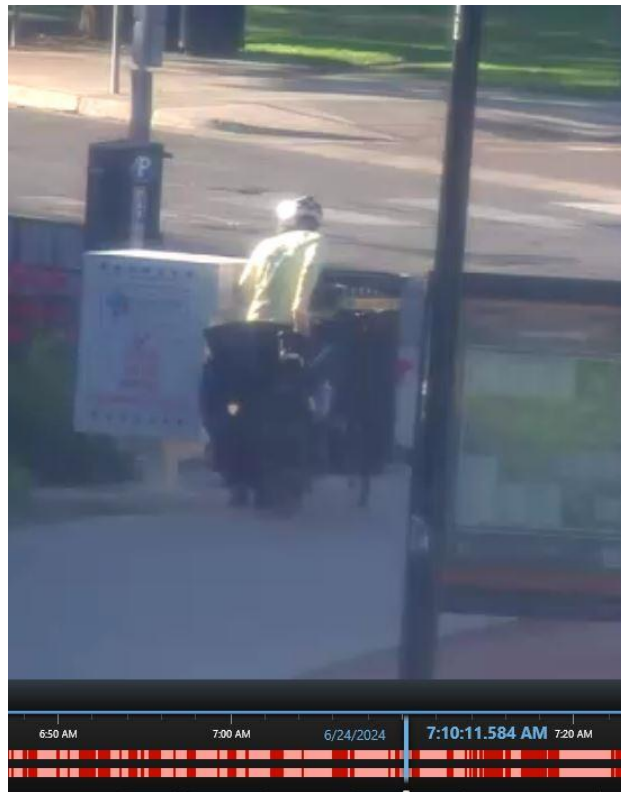
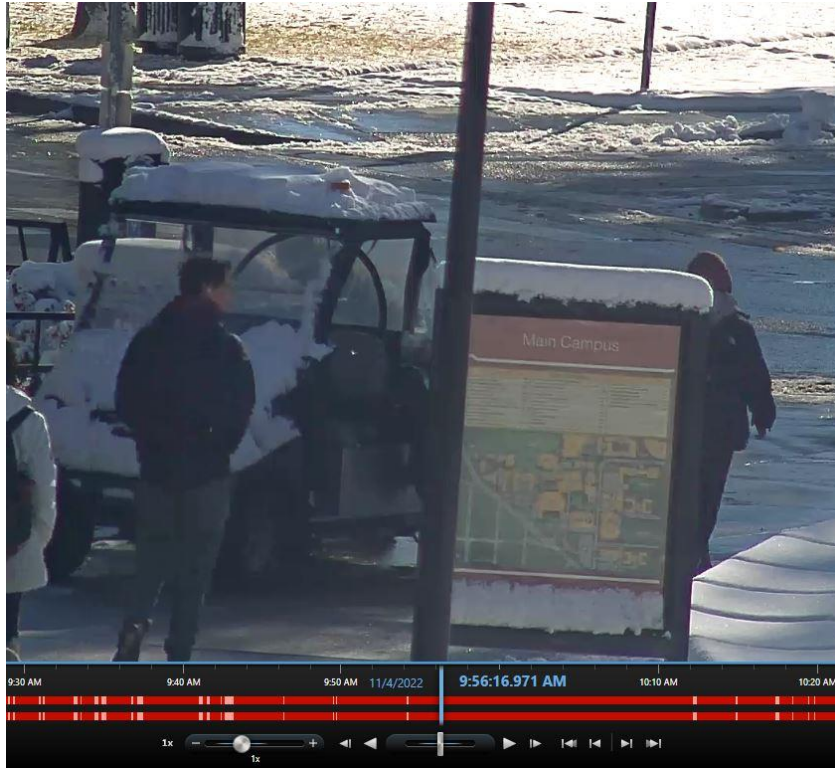


Figure 26: Daytime view at UMC 2024

Figure 26 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 27 below.



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 27: Cart blocking UMC box during general election 2022

## CU\_Williams Village



Figure 29 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 28: Daytime at Williams Village, primary 2022

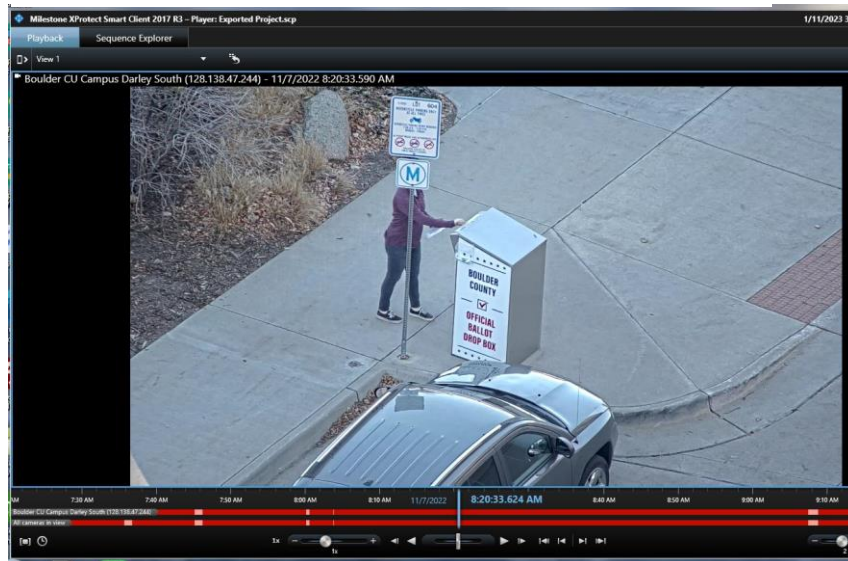


Figure 29 shows the improved view from the general election of 2022. In this case the camera zoom was increased to the extent that it gave a much clearer view of the box area, but unfortunately a sign is located in the perfect spot to block the face of the user. The fact that the camera was once more 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 29: Williams Village, daytime delivery, general election 2022

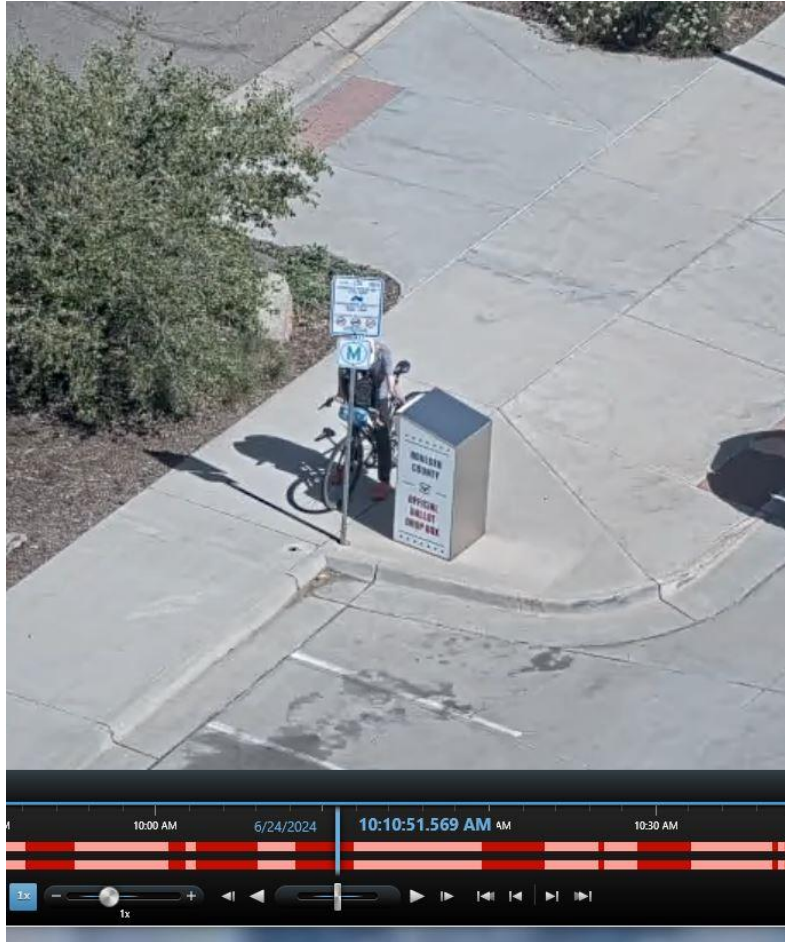


Figure 30: Williams Village daytime bike drop, 2024

Figure 30 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.

## 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 candidate for the HD10 seat, 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 would have nothing to fear in tampering with the boxes. This would involve either stuffing ballots or even destroying the ballots in the boxes.

Imagine you owned a building that contained valuable industrial equipment, and you hired a surveillance firm to install a system to detect vandalism, theft or fire in the structure. Then suppose that one night a group of arsonists

break into the building, ransack it and set it on fire. When you hear press reports you immediately call up your surveillance professionals only to be told that the cameras they installed were all across the street, hundreds of feet from the property, and never showed the key areas of the building, and the lighting was too poor in any case to show what was happening, and furthermore, no one at the security firm bothered to look at the video feed so they only found out about the incident when they read about it in the morning newspaper. I don't think you would believe that that company had provided you with proper surveillance, and you might want to sue them. In this case that building represents our elections and the vandals represent anyone with a malicious intention to disrupt or manipulate the process. We expect our election officials, the security firm, to do a better job than the hypothetical security company 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,

Even though it is late in the election cycle, we ask the Court to order that all of the remote drop boxes in HD10 be closed immediately and notices be put up at the boxes directing people to turn their ballots into the authorized drop off locations that are being manned and supervised by actual humans. Even if only the last week or two of the voting is affected this will demonstrate that the Court takes election security seriously and will prevent interference during the most critical period of the election cycle which is the end.

Sincerely,

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William B. DeOreo  
Candidate for HD10

Dated October 19, 2024