

**To:** Chuck Broerman, El Paso County Clerk and Recorder  
**From:** [REDACTED] Canvass Member  
**Date:** July 22, 2022  
**Re:** Minority Report

I would like to state that the Clerk and Recorder's staff in the Fort Carson room were helpful and friendly throughout my time serving as Ballot Intake Judge. This Minority Report details the election issues that I witnessed and therefore resulted in my decision to vote not to certify the 2022 El Paso County Primary Election. My decision was based on the following:

- 1. Chain of Custody for ballots was broken.** On Election Day, I opened a ballot container delivered from a drop box location with a log sheet containing only one judge's signature, not the required two bi-partisan judge's signatures. This was not an isolated event. Later that evening as polls closed and ballot containers poured in, another judge stated, "I have an empty log sheet." A supervisor later announced, "please let me know if you come across any blank log sheets so we can take care of it." This announcement clearly indicated there were multiple blank log sheets, also missing information.
- 2. Ballots Cast.** 8 CCR 1505-1 Rule 1.1.9 "the number of ballots cast" is now the number of ballots received by the Clerk, excluding mail ballots returned by the post office indicated as undeliverable. During my time as an election judge, we opened ballot drop box containers that included envelopes stating, "Stop cheating I told you this person passed away 20 years ago!" or "This person has never lived here, stop sending ballots." Many undeliverable ballots with yellow USPS stickers were included in these drop box containers that arrived from various locations throughout El Paso County. There was even a blue ballot from last year's election in the mix. For these reasons, I question the legitimacy of any ballot placed inside drop boxes. I think it's very important to note that a recent Supreme Court decision ruling in Wisconsin deemed ballot drop boxes illegal.
- 3. Agilis Machine inconsistency.** As the volume of ballots increased on the last two days, the Agilis Machine began rejecting ballots at an alarming rate compared to earlier performance. These ballots filtered into the "other" slot, not the "sig ver" slot. These nearly 6000 ballots were placed into red trays. I was told that they had signature discrepancies. They were purposefully held to be signature verified the day following the election. I was never given a satisfactory explanation for this change, except that judges would be better prepared and well rested the following day. If the Agilis Machine cannot handle all the ballots, then there's a problem with the system.
- 4. Unsecured Ballots.** Election judges and poll watchers were routinely excused to go home, leaving clerk staff alone with unsecured ballots without the benefit of oversight and observation. Timely access to video surveillance would set me at ease.

**5. Improper Storage of Ballot Envelopes.** All of the ballot envelopes, were stored in the El Paso County Assessor's storage closet alongside crockpots and Christmas decorations. Shouldn't those envelopes, that hold voters' Personally Identifiable Information (PII), including their actual signatures, be under the care and security of the Clerk and Recorder at all times? I was told no. However, the envelopes are clearly part of the election records and therefore, must be securely stored under video surveillance in the same manner as all other election records.

**6. The Risk Limiting Audit (RLA) is not random.** The RLA conducted in this race proved to be a top-down process in which the Secretary of State controlled which ballots to audit. The RLA process seemingly only verified that the paper ballot resembled what was captured by the computer in an image. Based on my observation during the process, the popularity of several candidates outpaced the reported outcome of their races. A hand count audit of randomly selected ballots would be the only way to actually audit ballots and votes cast, thus giving confidence to voters about the veracity of a true audit.

**7. Voter rolls need to be reconstructed to identify only legitimate voters.** There were approximately 20,000 ballots returned as undeliverable during this election. A shocking 36 USPS trays full of undeliverable ballots were returned in the first week alone. By the end of the election, there was a wall of over 56 USPS trays containing undeliverable ballots. In the last 2021 minority report, the Clerk made a verbal commitment to clean up the voter rolls, but that doesn't seem to be the case.

As a Canvass Board Member, I request the following items:

- (1) All Cast Vote Records (CVR).
- (2) All ballot drop box records.
- (3) All video surveillance (to include: drop boxes, sorting and counting rooms, adjudication and tabulation rooms).
- (4) All records pertaining to signature verification.
- (5) All records and report related to voter registration and voter history.
- (6) All electronic voting systems logs specified in the 2002 Voting System Standards mandated by CRS Title 1, Article 5, Part 6 and pursuant to CRS 1-10.5-107 (3).

Based on several of the above statements which pose concerns on how ballots were handled, I could not in good conscience certify the 2022 Primary Election.

Respectfully,



Canvass Board Member  
El Paso County