

Testimony for 4-15-13

I am Jim August from Boulder County

I was a watcher of the ballot processing facility for Boulder County during the 2012 General Election.

I observed many problems with the Mail Ballot Envelope processing system and as a result I have investigated the Mail Ballot system for the last 5 months as best I could through a wall of secrecy.

As I am sure you know the election process has two major phases. The casting of ballots and then the counting of those ballots.

The counting phase seems very secure and the integrity of each ballot is protected by election officials.

The casting phase has two major paths. The first is the polling place where the ballot is very secure as it is supervised by election judges.

The second path of casting involves the mail ballot. From the time the ballot is delivered to the mailing address until the ballot is returned by the mail system there is no way of knowing for sure who has had the ballot and what has been done with it. This is the least secure part of the election process.

And HB 13-1303 intends to decrease the size of the secure casting process and increase the size of the least secure casting process. I have seen error rates of over 60% for parts of this system.

So please stop HB 13-1303 and lets work the problem at a slower pace out in the open.

Thank you.

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April 15, 2013

Dear Legislator

I was a watcher at the Boulder County Ballot Processing facility for a large part of the processing for the 2012 General Election. I have been busy most of the time since the election trying to learn more about the Boulder County Mail Ballot Envelope processing system and am very disturbed in what I have discovered.

It is interesting to note that House Bill 13-1303 attempts to address "Accuracy of **Voter** Information" however it does not address the subject of "Accurate Validation of mail ballot voters".

In any election system the voter must be qualified before being allowed to cast a vote. It is more important to protect the integrity of every ballot over increasing the efficiency of the processing.

HB13-1303 greatly decreases the integrity of mail ballot and has very questionable increases in efficiency. It also greatly hampers the ability of a watcher trying to monitor and protect the integrity of our ballots.

Lets look at some numbers.

The HAVA referenced **target** error rate is 1 error per 10,000,000 ballot positions. For this discussion we can think at the ballot level since I am addressing the false acceptance and/or false rejection of entire ballots and not just single positions.

**1 / 10,000,000**

HAVA section 301 (a) (5) allows a **maximum** error rate of 1 in 500,000. It is the law.

**1 / 500,000**

With about 2,500,000 million active voters in Colorado that would allow 5 ballots being falsely accepted or rejected in the entire state.

**5 / 2,500,000**

These error rates are typically applied to the process of ballot scanning and interpretation. However we must also look at the accuracy of the information provided to the ballot scanning and interpretation process. It is a common known fact with computers that "Garbage in = Garbage out"

The part of the voting system I am addressing today is the mail in ballot vs. the polling place cast ballot.

At a polling place, a voter provides identification and is then validated against the poll book. If the voter is qualified, the voter is given a ballot. After the ballot is completed it is deposited in a ballot box, all under the supervision of an election official. Then the ballot is transported under guard to the processing facility where it is counted, also under the supervision of election officials.

Mail ballots take a lot more processing than polling place processing of ballots. Mail ballots have much greater potential for voter fraud because they are out of the supervision by an election official for a significant time so a lot more effort must be exerted to protect the integrity of each ballot. There is no positive and practical way to make sure a mail ballot was delivered to, marked by and returned by the intended voter. The current system used throughout the state depends heavily upon the signature on the mail ballot envelope to validate that the intended voter completed the ballot.

There are many sources of error of voter verification but let's look at a few that are very common with mail in ballots and almost non-existent with polling place cast ballots

State wide, there were 5,748 mail ballots rejected because the voter failed to supply a valid ID in the registration or mail ballot phases. In addition there were 2,720 mail ballots rejected because the voter failed to sign the envelope and 8,622 mail ballots rejected because there were unresolved questions about the signatures. This results in a total of 17,090 rejected uncured mail ballots statewide.

There is no data available to measure how many ballots that had problems that were cured.

So how many of these rejects were false rejects? And how many ballots were false accepts? Was the total more than 5 ballots? I personally observed more than 5 falsely accepted ballots in Boulder County alone.

At least 5 Colorado Counties have purchased significant expensive equipment that sorts, scans and supports signature verification systems, which were used in the 2012 General Election. All 5 counties purchased "Automatic Signature Verification" (ASV) software with their hardware and none of these 5 specified any accuracy or performance requirements for the processing by any part of these systems except number of envelopes per hour to be processed.

How accurate is the ASV function? I don't believe any of the 5 known ASV systems in Colorado have been tested or certified. I keep asking in Boulder County and continue to be told they are looking for test results. A web wide search indicated that most ASV systems have error rates that range from several percent up to over 50%. This is no where the accuracy needed for an election.

I have a report printed by the Bell & Howell system used in Boulder County that reports "No Signature Match" rates of over 60%. This has raised major questions about subsequent processing.

**60 / 100**

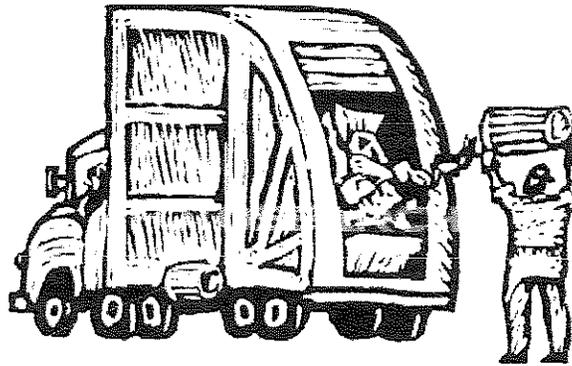
From extended observations I estimate Manual Signature verification error rates are about 3%, which is still over the 1 in 500,000 maximum rate

$$3 / 100 = 15,000 / 500,000 > 1 / 500,000$$

In closing

If we really want to improve the election process please kill this bill since it only makes the problems worse. Then we need a bill to suspend using the greatly flawed Mail Ballot System until integrity, security and accuracy problems can be solved.

If efficiency is more important than integrity then change the law to simply declare whatever party is in control can simply appoint their person for each office, which is basically what this bill does.



Remember "Garbage in = Garbage out"

If the voters using mail ballots are not validated then the ballots sent to the counting process are all questionable.

**Vote NO on HB 13-1303**

## Incoming First Pass Count Per Bin and Code Report

Boulder County  
Elections Division  
1750 33rd Strret Suite 200  
Boulder, CO 80301

Printed On: Friday, October 26, 2012 @ 11:59:25 AM  
Processing Date: Friday, October 26, 2012  
Batch: 105  
Mailing: 2012\_BoCo\_General  
Job Name: VBM\_1\_FP

Bin(s)	Code	Code Text	Total Documents
1		Reject	12
3		No Signature	2
5		No Sig Match	535
6		DS-01	7
		DS-03	9
		DS-06	1
		DS-08	14
		DS-11	1
		DS-12	4
7		DS-13	1
		DS-20	1
		DS-21	22
		DS-22	67
		DS-24	2
8		DS-25	11
		DS-26	19
		DS-28	10
		DS-30	19
		DS-32	1
9		DS-37	44
		DS-38	1
		DS-39	5
		DS-42	2
		DS-43	5

*66,870*

Total Fed:  
Total Read:

800  
788

Total Good:

64-6057-49  
636-2538

783