

Jim August

1605 Denison Cir
Longmont, CO 80503
303-776-4514
jim@jfaugust.us

March 7, 2013

Board of County Commissioners
Boulder County Courthouse
1325 Pearl St.
Boulder, CO 80301

Good morning Commissioners;

Thank you for the opportunity to speak.

I am a retired engineer from the aerospace field and have been deeply involved with manufacturing and testing of many critical, high technology, multi million dollar systems over more than 4 decades.

On August 14, 2012, the Clerk & Recorder's Office requested the procurement of a major piece of election equipment for about \$220,000.

This equipment provides "Signature Verification and Sorting" of Mail Ballot Envelopes.

Commissioner Domenico's first question in that public meeting before signing the contract was "Are there other counties in the state looking at the same system"?

The answer was "There are other counties that are using a different system, but are similar, but not quite the same". I believe this answer to be correct.

I appreciate Commissioner Domenico for asking that question. But we now find that the answer was not a direct answer, since the question was for "**Same**" system not "**Similar**" system.

After several more questions the commissioners approved the request to purchase the system from Bell & Howell on Purchase Order/Contract P107695

Boulder County is the only county we have found in Colorado that purchased the Bell & Howell system.

Now we have been through a major general election and observed major problems with the Bell & Howell System.

The problems with the Bell & Howell System were a significant factor in the non-certification of Boulder County's 2012 election results.

Based on information identified in the attached document I am requesting the contract be canceled, the defective equipment returned to the manufacturer and then the procurement process be restarted.

For better or worse, how we respond to this problem will have a significant impact on the next election. So let's make it for the better

I strongly urge you to review my attached report with its recommended solution.

This document identifies four major areas of Fiduciary Violations that are related to the Bell & Howell system. These problem areas are 1) Procurement, 2) Lack of detailed Specifications, 3) lack of formal testing before use in a live election, and 4) the use of defective equipment in an election.

This document also identifies 15 detailed objections and supporting evidence to back up each objection. Part of this evidence was provided by the Boulder County Attorney's Office in response to CORA requests, so I trust it is complete and accurate. Other evidence was obtained from other public records.

My basic recommendation is to cancel the contract for lack of performance then restart the procurement process using the outline included at the end of my paper. The existing system should be returned to the manufacturer since it has been proven to be a lemon. I know this since I witnessed malfunctions everyday I was in the Ballot processing facility

I will make a reasonable amount of my time available to the County at no cost to help in the procurement and testing of a reliable system that provides the proven necessary accuracy.

If voting by mail is to be used, I personally support the use of automated equipment to the greatest extent possible where it can **improve the accuracy**

Western States Contracting Alliance has requested the information in this report and will be sent a copy of this report today.

For better or worse, how we respond to this problem will have a significant impact on the next election. So let's make it for the better

Will the Commissioners commit to investigating these charges, and promptly report back to the public?

James August