

# [CORA] [Records Center] CORA Request :: P001387-111920

Received: Monday, 7 December 2020 23:14

From: Boulder County Support bouldercountyco@mycusthelp.net

To: w.u.dolan@protonmail.com w.u.dolan@protonmail.com

--- Please respond above this line ---

RE: OPEN RECORDS REQUEST November 19, 2020, Reference # P001387-111920.

Dear W,

Boulder County has received your open records request dated November 19, 2020. You requested the following:

**"I am requesting public records pursuant to CORA. All requests herein refer to records related to the Colorado General Election of November 3, 2020. All requests are for electronic copies.**

## **Request 1 of 2: All Ballot Images for the November 3 General Election.**

### **Likely location**

These ballot image files should have been imported into the Election Management System from any and all voting system scanners or imaging components (for example: poll-site based, vote center-based, centrally-based).

### **Inclusions**

- each and every electronic or digital Ballot Image file created, held or used by Boulder County
- provided in the format or formats in which the images are:
  - a) unaltered from the original images
  - b) viewable, such as in .pdf file format
- Ballot Image files' filenames unchanged from filenames:
  - a) generated by the voting system, and
  - b) linked to their corresponding Cast Vote Records' filenames

## **Request 2 of 2**

### **All Cast Vote Records (CVRs) for the November 3 General Election.**

### **Inclusions**

- each and every electronic Cast Vote Record file created, held or used by Boulder County
- any and all metadata associated with each Cast Vote Record
- CVR files' filenames unchanged from filenames:
  - a) generated by the voting system, and
  - b) linked to their corresponding Ballot Images' filenames
- provided in the format or formats in which the text is:
  - a) unaltered from the original text, and
  - b) viewable, such as in .txt file format

### **In event of denial**

If any documents are withheld from production in whole or in part, please provide me an exemption log index of each record or category of records that have been withheld or redacted, the explicit statutory citation exempting the records, and a brief explanation of how the statutory exemption applies to the records.

### **Notifications**

Because the November 3 General Election is also a federal election, my records request is also affirmed by federal Freedom of Information Act pursuant to 5 USC §552 et seq.

**Notice:** Pursuant to 52 USC §20701, you are notified that the destruction of digital ballot images is

**ALSO a violation of federal law:**

**52 USC 20701 - Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation**

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(Pub. L. 86-449, title III, §301, May 6, 1960, 74 Stat. 88

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title52-section20701&num=0&edition=prelim>

Thus, from this Notification, and the laws of the State of Colorado, you are hereby notified that “ignorance or mistake of fact” is removed as a legal defense, should the digital ballot images (records) be damaged or deleted by you yourself, or by any subordinate.

#### **Method of delivery**

It is essential that the method and means of delivery do not insert requester into the records’ public authentication chain of custody.

My first choice is for production of all records online by posting on your official website or official publicly accessible portal.

Only if that is not available, my backup choice is by digital media secured against undetectable post-production alteration of the media containing the records (e.g., by hash, by write-once read-only media).

#### **Cost of digital media for records production**

I am pleased to compensate boulder County for the cost of digital media onto which to copy said digital ballot images and other records to my possession. According to the U.S. Department of State Freedom of Information Act site at <https://foia.state.gov/Request/Fees.aspx>, the cost to me for such records should not exceed \$25.00. If there are additional costs associated with this records request, please advise and itemize.

Thank you for your prompt attention to this request.

Respectfully,

**W. Dolan**

[w.u.dolan@protonmail.com](mailto:w.u.dolan@protonmail.com)

**CC: AUDIT USA, [team@auditelectionsusa.org](mailto:team@auditelectionsusa.org)”**

Pursuant to C.R.S. § 24-72-205(6)(a) and Boulder County’s public records policy section (C)(2)(e), the County may charge \$30.00 per hour for staff time to respond to large requests, with the first hour at no charge.

Additionally, copies are \$0.25 per page (double sided) pursuant to C.R.S. § 24-72-205(5)(a). Please review the details of the estimate below.

**Staff has estimated that it will take 213 hours of staff time for the research and retrieval of the requested records.**

**212 Hours (1 hour waived)**

**Total: \$6,360.00**

Staff has prepared a detail of the time estimate charges. This record has been released to the Boulder County Open Records Center. Please log in to the Boulder County Open Records Center and retrieve the records. *NOTE: If you have trouble accessing the records from the Boulder County Records Center, please check your browser settings to allow pop-up windows, clear your cookies, and clear your cache. If after doing that you still cannot access the records, please respond to this message via the Open Records Center.*

If you agree to accept the deposit estimate, send us a message and remit \$6,360.00, via cash or check payable to Boulder County, as a deposit. Please reference "PRR No. P001387-111920" in the memo section. A check or cash can be mailed to or dropped off at:

Boulder County Attorney's Office  
Attn: Jill Coil  
1325 Pearl Street  
5th Floor  
Boulder, CO 80302

*There are no administration fees for payment by check or cash.*

**NEW!** We can now accept payment via credit card or e-check through a third-party vendor, PayPort, in working with the Colorado Statewide Internet Portal Authority (SIPA) on their secured platform. Credit cards accepted are American Express, Discover, Mastercard, and Visa.

**An administration fee for credit card payments or electronic check payments will be charged and retained by SIPA/PayPort, not Boulder County. A convenience fee of \$1 will be charged for payments made using an electronic check regardless of the transaction amount. The total convenience fee for credit cards is \$.75 plus an additional 2.25% of the estimate plus the convenience fee. (Credit card example for a payment of \$30.00:  $(\$30 + \$.75) \times 2.25\% = \$30.75 \times 2.25\% = \$.69 + \$.75 = \$1.44$ . Your card would be charged \$31.44 for the transaction.) Note: the administration fee is non-refundable.**

Please click on this link to make a payment by credit card or e-check

<https://secure.colorado.gov/payment/boulder-attorney>. Be sure to have your reference number "PRR No. P001387-111920" handy to enter into the system as the invoice number.

Once we receive the deposit, we will provide the requested records within three (3) working days, unless an extension is requested. If the time to gather and review the material exceeds the estimated time, we may request an additional deposit. If actual charges are less than the retainer, the balance will be refunded to you.

If you have any questions or if you would like to revise the details or scope of your open records request, please contact us.

Sincerely,

Jill Coil  
Senior Paralegal Specialist  
Incoming Requests



**Boulder County**  
C O L O R A D O

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To monitor the progress or update this request please log into the [Boulder County Open Records Center](#).