Jefferson County Clerk
cc: County Commissioners

Dear Clerk So and So,

Re: Surveillance of Ballot Drop Boxes during the November 2022 Election.

Drop Boxes Need to be properly monitored as they are the first step in the chain of custody of our ballots in the election process. Currently, there are ballots drop boxes with poor video surveillance, cameras that are too far away, pointed in the wrong direction or missing all together. The county clerk’s office is not staffed to review the video footage and thus the footage goes unviewed before it is deleted. The video footage is often deleted before the 25-month retention period regulated by state statute. The cost to citizens to obtain the video files is an artificial barrier to allowing the citizens to participate in viewing the video on a volunteer basis to report back to the clerk if anything nefarious is spotted.

To cure these deficiencies in the election system the clerk must implement these simple steps at minimal cost to the county.

1. The Video needs to be accessible to the public at no charge to view as the Clerks are not viewing the video. The video footage needs to be stored on designated storage devices for the quick and easy access by clerks. Storing this video footage in a designated folder or device will cause the request to view this video essentially nothing more than the cost of the storage device needed to have the files copied onto. There is no necessity for review by the clerk’s office prior to release to the public as it is taken in a public place, hence no expectation of privacy. It's not a document where there could be exceptions under CORA that need to be reviewed or redacted.
8 CCR 1505-1.1.44 “Video security surveillance recording” means video monitoring by a device that continuously records a designated location or a system using motion detection that records one frame, or more, per minute until detection of motion triggers continuous recording.
2. Current election rule 7.4.1(e) on the retention of the video surveillance record for only 60 days is in conflict with state and federal law. This conflict should never have passed through the Attorney Generals office. However, the clerk’s have their own duty to their constituents to follow the law and must follow state and federal law which is superior to election rules.

***Rule 7.4.1(e) Video security surveillance must be retained by the county clerk through 60 days following the deadline to certify the election,****or until the conclusion of any election contest, whichever is later; except that if the county clerk knows or reasonably should know that there is a potential violation of law where the surveillance could be used as evidence, it must be retained through the applicable statute of limitations or the conclusion of any judicial proceeding related to the election, whichever is later.*

1. The video record needs to be retained for the 25 months as election records. The video record is part of the Chain of Custody of our Ballots. The Colorado election rule is in direct conflict with state and federal law. It is the duty of our clerks to maintain the trust of the citizens in our election process. Maintaining the video footage for 25 months is simple low cost step to take to help ensure the trust of the people.
***CRS § 1-7-802. Preservation of election records.*** *The designated election official shall be responsible for the preservation* ***of any election records for a period of at least twenty-five months*** *after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later.*

***52 U.S. Code § 20701 -******Retention and preservation of* records** 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 **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**

1. If these measures put too large of a burden on the county, then the use of Drop Boxes needs to be discontinued.

Thank you for your attention to this matter. I look forward to your reply.

Sincerely,

Linda
Address
Phone