

# **Democratic Election Observer**

## **SAL MAGALLANEZ**

### **February 5, 2008**

I arrived at the ROV around 7:40 p.m., with no other observers in the waiting area. The ROV took about 10 minutes to look for an escort, when they told me it was easier to walk around the build and enter at Suite Q.

When I arrived, this year, the ROV had all observers sign a paper acknowledging what was allowed and not allowed. After signing the paper I sent into the conference room where an ROV escort named Len Schultz was discussing/describing to 8 Grand Jury members what we were about to see.

We were escorted around 8 pm and were first shown where the election trucks will be arriving and unloaded (Area 1). There were 3 unloading docks with crews for all 3 waiting for the first trucks to arrive. Along side the ramps, there were tables set up to receive some of the packets arriving from the precincts.

From there we were then escorted to the location where the precinct boxes are first sorted and where the seals would be broken (Area 2). Almost all high school kids manned this area. The ROV representative (who's name escapes me), was trying to inform the kids on their duties. It was pretty loud, and the kids in the far back were probably the noisiest. They obviously were not paying any attention and the ROV rep called them on it. She basically told the group, if they were not going to be listening, they might as well go home. Their duties were to open the precinct boxes that contained the ballots. All voted, unused, spoiled, mailed, and provisional ballots were contained in the precinct boxes.

From here we were then escorted to the location where the open precinct boxes are taken to marry their PC Card (Area 3). The PC Card and the precinct box were then given to a person to scan the ballots into the scanner voting machine (Area 4).

We were then escorted into the area where the GEMS computer is located. This year we were not allowed into the computer room, but we were told we could monitor the team in the computer room through the windows.

From here we were taken in the cubicle offices and shown where the mailed ballots signature were verified. Then taken to the area where the first precinct boxes would arrive from the collection centers. Then finally taken back to the computer area around 8:30.

This is where the fun begins. We sat around waiting for the first boxes to arrive from the collection centers. The ROV rented Mini-Vans for the Field Coordinators. The Field Coordinators main responsibility was to carry voting supplies to their perspective precincts. But their final task was to pick up the early precinct boxes from the collections centers and deliver them to the ROV. These were to be the first precinct boxes that would arrive at the ROV.

When word got back to us that the Field Coordinators had arrived, I asked our escort Len Schultz if we could go to location where the precinct boxes would be unloaded. About 6

Grand Jury members and myself were then escorted back to the area where the first precinct boxes were arriving.

The area consisted of a long hallway that ran north and south, about 100 yards, and that was about 20-30 feet wide with stadium guardrails along the west wall, giving us about 6 feet to walk about 30 yards to the entrance of the hall.

When we first entered the hallway, a black rolling cart when whizzing by the door startling the group until we understood what was going on. What I noticed is the following:

- 1) When the field coordinators arrived, the ROV workers unloaded the precinct boxes from the mini-van and loaded them onto the black rolling carts. No special attempt was made at this point to verify that the RED seals had not been broken.
- 2) The black rolling carts were then taken inside the ROV where there were 2 persons using a wireless scanning system to record which precinct boxes had been received. These were scanning the bar code associated with each precinct. If they had problems scanning the bar code, they would enter the code by hand. Once the precincts were scanned there was a matrix on the wall in Area 2 that would change one of the matrix squares from white to green, to verify that a specific precinct had arrived at the ROV.
- 3) The scanners would then take the black rolling carts and throw them down the hall about 20 yards. The hall was about 100 yards, but with only 6 workers to send them down to Area 2, they were spread out about 10-20 yards. So, they decided throw the black rolling carts to each other in a relay formation. When the boxes were unloaded, the empty black carts would be relayed back down. So, I was seeing loaded carts rolling in 1 direction, with empty carts rolling in the opposite direction. What I also saw was precinct boxes falling off the loaded carts. I witness about half dozen-precinct boxes fall off the carts in the 20-30 yards that we were able to witness. We could not see if any precinct boxes fell off the carts in the approximately 70 remaining yards. I mentioned to Len Schultz that the fallen boxes could have their seals broken. His response was that "Once they (precinct boxes) were inside the ROV, they are considered secure." I then mentioned that the workers in Area 2 do not know where those seals are broken. For all they know it could have been broken in the field. When Area 2 finds a broken seal, a different process should take place for that box. Len Schultz did not respond.

We then returned to Area 3. I asked to view the happenings in Area 2, where I was escorted for about 30 minutes, while I watch the High School kids break the seals and proceed with their assignments. I was hoping to see any of them receive a broken seal box to see how they were treated. I never saw a broken seal. I did notice that not all locked packets had been sealed in the precinct boxes. Some, were delivered unsealed.

I returned back to Area 3. 2 things happened at this point. In Area 3, we can see the ROV workers scanning the ballots in Area 4 behind a chain fence. We were not allowed to enter this chained of area. But a member of the Grand Jury witnessed SPOILED ballots being scanned. Not 1 but 2 spoiled ballots. Len Schultz mentioned that this should not have happened. It was later discovered that the High School students in Area 2 were not separating the ballots correctly. Only the voted ballots should have proceeded to Area 3. All spoiled ballots, provisional ballots, mailed ballots and unused ballots should have been segregated from the precinct boxes and analyzed later.

The second incident witnessed, was at Area 3. ROV workers would take the precinct box to get the married PC Card for that precinct. One of the ROV workers picked up a box

with absolutely no markings on it. No seal, not precinct label or number. It was immediately taken into the computer room where we were not allowed to see what happened to that box or the ballots within that box. Where they destroyed, counted or merely segregated? We don't know. But you have to ask; How did a box with no markings get past the first 2 stations, without anyone bring notice?

At this point I met Jim Hamilton, who asked me to meet with the other observers near the computer room observation area. They informed me that Charlie Wallis was visibly upset about something that was happening to the precinct boxes, and that the scanners appeared to be malfunctioning based on these ballots. It was later learned from Deborah Seiler herself, that Charlie Wallis was upset because the precinct boxes did not have the ballots segregated as they had planned, and that some of the ballots that should not have been scanned into the scanner, were being scanned. Charlie Wallis was apparently trying to reconcile some of the precinct boxes.

I then asked if we could go to Area 1 where the trucks were arriving from the collection centers. We were informed that the collection centers were being manned by armed Sheriff Deputies. But when the trucks arrived at the ROV, workers were unloading packets from the trucks before the trucks entered the unloading docks. And there were no Sheriff deputies in the area to witness or even stop this practice.

This was the last incident that I witnessed. I departed from the ROV around 1:40 am.