

<p>DISTRICT COURT, PITKIN COUNTY, STATE OF COLORADO</p> <p>Pitkin County Courthouse 506 East Main Street, Suite E Aspen, Colorado 81611</p>	<p>▲ COURT USE ONLY</p>
<p>Plaintiff:</p> <p>Marilyn Marks,</p> <p>Defendant:</p> <p>Kathryn Koch.</p>	<p>Case Number: 09 CV 294</p>
<p>Attorneys for Kathryn Koch:</p> <p>John P. Worcester, City Attorney Jim True, Special Counsel City of Aspen 130 S. Galena St. Aspen, Colorado 81611</p> <p>Telephone: (970) 920-5055 Facsimile: (970) 920-5119 E-mail: johnw@ci.aspen.co.us jimt@ci.aspen.co.us</p>	<p>Div.: 3</p>
<p style="text-align: center;">MEMORANDUM IN SUPPORT OF DEFENDANT' S MOTION FOR A PROTECTIVE ORDER</p>	

At the status conference held in this case on January 28, 2010, the court authorized the Plaintiff to depose officers of TrueBallot, Inc. (hereinafter "TBI") and acknowledged that the Defendant would seek a protective order. TBI is a Maryland corporation and its officers and

employees are not subject to subpoena in Colorado. According to Plaintiff, one or more officers or employees of TBI need to be deposed to offer the following testimony:

[T]o testify regarding the creation and public display of the TIFF files on election night, the TrueBallot vote tabulation and verification/audit processes used in the Aspen election, and TrueBallot's and Defendant's post-election handling of TIFF files and ballots.

Plaintiff's Disclosure of Non-Expert Trial Testimony and Trial Exhibits.

For the reasons that follow, Plaintiff should not be allowed to depose officers or employees of TBI. In the alternative, the depositions should be limited to matters that are relevant to the case at bar, or at a minimum, limited to questions that are "reasonably calculated to lead to the discovery of admissible evidence." Rule 26(b)(1), C.R.C.P.

A. Introduction.

Plaintiff's Complaint claims that the Defendant violated the Colorado Open Records Act ("CORA") when she denied the Plaintiff an opportunity to inspect certain TIFF files created during the tabulation process in the May 2009 municipal election. The TIFF files that Plaintiff seeks to inspect are nothing more than digital photographs of the original ballots after they were marked and cast¹. These files are contained on a CD that is being held with the paper ballots in a secured location in accordance with the courts preliminary injunction. Attached hereto as **Exhibit A** is an example of a TIFF file that was created as part of pre-election test of the tabulation equipment and methodology. This particular TIFF file was disclosed by Plaintiff as part of her Disclosure of Trial Exhibits filed with the court on January 8, 2010. Attached hereto as **Exhibit B** is a copy of the printer's proof of the ballot used in the May 2009 municipal election. This particular exhibit was

¹ The parties have stipulated that: "Each tagged image file format (TIFF) file is a digital photograph of a voted paper ballot that was scanned and saved as part of the vote tabulation process conducted on election night by the Defendant and by personnel of TrueBallot, Inc., a

disclosed by Defendant as part of her Exhibit List filed with the court on January 8, 1009. A comparison of the two documents reveals that TIFF images are, in fact, exact duplicates of the ballots after they have been completed and cast by the voters in the May 2009 election.

Defendant denied Plaintiff's CORA request and stated two reasons for the denial: (1) the public release of the requested public records is contrary to state law (i.e., the Colorado Constitution, (Art. VII, §8), and a state statute (§31-10-616, C.R.S.)); and, (2) the public release of the requested public records would cause substantial injury to the public interest. Under CORA, the Plaintiff is entitled to judicial review of the custodian's decision to deny public access to the requested public records and may require that the custodian show cause "why the custodian should not permit the inspection of such record." §24-72-204(5), C.R.S. The court in the instant case has scheduled a show cause hearing for March 22-23, 2010. The only issues before the court in the show cause hearing are set forth in the Joint Trial Management Order submitted by the parties to the court on January 7, 2010. The Plaintiff's claim is against the City Clerk alleging a violation of CORA for failing to make available for inspection 2,544 TIFF files. The Defendant asserts that she properly denied inspection of the TIFF files for the following reasons:

- Article VII, Section 8, of the Colorado Constitution prohibits the Plaintiff's right of public inspection of TIFF files.
- Section 31-10-616(1), C.R.S., is a contrary state statute that constitutes an exception to the Plaintiff's right of public inspection of TIFF files under Section 24-72-201(1)(a), C.R.S.
- The Plaintiff's inspection of TIFF files would cause substantial injury to the public interest under Section 24-72-204(6)(b), C.R.S.

The first two defenses can be decided as a matter of law and do not require any factual evidence adduced at the show cause hearing. Thus, the only issue before the court in the show cause

Maryland corporation." Joint Trial Management Order.

hearing is whether, or not, making the TIFF files available for public inspection would cause substantial injury to the public interest.

Defendant seeks a protective order that would prohibit Plaintiff from deposing TBI officers; or, in the alternative, to limit the scope of the deposition of TBI officers because it is clear that Plaintiff's motives for deposing TBI officers is not to discover relevant evidence in the instant case or to obtain information reasonably calculated to lead to the discovery of admissible evidence. Plaintiff is obviously motivated, in great part, by an attempt to gather information to continue her ongoing campaign of disparaging the City of Aspen for the manner in which it conducted the May 2009 municipal election and to question the legitimacy of the Mayor's election to office.

Plaintiff's description of how these particular witnesses would testify if called as witnesses reveals Plaintiff's true purpose for seeking to depose them. As noted above, *infra* at 2, Plaintiff seeks to obtain evidence:

- regarding the creation and public display of the TIFF files on election night;
- the TrueBallot vote tabulation and verification/audit processes used in the Aspen election; and,
- TrueBallot's and Defendant's post-election handling of TIFF files and ballots.

Plaintiff's Disclosure of Non-expert Trial Testimony and Trial Exhibits.

None of these matters are relevant to the issues before the court. Moreover, the proposed testimony cannot reasonably be calculated to lead to the discovery of admissible evidence. None of the proposed testimony has any relevance to whether the public release of the TIFF files would cause substantial injury to the public interest. The proposed testimony from the TBI officers is intended to solicit evidence to support Plaintiff's continuing accusations against the City, the manner in which it conducted the municipal election, and the legitimacy of the Mayor's election to office.

Plaintiff's motivation in this regard was evident with the filing of her Complaint. For example, Paragraph 22 of the Complaint states: "The Plaintiff is aware of irregularities that occurred in the May 5 election involving the IRV tabulation procedure and the Defendant's subsequent auditing of the tabulation process including, on information and belief, at least the following: ..." The paragraph then proceeds to detail numerous allegations of improper tabulation of votes and auditing procedures used to tabulate votes on election night. Of course, none of these factual allegations of alleged wrongdoing by the City have any relevance to the claim that the City Clerk improperly denied Plaintiff access to public records. The factual allegations of wrongdoing were clearly included in her Complaint to support her continuing attacks against the Defendant and the Mayor of the City of Aspen who defeated her in the election.

Further evidence of the Plaintiff's motives in seeking to depose the TBI officers can be discerned from the set of facts that Plaintiff sought to have Defendant stipulate as true. Attached hereto as **Exhibit C** is a copy of a portion of an email with the 54 separate factual statements that Plaintiff seeks to introduce as evidence in the show cause hearing. Even if all the statements are factually correct, almost all of them are irrelevant to the issue before the court. Many of the statements appear to establish how the TIFF images were created, seek to prove that the City Clerk failed to perform some task, or seek to show that the TrueBallot employees failed to properly tabulate the election results. For example, factual statement #49 states: "The TBI system for recording and tabulating votes did not tabulate the results for the Art museum ballot question." Not only is this statement false, but even if true, it has no relevance to the TIFF images or whether their public release would cause substantial injury to the public. Similarly, how the TIFF files were created, named, labeled, or duplicated internally, has no relevance to the issue at hand.

Rule 26(c), C.R.C.P., authorizes the court to enter an order “to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense,” As noted above, the proposed deposition of TBI officers is designed for the sole purpose to annoy or embarrass the defendant². In addition, given the significant expense that would be incurred by the City of Aspen in participating in the proposed deposition, it is an undue burden or expense within the meaning of Rule 26(c). This later point is emphasized by the total lack of probative value of any evidence to be derived by the proposed depositions.

B. Plaintiff is not entitled to conduct any discovery.

The show cause hearing scheduled by the court pursuant to §24-72-204(5), C.R.S., is an “expedited proceeding.” As such, neither Rule 16 nor Rule 26, C.R.C.P., applies to the show cause hearing. The court may, of course, in its discretion, order the parties to comply with either Rule 16 or 26, or both. In any event, discovery may be limited by the general rule that discoverable information is limited to relevant evidence or “if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.” Rule 26(b)(1).

The types of questions and the information Plaintiff seeks to obtain by deposing one or more of the TBI officers should not be allowed. The court should exercise its discretion and not permit

² It should be noted that the City of Aspen does not believe that anything could be revealed in the proposed depositions that would actually embarrass the City. However, it is clear that Plaintiff’s goal in deposing TBI officers is to question them about the conduct of the election to support the Plaintiff’s continuing campaign against the City of Aspen relating to the conduct of the May 2009 municipal election. Moreover, the proposed depositions are designed to annoy both the City of Aspen and TBI. The Plaintiff has made her public objections to instant run-off voting clear before and after the election. Her actions with regard to these proposed depositions appear to be nothing more than an effort to annoy TBI so that they will avoid contracting with the City of Aspen to help conduct future City elections. In this way, the Plaintiff will affect the City’s ability to conduct an instant run-off election in the future. Plaintiff’s efforts in this regard should not be countenanced as the conduct of the election has absolutely nothing to do with whether the Defendant properly denied Plaintiff’s CORA request.

the Plaintiff to depose any TBI officers.

C. If Plaintiff is allowed to depose TBI officers, the depositions should be limited to relevant evidence.

If Plaintiff is allowed to depose TBI officers, the depositions should be limited to questions that solicit relevant evidence or, at a minimum, are reasonably calculated to lead to the discovery of admissible evidence. As shown above, Plaintiffs' intentions in this matter are quite evident. She intends to gather as much information about the conduct of the election as she can so she disparage the work done by the Defendant in conducting the municipal election and place into doubt the legitimacy of the Mayor's election to office.

Thus, in the alternative to prohibiting any deposition of the TBI officers, Defendant urges the court to issue a protective order that limits any depositions to the issues before the court and not how the ballot images were created, how they were duplicated internally, how the election was conducted, how the tabulation of results were done by the Defendant or TBI, how the pre-election or post-election auditing procedures were performed, or any other questions that do not elicit relevant evidence or which can reasonably be calculated to lead to the discovery of admissible evidence.

DATED this 4th day of February, 2010

Respectfully submitted,


Original signature

John P. Worcester, #20610
City Attorney

James R. True, #9528
Special Counsel

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of February, 2010, a true and correct copy of the foregoing MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION FOR A PROTECTIVE ORDER was mailed postage prepaid in the U.S. Mail and filed electronically with Nexis/Lexis to the following person(s):

Robert A. McGuire, Esq.
1624 market Street, Suite 202
Denver, Colorado 80202

ram@lawram.com

Original signature on file

Tara L. Nelson

CITY OF ASPEN REGULAR MUNICIPAL ELECTION
MAY 5, 2009

City Clerk

Case
 2009CV294
 Marks v. Koch
 Exhibit
 Pl.'s Ex. 112

MAYOR
 (Two year term)

Only one choice per column and one choice per row

	1st choice	2nd choice	3rd choice	4th choice
Marilyn Marks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
LJ Erspamer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Andrew Kole	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mick Ireland	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Write In _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

CITY COUNCIL
 (Four year term)

Two City Council Members will be elected for 4-year terms. Rank your choices in columns 1 through 9. Your first and second choices will be counted in the first round of tallies. Only one choice per column and one choice per row.

	1st choice	2nd choice	3rd choice	4th choice	5th choice	6th choice	7th choice	8th choice	9th choice
Jackie Kasabach	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Jack Johnson	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adam Frisch	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Torre	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				
Michael Behrendt	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>					
Jason Lasser	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>						
Michael Wampler	<input type="radio"/>	<input checked="" type="radio"/>							
Derek Johnson	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Brian D. Speck	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Write In _____	<input type="radio"/>								
Write In _____	<input type="radio"/>								

INSTRUCTIONS: Mark your 1st choice in the 1st column completely fill in the oval like this . To indicate a 2nd choice, select a different candidate in the 2nd column. To indicate a 3rd choice, select a different candidate in the 3rd column, etc.

a. Rank candidates in order of preference
 b. You may rank as few candidates as you wish or as many as are allowed
 c. Do not skip rankings and only one choice per column and one choice per row.
 d. With a black ball point pen or marking device, completely fill in the oval, like this
 e. You may write in a candidate by filling in the oval and writing the name on the Write In line

FRONT Card 1 SEQ#1

QUESTION NO. 1 - CITY OF ASPEN REFERENDUM - SALE OF FORMER YOUTH CENTER PROPERTY AND BUILDING

Shall the City Council be authorized to sell the property and building known as the former Youth Center and certain adjacent properties located next to the Galena Street Plaza (as more fully described in Resolution No. 14, Series of 2009) to the Aspen Art Museum for the construction of a new art museum building, on such terms and conditions, including sale price, requisite land use approvals, and civic benefits, as determined by the City Council to be in the best interests of the City of Aspen? Notwithstanding anything to the contrary, the City shall not be obligated to sell the former Youth Center to the Aspen Art Museum.

YES NO

OFFICIAL BALLOT
CITY OF ASPEN REGULAR MUNICIPAL ELECTION
MAY 5, 2009

Robyn D. Hill
City Clerk

INSTRUCTIONS: Mark your 1st choice in the 1st column completely fill in the oval like this . To indicate a 2nd choice, select a different candidate in the 2nd column. To indicate a 3rd choice, select a different candidate in the 3rd column, etc.

a. Rank candidates in order of preference
b. You may rank as few candidates as you wish or as many as are allowed
c. Do not skip rankings and only one choice per column and one choice per row.
d. With a black ball point pen or marking device, completely fill in the oval, like this
e. You may write in a candidate by filling in the oval and writing the name on the Write in line

MAYOR
(Two year term)

Only one choice per column and one choice per row

	1st choice	2nd choice	3rd choice	4th choice
Marilyn Marks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
LJ Erspamer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Andrew Kole	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mick Ireland	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Write In _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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Adam Frisch	<input type="radio"/>								
Torre	<input type="radio"/>								
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Write In _____	<input type="radio"/>								
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YES NO

DEFENDANT'S EXHIBIT
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1. Scanning of the front side of the original paper ballots was conducted by TBI on election night using two TBI scanners operated by TBI personnel.
2. None of the TBI personnel who performed scanning, processing and tabulation of ballots on May 5, 2009, took any oath or made any commitment to the City of Aspen of confidentiality or nondisclosure prior to handling the ballots and processing them.
3. Each scanner was connected to a TBI laptop computer.
4. One of the TBI laptops was designated the "server machine."
5. All TBI laptop computers were networked such that each TBI laptop could access the file system of every other TBI laptop.
6. Each scanner was fed batches of approximately 100 original paper ballots at a time.
7. As each original paper ballot was scanned, an image of the front of that ballot was saved as a tagged image file format ("TIFF") file in the "C:/temp" directory of the TBI laptop attached to the applicable scanner.
8. Each TIFF file contains metadata that is not contained on the original paper ballot.
9. Each TIFF file created in "C:/temp" was saved using a filename consisting of a string of 8 characters followed by the suffix, ".TIF".
10. The [first character] in each TIFF file name is a letter that identifies the polling place where the corresponding paper ballot was cast.
11. The [second character] in each TIFF file name is a digit that identifies which of two TBI scanners was used to scan the corresponding paper ballot.
12. The [third and fourth characters] in each TIFF file name are digits that identify the scanning batch in which the corresponding scanned paper ballot was scanned by TBI.
13. The [fifth through eighth characters] in each TIFF file name are digits that identify the place of the corresponding scanned paper ballot in the scanning order within the relevant scanning batch.
14. After scanning of each batch was completed, all of the TIFF files in each of the "C:/temp" directories of the TBI laptops were duplicated and saved as new TIFF files, but with the same file names, in the "C:/election[XX]/images/working" directory of the server machine.
15. After being duplicated elsewhere, all of the TIFF files in each of the "C:/temp" directories were destroyed by being deleted from the "C:/temp" folder.
16. Each TIFF file in the "C:/election[XX]/images/working" directory of the server machine was duplicated in the disk storage of the server machine as a ".TI~" file.

EXHIBIT C

17. Each ".TI~" file was created by software that magnified the ballot image in order to detect voter markings by evaluating the contents of pre-designated fields within the magnified image.
18. After vote detection, each ".TI~" file was destroyed by being deleted from disk storage of the server machine.
19. After being duplicated as a ".TI~" file, each TIFF file in the "C:/election[XXI]/images/working" directory was duplicated and saved as a new TIFF file, but with the same file name, in the "C:/election[XXI]/images/ready99" directory of the server machine, and then destroyed by being deleted from the "C:/election[XXI]/images/working" directory of the server machine.
20. By the end of the tabulation process, each of the 2,544 TIFF files residing in the "C:/election[XXI]/images/ready99" directory of the server machine was at least the fourth distinct digital representation saved to disk storage on TBI's computers of the respective corresponding scanned paper ballot.
21. At the end of the tabulation process, TBI replicated each of the 2,544 TIFF files in the "C:/election[XXI]/images/ready99" directory at least a fifth and sixth time by burning copies at least two CD-ROM disks.
22. TBI provided the City Clerk on election night with a single copy of the 2,544 TIFF files in the form of a CD-ROM disk.
23. TBI has not subsequently provided any City of Aspen officials or personnel with additional copies of the 2,544 TIFF files.
24. At the end of the tabulation process, all of the TIFF file copies residing in the "C:/election[XXI]/images/ready99" directory of the TBI server machine were retained by TBI.
25. At the end of the tabulation process, none of the TBI's computer hard drives containing copies of TIFF files were turned over to the City Clerk for preservation and storage.
26. Some deleted TIFF files in the file systems of TBI's computers may be restored by use of file recovery software.
27. The City Clerk issued no instructions to TBI to retain, or destroy or keep confidential all of the copies of the TIFF files.
28. The Balloting Agreement between TBI and the City of Aspen imposes no contractual obligation of confidentiality or nondisclosure with respect to Aspen election data in TBI's possession.
29. TBI currently possesses at least one proprietary copy of the complete set of 2,544 TIFF files.
30. On election night, May 5, 2009, TBI tested the sensitivity settings of its software for detecting voter marks by manually comparing the marks visible on the first batch of approximately fifty TIFF files to the detected marks represented by the corresponding raw data strings. No further calibration of the vote detection process was performed on election night.

31. On election night, May 5, 2009, TBI's scanning, processing and tabulation software did not count or flag for human review expressions of voter intent in the form of "consistent marking patterns outside the target area," as described in Chapter 2 of the Colorado Secretary of State's Guide to the Determination of Voter Intent for Colorado Elections.
32. On election night, May 5, 2009, TBI's scanning, processing and tabulation software did not count or flag for human review expressions of voter intent in the form of "consistent marking outside the target area," as described in Chapter 2 of the Colorado Secretary of State's Guide to the Determination of Voter Intent for Colorado Elections.
33. On election night, May 5, 2009, TBI's scanning, processing and tabulation software did not count or flag for human review expressions of voter intent in the form of "written instructions," as described in Chapter 4 of the Colorado Secretary of State's Guide to the Determination of Voter Intent for Colorado Elections.
34. On election night, May 5, 2009, TBI's scanning, processing and tabulation software did not generate a vote total for each individual write-in candidate.
35. On election night, May 5, 2009, neither the TBI scanning, processing and tabulation system nor any of its individual parts had been certified as passing the criteria outlined in the State of Colorado Voting Systems Certification Program.
36. The accuracy of the vote markings recorded by TBI software from the TIFF files cannot be verified without making a visual comparison of the TIFF files to the markings recorded.
37. Before election night, neither TBI nor the City of Aspen had obtained authorization from the Secretary of State to delegate performance of any duties of the City of Aspen's election officials to TBI.
38. On election eve, May 4, 2009, the publicly conducted election-eve test of the TBI tabulation program initially incorrectly declared the city council candidate with the fewest votes to be the winner.
39. The public test of the TBI tabulation program that produced the incorrect result was later repeated in public, and a different result was achieved.
40. On election eve, May 4, 2009, TBI changed the software configuration for the mayor's race at the City's request after the existing software configuration for the mayor's race had been publicly tested without indication of error.
41. The election-eve software change for the mayor's race caused incorrect parameters to be used in the tabulation of the mayor's race on election night.
42. The election-eve software change for the mayor's race was not disclosed to candidates, to the public or to the Election Commission until May 28, 2009.
43. The election-eve software change for the mayor's race resulted in TBI using an incorrect algorithm designed for elections using election rules of Cambridge, Massachusetts, instead of Aspen, Colorado.

44. The election-eve software change for the mayor's race resulted in incorrect certified vote totals for the mayoral race.
45. The erroneous tabulation result in the mayoral race was autonomously discovered by TBI on May 19, 2009, during TBI's self-initiated review of the tabulation performed in Aspen on election night.
46. TBI alerted the City Clerk to the erroneous result in the mayoral race on May 19, 2009, in an email from Caleb Kleppner to Kathryn Koch, a true copy of which is Plaintiff's Exhibit 125.
47. The centralized tabulation performed using the TBI system for recording and tabulating votes created 2,544 TIFF files by scanning original paper ballots.
48. The tabulation performed at the polling places using the certified Accu-Vote system recorded only 2,533 original paper ballots.
49. The TBI system for recording and tabulating votes did not tabulate the results for the Art Museum ballot question.
50. Plaintiff's Exhibit 109 is a true copy of TrueBallot's process for scanning, reviewing, tallying and auditing Aspen's election (pages 1-2) and of TrueBallot's procedures for processing and independently verifying ballots in Aspen's municipal election (page 3).
51. Step 2 of the TBI process for independent verification of the election set out in Plaintiff's Exhibit 109 requires TIFF files to be visually compared to the database of raw voter marks recorded for each corresponding ballot.
52. Plaintiff's Exhibit 113 is a true copy of a screen shot showing an excerpt from database table "TallyIRVCleaning" in computer database file "1550901.mdb" taken from computer file "1550901 Aspen mayor final data NO IMAGES.zip."
53. Plaintiff's Exhibit 114 is a true copy of a screen shot showing an excerpt from database table "TallyIRVCleaning" in computer database file "1550902.mdb" taken from computer file "1550902 Aspen council final data NO IMAGES.zip."
54. The City Clerk instructed TBI to attach projectors to the TBI computers for purposes that included displaying TIFF files to the public as the TIFF files were processed by the TBI system for recording and tabulating votes.