

## Vote Counting Irregularities in the 2013 Eagle Mountain City Municipal Primary Election

Prepared by Lois Heber  
(poll watcher for Schermerhorn, Jessen, and Westmoreland)

I am writing this because I believe election rules were broken and proper procedures were not followed in the counting of ballots in the August 13<sup>th</sup>, 2013 municipal primary election in Eagle Mountain City, Utah. This included the removal of ballots from the designated counting area in the city recorder's main office to a back office location where they were counted personally by Mrs. Kofoed, the city recorder, and other city employees without poll watchers present until I discovered them.

On August 13, 2013 I requested to be a count observer. To do this I had to sign an affidavit stating that I would arrive at the recorder's office before the vote counting started and would not leave until it was done. I arrived at approximately 3:45 PM and was the only observer there. Donna Burnham (city council member) came in after I did but before the count started. Mrs. Kofoed gave me a tour of the recorder's office and explained to me what would be happening. I had brought a bag containing my Kindle so I could read in the downtime. She told me I would not be able to have any electronic devices and that I would have to put my bag in a separate room. I agreed to do this. Donna Burnham also put her purse in this separate room, but not the additional bag she had. Then they started counting the early voter ballots. After this task was completed Donna Burnham left, although according to the affidavit I had to sign to be an observer, this was not allowed, if she was acting as a poll watcher too. At this point, I started walking around the office and saw that the lady who had been reading the actual ballots for the counters, was on a cell phone in Mrs. Kofoed's back office.

Approximately 20 minutes later, Mrs. Kofoed's staff started counting ballots that had been cast that day. I do not know the order of precincts. During this count, a man knocked on the door, Mrs. Kofoed answered and allowed him in, stating she had his paperwork to be an observer, once again ignoring the rules in the affidavit. This man introduced himself to me as Tony from White Hills, and that he was part of the Luke Pannell (city council) campaign. We settled in to watch the count.

Approximately three hours into the count, after many other interruptions and knocks on the door, Mrs. Kofoed admitted yet another person to watch the count. This person asked Tony and I about what had happened and how things looked so far. After about 20 minutes he decided to leave and did after receiving a warning from Mrs. Kofoed to not disclose what he had seen and learned.

Later on that evening near the end of the counting but before the last ballot box was opened, Mrs. Kofoed told me that there were about 500 more ballots to be counted. I then went to use the bathroom that was located inside the office. When I came out I resumed watching the count in the main office. When the three official poll counters were done, I noticed that Mrs. Kofoed and her staff were not where they had been the rest of the time. This is when I walked back to her private office in the back of the recorder's department and saw Mrs. Kofoed reading ballots while her two of her employees tallied the count.

I was stunned because this is not where ballots were supposed to be counted and I was never told about the change in location. I watched for a while but since there were no chairs available, I was unable to observe the rest of these ballots being counted (I have had two knee replacements in the last 2 ½ years and couldn't stand for long). Before they were done I went to use the bathroom again, and when I came

out they were in the main office area again and the poll counters were doing a "test count" for one of the candidates to demonstrate that Mrs. Kofoed's unsupervised count was correct. At no time were the poll watchers or poll counters allowed to verify the count for all the candidates in this precinct.

Once the vote totals were entered into the recorder's computer, they were printed off and we all went through the city council chambers into the foyer where a crowd was waiting. I went and stood next to one of the candidates I was supporting and listened with him and other friends while Mrs. Kofoed announced the results. After she was done, I quietly told my friends some of what had happened. A few minutes later as we all started to leave, Mrs. Kofoed approached me and asked me in a stern manner to come with her into the council chambers. She, one of her assistants, and the ballot reader who had used the cell phone were there and Mrs. Kofoed began to tell me that she had learned of my concerns from someone who had overheard my conversation. At this time she insisted that she had announced her intention to count the ballots in her office, but I never heard this announcement, either because she didn't make it at all or because I was in the bathroom when it was made.

When I stood my ground and told her that I was never told about the change in procedure, she began to argue with me saying that I had seen what was going on and that I wasn't denied access. At this point I became scared. My husband and I were behind on our utility payments and I was afraid that the city would shut them off completely if I complained too loudly because I have seen the city act unethically in the past. In order to get out of the building as quickly as possible I immediately praised her and her counters for the work they had done. And when I got home I went on Facebook and praised her and the counters again because I did not want my utilities shut off. I have since setup a payment plan with the city for my past due utilities and I am now in a position where I am not afraid to state all that I saw.

Mrs. Kofoed, I believe, ignored election rules and illegally counted hundreds of ballots in a manner that could not be verified by poll watchers. I believe she did this knowingly and in a deceptive manner, and afterwards, when she learned of my concerns about the integrity of the vote, she attempted to intimidate me into not talking about it anymore.