



Jena M Griswold

Colorado Secretary of State

Election Order 2022-09

Re: 2022 Primary Election Activity in Elbert County – Supervision to Ensure Compliance with Legal Requirements

Date: June 9, 2022

Operative Facts

On Tuesday, January 12, 2022, the Department of State became aware of an affidavit signed by Elbert County Clerk and Recorder Dallas Schroeder on January 7, 2022. In the affidavit, Clerk Schroeder affirmed that prior to the Department of State's 2021 trusted build of voting system equipment in Elbert County, he made a "forensic image of everything on the election server" and "saved the image to a secure external hard drive that is kept under lock and key in the Elbert County elections office." As a result of this information, the Department of State ("the Department") initiated an investigation to determine if Clerk Schroeder violated Rule 20.2, 20.6.1(d), 20.6.1(f), 20.10.1, 20.19.1 and 20.19.2, or any other rule or law during the imaging.

The Secretary launched the Department's initial inquiry in January 2022, the findings of which are summarized in Election Orders 2022-01, -02, -03, and -04, as well as the pleadings and oral argument in *Griswold v. Schroeder*, 2022 CV 30016, Elbert County District Court. Although the investigation is still ongoing, the Department has ascertained that Clerk Schroeder created two copies of the hard drives of voting system components in Elbert County and provided those copies to individuals not authorized to possess these components. The Department also has ascertained that in 2021 Clerk Schroeder employed efforts to delay a regular security upgrade of Elbert County's voting system equipment. In light of the circumstances that have been uncovered to date, the Department believes that the risk to election security protocols has not been resolved. Therefore, I find that supervision of Elbert County's administration of the upcoming election is required to ensure the security of the June 28, 2022 Primary Election ("Primary Election").

Pursuant to the authority of the Secretary of State as the Chief State Election Official under state and federal law, including sections 1-1-107(1), 1-1-110(1), 1-1.5-104(1), and 1-7.5-104, C.R.S., as well as section 10 of the National Voter Registration Act of 1993, ("NVRA"), 52 U.S.C. § 20509, and section 253(e) of HAVA, 52 U.S.C. § 21003(e), and in furtherance of the duty of the Secretary of State under state and federal law to ensure the 2022 Primary Election (to which the Uniform Election Code applies) is timely, and conducted securely and accurately in Elbert County, I order as follows:

Order

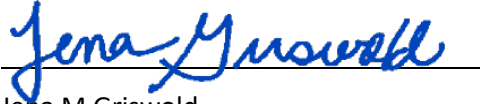
1. The Secretary of State hereby exercises her authority to supervise the conduct of all activities related to the upcoming Primary Election, as well as her authority to inspect and review the

practices and procedures of the Elbert County Clerk and Recorder and his staff related to that election.

2. In furtherance of her authority, the Secretary of State hereby appoints Christi Coburn, a professional election administrator with many years of experience, as Election Supervisor for the Secretary of State in Elbert County, with authority to monitor all decisions made and actions taken by the Elbert Clerk and Recorder and his staff in connection with any election-related matter related to the 2022 Primary Election in Elbert County.
3. The Election Supervisor will start immediately, at Elbert County's expense, and will monitor Elbert County's preparations for and conduct of the Primary Election. Elbert County shall reimburse the Colorado Department of State for all reasonable expenses related to the Election Supervisor's work, including compensation at an hourly rate and travel expenses, within 45 days of receipt of invoice.
4. At a minimum, the Election Supervisor must be onsite and observe as Elbert County staff and election judges conduct the following critical activities:
 - i. Election judge training;
 - ii. Mail ballot processing;
 - iii. Ballot scanning and adjudication;
 - iv. Voter Service and Polling Center operations, including Primary Election Day;
 - v. The risk-limiting audit;
 - vi. The Elbert County canvass board meetings; and
 - vii. Any other election-related activities that the Supervisor or the Secretary's staff deem relevant to the security and reliability of the conduct of the Primary Election.
6. The Election Supervisor will notify the Secretary of State of any activities not listed above that she determines should be made a subject of her observation.
7. The Election Supervisor will submit to the Secretary of State, in writing, and in a manner and at intervals to be specified following her engagement:
 - i. Incident reports, describing all instances of substantial noncompliance with applicable laws and administrative rules observed or learned by the Election Supervisor during the course of her engagement;
 - ii. Periodic status reports, including reports regarding video surveillance, chain of custody, and secure maintenance of voting systems components; and
 - iii. A final report containing the Election Supervisor's opinion on whether the Secretary of State should extend, terminate, or modify this Election Order after the canvass and certification of official results of the 2022 Primary Election, and the material facts and circumstance on which the Election Supervisor bases her opinion.

8. In addition, the Secretary will designate such staff within her office as she deems appropriate to serve as her Designees with full authority to act on her behalf in all matters relating to this Election Order 2022-08.
9. The Secretary reserves the right to take other measures to ensure Elbert County elections are conducted in accordance with all applicable laws and administrative rules

Dated this 9th day of June, 2022.



Jena M Griswold
Colorado Secretary of State

