



Jena M Griswold

Colorado Secretary of State

Election Order 2021-03

Re: Supervision of November 2021 Election to Ensure Compliance with Statutory Requirements

Date: August 17, 2021

Operative Facts

On Monday, August 9, 2021, the Secretary of State issued Election Order 2021-01 to the Mesa County Clerk and Recorder, ordering that the Mesa County Clerk and Recorder must, among other requirements, permit civil servants from the Colorado Department of State (“the Department”) to inspect the voting system components and security protocol records currently in the County’s possession. On August 10, 2021, Department staff accessed these components and some of the records at the Mesa County Clerk and Recorder’s office. Order 2021-01 further required the production of a variety of documents related to a potential security breach in the Mesa County Clerk and Recorder’s office. Mesa County Clerk and Recorder’s office did not produce documents required by the Order, but Mesa County provided some of those requested documents. Additional documents and information have been obtained through the course of the Department’s investigation.

Department staff is continuing to conduct analysis and still awaiting additional information, as well as the outcome of a criminal investigation. However, several facts have prompted substantial concern regarding the ability of the leadership of the Mesa County Clerk and Recorder’s office to execute an election in compliance with statute and rule. Of particular concern:

- The Mesa County Clerk and Recorder’s office authorized a non-employee, Gerald Wood, to attend the May 25, 2021 trusted build, in clear violation of Election Rule 20.5.4. The Department has confirmed that this individual was present at the May 25, 2021 trusted build event. The Department has determined that Mesa County Clerk and Recorder employees Belinda Knisley and Sandra Brown participated in facilitating the improper presence of this non-employee during the trusted build event by misrepresenting the individual’s employment status and role.
- Footage, both video and photos, was posted online showing the BIOS passwords for Mesa County’s voting system. The Department knows from the timestamp on the video and from other evidence that it is likely this sensitive information was filmed and collected during the limited access trusted build installation in Mesa County on May 25, 2021. This meeting was limited only to a minimal number of Department of State staff, voting equipment vendor staff, and three individuals approved to attend by Mesa County: Clerk Tina Peters, Sandra Brown, and Gerald Wood.
- Video surveillance of the Mesa County voting equipment was not continuous and cannot confirm chain of custody of voting equipment. The evidence suggests that an individual in the

Mesa County Clerk's office directed Mesa County staff to turn off video surveillance of the voting equipment prior to the May 25, 2021 trusted build. The video surveillance cameras were not turned back on until well after the trusted build had been completed, which is inconsistent with the Department's understanding of the normal course of business practice in Mesa County.

- Two hard drive images from Mesa County election servers were released on the internet during the week of August 9, 2021. Analysis confirms that these images belong to Mesa County hard drives and were created before and after the May 25, 2021 trusted build. The only method to make such copies is to physically access the machines.
- One of the hard drive images is believed to have been taken on Sunday, May 23, 2021. The Department has confirmed that Clerk Peters, Sandra Brown, Gerald Wood accessed the area where election equipment was stored outside of normal work hours on May 23.
- At this time, it is clear that the facts uncovered in the Mesa County Clerk and Recorder's office require that the Secretary of State exercise her authority as Colorado's chief election official pursuant to 1-1-107, C.R.S. to supervise all elections occurring under the authority of Title 1 of the Colorado Revised Statutes in order to ensure compliance with all election statutes and rules.

Order

In accordance with section 1-1-107, 1-1-110(1), and 1-7.5-104, I order as follows:

1. The Secretary of State hereby exercises her authority to supervise the elections conduct of Mesa County, including all activities related to the upcoming November 2, 2021 election.
2. Sheila Reiner is appointed to supervise all conduct related to elections in Mesa County occurring under the authority of Title 1 of the Colorado Revised Statutes. This appointment begins immediately and will continue until revoked by the Secretary of State through subsequent order.
3. A three-person advisory committee is appointed, comprised of Representative Janice Rich, Ouray County Clerk and Record Michelle Nauer, and Former Secretary of State Bernie Buescher, to advise and assist Ms. Reiner in the performance of her supervisory duties. The committee will participate in weekly meetings with Ms. Reiner during the preparation for and execution of an election, unless Ms. Reiner and the committee decide upon another frequency. The committee shall also be permitted to participate in election functions as designated by Ms. Reiner and in accordance with rule and law.
4. Mesa County shall provide workspace and unlimited access to all areas in the facility to Ms. Reiner, the advisory committee, and any additional observers authorized by the Secretary of State, in accordance with rule and law.
5. The Mesa County Clerk and Recorder and staff will take any and all lawful direction from Ms. Reiner and any other Secretary of State designee on any and all election matters. Specifically, Belinda Knisley and Sandra Brown are hereby prohibited from supervising, accessing, or participating in any aspect of all elections occurring under the authority of Title 1 of the Colorado Revised Statutes until otherwise instructed by the Secretary.
6. Mesa County will reimburse all appropriate expenses for Ms. Reiner, the advisory committee, and any additional observers appointed by the Secretary of State, including travel and accommodation expenses.

Dated this 17th day of August, 2021

A handwritten signature in blue ink, reading "Jena M. Griswold", is written over a horizontal line.

Jena M Griswold
Colorado Secretary of State