



## **Jena M Griswold**

**Colorado Secretary of State**

**Election Order 2022-05**

**Re: Order to Produce Responsive Information**

**Date: February 3, 2022**

### **Operative Facts**

On January 28, 2022, the Department of State was made aware of a statement posted to the social media site Telegram last fall that was attributed to Douglas County Clerk and Recorder Merlin Klotz, which asserts that Clerk Klotz stated that “a full image backup of our server before a trusted build was done this year” was taken. *Telegram Post*, Attachment A.

The civil servants of the Department of State completed the trusted build of the voting system equipment in Douglas County on August 16-17, 2021. While anomalies were not discovered at the time of the 2021 trusted build, this new information requires an investigation of whether there were violations of rules and statute during Clerk Klotz’s “full image backup” of the election server. Specifically, the Department of State will gather information necessary to determine if Clerk Klotz or others violated Rule 20.2, 20.6.1(d), 20.6.1(f), 20.6.2, 20.10.1, 20.19.1 and 20.19.2, or any other rule or law during any unauthorized imaging.

For this reason, on January 28, 2022, the Department of State sent Clerk Klotz an email requesting information regarding the post, with answers to be provided to the Department of State by January 31, 2022. Exhibit B. That email went unanswered. Thus, I now officially order answers to the questions included in this order regarding the events described in the social media post, in accordance with my statutory authority as Colorado’s Chief Election Officer under section 1-1-107(2)(a), (b) and 1-1.5-104(2)(a), C.R.S.

Destruction of documents or evidence related to this incident may constitute a criminal act.

### **Order**

In accordance with sections 1-1-107, 1-1-110(1), 1-1.5-104(2)(a) and 1-5-621(4) C.R.S., I order the Douglas County Clerk and Recorder to comply with the following requirements:

#### **1. Inquiry into Security Protocols**

I order the Douglas County Clerk and Recorder to respond, in writing, to the following question:

- a. Provide all dates on which Douglas County, yourself, or a third party created an image of any hard drive in any component of the ClearVote voting system. This must

include all hard drive images created from the date that Douglas County originally acquired the voting system to the present.

- b. For each instance an image was created, describe how the image was created, including:
  - i. What software was used to assist in creating the image?
  - ii. What removable media was used?
  - iii. Was the election server's hard drive removed from the server's case?
  - iv. Were any data ports on the election server accessed in order to make the image?
- c. For each instance an image was created, state who was present – in person, electronically, by phone, or in any other way.
  - i. Who provided assistance or instructions before, during, and after the image was created?
  - ii. Who asked you to create, or has spoken with you about creating, the image?
- d. For each instance an image was created, state:
  - i. How many copies were made of the image?
  - ii. Where is each copy stored?
  - iii. Who has access to each copy?
- e. For each instance an image was created, has the image been shown to anyone or has anyone accessed the image or a copy of the image?
  - i. If yes, state when, who, how, with what technology, and for what purpose?
  - ii. If not, state how do you know that no one has accessed a copy of the image?
- f. Are there any video recordings of any of the physical process of making any images of the election server at any time? If so, provide a copy of this video.
- g. Do you or any of your employees have any knowledge of any unauthorized person having system passwords?
- h. List any person who has had access to voting equipment and who does not appear in the voter system access logs.
- i. List any person who has had access to voting equipment and who is not authorized that access.

## **2. Further Inquiry and Requests for Production of Records**

- a. In the statement posted on the social media site Telegram last fall that was attributed to Douglas County Clerk and Recorder Merlin Klotz, which asserts that Clerk Klotz stated that he submitted comments to the Lindell legal team about log files and voting equipment passwords. Accordingly, has Mike Lindell, an employee, agent, member of his "legal team," or anyone else that you reasonably know is working, coordinating or otherwise assisting Lindell or being paid by Lindell, made direct or indirect contact with you regarding the imaging of any voting equipment in the State of Colorado or any activity that would breach Colorado election rule, procedure, or law?
- b. List any other elected official in the state with whom you communicated in the consideration, preparation, or execution of imaging of any voting equipment?

- c. Provide any communications with, or knowledge of, any other election officials in the state indicating those officials have, or intend to, image components of any voting system.
- d. Provide copies of all access logs for rooms containing the equipment whose hard drives were imaged, from March 1, 2021 to the present.

### 3. Further Requirements

You are hereby ordered to immediately turn on all video surveillance of voting equipment and ensure its continued operation 24 hours a day, 7 days per week until further notice.


You are hereby ordered to immediately require any person entering any room in which voting equipment is stored, including yourself, to be accompanied at all times by a person authorized to have access to the voting system.

You may be further directed or ordered to preserve and produce other materials that are or may be relevant to this investigation.

Failure to comply with any part of this order may result in further action from my office.

The information requested under this order must be provided by close of business on Thursday, February 10. Any responses to this order should be provided directly to the Deputy Secretary of State at [Chris.Beall@coloradosos.gov](mailto:Chris.Beall@coloradosos.gov) and the Legal and Policy Director at [Melissa.Kessler@coloradosos.gov](mailto:Melissa.Kessler@coloradosos.gov).

Dated this 3rd day of February, 2022

  
Jena M Griswold  
Colorado Secretary of State

Attachment A – *Telegram Post*

Attachment B – January 28, 2022 email

Don't have **Telegram** yet? Try it now!



Attachment A  
to Election Order 2022-05

### Ashe in America

Forwarded from Dahn W

Thank you for your concern regarding the “Trusted Build” process. I am equally concerned about this coordinated effort between the SOS and Dominion. Like the rest of the world, prior to Ms. Tina Peters, Mesa County Clerk, exposing what was/wasn’t behind the SOS passwords in the form of log files, I assumed “Trusted Build” was merely an update to newer program files.

After my friend SOS, Wayne Williams selected Dominion as the sole election system provider for Colorado, I sued for an alternative. Accordingly only Douglas and Garfield counties now use Clear Ballot election system. And we, as always, took a full image backup of our server before a trusted build was done this year.

When I observed the dissection of log files at Lindell’s Symposium, my immediate reaction was:

The log files are election data without any PI or indication how any person voted that meet the criteria for Colorado Open Records Act sharing with the public.

The fact that our SOS/Dominion has hidden log files behind secret passwords suggests that they have violated CORA statute, perhaps Criminal acts times the 59 counties where they conducted a Dominion trusted build.

The fact that Dominion server log file images were routinely deleted during trusted build violates Federal law requiring retention of election records for 22 months after an election perhaps is a Criminal act times 59 counties where they conducted a Dominion trusted build.

The fact that Dominion server log file images were routinely deleted during trusted build violates State law requiring retention of election records for 25 months after an election perhaps is a Criminal act times 59 counties where they conducted a Dominion trusted build.

The fact that the SOS/Dominion prevent by use of passwords the review of server log files every Clerk in the State prior to certification of any election should again suggest a criminal act times 59 counties.

I immediately submitted the above comments to the Lindell legal team and the very next day the team began asking Colorado voters to demand copies of those files under CORA. Obviously, as long as the SOS retained the passwords, no county could comply. However, I am certain the Peters legal team will be using these points to go on the offensive against the SOS.

Last Friday Ms. Peter’s legal team led by former SOS Scott Gessler, submitted a report to the Mesa County Commissioners and filed same with the Court. You may read the report here:

<https://bloximages.newyork1.vip.townnews.com/gjsentinel.com/content/tncms/assets/v3/editorial/0/47/047e4b26-187e-11ec-91f0-afc338816080/6145df5736676.pdf.pdf> As you will note in this document, contrary to Dominion claims that they are not connected to the internet, WIFI exchanges occurred challenging Dominion credibility nationally.

Yesterday it was reported that the SOS filed charges against Ms. Peters for stealing the password that hid the log files. Ms. Peters is a Gold Star Mom of a Navy Seal and as tough as her son. The outcome of this shoot-out between our SOS and Ms. Peters will be up to the courts. Personally I have troubles finding guilt in stealing a

1/28/22, 10:30 AM

Telegram: Contact @asheinamerica

between our SOS and Mrs. Peters will be up to the courts. Personally, I have regrets making gant in stealing a password to data that should be public information.

Please visit DouglasVotes.com to better understand the system in Douglas County and sign up at caucus to be an election judge and participate in the process.

Thanks for your comments and interest.

Merlin Klotz, Douglas Clerk and Recorder  
[t.me/asheinamerica/8496](https://t.me/asheinamerica/8496)  
224 viewsOct 1, 2021 at 14:40

Context

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<script async  
src="https://telegram.or  
g/js/telegram-widget.js?  
▲  
▼  
⌵

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**From:** [Judd Choate](#)  
**To:** [mklotz@douglas.co.us](mailto:mklotz@douglas.co.us)  
**Cc:** [jtwrite@douglas.co.us](mailto:jtwrite@douglas.co.us)  
**Subject:** Douglas County Voting System Question  
**Date:** Friday, January 28, 2022 2:53:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Attachment B  
to Election Order 2022-05

Dear Merlin

The Colorado Department of State has become aware of a post in the social media platform Telegram claiming that at some point before the August 16, 2021 trusted build your office or a third party made a “full image backup of (the voting system) server” in Douglas County.

In light of this disclosure, please provide a written response to to the following inquiry:

1. Provide all dates on which Douglas County, yourself, or a third party created an image (whether forensic or otherwise) of any hard drive in any component of the ClearVote voting system. This must include all hard drive images created from the date that Douglas County originally acquired the voting system to the present.

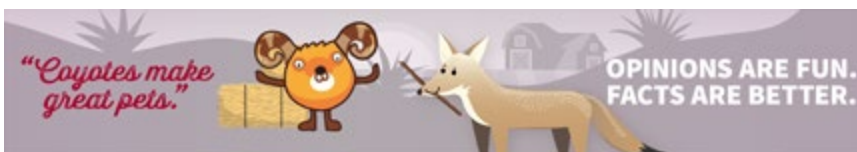
Please send your response as a reply to this email by COB January 31, 2022.

Thank you,

Judd Choate



**Judd Choate, Ph.D., J.D.**  
State Election Director  
Colorado Department of State  
303.869.4927  
[judd.choate@sos.state.co.us](mailto:judd.choate@sos.state.co.us)  
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For FACTUAL election information, go to: [www.govotecolorado.gov](http://www.govotecolorado.gov)