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CO SECRETARY OF STATE GRISWOLD WINS IN COURT: JUDGEMENT LIKELY TO BACKFIRE ON GRISWOLD'S AGENDA TO KEEP PUBLIC RECORDS FROM CITIZENS

Elbert County Judge rules 2020 election records be turned over to CO AG Weiser. Citizens immediately submitted open records requests for hard drive data. SecState and AG obligated by law to comply within three days.

[Denver, Colorado, May 5, 2022] – Today, Elbert County Clerk and Recorder turned over two hard drives containing the only remaining copies of Elbert County's 2020 digital election records, including voting system log files to Colorado Secretary of State Griswold. The handoff took place through Attorney General Phil Weiser. In the case, Griswold sued Clerk Schroeder to obtain the backups of Elbert County's 2020 election records. The unfounded premise in Griswold's case was that Schroeder and his election record backups were a threat to election security. A baseless claim given the fact that Schroeder had taken extra measures to preserve the election records on the two hard drives mandated by federal and state election law.

Prior to the hearing, Schroeder agreed to let the SecState inspect both the hard drives one at a time. Griswold declined the option and pursued the case claiming she needed simultaneous possession of both backups to examine either for "evidence" of security breaches. Griswold also claimed that she needed to keep both hard drives post investigation. Griswold offered no reason for her odd demands.

AG Weiser and SecState Griswold are now responsible for the Elbert County 2020 digital election records and have been ordered by the court to preserve and protect the hard drives, the election records, and the election data including all log files. Log files are critical for understanding who accessed the electronic voting equipment, when, and what actions took place. The log files are key to understanding if there was record destruction, manipulation, or mishandling of election records as were found in Mesa County.

By law, Griswold and Weiser are now required to comply with open records requests for the data, given the information on the hard drives is public information that pertains to an essential government function. Citizens have a legal right to request and obtain all the data on the hard drives.

The [Department of Justice has confirmed](#) that the Federal statute for preservation of election records applies to digital records. Colorado's state officials are bound by federal standard. The reason the federal law includes electronic records is so a full forensic audit can be conducted at any time after the election, within 22-month Federal minimum requirement for election records preservation. An adequate audit would be conducted by independent experts. By allowing the independent auditor to reconstruct the election process, including investigating every event taking place on the voting systems is the only way

citizens can objectively verify an election was legal, free, and fair according to the law. In a [tweet](#), Griswold made it clear she despised citizens' rights to audit their elections, going so far as to publicly mock the law and election audit process.

It's anticipated that Griswold and Weiser will try to obstruct any open records requests using a range of false claims. The testimony by Griswold's legal team indicated the types of arguments the public can expect. Below is a fact-check of Griswold's and Weiser's likely claims.

1. **There is un-releasable proprietary data on the hard drives. FALSE.** Clerk Schroeder explained under oath how he backed up the election records. The technical method Schroeder used made it highly unlikely for any proprietary data from the voting equipment to be transferred to Schroeder's backup hard drives.

FACT: If there happened to be any data Dominion Voting Systems claimed to be proprietary on the hard drives, the Secretary of State would be obligated to review and release it, under CORA.

2. **Schroeder's backups may include private voter information. FALSE.** No private voter data is ever entered into the voting system.

FACT: In the past election officials have attempted to deny public access to voting records based on the rare situation that a voter ignored ballot instructions and may have written something personally identifiable on their ballot. Those markings may then appear in the scanned ballot images. This can't be used as a reason to prevent public access to the paper ballots or ballot images because marks can be redacted.

3. **Information on the hard drives will expose who a voter voted for. FALSE.** According to Federal and CO law, both the scanned images of cast ballots and paper ballots are election records. Neither has information on them identifying a voter or how they voted. Election records only show the purported votes of Colorado voters.

FACT: Once a ballot is removed from its mail-in envelope prior to the counting process, it's called a "naked ballot". This means the cast ballot is now anonymous. There is no way to ever connect the identity of the voter to their naked cast ballot - even digitally.

4. **The election data on the hard drives could expose security vulnerabilities. TRUE.** And that's a good thing. The Secretary of State has repeatedly told Colorado voters, the General Assembly, and the press that Colorado elections and election systems are secure. It's incumbent on the SecState to prove her claims. If she's now saying that she believes there may be security vulnerabilities on the voting systems, she should be asked to explain why, under oath in front of the General Assembly and a criminal prosecutor.

FACT: The public has a right to know if there are any security vulnerabilities in their voting systems, and no obligation to trust a public official's now-questionable assurances.

The question remains, why is Griswold so fixated on obtaining both hard drives *simultaneously* and *keeping* the Elbert County election record backups even after she inspects the drives? The answer likely resides in Mesa County.

The now famous Mesa Forensic Audit Reports generated from the analysis of the Mesa County election records backups exposed a range of problems with the electronic voting system software and hardware used in Mesa County. Evidence includes: Griswold deleting 29,000 election records in Mesa County, CO voting systems are out of regulatory compliance making them illegal to certify in the first place and illegal to use, numerous system security vulnerabilities, a backdoor intentionally built into election machine software, plus 36 wireless devices found embedded in the election equipment. All these issues (many blatantly illegal according to federal and state law) were found by analyzing the hard drives of Clerk Peters' election records backups that were conducted before and after Griswold's Trusted Build.

Griswold and her team haven't yet been able to issue any substantiative or technically accurate response for what was found in the Mesa County voting systems. Griswold has repeatedly issued ineffective and inaccurate talking points through surrogates like the Colorado County Clerks Association. Instead of calling for an independent investigation of the illegal and corrupted voting systems in Colorado proven by the Mesa Technical Reports; Griswold has resorted to attacking Peters and now Schroeder. Curiously they're the only two clerks (that have come forward to this date) who backed up their election records from their election management servers in the most technically robust way.

Griswold claims that Peters and Schroeder had somehow breached election security due to the way they backed up their county election records. However, the facts show the exact opposite.

In the spring of 2021, every county clerk and recorder (CCR) [were told](#) by the Secretary of State to back up their election projects, prior to Griswold's Trusted Build. Griswold's only instructions for the clerks were, "Backup any election projects on your voting system to removable media before our arrival." When questioned about the lack of instruction, training, and tools for the CCRs; The Secretary of State's staff described this guidance as "detailed." To emphasize, there were no specifics for *how* clerks should conduct their backups. This left the CCRs, who have little to no cyber expertise to their own judgement for how to back up their election records to comply with state and federal election laws. It should be noted that Griswold herself has no cyber or technical expertise; yet she speaks publicly as an election security expert including her (now former) leadership position on the National Association of Secretaries of State cyber committee.

Griswold claims the 2020 elections were the safest and most secure. Yet Griswold's actions, are in direct contradiction to her rhetoric. If security was a top priority for Griswold, why then didn't Griswold provide all Colorado clerks with specific backup directions focusing on security and legal compliance before the Trusted Build? Griswold's lack of leadership, direction, and cyber expertise exposes gross violations of her sworn duty as Colorado Secretary of State.

While the judge in Elbert County refused to hear the defense's argument that events and evidence from Mesa County impacted Schroeder's defense, it becomes glaringly obvious the judge either didn't understand or didn't want to understand the full picture. By refusing to entertain the context of the case, including Griswold's own conduct in illegally destroying so many of the Colorado election records that are mandated by law to preserve; the answer to why Griswold is desperate to control Elbert's hard drives remains out of the public record to the detriment of Colorado citizens.

Griswold's legal team is chalking-up the ruling in Elbert as a victory. The reality is that the judgement may end up backfiring on Griswold. Griswold's legal team relied on the argument that Griswold is the Chief Election Official in the state, and that all Colorado County Clerks are subordinate to her. (The judge seemed to miss the fact that County Clerks and Recorders are duly elected officials, and do not report to the Secretary of State). Griswold's lawyers also asserted that Griswold has plenary authority for election security, meaning she has complete and absolute power with no limitations to act on behalf of Colorado's election security. Where this is likely to come back to haunt Griswold is by her own assertions of power, she must bear all responsibility for turning over the election records she is so desperate to keep secret plus answer for the mounting evidence of insecurity and uncertainty in Colorado elections and election systems.

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