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From: Matt Crane <ccaexecutivedirector@gmail.com>

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Cc: Mike Beasley <Mike@5280strategies.com>

Subject: Colorado County Clerks Association Response to "Election Integrity" Reports

Dear Colorado General Assembly,

Many of you have received form emails from your constituents asking about allegations contained in three reports claiming to detail illegal activities regarding our

election/voting systems. Two of these reports are related to the election security breach in Mesa County last year.

In general, the allegations in these reports are largely what has been alleged and debunked as half-truths and outright falsehoods for many months now. Two key points you should keep in mind when discussing these with your constituents.

First and foremost, not a single one incident of fraud or misconduct has been proven in these reports. The reports actually demonstrate how little the author(s) and contributor(s) know about election law, systems, and processes. Here is what is true:

- Not one of these reports have shown any evidence that the results of the 2020 election or any other election were not accurate.
- Our systems specifically use redundant checks and rechecks to ensure that they are safe. Some of these protections include equipment-related security measures including restricted access and video monitoring, pre-election testing that includes community members as witnesses and post-election activities such as risk-limiting tabulation audits. Strict chain of custody, as demanded by Colorado statute/rule, adds significantly to our security posture.
- This flurry of reports is a deliberate strategy by grifters and bad actors to create the impression that something is wrong with our election systems, spread fear, and create chaos to achieve their policy goals, which include reducing voting to only one day, potentially disenfranchising our military voters and voters with a disability, and hand-counting ballots. Ironically, their “solutions” to achieve greater election integrity will actually have the opposite effect. Their solutions will decrease voter access to the ballot and make our elections less secure and less accurate.

Here are the top claims repeated in “reports” from Mesa County.

1. **The false accusation that voting records required to be retained are somehow deleted during routine voting system updates, called the Trusted Build**

Records required for retention under federal and state election law are not deleted as a part of the Trusted Build process. Colorado tests voting systems to the 2002 Voting System Standards. [You can find those standards here.](#)

There, you will see that records required for retention under federal and state law come from the voting system itself, not the full computer operating system.

By design, the Trusted Build process installs the new files and removes files related to the old build. This is not a violation of federal or state election retention laws. The state retains a copy of the old Trusted Build and counties retain backups of their election projects from the voting system. These backups include access and activity logs for the voting system, in compliance with law. Furthermore, each county retains the voted paper ballots from each election for 25 months after each election as required by Colorado law. Those three components allow a

county to recreate/reconstruct the election, recount ballots again if necessary, and audit the accuracy of the system in tabulating the ballots, which ensures compliance with federal and state law.

2. **The entirely erroneous assertion that the voting system testing lab used by Colorado lost its federal accreditation and thus the voting systems used in Colorado should be decertified as a result**

Any assertion that the federally accredited voting system testing lab (VSTL) used by Colorado lost its federal accreditation is absolutely not true. Election Assistance Commissioner Don Palmer presented at the 2022 CCCA Winter Conference and explained that PRO V &V never had its accreditation revoked. [You can read the EAC response to these false accusations.](#) The VSTL never lost the ability under the law to test and certify voting systems for use.

3. **The false assertion that voting systems are built to connect to the internet**

Yes, there is wireless technology on many of our voting system components. Voting systems are tested and certified for use by the federal government and the state of Colorado with these wireless components included. The mere presence of these components does not violate federal or state law. However, the wireless ability is disabled in Colorado as a part of the Trusted Build process. Counties do have the ability to validate this. Validating that wireless functionality is disabled will be a part of the Public Logic and Accuracy Test conducted before every election in every county moving forward.

4. **The false assertion that voting systems across counties contain unauthorized software that could somehow allow access from external sources**

This claim is not new and has been debunked on numerous occasions, going back to grifters making the same claim in Antrim County, MI after the 2020 election. There are two components of this lie here in Colorado:

- a. Microsoft Sequel Server Management Studio (SSMS). On the Dominion system, this software plays a role in adjudication. Grifters and bad actors contend that because this part of Sequel was not explicitly identified on the Colorado application for certification, that it's use is illegal. This is more malinformation. While it was not explicitly identified on the certification, it is common knowledge that SSMS is a normal part of having Sequel installed. Furthermore, in the product documentation submitted by Dominion during the certification process, SSMS is CLEARLY identified as part of the configuration for both standard and express accounts. Here is the link to the product documentation. The reference to MSMS can be found on pages 39-40.

<https://www.sos.state.co.us/pubs/elections/VotingSystems/DVS-DemocracySuite511/documentation/2-02-SystemOverview-5-11-CO.pdf>

- b. LibreOffice. Many counties have downloaded this freeware version of Microsoft Office to their voting system. According to the grifters and bad actors, this

download is illegal and should disallow counties from using their voting system. However, Colorado Election Rule 20.2 clearly allows counties to download additional software to voting systems with the approval of the Colorado Department of State (CDOS). CDOS has approved the LibreOffice download.

Once again, either the grifters and bad actors did a poor job of research or they are purposely spreading disinformation.

Also issued recently by the group calling itself the United States Election Integrity Plan “USEIP” is an attempt to report on what they describe as a “voter canvass.” [You can see that full report here.](#) In general, it is impossible to respond specifically to any of its assertions because we know too little about the canvas itself. Important questions that the report does not answer include:

- Who are the canvassers?
- How did the canvassers interact with the voters?
- Did the canvassers use a script? Was the script biased?
- What voters were surveyed?
- How did they overcome the bias of talking to only one person in a house with multiple voters?
- Are the neighborhoods surveyed representative of the county?
- Are the counties surveyed representative of the state? (Obviously Douglas, El Paso, Pueblo, and Weld are not representative of the entire state)
- Why were results from other counties not included in the report?

Furthermore, it’s fair to ask why USEIP has not turned over the data and/or affidavits that support their claims. If they have evidence of poor voter rolls and illegal activity, they should have turned that information over to be investigated when they released their report. If the information is accurate, having the data would allow counties to update voter rolls and pursue legal charges if warranted.

One other important thing to note. USEIP members collected a list of approximately 750 deceased people who they claim had cast a ballot in the 2020 General Election. They submitted this list to authorities in El Paso County last year. Upon investigation, they were correct about only ONE voter. However, the El Paso County Clerk and Recorder’s Office had caught this attempt at fraud during signature verification, the ballot was not counted, and the matter was referred to the district attorney for further investigation.

We understand a new report regarding the Mesa County election security breach has just been introduced. We will study that report vigorously as well. Based on the poor assumptions/conclusions from the first two reports, it is fair to say we are cynical about any claims in this new report.

In closing, these reports detail known vulnerabilities in the voting system. However, they do not show any exploitation of those vulnerabilities. They do not detail any fraud or inaccurate vote counts. They also don't include any information about the other cyber and physical security steps counties employ to mitigate vulnerabilities. These reports were prepared by people who do not understand election law, systems, and processes and because of that, their conclusions are grossly incorrect. Amateur and inaccurate work like this undermines public trust in our elections and hurts the integrity of our elections.

If you have any questions, or if you would like to discuss this further, please let me know.

Best,
Matt

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