



Jena M Griswold

Colorado Secretary of State

Election Order 2022-12

Re: Supervision of November 2022 General Election in Elbert County to Ensure Compliance with Statutory Requirements

Date: October 19, 2022

Operative Facts

On June 9, 2022, the Secretary of State issued Election Order No. 2022-09 appointing an Election Supervisor to monitor the conduct of the Primary Election in Elbert County in light of security breaches by the Elbert County Clerk & Recorder, including providing unauthorized individuals with copies of the hard drives of the voting system equipment in Elbert County, the circumstances of which were summarized in the Operative Facts of the prior Election Order. Those facts are incorporated here by reference.

After the end of voting during the Primary Election, Elbert County's Elections Manager notified the Colorado Department of State ("Department") that the clerk's office had discovered dozens of misplaced mail ballot return envelopes containing voted ballots that had not been verified or counted during the regular counting process. The Department directed the clerk's staff to count those misplaced ballots during the statewide recount that was then ongoing, and those votes eventually were added to the abstract of the results of the election. But for the intervening recount, those voters' ballots could not legally have been counted, and those voters would have been disenfranchised by the clerk's error.

On August 15, 2022, the Clerk & Recorder issued a news release regarding an upcoming news conference on August 18, 2022. In both the news release and at the news conference, the Clerk & Recorder made clear that he did not appreciate the nature of the security breach he initiated, the disinformation it caused, nor the effect it had on voter confidence in Elbert County's elections. To the contrary, the Clerk & Recorder stated that he wanted to continue taking actions that in the Department's view could undermine voter confidence in election security.

The Secretary hereby appoints Christi Coburn to be Election Supervisor in Elbert County. Ms. Coburn's extensive experience in election administration will help assist the Elbert County Clerk & Recorder's office meet its legal requirements.

Order

In accordance with sections 1-1-107, 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 Election Rules 1.1.39 and 8.17, I order as follows:

1. The Secretary of State hereby exercises her authority to supervise the conduct of elections under the Colorado Elections Code in Elbert County, including all activities related to the upcoming November 8, 2022, General Election.
2. Christi Coburn is appointed as an official Election Supervisor with authority to direct the conduct of the election on behalf of the Secretary of State under the authority of Title 1 of the Colorado Revised Statutes. This appointment begins immediately and will continue throughout the 2022 general election or until otherwise revoked by the Secretary of State through subsequent order.
3. The Election Supervisor is authorized to inspect and review the practices and procedures of the elections staff of the Elbert County Clerk & Recorder's Office, with access to all documents and records of Elbert County that she deems appropriate or necessary to her work, and she is further authorized to monitor, direct, instruct, and supervise the elections staff of the Elbert County Clerk & Recorder's Office to take such steps as the Department may deem necessary. The Election Supervisor is also authorized to take remedial actions in consultation with and upon approval from the Department, to address any other or additional deficiencies in election administration that may be identified by her or the Department.
4. The Election Supervisor will confer with the Department on actions to be taken by Elbert County for the election, and the Election Supervisor will notify the Department of any potential additional actions he believes may be necessary to ensure the fairness and accessibility of the election in Elbert County.
5. The Election Supervisor will start immediately, at Elbert County's expense. 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.
6. Elbert County shall provide workspace and appropriate facility access to the Election Supervisor and any additional observers authorized by the Secretary of State.

Dated this 19th day of October, 2022



Jena M Griswold
Colorado Secretary of State