

Case Number 2021CV033691 Denver District Court
AFFIDAVIT OF DALLAS SCHROEDER

Dallas Schroeder being duly sworn states upon oath:

1. I am over the age of 18 years and competent in all respects to testify. I make this affidavit based on personal knowledge.
2. I have served as Clerk and Recorder for Elbert County, Colorado, since 2013. I am a registered voter. I graduated from Milligan College in Tennessee with a double major in history and business. I was a self-employed entrepreneur for 18 years until I was appointed Clerk and Recorder of Elbert County in 2013. I was elected to the office in 2014, and I was re-elected in 2018.
3. Elbert County uses a computerized voting system that is leased from Dominion Voting Systems. The law requires that our voting system must be certified by the secretary of state, after a federally accredited testing laboratory has tested it. One of my official duties is to ensure that our voting system complies with state law.
4. Attached to this Affidavit as Exhibit A is a copy of the secretary of state certification of Dominion Voting Systems Democracy Suite 5.11-CO, which Elbert County used in the 2020 election. Exhibit A states, in pertinent part, that the voting system was tested by Pro V&V, a "federally accredited voting system testing laboratory."
5. In July of 2021, I was told that Pro V&V was not a federally accredited testing laboratory when it tested DVS Democracy Suite 5.11-CO. This information was concerning because, if our county voting system had been tested by a laboratory that was not a "federally accredited voting system testing laboratory," then our voting system potentially did not comply with state law, and it would be my duty to report the violation.
6. On or about April 30, 2021, I received an email from Jessi Romero, Voting Systems Manager for the secretary of state. A copy of the email is attached to this Affidavit as Exhibit B. The email informed county clerks and recorders that our voting systems were being scheduled for a "trusted build," which was a reinstallation of Dominion software, the new version called "Democracy Suite 5.13." The email instructed county clerks to, "Backup any election projects" before the "trusted build."
7. After I received Exhibit B, I was told that there was evidence that the "trusted build" process that was performed on Mesa County's Dominion voting system during May of 2021, had erased electronic files that were part of the 2020 election records. This information was concerning, because I have a legal duty to retain election records for 25 months after every election. The purpose of retaining the records is so that a proper audit of an election can be performed. I was concerned that the "trusted build" process might erase electronic election

records from the Elbert County elections systems, which would violate state law. I would have a legal duty to report any such violation.

8. On July 20, 2021, I received a Memorandum from Judd Choate, Elections Director for the Colorado Secretary of State. A copy of Mr. Choate's memorandum is attached to this Affidavit as Exhibit C.
9. Mr. Choate asserted in Exhibit C that Pro V&V was a federally accredited voting system testing lab.
10. Later, I looked at the Pro V&V Pro V&V certificate of accreditation that is attached to this Affidavit as Exhibit D. The certificate states plainly that that Pro V&V's certification expired February 24, 2017. Therefore, with all due respect to Mr. Choate, I believe my own eyes. It appears that Pro V&V was NOT federally accredited when it tested Dominion voting systems in 2019. Thus, I no longer can be confident that the Elbert County voting system meets required legal standards, including the 2002 VSS standards that are incorporated into Colorado election law.
11. I believe that I have a legal duty to retain and protect the Elbert County election records of the 2020 election. I also know that Exhibit B from the secretary of state's office instructed me to backup election project files before the 2021 "trusted build." Therefore, before the secretary of state and Dominion performed the 2021 "trusted build" on the Elbert County voting system, I made a forensic image of everything on the election server, and I saved the image to a secure external hard drive that is kept under lock and key in the Elbert County elections office.
12. The secretary of state completed its "trusted build" of the Elbert County voting system in August 2021.
13. I would like to hire an independent cybersecurity expert to make a forensic image of the Elbert County election server after the "trusted build," and compare it to the forensic image that I made before the trusted build. If 2020 election records that appear on the server before the trusted build, are no longer present after the trusted build, then I will know that the "trusted build" destroyed 2020 election records. In such case, I can fulfill my duty to report a violation of election law. If none of the 2020 election records were destroyed by the trusted build, then I can be confident that I fulfilled my legal duty to retain records of the 2020 election.
14. Unfortunately, new election rule 20.5.4 promulgated by the secretary of state, which became effective October 15, 2021, prohibits me from allowing an independent expert to access Elbert County election equipment. I therefore request that the court enter an order that nullifies the secretary's new rules, and that allows me to hire an independent consultant. I ask that the costs of such expert be paid by the secretary of state.

