



Hanks US Senate  
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26July2022

Colorado Secretary of State  
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**VIA: USPS Certified Mail &**

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Secretary Griswold,

Pursuant to CRS § 1-10.5-106 (2), as a certified candidate for United States Senate, this letter constitutes my notarized written request for a recount in El Paso County and Pueblo County of the Republican primary race for United States Senate held on June 28, 2022. I also request all Cast Vote Records (CVR), ballot dropbox records - to include video surveillance, all records pertaining to signature verification, all records and reports related to voter registration and voting history, and all electronic voting system logs specified in the 2002 Voting System Standards mandated by CRS Title 1, Article 5, Part 6 be provided to canvassing boards as part of the recount process pursuant to CRS 1-10.5-107 (3).

As noted in previous correspondence, I was the only candidate of six at the GOP state assembly on April 9, 2022 to qualify for the primary ballot. Further, direct polling of nearly 68,000 Colorado voters within 72 hours of the June 28, 2022 primary election indicated this campaign was up by 8% over my petition-on opponent.

There are significant indications of irregularities in the June 28, 2022 primary, and the reported outcome of this election may not accurately reflect the will of Colorado voters in the race for US Senate or in other statewide races, as well as district and county races.

Three issues underpin my request:

**(1) Three weeks before the primary, the Cybersecurity and Infrastructure Security Agency (“CISA”) found nine security vulnerabilities in Dominion Voting Systems, Inc. (“Dominion”) machines, undetected by Voting System Testing Lab (VSTL) certification testing, or state acceptance and logic & accuracy testing, that could be used to steal or alter votes, and the Colorado Secretary State’s Office apparently took no remedial action despite CISA’s warnings.**

On June 3, 2022, CISA issued an advisory warning identifying nine critical security vulnerabilities (more appropriately termed “security failures”) in the Dominion ImageCast X devices (and attached components)

used in sixteen states, including Colorado.<sup>1</sup> CISA's issued its warning in direct response to the findings of a recognized computer science expert, Dr. J. Alex Halderman, who had twelve weeks to examine this voting system. Prior to CISA's warning, Dr. Halderman filed multiple sworn declarations in a federal court in Georgia attesting to the fact that: (1) these security failures could be exploited to steal or alter votes while evading all known safety procedures such as logic and accuracy tests and risk-limiting audits; (2) Dominion ignored Dr. Halderman's requests to meet in order to seek a remedy for these security failures; and (3) it would take many months for Dominion to try to fix these security failures and obtain Election Assistance Commission (EAC) and state-level approvals for such changes. CISA's June 3, 2022 advisory warning also identified thirteen defensive measures, none of which appear to have been undertaken in Colorado prior to the June 28, 2022 primary. Indeed, consistent with my request for a recount, CISA recommended, among other things, that officials **"[c]onduct rigorous post-election tabulation audits of the human-readable portions of physical ballots and paper records, to include reviewing ballot chain of custody and conducting voter/ballot reconciliation procedures."** (Emphasis added).

Notably, none of the security failures CISA identified were detected through any prior certification or testing process. Colorado has specific statutes governing the use of electronic voting machines which appear to have been violated by the aforementioned acts. For example, CRS § 1-5-601.5. requires all voting systems and voting equipment meet the voting systems standards that were promulgated in 2002 by the Federal Election Commission (the "VSS"). CRS § 1-5-615(1)(l) states that "[t]he secretary of state shall not certify any electronic or electromechanical voting system unless such system . . . [c]ounts votes correctly." CRS § 1-7-512(1)(e) states that "[a] voting system provider . . . shall . . . [n]otify the secretary of state and the designated election official of any political subdivision using its voting system of any defect in the same system known to occur anywhere." CRS §1-13-107 states that "any public officer, election official, or other person upon whom any duty is imposed by this code who violates, neglects, or fails to perform such duty...is guilty of a misdemeanor..."

CISA's advisory warning also states that other versions of related Dominion software such as Dominion's recently installed (ICX/D-Suite 5.13) used in the June 28, 2022 primary were not tested to determine if these security failures are present. The presence of these security failures identified in CISA's advisory warning in the Dominion ICX machines would either directly prevent ICX/D-Suite 5.13 compliance with VSS standards including paras 2.2.1, Security; 2.2.11, Data Retention; 4.2.2, Software Integrity; 6.2.1.2, Individual Access Privileges; 6.4.1, Software and Firmware Installation; 6.4.2, Protection Against Malicious Software, or would directly violate CRS § 1-5-615, because there is no evidence your office conducted such testing as required, thereby rendering the compliance status of the Dominion ICX machines as unknowable or indeterminate.

CISA's findings corroborate the findings referenced in Mesa County Report #3, co-authored by Jeff O'Donnell and Dr. Walter C. Daugherty, demonstrating that the unauthorized ballot manipulation meticulously evidenced in Report #3 was caused by a rogue software process running within the Election Management Server during the November 2020 general election and April 2021 Grand Junction municipal election.<sup>2</sup> The security failures identified by CISA, along with your failure to ensure these electronic voting systems were compliant with Colorado law, by itself warrants a recount and a forensic audit of Dominion machines employed in the June 2022 primary.

## **(2) The primary race for United States Senate shows an unnatural pattern of vote processing.**

Election results taken from the New York Times feed between June 28, 2022 and July 2, 2022 continuously updated and reported for United States Senate – and other races – show an unnatural, near-perfect correlation between the respective candidates after the first three updates. Indeed, the candidates' tabulation results in each race have a correlation value (termed R-squared) exceeding .99

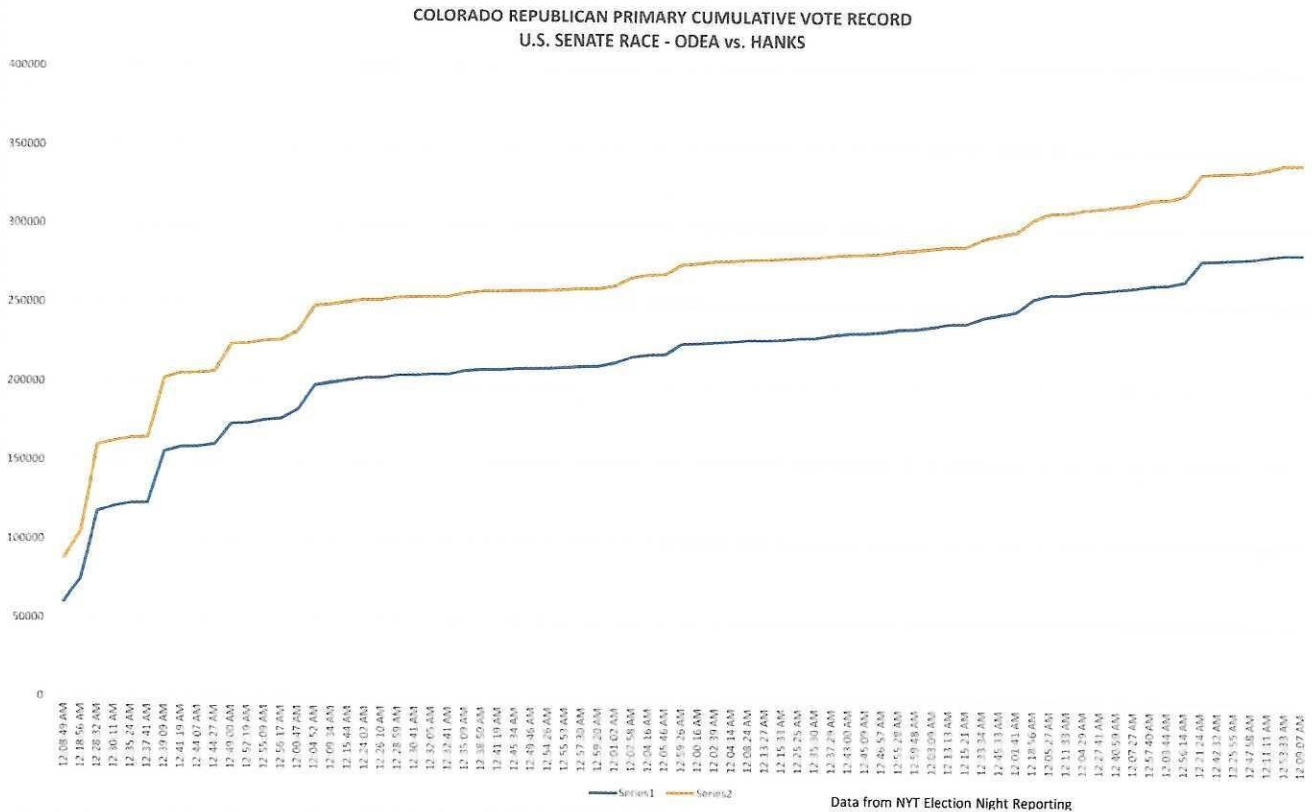
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<sup>1</sup> <https://www.cisa.gov/uscert/ics/advisories/icsa-22-154-01>



(1.0 being a perfect correlation). This near-perfect correlation remains after the first three updates regardless of where or when votes were tabulated and uploaded.

Such a near-identical correlation strongly suggests vote tallies are being artificially controlled as shown in the chart below tracking the cumulative votes at each update for United States Senate between candidate O’Dea (in orange) and candidate Hanks (in blue). After three initial updates, the relative difference in the vote totals between the two candidates remains virtually unchanged.



**(3) Colorado’s Voter Registration System (SCORE) is not adequately maintained to ensure legitimate voters are receiving mail-in ballots.**

As you are aware, Colorado sent out over three million mail-in ballots in connection with the June 2022 primary. According to the National Change of Address (NCOA) database, 67,006 voters filed a permanent change-of-residential-address out of their county of record with the post office prior to 5/1/2022, but still received a mail-in ballot for the county of record. Specifically, 44,130 voters filed a permanent change-of-residential-address out of Colorado and the remaining 22,876 filed a permanent change of residential address out of their county, but still reside within Colorado. Facts like these indicate material deficiencies in your oversight of SCORE that raise serious concerns about the integrity of elections in Colorado and your compliance with statutory federal requirements under 52 U.S.C. 21083(a)(3) and (4).

Previous correspondence from your office dated July 14, 2022, and July 19, 2022, indicated any recount would be conducted “in the same manner as the initial tabulation in each county”. This remains unacceptable for the reasons I set forth in my initiating letter, and have included in this letter. As noted, the Dominion voting system used in Colorado for the primary election violated federal voting system standards in light of the nine unmitigated security vulnerabilities announced by CISA—of which you were aware or should have been aware—and thus were not certifiable under Colorado law.

Further, as noted, CISA identified thirteen mitigation steps in light of these security vulnerabilities, none of which appear to have been undertaken by your office prior to the June 28, 2022 primary. These steps

recommended by CISA included officials “[c]onduct[ing] rigorous post-election tabulation audits of the human-readable portions of physical ballots and paper records, to include reviewing ballot chain of custody and conducting voter/ballot reconciliation procedures” and to “[e]nsure all ImageCast X devices are subjected to rigorous pre- and post-election testing.” (Emphasis added). Notably, the security vulnerabilities identified by CISA could affect any or all components within the Dominion Democracy Suite voting system, including the EMS, tabulators, touch screen devices etc.

CRS § 1-10.5-102 (2) states in relevant part that you are “provide each county clerk and recorder with the necessary rules to conduct the recount in a fair, impartial, and uniform manner, including provisions for watchers during the recount. Any rule concerning the conduct of a recount must take into account the type of voting system and equipment used by the county in which the recount is to be conducted.” Any decision to conduct a recount “in the same manner as the initial tabulation in each county” violates this statute for the reasons discussed above.

My request for recount remains explicit regarding significant indications of malfeasance in the June 28, 2022 primary, including indications and evidence which would lead a reasonable person to conclude that no fair or trustworthy recount could be conducted using the electronic voting systems you have certified for use in Colorado. However, you previously proposed to use the very same electronic voting systems, as if the indicators of malfeasance and reasonable basis for doubt as to the integrity of those voting systems neither existed in public view nor was provided to you.

I objected to that proposal previously, and request now that you revise your plan to ensure conduct of a recount by hand count of paper ballots, request that you acknowledge and state your intent to fulfill my request for specific records to be provided to canvassing boards, pursuant to CRS 1-10.5-107(3) and in light of apparent material deficiencies in SCORE accuracy and integrity, and advise of any resultant changes in the aggregate of individual cost estimates from each county.

Respectfully,



Ron Hanks

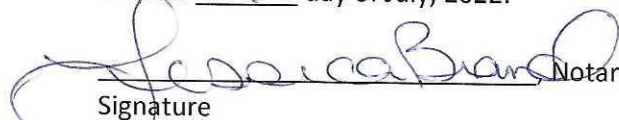
State Representative, HD60

Republican Candidate, United States Senate

State of Colorado

County of Fremont

Subscribed to and sworn before me by Ron Hanks  
this the 26<sup>th</sup> day of July, 2022.

 Notary Public  
Signature

Jessica Brand, Notary Public  
Printed Name

