

30 October 2024

PDF VIA EMAIL

Hon. Jena Griswold
Colorado Secretary of State
1700 Broadway, Suite 200
Denver, CO 80290

Re: *Remedying Public Disclosure of BIOS Passwords for Colorado Election Systems*

Dear Secretary Griswold,

This firm represents Donald J. Trump for President 2024, Inc. Yesterday, it was revealed that your office publicly disclosed BIOS passwords for voting system equipment for 63 of Colorado's 64 counties beginning in at least August, 2024 and continuing through Thursday, October 24, 2024. We are particularly concerned because your office knew of this security breach at least as early as October 24, yet concealed the problem by failing to notify anyone.

As you know, anyone in possession of current BIOS passwords and with access to the affected election systems would have the ability to alter the Trusted Build of those systems without leaving signs of tampering in the software. Hence, this disclosure by your office—which we assume was inadvertent given that knowing publication of this information constitutes a Class 5 felony under SB 22-153—makes it essential that you act immediately to protect the integrity of Colorado's general election.

With six days remaining before Election Day, there is a path forward. Under Colorado law and current election regulations, you must immediately do the following:

- (1) Identify those counties for whom the BIOS passwords listed in the spreadsheet disclosed by your office were current as of their most recent Trusted Build.
- (2) Immediately notify the affected counties and order a new Trusted Build is required due to "another security issue" under Election Rule 20.6.1. Your office should complete the required Trusted Builds expeditiously. Once the Trusted Build is in place in the affected counties, these counties should be directed to immediately conduct a new Logic and Accuracy Test for their election equipment.
- (3) For these counties for whom a new Trusted Build is required, direct them to immediately halt the processing of mail ballots received and to prepare to re-scan all mail ballots already scanned after the new Trusted Build and Logic and Accuracy Tests are

gesslerblue.com



completed. As you know, this is possible, because although most counties have already begun to process and scan returned ballots, no county is permitted to disclose results until 7:00pm on Election Day. C.R.S. § 1-7.5-107.5.

We recognize these steps may be an inconvenience for your office and for the affected counties. But this inconvenience is necessary because it is the only way to guarantee that the elections equipment in those counties whose current BIOS passwords were disclosed by your office are secure and that the chain-of-custody for that equipment required by Colorado law and regulations is unbroken.

Please confirm you will undertake these steps no later than 10:00am MT tomorrow, October 31, 2024

Sincerely,

GESSLER BLUE LLC

A handwritten signature in blue ink, appearing to read 'Scott E. Gessler'.

Scott E. Gessler

cc. Deputy Secretary of State, Chris Beall: chris.beall@coloradosos.gov
Elections Director, Judd Choate: judd.choate@coloradosos.gov