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**Subject:** Petition to Void Colo SoS June 17 2021 Emergency Rules  
**Date:** Tuesday, July 27, 2021 7:52:08 AM  
**Attachments:** [citizens-petition-void-emergency-rule-2-copy-2.docx](#)

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To Whom It May Concern,

Colorado elections belong to the people. Unfortunately, Colorado Secretary of State Griswold does not agree. In her June 17th emergency rules proclamation, Secretary Griswold unilaterally attempted to block election transparency in our state. This action is unethical, legally unjustifiable, and outrageous.

The Colorado Attorney General's Office should be ashamed for either being incompetent, deliberately indifferent, or a knowing co-conspirator to such outrageous illegal actions, as they have a legal and ethical duty to stop such illegal action. Attorney General Phil Weiser, Chief Deputy Attorney General Natalie Hanlon Leh, and David Powell, the head of the State Services Section, all need to clean up their Public Officials Unit and have a better understanding of how to handle such conflicts between their ethical legal duty to the People of Colorado and providing legal services to elected officials who want to engage in illegal and unconstitutional power grabs. The People come first. This Emergency Rule was obviously reviewed by the highest levels of the A.G.'s Office - by Mr. Powell, Ms. Hanlon-Leh, and General Weiser - so they all have some explaining to do - not just SoS Griswold. The lowest level deputies need to understand their oaths and duties and get the ethical fortitude to just say "no" to their bosses. An illegal order is immoral. Reigning in elected officials who go off the rails of the law is a predictable and known scenario for which government attorneys train and plan. So incompetence and indifference are less likely. What fair conclusions are left?

I demand Colorado Secretary of State Jena Griswold void her emergency rules on election audits to guarantee CO citizens' rights to free, fair, and transparent elections. Please find attached to this email a PDF document that is my formal written petition in this matter.

Thank you.

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**Kory Nelson**

*"The only thing necessary for the triumph of evil is for good men to do nothing." - Edmund Burke*

*"Excellence is never an accident. It is always the result of high intention, sincere effort, and intelligent execution; it represents the wise choice of many alternatives - choice, not chance, determines your destiny." - Aristotle*

**PETITION TO CONTEST LEGALITY AND/OR CONSTITUTIONALITY OF TEMPORARY/EMERGENCY RULE AMENDMENTS TO RULE 20.5.4 INCLUDING NEW RULES 20.5.4(a) AND 20.5.4 (e); AMENDMENTS TO RULE 21.7.3 INCLUDING A PORTION OF FORMER RULE 21.7.3 WHICH HAS BEEN RE-CODIFIED AS NEW RULE 21.7.3 (a); and ADOPTION OF NEW RULES 21.7.3 (b-e) and 21.7.4 (“Petition”)**

Petitioner, Kory A. Nelson a Colorado citizen and interested person (“Petitioner”), submits this Petition to contest the legality and/or constitutionality of temporary/rule amendments to Rule 20.5.4 including New Rules 20.5.4(a) and 20.5.4(e), amendments to rule 21.7.3 including a portion of former Rule 21.7.3 which has been re-codified as New rule 21.7.3 (a) and adoption of New Rules 21.7.3 (b-e) and 21.7.4 (hereafter collectively referred to as the “June 17, 2021 SOS Emergency Rules”).

**APPLICABLE LAW**

On June 17, 2021, the Colorado Office of the Secretary of State (“SOS”) adopted the June 17, 2021 SOS Emergency Rules.

Pursuant to Section 24-4-103 (6)(a) “a temporary or emergency rule may be adopted without compliance with the procedures prescribed in subsection (4) of this section and with less than the twenty days’ notice prescribed in subsection (3) of this section, or where circumstances imperatively require, without notice, *only if the agency finds that immediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of public health, safety, or welfare and compliance with the requirements of this section would be contrary to the public interest and makes such finding on the record.* Such findings and a statement of the reasons for the action shall be published with the rule.” (*Emphasis added*).

**LACK OF FINDING ON THE RECORD**

The “Statement of Justification and Reasons for Adoption of Temporary Rules” (the “Statement”) provides “Adoption of these new and amended rules on a temporary basis is necessary given the public concern regarding rapidly increasing instances of purported “forensic audits” conducted by unknown and unverified third parties nationwide. These rules are necessary to ensure the continued security and integrity of, and public confidence in, Colorado’s voting systems and its elections. These rules also ensure uniform conduct of the quickly approaching November coordinated election.”

In support of this Petition, Petitioner alleges SOS’ failure to:

1. Provide a nexus between noncompliance with a state and/or federal law and how such alleged noncompliance renders the June 17, 2021 SOS Emergency Rules “imperatively necessary”;
2. Provide a finding on the record of a “public concern” that is contrary to the public interest;
3. Provide a finding on the record of a “rapidly increasing” public concern that is contrary to public interest;

