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Dear Mr. Martin,

I submit this letter and request for a full pardon of Tina Peters, under federal law.

Although the Governor of the State of Colorado, Jared Polis, claims that Tina is a state officer, this assertion is contrary to standing federal law and precedent for election officers, when administering a federal election.

The ratification debates were impassioned when it came to the question of who would administer elections for members of the House of Representatives. The entire framework of the new government having been designed for “ambition to counter ambition,”¹ states were wary of any opportunity for the general government to encroach on their sovereignty. While it was agreed that the states would run elections, Madison noted they must be, “subject to the control of the general government, in order to enable it to produce uniformity, and prevent its own dissolution.”² Thus, Congress’ power to regulate the time, place and manner of elections “at any time” in Article 1 § 4, the Elections Clause.

That was the end of the matter until the Reconstruction Era. The cost of attempted dissolution in the Civil War was enormous, and devastating; protecting the general government and the people against any such future disloyalty via election misconduct quickly became enforceable in federal court. Extensive and detailed passages of law left no question about the duty and federal accountability of election officers in securing and preserving election records as part of their federal duties, regardless of State concerns:

¹ Hamilton, Alexander or Madison, James. (1788). *Federalist No. 51: The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments*. Washington, D.C.: Library of Congress. Retrieved February 17, 2025 from <https://guides.loc.gov/federalist-papers/text-51-60>.

² Elliot, Jonathan, ed. *The Debates in the Several State Conventions on the Adoption of the Federal Constitution as Recommended by the General Convention at Philadelphia in 1787*. . . . 5 vols. 2d ed. 1888. Reprint. New York: Burt Franklin, n.d.

“It shall be the duty of said Supervisors of election, and they, and each of them, are hereby authorized and required, to attend at all times and places for holding elections of representatives in Congress, and for counting the votes cast at said elections; to challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, shall doubt; to be and remain where the ballot boxes are kept at all times after the polls are open until each and every vote cast at said time and place shall be counted, the canvas of all votes polled by wholly completed, and the proper and requisite certificates or returns made, whether said certificates or returns be required under any law of the United States, or any State, territorial or municipal law, and to personally inspect and scrutinize...the way and method in which the poll-books, registry-lists, and tallies or check-books, whether the same are required by any law of the United States, or any State, territorial, or municipal law, are kept; and to the end that each candidate for the office of representative or delegate in Congress shall obtain the benefit of every vote for him cast, the said supervisors of election are, and each of them is, hereby required, in their respective election districts or voting precincts, to personally scrutinize, count, and canvass each and every ballot in their or his election district cast, whatever may be the endorsement on said ballot; to make and forward to the officer who shall have been designated as the chief supervisor of the judicial district, such certificates and returns of all such ballots as said officer may direct and require, and to attach to the registry list, and any and all copies thereof, and to any certificate, statement, or return, whether the same, or any portion thereof, be required by any law of the United States, or of any State, territorial or municipal law, any statement touching the truth or accuracy of the registry, or the truth or fairness of the election and canvass, which the said supervisors of election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts become known, any law of any State or Territory to the contrary notwithstanding.”³

A case from Indiana heard by the Supreme Court in 1888 settled any remaining doubt about whether state election officials operated independent of federal scrutiny. Election officials had conspired to steal a local race which shared the ballot with a congressional election. Conceding their guilt, the officials tried to avoid federal charges by arguing that they had committed no crime against Congress. The Court disagreed, stating:

"It is, perhaps, since the decision in *Ex Parte Clarke*, [100 U. S. 399](#), past debate that Congress has the power under the Constitution to adopt the laws of the several states respecting the mode of electing members of Congress, and, as resulting from that power, the right to prescribe punishment for infractions of the laws so adopted. This Court has held more than once that Congress has exercised this power, and has adopted these laws,

³ Second Enforcement Act (1871), Statutes at Large, ch. 22, 17 stat. 13 § 20.

and, with them, the officers created under them, **making them for the purposes of the election of representatives in Congress its officers**, and has added new sanctions to such laws, and subjected such officers to the penalties of these sanctions. All this is conceded." *In re Coy*, 127 U.S. 731 (1888) (emphasis added)

The election officials were formally deemed federalized officers when conducting federal and/or mixed elections, sent to federal prison, and the election laws of each state were recognized as equivalent to being passed by Congress, fully enforceable in federal court. According to the current edition of the United States Department of Justice Voting Rights Section publication, *Federal Prosecution of Election Offenses*, "Coy is still good law."⁴

In alignment with these principles, the Court in *U.S. v. Classic*, 313 U.S. 299 (1941), held that primary elections are a vital component of the electoral process and, therefore, subject to federal oversight under the Elections Clause. This ruling confirmed that election officials have a *constitutional* obligation to ensure that elections are conducted honestly and in accordance with established legal standards:

"While, in a loose sense, the right to vote for representatives in Congress is sometimes spoken of as a right derived from the states, See *Minor v. Happersett*, 21 Wall. 162, [88 U. S. 170](#); *United States v. Reese*, [92 U. S. 214](#), [92 U. S. 217-218](#); *McPherson v. Blacker*, [146 U. S. 1](#), [146 U. S. 339](#); *Breedlove v. Suttles*, [302 U. S. 277](#), [302 U. S. 283](#), this statement is true only in the sense that the states are authorized by the Constitution, to legislate on the subject as provided by § 2 of Art. I, to the extent that Congress has not restricted state action by the exercise of its powers to regulate elections under § 4 and its more general power under Article I, § 8, clause 18 of the Constitution "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." See *Ex parte Siebold*, [100 U. S. 371](#); *Ex parte Yarbrough*, *supra*, [110 U. S. 663](#), [110 U. S. 664](#); *Swafford v. Templeton*, [185 U. S. 487](#); *Wiley v. Sinkler*, [179 U. S. 58](#), [179 U. S. 64](#)."⁵

Similarly, in *Anderson v. United States*, 417 U.S. 211, 227 (1974), the Court emphasized that election law infractions not only erode public confidence, but are a violation of federal law that necessitates stringent enforcement.

When Ms. Peters was informed of a pending system update to the Mesa County voting system, within the 22-month retention period required under federal law⁶ for the 2020 federal election records, paper or electronic, she had a copy of the server made in compliance with her federal duties as an "Officer of Congress." Part of her role was to make sure that these records were not altered, whether by a typical software update glitch, or by other means. Therefore, Ms.

⁴ *Federal Prosecution of Election Offenses*, Eighth Edition (2017). Washington, D.C.: Department of Justice, Public Integrity Division. Retrieved on February 17, 2025 from <https://www.justice.gov/criminal/file/1029066/dl>

⁵ *US v Classic*, 313 US 299, 315 (1941)

⁶ 52 USC §20701

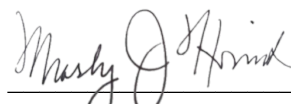
Peters arranged to have the server versions compared, despite pushback at the state level. Ms. Peters acted in steadfast accordance with her federal duties in comparing the server versions.

The discovery of a discrepancy between the two copies should have been a huge concern for Colorado Secretary of State and chief election official Jena Griswold, also an Officer of Congress, who is accountable for any incorrect or dishonest record or report in the administration of a federal election anywhere in the State of Colorado. There should have been a comprehensive investigation into the cause of the discrepancy Ms. Peters discovered, in comparing the two server versions, pre- and post-update. This would have ensured a swift resolution to a possible penetration of critical infrastructure—a national security emergency, if true—or, conversely, proven the fair and honest counting of the 2020 general election, the security of the voting rights of every Colorado citizen, and the liberty rights of every American citizen who must trust that Colorado's representatives in US Congress were duly elected and are answerable to their constituents. Instead, Ms. Peters was persecuted by the State of Colorado.

Despite Governor Polis' protestations, Tina Peters is both a state and a federal official when administering a mixed state-federal election. Her loyalty to federal law and the voting rights of her constituents is beyond reproach, as she took every reasonable and necessary step to uphold federal election law, and the civil rights of Mesa County voters. She should be immediately released and totally exonerated by President Trump of all charges, under federal law. Under federal law, as a federal officer, she committed no crime.

I further recommend investigation into the retaliatory acts of Jared Polis, Jena Griswold and perhaps others, against Tina Peters, under 18 U.S.C. § 241, as well as a possible conspiracy against the voting rights of Colorado citizens. I stand by ready to assist with critical audit records showing likely gross violations of federal law regarding the authenticity of voters, votes, and counts, in the 2022 and 2024 elections in the State of Colorado.

Signed,

 12/12/2025
Marly Hornik
CEO RealAmerica.Vote