

BEFORE THE COLORADO SECRETARY OF STATE
OFFICE OF THE SECRETARY OF STATE
STATE OF COLORADO

**ADMINISTRATIVE COMPLAINT AND PETITION
UNDER THE HELP AMERICA VOTE ACT OF 2002**

Title III, Subtitle A (52 U.S.C. § 21081 et seq.) (formerly 52 U.S.C. § 15481 et seq.)
HAVA Section 402 (52 U.S.C. § 21112) (formerly 52 U.S.C. § 15512)
C.R.S. §1-1.5-105

FILED AGAINST

JENA GRISWOLD

Secretary of State of Colorado
Chief State Election Official
Colorado Department of State
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ELECTIONS
SECRETARY OF STATE

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I. INTRODUCTION AND JURISDICTIONAL STATEMENT

1. This administrative complaint and petition is filed pursuant to Section 402 of the Help America Vote Act of 2002 (Pub. L. 107-252; 52 U.S.C. § 21112, formerly 52 U.S.C. § 15512) and Colorado’s implementing statute, C.R.S. § 1-1.5-105, which together establish a uniform, nondiscriminatory procedure by which “any person who believes that there is a violation of any provision of title III (including a violation which has occurred, is occurring, or is about to occur) may file a complaint.” HAVA § 402(a)(2)(B). Accordingly, this complaint properly alleges violations that have occurred, are occurring, and are about to occur within the meaning of 52 U.S.C. § 21112(a)(2)(B).
2. The complaint alleges multiple violations of Title III of HAVA, centered on Colorado’s computerized statewide voter registration list requirements and protections in HAVA § 303 (52 U.S.C. § 21083), including list maintenance, accuracy, safeguards against erroneous removal, and technological security. Title III of the Help America Vote Act imposes mandatory, nondiscretionary requirements on each State administering federal elections. See 52 U.S.C. § 21083 (HAVA §303) (requiring a single, uniform, official, centralized computerized statewide voter registration list; mandatory list maintenance procedures; safeguards against erroneous removal; and adequate technological security measures). These requirements are binding conditions of federal funding and are operationalized through the State Plan required by 52 U.S.C. § 21004 (HAVA §254), which obligates the State to describe, implement, and maintain compliance with Title III and prohibits material changes to the administration of the plan without Federal Register publication, public notice and comment, and a 30-day waiting period. Enforcement authority is expressly vested in the United States Attorney General under 52 U.S.C. § 21111 (HAVA §401), which authorizes declaratory and injunctive relief to ensure compliance with §§ 21081–21083. Accordingly, violations of § 21083 and failures to adhere to § 21004 are not merely matters of state administration, but constitute federally enforceable breaches of mandatory statutory duties governing the conduct of elections for Federal office.
3. The factual predicate is documentary evidence indicating large-scale post-certification modifications to voter participation history records in Colorado’s statewide voter registration data after the 2020, 2022, and 2024 General Elections had been certified. This evidence was compiled by Unite4Freedom through sequential comparisons of official Colorado voter history files and voter roll files obtained from the Colorado Secretary of State’s office.
4. Colorado received over \$43.4 million in federal HAVA requirements payments and established a revised State Plan (2008 Update) describing its binding operational commitments to comply with HAVA § 303 requirements. As a recipient of these payments, Colorado is required under HAVA § 402(a)(1) to “establish and maintain State-based administrative complaint procedures” meeting the requirements of §402(a)(2). Colorado’s State Plan confirms these procedures at Section 9.

5. Jurisdiction over this complaint rests with the Colorado Secretary of State pursuant to HAVA § 402(a) and C.R.S. §1-1.5-105. The Secretary of State must issue a final determination within 90 days of filing (HAVA § 402(a)(2)(H); C.R.S. §1-1.5-105(2)(i)), and if no determination is issued within that period, the complaint shall be resolved under alternative dispute resolution within an additional 60 days (HAVA § 402(a)(2)(I); C.R.S. §1-1.5-105(2)(j)).

II. IDENTITY OF RESPONDENT

6. The Respondent is Jena Griswold, the 39th Secretary of State of the State of Colorado, first elected in 2018 and re-elected in 2022. The Secretary of State serves as the Chief State Election Official of Colorado within the meaning of HAVA §§254 and 303, and as designated by H.B. 03-1356 (codified at C.R.S. §1-1.5-103).

7. As Chief State Election Official, Respondent is responsible for the implementation and administration of the computerized statewide voter registration list required by HAVA § 303(a)(1)(A) and bears ultimate responsibility for ensuring Colorado's compliance with all requirements of Title III. The Secretary of State's office is located at 1700 Broadway, Suite 200, Denver, Colorado 80290.

III. STANDING OF COMPLAINANTS

8. HAVA § 402(a)(2)(B) confers standing on "any person who believes that there is a violation of any provision of title III." The statute imposes no additional standing requirements beyond this belief. The Complainants are persons with a good-faith belief, supported by documentary evidence, that the violations described herein have occurred, are occurring, and are likely to continue to occur. Each is a registered elector and has been for the years cited within this document. Each intends to vote in upcoming federal elections this year of 2026.

IV. PROCEDURAL REQUIREMENTS

9. This complaint satisfies the procedural requirements of HAVA § 402(a)(2)(C) and C.R.S. §1-1.5-105(2)(a)-(d):

(a) This complaint is in writing.

(b) This complaint is signed and sworn by the Complainants, as reflected in the Verification and Oath below.

(c) This complaint is notarized, as reflected in the Notarization section below.

(d) This complaint alleges violations of Title III of HAVA 2002.

(e) This complaint is timely under C.R.S. §1-1.5-105(2)(d). The violations are ongoing and continuous in nature, with the most recent documented modifications occurring through December 22, 2025. The complaint is based on discovered violations of the past which are still occurring now, and will continue to occur in the future.

V. FACTUAL BACKGROUND

A. Colorado’s HAVA State Plan Commitments

10. In 2003, the Colorado General Assembly enacted H.B. 03-1356, the Colorado Help America Vote Act (codified at C.R.S. §1-1.5-101 et seq.), which designated the Secretary of State as the Chief State Election Official with authority and responsibility for implementing HAVA’s requirements. In accordance with HAVA §254, Colorado submitted a State Plan, which was revised in March 2007 and updated in March 2008 (hereinafter “State Plan”). Complainants however challenge that the current State Plan for federal HAVA is not compliant. Material changes to the State’s election processes have taken place since the last State Plan in 2008. Per HAVA, material changes required the State to have updated their State Plan. The State and its Chief Election Officer have failed to perform this mandatory task. Colorado is currently non-compliant with HAVA, yet has accepted federal government HAVA monies.

11. Table 1.2 of Colorado’s State Plan enumerates the specific HAVA § 303 requirements that Colorado committed to implementing. The following table reproduces the provisions directly at issue in this complaint, as acknowledged by Colorado in its own State Plan:

HAVA Section	Requirement (as stated in Colorado State Plan, Table 1.2)
§303(a)(1)(B)(i)	The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.
§303(a)(1)(B)(viii)	The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.
§303(a)(2)(A)(i)	If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act.
§303(a)(2)(B)(ii)	Only voters who are not registered or who are not eligible to vote are removed from the computerized list.
§303(a)(3)	The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.
§303(a)(4)(A)	A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the NVRA, registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list, except that no registrant may be removed solely by reason of a failure to vote.

§303(a)(4)(B)

Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

Source: Colorado State Plan for HAVA (2008 Update), Table 1.2, pp. 18-19.

12. These commitments are binding obligations undertaken as a condition of receiving federal requirements payments totaling over \$43.4 million. See HAVA § 402(a)(1); State Plan, Sections 5-6. Colorado cannot claim ignorance of the HAVA § 303 requirements because it expressly enumerated each of them in its own compliance plan (of 2008).

13. Material Changes Since Colorado's Last State Plan (March 2008)

a. Universal Mail Ballot Elections - HB 13-1303 (2013). Colorado passed the Voter Access and Modernized Elections Act in 2013, which required ballots to be mailed to every registered voter for all elections. The act was signed into law May 10, 2013, by then-Gov. John Hickenlooper. This law also implemented same-day registration, eliminated assigned polling places, and replaced them with county Voter Service and Polling Centers. Colorado's 2008 State Plan was written for a fundamentally different election model - one based on in-person precinct voting with absentee balloting as the exception, not the rule.

b. Automatic Voter Registration (AVR) - SB 19-235 (2019, effective 2020)

Beginning July 1, 2020, the department of revenue is required to transfer to the secretary of state the electronic record of each unregistered elector or person eligible to preregister who applies for the issuance, renewal, or correction of a Colorado driver's license or identification card and who provides documentation of citizenship. AVR was part of the Democracy Package that Secretary of State Jena Griswold worked closely with the Colorado legislature to pass in 2019. By June 2021, just over 250,000 Coloradans registered to vote through the system since its implementation in May of 2020.

This fundamentally changed the voter registration pipeline from an opt-in system (where citizens affirmatively applied) to an opt-out system (where the DMV automatically transfers records to the Secretary of State, and individuals must affirmatively decline registration within 20 days).

c. The HAVA State Plan Update Requirement: HAVA §254(a)(11), which is reproduced verbatim in Colorado's own State Plan at Section 11, provides that the State "may not make any material change in the administration of the plan" unless the change: (A) is developed and published in the Federal Register in accordance with §255; (B) is subject to public notice and comment in accordance with §256; and (C) takes effect only after the expiration of a 30-day period beginning on the date the change is published in the Federal Register. Colorado's own State Plan acknowledges this obligation: "*Future material changes in the administration of the State Plan will not be made unless the change is developed and published in the Federal Register in accordance with HAVA §255 and §256.*" (State Plan, Section 11, p. 41.)

d. Both of these legislative changes fundamentally altered the systems and processes described in the 2008 State Plan:

i. Universal mail balloting changed the entire method of ballot delivery, the role of counties, the chain of custody for ballots, the timing of ballot processing, and the security framework - all of which are described in the State Plan under Sections 4 (Voting System Guidelines) and 7 (Provisional Voting and UOCAVA).

ii. Automatic voter registration changed the entire method by which the computerized statewide voter registration list - the central subject of HAVA §303 - is populated and maintained. The 2008 State Plan describes a registration system built on affirmative voter applications, not automated DMV data transfers. This directly impacts every §303 commitment in Table 1.2 of the State Plan.

iii. Yet Colorado has not published an updated State Plan in the Federal Register since March 2008 - a span of nearly 18 years during which these transformative changes were implemented. HAVA §253(b)(1) requires that a State file a State Plan with the Election Assistance Commission as a condition of receiving requirements payments. The State must certify that the plan meets the requirements of §254. If the State has made material changes to the administration of the plan without following the §254(a)(11) procedures, the State Plan on file no longer accurately describes Colorado's election administration - yet Colorado has continued to receive and expend federal HAVA funds on the basis of a plan that does not reflect actual operations.

iv. Colorado received over \$43.4 million in federal HAVA payments (as cited here in this complaint). The State has been operating outside the terms of the plan under which those funds were disbursed, without following the mandatory update procedures. Each federal election during these years where there was no State Plan were falsely held, and, uncertifiable. Each election held during this time is null, void and of no legal effect.

B. Colorado's Computerized Statewide Voter Registration List

13. Colorado maintains a computerized statewide voter registration system, defined, maintained, and administered at the state level by the Office of the Secretary of State, pursuant to HAVA § 303(a)(1)(A) and C.R.S. §1-1.5-104. Following a failed initial contract with Accenture LLP (terminated December 2005), Colorado contracted with Saber Software, Inc. to develop the system, which was piloted in nine counties beginning August 2007 and deployed statewide by April 2008. See State Plan, §303 discussion, pp. 17-18.

14. This system constitutes the "single system for storing and managing the official list of registered voters throughout the State" (§303(a)(1)(A)(i)) and serves as "the official voter registration list for the conduct of all elections for Federal office in the State" (§303(a)(1)(B)(viii)). The integrity and immutability of this system after election certification is therefore a matter of direct federal concern.

C. Post-Certification Modifications - 2020 General Election

15. Documentary evidence produced by Unite4Freedom through sequential comparison of official Colorado voter history files and voter roll files reveals that after the final certification of the November 3, 2020 General Election, a total of 328,895 post-certification changes were made to voter participation history records in the computerized statewide voter registration list. Complainants reviewed, read, analyzed the raw data and the derived output. These changes were documented across three comparison windows spanning December 1, 2022 through December 22, 2025, as follows:

Category of Change	Window 1 12/01/2022 to 11/07/2023	Window 2 11/07/2023 to 12/05/2024	Window 3 12/05/2024 to 12/22/2025
Vote to No Vote (Voter ID in both files)	0	2	356
No Vote to Vote (Voter ID in both files)	262	116	267
Voter/Ballot Deleted (Voter ID in only one file)	55,937	53,621	2,208
Voter/Ballot Added (Voter ID in only one file)	1,859	5,963	208,304
TOTAL CHANGES	58,058	59,702	211,135

Source: Colorado Vote Tampering Report, Unite4Freedom (Exhibit A).

16a. Of particular significance: (a) 208,304 voter/ballot records were added in the third comparison window alone (December 2024 through December 2025)-more than four years after the election was certified; and (b) a cumulative total of 111,766 voter/ballot records were deleted (55,937 + 53,621 + 2,208) across the three comparison windows. Complainants state this, these, are HAVA violations. These are also ongoing HAVA violations. Complaints state these violations will occur in the future.

16b. These will be future violations tied to the 2026 election cycle also. Explicitly connected to the same database architecture which still remains in place. To no corrective controls have been implemented. Therefore the violations are “about to occur” in the next federal election(s).

D. Post-Certification Modifications - 2022 General Election

17. For the November 8, 2022 General Election, a total of 155,576 post-certification changes were documented across three comparison windows spanning December 1, 2022 through December 22, 2025:

Category of Change	Window 1 12/01/2022 to 11/07/2023	Window 2 11/07/2023 to 12/05/2024	Window 3 12/05/2024 to 12/22/2025
Vote to No Vote (Voter ID in both files)	0	1	313
No Vote to Vote (Voter ID in both files)	139	84	160
Voter/Ballot Deleted (Voter ID in only one file)	35,112	42,750	1,521
Voter/Ballot Added (Voter ID in only one file)	215	1,821	73,460
TOTAL CHANGES	35,466	44,656	75,454

Source: Colorado Vote Tampering Report, Unite4Freedom (Exhibit A).

18. The 2022 data shows 79,383 voter/ballot deletions (35,112 + 42,750 + 1,521) and 75,496 voter/ballot additions (215 + 1,821 + 73,460) across the three comparison windows, all occurring after the election was certified.

E. Post-Certification Modifications - 2024 General Election

19. For the November 5, 2024 General Election, a total of 3,416 post-certification changes were documented in a single comparison window between December 5, 2024 and December 22, 2025:

Category of Change	12/05/2024 to 12/22/2025
Vote to No Vote (Voter ID in both files)	411
No Vote to Vote (Voter ID in both files)	218
Voter/Ballot Deleted (Voter ID in only one file)	2,508
Voter/Ballot Added (Voter ID in only one file)	279
TOTAL CHANGES	3,416

Source: Colorado Vote Tampering Report, Unite4Freedom (Exhibit A).

20. While the 2024 total is smaller in absolute terms, it nonetheless documents 2,508 voter/ballot deletions and 411 changes from “Vote” to “No Vote” within approximately one year after certification-demonstrating that the pattern of post-certification modification is ongoing and continuing under the current Secretary of State.

F. Summary of Total Post-Certification Changes

Election	Total Post-Certification Changes	Measurement Period
2020 General	328,895	12/01/2022 - 12/22/2025
2022 General	155,576	12/01/2022 - 12/22/2025

2024 General	3,416	12/05/2024 - 12/22/2025
CUMULATIVE	487,887	

21. The cumulative total of 487,887 post-certification changes to voter participation history records across three consecutive General Elections, each of which included races for federal office, constitutes the factual basis for the violations alleged below. Complainants do not assert that every individual change was unauthorized; rather, Complainants assert that the scale, timing, and nature of these modifications require explanation and that the Respondent bears the burden of demonstrating lawful authority, NVRA compliance, and adequate controls for each category of change.

VI. CLAIMS OF VIOLATION

Count I - Failure to Maintain Accurate Voter Registration Records

HAVA § 303(a)(4) (52 U.S.C. § 21083(a)(4))

22. Section 303(a)(4) of HAVA requires that “[t]he State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly.” Colorado’s State Plan expressly acknowledged this requirement at Table 1.2, §303(a)(4)(A).
23. The post-certification modification of voter participation history records, totaling 328,895 changes for the 2020 election, 155,576 for 2022, and 3,416 for 2024, is fundamentally incompatible with this statutory mandate. The official record of who voted in each certified election cannot be considered “accurate” when it is subject to ongoing retroactive alteration across multiple years. The data used in the analysis is from the State of Colorado itself.
24. If the records were accurate at the time of certification, then subsequent modifications to vote histories present a dilemma: either (a) the records were not in fact accurate at the time of certification, which is itself a violation of §303(a)(4); or (b) the records are being retroactively altered after the fact, which renders the statutory “accuracy” requirement meaningless. Either circumstance constitutes a failure to comply with this provision.

Count II - Improper Removal of Voters from the Computerized List

HAVA § 303(a)(2)(B)(ii) (52 U.S.C. § 21083(a)(2)(B)(ii))

Incorporating HAVA § 303(a)(2)(A)(i) (NVRA compliance requirements)

25. Section 303(a)(2)(B) requires list maintenance to ensure that “only voters who are not registered or who are not eligible to vote are removed from the computerized list.” Section 303(a)(2)(A)(i) further requires that any removal be conducted “in accordance with the

provisions of the National Voter Registration Act of 1993,” including the notice-and-waiting-period requirements of Section 8 of the NVRA (52 U.S.C. §20507). Colorado’s State Plan acknowledged both requirements at Table 1.2.

26. The data documents the following voter/ballot deletions from the computerized list after election certification:
 - (a) 2020 General Election: 111,766 voter/ballot deletions (55,937 + 53,621 + 2,208)
 - (b) 2022 General Election: 79,383 voter/ballot deletions (35,112 + 42,750 + 1,521)
 - (c) 2024 General Election: 2,508 voter/ballot deletions
27. The volume and post-certification timing of these removals raises a substantial question whether the NVRA’s procedural requirements—including notice to the voter, opportunity to respond, and a two-general-election waiting period for non-response—were followed for each deletion. The Complainant is not aware of any public disclosure by the Secretary of State demonstrating NVRA compliance for these post-certification deletions.

Count III - Failure to Provide Adequate Technological Security

HAVA § 303(a)(3) (52 U.S.C. § 21083(a)(3))

28. Section 303(a)(3) requires that “[t]he appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list.” Colorado’s State Plan specifically acknowledged this requirement at Table 1.2.
29. The scale and nature of the documented post-certification changes implicate the adequacy of these security measures in at least two respects:
 - (a) The system permits bulk write operations on official voter participation history records after election certification, including the ability to add and delete entire voter records with associated participation histories. Changes of the magnitude documented, 328,895 for the 2020 election alone, suggest either that authorized personnel are executing mass modifications without adequate controls or audit trails, or that unauthorized access has occurred.
 - (b) The categories of changes, particularly the addition of 208,304 voter/ballot records for the 2020 election in the third comparison window (more than four years post-certification), indicate the absence of effective post-certification write restrictions, which HAVA’s technological security requirement was designed to prevent. These facts raise a substantial compliance question requiring the Secretary to identify the lawful authority, access controls, and audit trail supporting any post-certification edits.

Count IV - Failure to Maintain Safeguards Against Erroneous Removal

HAVA § 303(a)(4)(B) (52 U.S.C. § 21083(a)(4)(B))

30. Section 303(a)(4)(B) requires “[s]afeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.” Colorado’s State Plan expressly committed to implementing these safeguards at Table 1.2, §303(a)(4)(B).
31. The post-certification deletion of voter records, including records of voters with associated vote participation histories, indicating they were active voters who cast ballots in the relevant election, raises a significant risk that eligible voters have been removed in error. When a voter who is recorded as having voted in a certified election is subsequently deleted from the voter file, the most natural inference is that an eligible voter has been removed without adequate safeguard procedures (such as notice, waiting periods, or verification of ineligibility).
32. The Complainants are not aware of any evidence that safeguard procedures were applied before these post-certification deletions occurred, or that the Secretary of State has publicly accounted for the lawful basis of each category of deletion. These facts raise substantial compliance questions regarding the lawful basis, safeguards, and audit trail for post-certification deletions and vote-history changes.

Count V - Failure to Maintain the Integrity of the Permanent Paper Record and Audit Capacity

HAVA § 301(a)(2) (52 U.S.C. § 21081(a)(2))

33. Section 301(a)(2) requires that the voting system produce “a permanent paper record with a manual audit capacity” that is “available as an official record for any recount.”
34. While §301(a)(2) is directed primarily at voting systems hardware and paper records, the post-certification alteration of voter participation histories fundamentally undermines the audit framework HAVA was designed to protect. When participation histories are changed after certification, including adding votes not previously recorded, removing votes that were recorded, or deleting entire voter records, the electronic record no longer corresponds to the paper record produced on Election Day. This creates an irreconcilable discrepancy between the paper audit trail and the electronic voter file. These violations continue to happen and take place in each General Election Complainants have analyzed.
35. This discrepancy is critical in any recount or audit scenario. If an audit compares paper ballots against voter participation records, and those participation records have been retroactively altered, the audit becomes unreliable. The integrity of the audit process depends on the immutability of both the paper and electronic records after certification. The documented

post-certification modifications to 487,887 voter participation history records across three consecutive General Elections render the permanent paper record required by §301(a)(2) incapable of serving its statutory function as an official record for any recount, and Respondent has not publicly disclosed any reconciliation procedure to ensure that the paper audit trail and the electronic voter file remain in agreement after certification.

Count VI - Failure to Maintain the Computerized List as the Single Official System

HAVA § 303(a)(1)(A)(i) and §303(a)(1)(B)(viii) (52 U.S.C. § 21083(a)(1))

36. Section 303(a)(1)(A)(i) requires that “[t]he computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.” Section 303(a)(1)(B)(viii) further provides that the list “shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.” Colorado’s State Plan acknowledged both requirements at Table 1.2.
37. A system that produces materially different answers to the question “who voted in this election?” depending on the date the records are queried is not functioning as the “single system” required by this provision. The Colorado data demonstrates that the official record of the 2020 General Election was materially different in December 2022 than in November 2023, and different again in December 2024. The same pattern holds for the 2022 and 2024 elections. This indicates an ongoing, continuous pattern of apparent noncompliance that warrants findings and corrective action under HAVA § 402.
38. This instability renders the computerized list a mutable record rather than the stable, authoritative single official system that §303(a)(1)(A)(i) and (B)(viii) require for the administration of federal elections.

Count VII – Failure to Maintain a Valid State Plan Following Material Changes to Election Administration

HAVA §254(a)(11) (52 U.S.C. § 21004(a)(11)) HAVA §255 (52 U.S.C. § 21005) HAVA §256 (52 U.S.C. § 21006) HAVA §253(b)(1) (52 U.S.C. § 21003(b)(1))

39. Section 254(a)(11) of HAVA provides that a State "may not make any material change in the administration of the plan" unless the change (A) is developed and published in the Federal Register in accordance with §255, (B) is subject to public notice and comment in accordance with §256, and (C) takes effect only after the expiration of a 30-day period beginning on the date the change is published in the Federal Register. Colorado's own State Plan expressly acknowledged and committed to this obligation at Section 11, page 41: "Future material changes in the

administration of the State Plan will not be made unless the change is developed and published in the Federal Register in accordance with HAVA §255 and §256."

40. Colorado's last State Plan update was published in March 2008. In the nearly eighteen years since that date, Colorado has enacted at least two fundamental changes to the administration of its elections that constitute material changes within the meaning of §254(a)(11):

(a) Universal Mail Ballot Elections. In 2013, the Colorado General Assembly enacted H.B. 13-1303, the Voter Access and Modernized Elections Act, signed into law on May 10, 2013, which converted Colorado from a precinct-based, in-person voting model to a universal mail ballot system in which ballots are mailed to every registered voter for all elections. This legislation also eliminated assigned polling places, replaced them with county Voter Service and Polling Centers, and implemented same-day voter registration. These changes fundamentally altered the method of ballot delivery, chain of custody, ballot processing timelines, and the security framework described in the 2008 State Plan at Sections 4 (Voting System Guidelines and Processes) and 7 (Provisional Voting and Voting Information).

(b) Automatic Voter Registration. In 2019, the Colorado General Assembly enacted S.B. 19-235, effective July 1, 2020, which established an Automatic Voter Registration system requiring the Department of Revenue to transfer to the Secretary of State the electronic record of each unregistered elector who applies for the issuance, renewal, or correction of a Colorado driver's license or identification card and who provides documentation of citizenship. Individuals are registered to vote unless they affirmatively opt out within twenty days. This legislation converted the voter registration system from an affirmative opt-in model, as described in the 2008 State Plan, to an automated opt-out model that fundamentally changed the method by which the computerized statewide voter registration list required by HAVA §303(a)(1)(A) is populated, maintained, and updated. The 2008 State Plan describes none of these processes.

41. Neither of these material changes were developed and published in the Federal Register in accordance with §255, subjected to public notice and comment in accordance with §256, or implemented only after the expiration of the required 30-day waiting period. Complainants are not aware of any updated State Plan having been filed with the United States Election Assistance Commission at any time since March 2008.

42. Section 253(b)(1) of HAVA requires that a State file a State Plan with the Election Assistance Commission as a condition of receiving requirements payments, and that the State certify the plan contains each of the elements described in §254 and was developed in accordance with §255. The State Plan currently on file does not accurately describe Colorado's present election administration. The systems and processes the 2008 Plan describes — including precinct-based in-person voting, affirmative opt-in voter registration, and the specific voter registration system architecture then in use — have been superseded by the legislation identified above. Colorado has nonetheless continued to receive and expend federal HAVA funds on the basis of a State Plan that no longer reflects the State's actual operations.

43. The failure to update the State Plan is not merely a procedural deficiency. The State Plan is the instrument through which a State publicly commits to specific operational controls, security

measures, and compliance mechanisms for the administration of elections involving federal offices. It is the foundational document against which federal oversight bodies, the public, and complainants under §402 measure the State's compliance with Title III. When the State operates under systems and processes that are not described in, authorized by, or subject to the accountability framework of the filed State Plan, the transparency and accountability that HAVA's State Plan requirement was designed to ensure are nullified. Colorado has operated without a valid, current State Plan for the conduct of every federal election since at least 2013, including the three General Elections at issue in this complaint.

44. This failure is ongoing and continuous. As of the date of this filing, no updated State Plan has been published, and the material changes identified above remain unaccounted for in any plan filed with the Election Assistance Commission. Respondent, as Chief State Election Official, bears the responsibility under HAVA §254 and C.R.S. §1-1.5-103 for the development, submission, and ongoing management of the State Plan, and has failed to discharge that responsibility for nearly two decades.

VII. FEDERAL JURISDICTION AND INTEREST

45. The violations alleged herein directly implicate federal interests. The elections affected, the 2020, 2022, and 2024 General Elections, each included races for federal offices, including elections for President and Vice President of the United States, United States Senators, and Members of the United States House of Representatives. In addition, as HAVA permits this complaint properly alleges violations that have occurred, are occurring, and are about to occur within the meaning of 52 U.S.C. § 21112(a)(2)(B).

46. Colorado's computerized statewide voter registration list serves as "the official voter registration list for the conduct of all elections for Federal office in the State," as required by HAVA § 303(a)(1)(B)(viii) and as acknowledged in Colorado's State Plan (Table 1.2). Post-certification alteration of that list is therefore inherently a federal concern.

47. Complainants respectfully request that this complaint and any resulting findings be forwarded to the United States Election Assistance Commission and the United States Department of Justice as appropriate, in addition to being adjudicated under the HAVA § 402 procedures in Colorado.

VIII. REQUESTED RELIEF AND REMEDIES

48. Complainants respectfully request the following relief pursuant to HAVA §402(a)(2)(F) and C.R.S. §1-1.5-105. Given the structural conflict of interest inherent in requiring the Secretary of State to adjudicate complaints about her own administration of elections, Complainants request that any investigation, hearing, and determination in this matter be conducted by a fully independent party apart from the Chief Election Officer, her office, any division within the

Colorado Department of State, or any hearing officer appointed by or reporting to the Secretary of State.

A. Investigation and Findings of Fact

49. Investigate and make findings of fact identifying: (a) which office(s), unit(s), user accounts, or automated processes executed the post-certification modifications documented in Exhibit A; (b) the date ranges and batch sizes of the modifications for each of the three General Elections at issue; (c) the authorizing legal basis for each category of change (statute, rule, court order, or other); (d) whether changes were precinct- or county-scoped or applied statewide; (e) whether NVRA procedures, including notice to the voter, opportunity to respond, and the two-general-election waiting period, were followed for each voter removal; and (f) whether any internal review, approval, or quality-control process was applied before post-certification modifications were executed.

B. Determination of Violations

50. Determine whether violations of the following provisions of HAVA have occurred, are occurring, or are about to occur, and if so, provide the appropriate remedy as required by HAVA §402(a)(2)(F):

(a) HAVA §303(a)(4)(A) (52 U.S.C. §21083(a)(4)(A)) - failure to maintain accurate voter registration records (Count I);

(b) HAVA §303(a)(2)(A)(i) and §303(a)(2)(B)(ii) (52 U.S.C. §21083(a)(2)) - improper removal of voters from the computerized list without compliance with the National Voter Registration Act of 1993 (Count II);

(c) HAVA §303(a)(3) (52 U.S.C. §21083(a)(3)) - failure to provide adequate technological security measures to prevent unauthorized access to the computerized list (Count III);

(d) HAVA §303(a)(4)(B) (52 U.S.C. §21083(a)(4)(B)) - failure to maintain safeguards against erroneous removal of eligible voters (Count IV);

(e) HAVA §301(a)(2) (52 U.S.C. §21081(a)(2)) - failure to maintain the integrity of the permanent paper record and audit capacity (Count V);

(f) HAVA §303(a)(1)(A)(i) and §303(a)(1)(B)(viii) (52 U.S.C. §21083(a)(1)) - failure to maintain the computerized list as the single official system for the conduct of federal elections (Count VI); and

(g) HAVA §254(a)(11) (52 U.S.C. §21004(a)(11)), §255 (52 U.S.C. §21005), §256 (52 U.S.C. §21006), and §253(b)(1) (52 U.S.C. §21003(b)(1)) - failure to maintain a valid State Plan following material changes to the administration of Colorado's elections, including the adoption

of universal mail ballot elections (H.B. 13-1303, 2013) and automatic voter registration (S.B. 19-235, 2019), while continuing to certify compliance and receive federal HAVA requirements payments under a State Plan that no longer reflects actual operations (Count VII).

C. Immediate Corrective Orders

51. Order immediate cessation of all post-certification modifications to voter participation history records that are not specifically authorized by Colorado statute or required by court order, pending the completion of this investigation.

52. Order that Colorado immediately commence preparation of an updated State Plan that accurately describes the State's current election administration, including all material changes enacted since the 2008 State Plan. The updated plan shall be developed and published in the Federal Register in accordance with §255, subjected to public notice and comment in accordance with §256, and shall take effect only after the expiration of the 30-day period required by §254(a)(11)(C), and shall be filed with the United States Election Assistance Commission as required by §253(b)(1).

53. Order that no further federal HAVA requirements payments be requested, certified for, or expended by the State until the updated State Plan described in paragraph 52 has been completed, published, and filed with the Election Assistance Commission in full compliance with §§253, 254, 255, and 256.

D. Repayment of Federal HAVA Funds

54. Determine that Colorado's certifications of compliance filed with the United States Election Assistance Commission pursuant to §253(a) were materially false or misleading for each fiscal year in which the State certified compliance while (a) operating under a State Plan that did not reflect the State's actual election administration due to undisclosed material changes, and (b) failing to comply with the Title III requirements that are the statutory conditions for receipt of requirements payments under §251(b)(1).

55. Order that Colorado repay to the United States Treasury all federal HAVA requirements payments received and expended from fiscal year 2010 forward, or such portion thereof as is determined to have been received during periods of material non-compliance with the conditions of §253(b). Section 251(b)(1) provides that a State receiving a requirements payment "shall use the payment only to meet the requirements of title III." Section 253(a) conditions eligibility for requirements payments on the State's certification that it is in compliance with the requirements of §253(b), including the filing of a State Plan that contains each of the elements described in §254 and was developed in accordance with §255. Colorado has failed to meet these conditions since at least the enactment of H.B. 13-1303 in 2013, and the ongoing Title III violations documented in this complaint demonstrate that the requirements payments were not used in a manner consistent with the statutory purpose. Complainants request that the investigating body make specific findings as to the total amount of federal HAVA funds received and expended by Colorado from fiscal year 2010 to the present, and refer those findings to the United States Election Assistance Commission and the United States Attorney General for recovery.

56. In the alternative, if full repayment is not ordered, Complainants request that all unobligated and unexpended federal HAVA funds currently held by the State of Colorado be frozen and placed in escrow pending completion of the investigation and the filing of an updated, compliant State Plan.

E. Remedial Controls

57. Order the implementation of the following remedial controls to prevent future violations:

(a) Hardening of role-based access controls to the computerized statewide voter registration list, with differentiated permission levels for pre-certification and post-certification periods;

(b) Disabling of bulk write operations to vote-history fields after election certification absent a tracked, documented legal authorization reviewed and approved by a designated compliance officer independent of the Secretary of State's office;

(c) Implementation of mandatory dual-control approval for any post-certification edits to voter participation history records;

(d) Implementation of immutable, append-only logging for all changes to the computerized list, including the identity of the user or automated process, timestamp, fields modified, prior values, and new values;

(e) Establishment of a mandatory post-certification reconciliation procedure to ensure that the electronic voter participation records and the permanent paper record required by §301(a)(2) remain in agreement after certification; and

(f) Establishment of a publicly accessible post-certification change report, issued no later than 30 days after each election certification, disclosing the number and category of any post-certification modifications to voter records, the authorizing legal basis for each category, and the approval chain for each modification.

F. Public Transparency and Audit

58. Order a publicly accessible audit log summary (with privacy-protective redactions as necessary) showing: what fields in the voter registration system can be changed post-certification, under what authority, how changes are reviewed and approved, and how many changes have been made in each category since the most recent election certification.

59. Order a full independent audit of the computerized statewide voter registration list comparing current voter participation history records against the earliest available post-certification snapshots for the 2020, 2022, and 2024 General Elections, and reconciling any discrepancies against paper records, poll books, and ballot processing logs.

G. Record Preservation

60. Order preservation of all relevant records, including voter history file snapshots, voter roll file snapshots, system change logs, access logs, SIEM logs, ETL job logs, vendor communications, and internal exports, for not less than 22 months following each election, consistent with the federal record-retention requirements of 52 U.S.C. §20701, and for the duration of any proceedings arising from this complaint.

H. Referral to Federal Authorities

61. Refer the findings of this investigation, together with all supporting documentation, to the following:

(a) The United States Attorney General pursuant to HAVA §401 (52 U.S.C. §15511) for such declaratory and injunctive relief as may be necessary to carry out the requirements of Title III;

(b) The United States Election Assistance Commission for review of Colorado's compliance certifications filed under §253(a), for audit of HAVA funds received and expended by Colorado, and for any enforcement or recovery action deemed appropriate;

(c) The Inspector General of the United States Election Assistance Commission, to the extent such office has jurisdiction, for investigation of whether Colorado's compliance certifications constituted knowing material misrepresentations; and

(d) The United States Congress, Committee on House Administration and the Senate Committee on Rules and Administration, as the committees of jurisdiction over federal election administration, for such oversight action as may be warranted.

I. Publication

62. Publish the final determination and results in full, as required by HAVA §402(a)(2)(G), regardless of whether a violation is found.

J. General Relief

63. Grant such other and further relief as is just and proper under HAVA, Colorado law, and any other applicable federal or state authority, including but not limited to any relief necessary to restore the integrity of the computerized statewide voter registration list and to ensure that future federal elections in Colorado are conducted in compliance with the requirements of Title III.

IX. REQUEST FOR HEARING ON THE RECORD

64. Pursuant to HAVA § 402(a)(2)(E) and C.R.S. §1-1.5-105, the Complainants request a full hearing on the record in this matter. The gravity and scale of the documented changes - affecting nearly half a million voter records across three consecutive General Elections that

included federal races - warrants a full evidentiary hearing at which the Complainants may present evidence and testimony, and at which the Respondent may be required to produce relevant records and provide testimony explaining the lawful authority, controls, and safeguards applicable to the documented modifications.

X. PRESERVATION AND PRODUCTION REQUESTS

A. Preservation

65. Complainants request immediate preservation of the following categories of records:

- (a) All voter history file exports and voter roll file snapshots used in the comparisons documented in Exhibit A, as well as any additional snapshots in the possession of the Secretary of State's office.
- (b) All statewide voter registration database change logs, including row-level audit logs showing additions, modifications, and deletions to voter records and participation histories.
- (c) All Security Information and Event Management (SIEM) logs and database audit logs relating to the computerized statewide voter registration list.
- (d) All administrative console logs, including logs of user logins, role assignments, and permission changes.
- (e) All Extract-Transform-Load (ETL) job logs, if any, relating to voter history data processing, migration, or batch updates.
- (f) All vendor support tickets, change requests, and service communications related to voter history edits, corrections, or bulk updates to the computerized list.

B. Production

66. Complainants requests production (subject to lawful redaction of personally identifiable voter information) of the following:

- (a) Standard operating procedures (SOPs) for post-certification corrections or modifications to voter participation history records.
- (b) Role-based permission matrices showing which user roles have write access to voter participation history fields in the computerized list, and whether those permissions differ before versus after election certification.
- (c) Any statutory or rule authority memoranda, internal legal opinions, or formal guidance relied upon by the Secretary of State's office as the legal basis for post-certification modifications to voter records.

- (d) Any internal directives, training materials, or written guidance relating to vote-history backfills, deletions, corrections, or data-migration operations.
- (e) Data dictionary and schema documentation explaining how voter participation history is stored, edited, and audited within the computerized statewide voter registration system.

XI. EXHIBIT LIST

Exhibit A: Colorado Vote Tampering Report, produced by Unite4Freedom (dated 02/2026), documenting post-certification changes to voter participation histories for the 2020, 2022, and 2024 General Elections, with comparison file identifiers and dates.

Exhibit B: HAVA Violations Analysis report (February 2026), providing a statutory-to-evidence mapping of the violations alleged herein.

VERIFICATIONS AND OATHS

We, the undersigned Complainants, swear and affirm first being deposed, under penalty of perjury pursuant to the laws of the State of Colorado and the United States of America, that the factual statements contained in this complaint are true and correct to the best of our knowledge, information, and belief, and that we have a good-faith belief that the violations described herein have occurred, are occurring, and are likely to continue to occur.

~~Signature of Complainant 1~~

Signature of Complainant 1

Michael Cahoon

Date: 02/20/2026

NOTARIZATION

STATE OF Colorado

COUNTY OF Douglas

Subscribed and sworn before me on this 20th day of February, 2026, by

MICHAEL CAHOON and

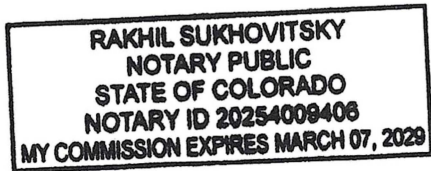
WITNESS my hand and official seal.

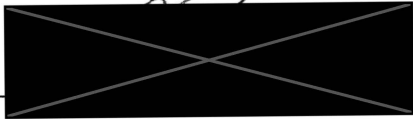
R. Sukhovitsky

Notary Public Signature

My Commission Expires: 3/7/2029

[SEAL]





Signature of Complainant 2

Peter Bernegger

Date: 02-19-26

NOTARIZATION

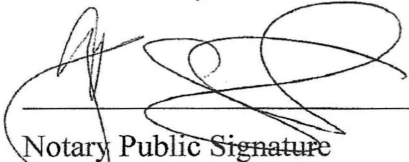
STATE OF WI

COUNTY OF Waupaca

Subscribed and sworn before me on this 19th day of February, 2026, by

Pete M Bernegger and

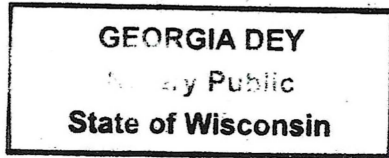
WITNESS my hand and official seal.



Notary Public Signature

My Commission Expires: 7/21/26

[SEAL]



Colorado Vote Tampering Report



Illegal changes to voter participation histories AFTER election certification

The counts below reflect the number of illegal changes made to individual voter history records after an election was certified. The top data set in each election chart includes illegal changes to vote participation history for voter records that exist in both voter record copies being compared. The second data set in each election chart includes the illegal additions or deletions of entire voter profiles and their associated voting participation histories for that election. Each instance documents modifications made to official federal records after the final certification of the election.

2024 General Election		Changes			12/05/2024 compared to 12/22/2025
Voter exists in ALL voter record copies being compared	Vote to NO vote		—	—	411
	NO Vote to Vote		—	—	218
Voter exists in only ONE copy of voter records being compared	Voter/Ballot Deleted		—	—	2,508
	Voter/Ballot Added		—	—	279
TOTAL NUMBER OF CHANGES			—	—	3,416

2022 General Election		Changes	12/01/2022 compared to 11/07/2023	11/07/2023 compared to 12/05/2024	12/05/2024 compared to 12/22/2025
Voter exists in ALL voter record copies being compared	Vote to NO vote		0	1	313
	NO Vote to Vote		139	84	160
Voter exists in only ONE copy of voter records being compared	Voter/Ballot Deleted		35,112	42,750	1,521
	Voter/Ballot Added		215	1,821	73,460
TOTAL NUMBER OF CHANGES			35,466	44,656	75,454

2020 General Election		Changes	12/01/2022 compared to 11/07/2023	11/07/2023 compared to 12/05/2024	12/05/2024 compared to 12/22/2025
Voter exists in ALL voter record copies being compared	Vote to NO vote		0	2	356
	NO Vote to Vote		262	116	267
Voter exists in only ONE copy of voter records being compared	Voter/Ballot Deleted		55,937	53,621	2,208
	Voter/Ballot Added		1,859	5,963	208,304
TOTAL NUMBER OF CHANGES			58,058	59,702	211,135

Files used in comparisons:

Voter History files:

Date 1 12/01/2022 General Election ex_002_vote_hist_1212022_1354
 Date 2 11/07/2023 County Coordinated ex_002_vote_hist_1172023
 Date 3 11/05/2024 General Election ex_002_vote_hist_11052024
 Date 4 11/04/2025 County Coordinated ex_002_vote_hist_co_2025nov4

Voter Roll files

Date 1 co_vr_12_2022
 Date 2 co_vr_12_2023
 Date 3 co_vr_12_02_2024
 Date 4 co_vr_09_29_2025

EXHIBIT B

**HELP AMERICA VOTE ACT
VIOLATIONS ANALYSIS**

Statutory-to-Evidence Mapping of Alleged Violations
Based on Evidence from Colorado Election Records

February 2026

Prepared in Support of Administrative Complaint
Filed Under Help America Vote Act §402 (52 U.S.C. §15512)

EXECUTIVE SUMMARY

This report identifies potential violations of the Help America Vote Act of 2002 (Pub. L. 107–252; codified at 52 U.S.C. §20901 et seq.) based on documentary evidence contained in four categories of source material: (1) the full text of HAVA (PLAW-107publ252); (2) H.R. 3295 as enrolled (HAVA41); (3) the Colorado State Plan for HAVA (2008 update, CCvCO Exhibit 23); and (4) a Colorado Vote Tampering Report produced by Unite4Freedom documenting post-certification changes to voter participation histories. The legal framework established by *In re Coy*, 127 U.S. 731 (1888), affirming federal jurisdiction over election integrity, provides the constitutional foundation for enforcement.

The evidence reveals patterns of post-certification modifications to official voter registration records in Colorado that are inconsistent with the requirements of HAVA Title III, particularly Sections 301, 303, and 905, as well as the National Voter Registration Act provisions incorporated by reference.

VIOLATION 1: Failure to Maintain Accurate Voter Registration Records

HAVA Provision: Section 303(a)(4) (52 U.S.C. §15483(a)(4))

Requirement: “The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly.”

Evidence from Colorado

The Colorado Vote Tampering Report documents massive numbers of post-certification changes to voter participation histories—that is, modifications to official federal election records after the results have been certified. The data shows the following totals of changes across three election cycles:

Election	Total Post-Certification Changes	Measurement Period
2024 General Election	3,416	12/05/2024 – 12/22/2025
2022 General Election	155,576	12/01/2022 – 12/22/2025 (cumulative across three snapshot comparisons)
2020 General Election	328,895	12/01/2022 – 12/22/2025 (cumulative across three snapshot comparisons)

These changes fall into four categories: (a) changing a voter’s record from “Vote” to “No vote”; (b) changing a voter’s record from “No vote” to “Vote”; (c) deleting entire voter records (voter/ballot deleted); and (d) adding entirely new voter records (voter/ballot added). All of these changes occurred after the final certification of each respective election.

Of particular concern for the 2020 General Election, 208,304 voter/ballot records were added after certification across the measurement windows, and 55,937 + 53,621 + 2,208 voter/ballot records were deleted. For the 2022 General Election, 73,460 voter/ballot records were added and 35,112 + 42,750 + 1,521 were deleted post-certification.

Post-certification modification of voter participation history records is incompatible with the statutory mandate that records be “accurate” under §303(a)(4). If the records were accurate at the time of certification, subsequent changes to vote histories suggest either that they were not accurate at the

time of certification or that records are being retroactively falsified. Either circumstance constitutes a failure to comply with this provision.

VIOLATION 2: Improper Removal of Voters from the Computerized List

HAVA Provision: Section 303(a)(2)(B)(ii) (52 U.S.C. §15483(a)(2)(B)(ii))

Requirement: List maintenance shall be conducted in a manner that ensures “only voters who are not registered or who are not eligible to vote are removed from the computerized list.”

The Colorado data shows thousands of entire voter records being deleted post-certification. For the 2020 General Election alone, the report documents over 61,766 voter/ballot deletions across the three comparison windows (55,937 + 5,963 from the first two windows where granular data is available, with additional deletions in the third window). For the 2022 General Election, 79,383 voter/ballot deletions were documented (35,112 + 42,750 + 1,521).

Section 303(a)(2)(A)(i) requires that any removal from the computerized list must be conducted “in accordance with the provisions of the National Voter Registration Act of 1993,” including the notice-and-waiting-period requirements of Section 8 of the NVRA (42 U.S.C. §20507). The sheer volume and timing of these removals—concentrated in post-certification periods—raises significant questions about whether proper NVRA procedures were followed.

VIOLATION 3: Failure to Provide Adequate Technological Security

HAVA Provision: Section 303(a)(3) (52 U.S.C. §15483(a)(3))

Requirement: “The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list.”

The scale and nature of the post-certification changes documented in Colorado raise questions about the adequacy of technological security measures protecting the statewide voter registration database. Specifically:

- Over 328,895 cumulative post-certification changes were made to 2020 election records, and 155,576 to 2022 records. Changes of this magnitude suggest that either authorized personnel are making mass modifications without adequate controls or audit trails, or that unauthorized access has occurred.
- The categories of changes—including adding and deleting entire voter records with associated participation histories—indicate the ability to perform bulk write operations on the official voter registration database after election certification, which HAVA’s technological security requirement was designed to prevent.
- Colorado’s own State Plan acknowledged the need for “adequate technological security measures to prevent the unauthorized access to the computerized list” (State Plan, Table 1.2, citing §303(a)(3)). The documented post-certification changes call into question whether those security measures are functioning as intended.

VIOLATION 4: Failure to Maintain Safeguards Against Erroneous Removal

HAVA Provision: Section 303(a)(4)(B) (52 U.S.C. §15483(a)(4)(B))

Requirement: “Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.”

The post-certification deletion of voter records documented in the Colorado data implicates this provision directly. When voter records with associated vote participation histories are deleted from the official voter registration database after an election has been certified, there is a significant risk that eligible voters have been removed in error. The data does not indicate that proper safeguard procedures (such as notice, waiting periods, or verification of ineligibility) were applied before these deletions occurred.

Colorado’s State Plan specifically acknowledged this requirement (Table 1.2, §303(a)(4)(B)) and committed to implementing appropriate safeguards. The volume of post-certification deletions documented in the Vote Tampering Report suggests a potential failure to honor that commitment.

VIOLATION 5: Compromise of Audit Capacity and Official Records

HAVA Provision: Section 301(a)(2) (52 U.S.C. §15481(a)(2))

Requirement: The voting system shall produce a permanent paper record with a manual audit capacity, available as an official record for any recount.

While §301(a)(2) is directed primarily at voting systems hardware and paper records, the post-certification alteration of voter participation histories documented in these files undermines the broader audit framework that HAVA was designed to protect. Specifically, if voter participation histories are changed after certification—including adding votes that were not previously recorded, removing votes that were recorded, or deleting entire voter records—then the electronic record no longer corresponds to the paper record produced on Election Day. This creates an irreconcilable discrepancy between the paper audit trail and the electronic voter file, defeating the purpose of the audit capacity requirement.

This is particularly significant in a recount scenario. If an audit or recount compares paper ballots against voter participation records, and those participation records have been altered post-certification, the audit becomes unreliable.

VIOLATION 6: Potential Criminal Violations Under HAVA §905

HAVA Provision: Section 905(a) (52 U.S.C. §15544)

Provision: “Any individual who knowingly and willfully gives false information in registering or voting in violation of section 11(c) of the National Voting Rights Act of 1965 (42 U.S.C. 1973i(c)), or conspires with another to violate such section, shall be fined or imprisoned, or both.”

The post-certification addition of vote participation records for voters who were not previously shown as having voted—as documented in the Colorado data—may constitute the giving of false information in

connection with voting. If individuals or officials knowingly altered voter participation histories to reflect votes that were not actually cast (or to remove records of votes that were cast), this would implicate §905(a)'s criminal provisions.

The Colorado data documents both Vote-to-No Vote and No Vote-to-Vote changes across the 2020, 2022, and 2024 election cycles, with the addition of 208,304 voter/ballot records for the 2020 election and 73,460 for the 2022 election after certification. If these additions do not reflect legitimate, verifiable ballots cast on Election Day, their insertion into the official record would constitute false information within the meaning of the statute.

VIOLATION 7: Failure to Maintain the Computerized List as the Single Official System

HAVA Provision: Section 303(a)(1)(A)(i) (52 U.S.C. §15483(a)(1)(A)(i))

Requirement: “The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.”

HAVA requires that the computerized statewide voter registration list function as the single, authoritative system. When voter records within that system are modified, added, or deleted after elections are certified—in ways that alter the official record of who voted and who did not—the system is no longer faithfully serving as the single official list. Instead, it becomes an unstable record that differs depending on the date of the snapshot, as demonstrated by the sequential comparisons in the Colorado analysis.

The Colorado data shows that the “official” record of the 2020 General Election looked materially different in December 2022 than it did in November 2023, and different again by December 2024. A system that produces different answers to the question “who voted?” at different points in time is not functioning as the single, reliable official system that §303(a)(1)(A)(i) requires.

LEGAL FRAMEWORK: FEDERAL JURISDICTION

Controlling Precedent: *In re Coy*, 127 U.S. 731 (1888)

The violations identified above fall squarely within federal jurisdiction. As the Supreme Court held in *In re Coy*, federal authority over congressional elections is paramount, and the federal government has jurisdiction to prosecute conduct that compromises the integrity of federal elections even when those elections are administered by state officials under state law.

Critically, *In re Coy* established that there is no requirement to prove specific intent to affect a federal race. Because state and federal elections are conducted simultaneously, using the same voter rolls and the same poll books, any tampering with voter records necessarily affects the integrity of the federal election. The post-certification modifications documented in the Colorado data affect records for elections that included federal offices (U.S. House, U.S. Senate, and President), bringing them within the scope of federal jurisdiction regardless of whether the modifications were intended to target federal races specifically.

Colorado's own State Plan acknowledges that the statewide voter registration list "shall serve as the official voter registration list for the conduct of all elections for Federal office in the State" (§303(a)(1)(B)(viii)). Post-certification alteration of that list is therefore inherently a federal concern.

SUMMARY OF IDENTIFIED VIOLATIONS

#	HAVA Provision	Violation Description	Colorado Evidence
1	§303(a)(4) – Accuracy of Records	Post-certification changes to voter participation histories	328,895 changes (2020); 155,576 (2022); 3,416 (2024)
2	§303(a)(2)(B)(ii) – Improper Removal	Removal of eligible voters from computerized list without NVRA compliance	79,383 voter/ballot deletions (2022); 61,766+ (2020)
3	§303(a)(3) – Technological Security	Inadequate security allowing mass post-certification modifications	Hundreds of thousands of bulk changes across three election cycles
4	§303(a)(4)(B) – Safeguards Against Erroneous Removal	No evidence of safeguard procedures before post-cert deletions	Documented deletions across all three elections
5	§301(a)(2) – Audit Capacity	Post-cert changes create irreconcilable discrepancy with paper records	Electronic records diverge from certification-day records
6	§905(a) – Criminal: False Information	Post-cert addition of vote histories may constitute false information	Vote-to-No Vote and No Vote-to-Vote changes; 208,304 records added (2020)
7	§303(a)(1)(A)(i) – Single Official System	Unstable records undermine function as single authoritative system	Records differ materially across snapshot dates

SOURCES AND MATERIALS REVIEWED

1. Help America Vote Act of 2002, Pub. L. 107-252, 116 Stat. 1666 (codified at 52 U.S.C. §20901 et seq.) [HAVA act PLAW107publ252.pdf; HAVA41.pdf]
2. Colorado State Plan for HAVA (2008 Update), CCvCO Exhibit 23 [Colorado_State_Plan_for_HAVA_2008_CCvCO_Exhibit_23.pdf]
3. Colorado Vote Tampering Report, Unite4Freedom [Colorado_image_registrations_changing_.png]
4. *In re Coy*, 127 U.S. 731 (1888)
5. National Voter Registration Act of 1993, 52 U.S.C. §20501 et seq. (incorporated by reference in HAVA §303(a)(2)(A)(i))
6. Colorado Revised Statutes, C.R.S. §1-1.5-105 (implementing HAVA requirements)