



"Create an organizational structure that supports best practices, use of technology, and appropriate legislation through teamwork, communication, and mutual respect."

CCCA Analysis of False Claims Regarding Arapahoe County's 2020 Redacted Cast Vote Record (CVR)

Colorado county clerks have received inquiries from constituents regarding a May 26, 2025, report authored by Walter C. Daugherty and others. This report claims that the redacted Cast Vote Record (CVR) published by Arapahoe County for the 2020 general election shows evidence of tampering, vote manipulation, and legal violations. These claims are not only false — they are part of a broader, well-documented campaign to undermine public trust in elections.

This response was written to clarify what actually occurred, explain the technical and legal context surrounding the redacted CVR, and help clerks across Colorado respond confidently and accurately to public concerns. Specifically, this analysis:

- Lays out the factual background of the CVR formatting issue in Arapahoe County;
- Demonstrates how the redaction process followed Colorado law and Secretary of State guidance;
- Provides legal analysis of the claims raised, showing that no statutes were violated;
- Exposes the track record and motivations of the report's authors, who were involved in previously discredited election conspiracies in Mesa County;
- Highlights the real-world consequences of election-related falsehoods, including threats to election officials and erosion of public confidence.

The intent of this analysis is to ensure that false claims do not go unchallenged, and that clerks are equipped with the facts and legal grounding to counter false narratives, protect transparency, and uphold trust in Colorado's elections. The Arapahoe County 2020 General Election was accurate, audited, and properly certified

Claims Made in the May 26, 2025, Daugherty Report

The May 26, 2025, report by Walter C. Daugherty and associates alleges serious misconduct in Arapahoe County's 2020 Cast Vote Record (CVR). Its key claims include:

- **Intentional CVR Tampering:** The report alleges that the 2025 revised CVR, which altered 354,242 ballots, indicates deliberate manipulation, rejecting explanations like formatting errors or procedural adjustments for transparency.
- **Scrambled Vote Data:** It claims the 2020 redacted CVR showed statistically impossible identical "No" vote percentages for Trump and Biden voters on Amendment B, suggesting systemic corruption rather than redaction errors.

- **Redaction Misuse and Obfuscation:** The report asserts that the redaction process and delayed public notification (April 2025) were used to conceal malfeasance, ignoring Colorado’s legal requirements for voter anonymity.
- **Legal Violations:** It cites federal (18 U.S.C. § 1512, 18 U.S.C. § 2071) and Colorado (C.R.S. § 1-13-716, C.R.S. § 18-8-114) statutes, alleging criminal conduct by election officials without evidence that the official CVR was altered.
- **Procedural Failures:** The report criticizes the county for not consulting the Secretary of State or Dominion and for lacking a recount to verify the revised CVR, implying intentional misconduct.
- **Undermining Election Trust:** By questioning Arapahoe County’s 2020 election results, the report seeks to erode public confidence in Colorado’s electoral process, contributing to a pattern of unfounded claims linked to threats against election officials, as seen in prior Mesa County allegations.

FACTUAL CONTEXT: WHAT ACTUALLY HAPPENED

Contrary to the false narrative being pushed in the Daugherty report, here are the verified facts:

- First, it’s important to note there was an issue with the redacted CVR Arapahoe County posted after the 2020 General Election.
- The redacted CVR was created using guidance from the Colorado Secretary of State’s Risk-Limiting Audit (RLA) Guide and was required by Colorado law. The purpose of redaction is to protect voter anonymity.
- The vote totals for each candidate were and remain accurate. The redacted CVR’s error stemmed from an EXCEL row misalignment. This was likely due to one of two causes: (1) a human sorting error during the redaction process or (2) starting in 2020, Google Chrome and Microsoft Edge phased out support for FTP transfers. Since the CVR file was too large to upload through the regular system, staff had to use the county’s FTP site—but the browser changes made that process unreliable. During repeated failed attempts to transfer the file, it’s possible that the data became corrupted, potentially causing rows to shift or become scrambled in the redacted version. Either scenario would explain the apparent identical ‘No’ vote percentages for Trump and Biden voters on Amendment B, a result of data processing errors, not evidence of fraud.
- The redacted CVR was created on December 10, 2020, well after the 2020 Election was audited and certified in Arapahoe County.
- The anomaly was brought to the County’s attention by a Yale researcher in October 2024. The corrected CVR was posted on April 2, 2025, after a thorough review. Again, no votes were altered, and no part of the official record was tampered with.
- No ballots were altered. The claim that “votes were changed” or “ballots were modified” is simply not true. The underlying 2020 CVR used to audit, certify, and report official results remains intact and unaltered.

LEGAL ANALYSIS: WHY THESE CLAIMS FAIL

The Daugherity report cites several federal and state criminal statutes. However, these are misapplied and not applicable to the facts of this situation:

- **18 U.S.C. § 1512 (Obstruction of an Official Proceeding):** This statute requires intent to obstruct an official proceeding by altering records. The redacted Cast Vote Record (CVR) was not used in certification or audit processes, and the official CVR remained unaltered. Without evidence of intent or impact on an official proceeding, this claim lacks merit.
- **18 U.S.C. § 2071 (Falsification of Public Records):** This statute applies to willful falsification of official public records. The redacted CVR, which contained errors, was a public-facing document, not an official record. State law mandates redaction to protect voter anonymity, and the official CVR was unchanged. No falsification of an official record occurred.
- **CRS § 1-13-716 (Altering Election Records):** This statute prohibits willful destruction or alteration of election records. The official CVR, used for certification and audit, was preserved and submitted as required, with records retained for the mandatory 25 months. Errors in the redacted CVR do not constitute alteration of official election records.
- **CRS § 18-8-114 (Abuse of Public Records):** This statute requires knowing falsification of public records. The errors in the redacted CVR were unintentional and corrected upon discovery, negating the element of intent. Thus, this claim also fails.

Conclusion: The statutes cited require intentional misconduct and alteration of official records, neither of which is supported by the facts. The errors were limited to a redacted, non-official CVR and did not affect the certification, audits, or voter anonymity protections mandated by state law.

REDACTION IS LEGAL, ROUTINE, AND REQUIRED UNDER COLORADO LAW

Redaction of election records—such as Cast Vote Records (CVRs) and voter registration data—is not only permissible under Colorado law, it is explicitly required to protect voter privacy and ballot secrecy.

Redaction of Ballots and CVRs:

- **Colorado Constitution, Article VII, Section 8:** Requires elections by secret ballot, ensuring voter anonymity through measures like redacting Cast Vote Records to prevent disclosure of individual voting preferences.
- **C.R.S. § 24-72-205.5(3) & (4)** Permits ballot inspection under strict conditions, requiring election officials to ensure voter anonymity and ballot security, with original ballots retained and duplicates provided if needed to protect privacy, prohibiting inspection during recounts or hold periods.
- **Colorado Election Rule 25.2.4:** Requires redaction of CVRs to protect voter privacy.

Redaction of Voter Registration Information:

- **C.R.S. § 24-72-204(3.5):** Allows redaction of identifying voter information (e.g., names, addresses) from registration records to prevent solicitation, aligning with C.R.S. § 24-72-204(3)(a)(IV) and HAVA protections.

- **C.R.S. § 24-30-2101:** Establishes the Address Confidentiality Program (ACP), enabling voters (e.g., domestic violence survivors) to use a substitute address, redacting actual addresses from public voter records to ensure privacy.
- **Colorado Election Rule 2.10:** Permits voters to request confidentiality, requiring election officials to redact residence addresses and identifying details from public voter records.

Other states such as Arizona, California, Florida, Maine, Washington, Wisconsin, Texas, and others have similar statutes protecting voter anonymity and/or personally identifiable information.

Redaction does not equate to altering or falsifying records. It is a legally mandated safeguard against the disclosure of individual voting behavior, and it occurs across multiple areas of election administration—not just with CVRs.

THE ELECTION WAS ACCURATE, AUDITED, AND PROPERLY CERTIFIED

Despite the error in the redacted CVR:

- The original, unredacted CVR was submitted to the Secretary of State and used in Colorado's Risk-Limiting Audit.
- That audit confirmed the accuracy of the vote totals and the legitimacy of the 2020 election in Arapahoe County.
- No official records were changed. No ballots were modified. The election in Arapahoe County was fair, auditable, and secure.

WHO'S REALLY BEHIND THIS REPORT?

It is critical to understand the background and motivations of those behind the recent claims regarding Arapahoe County's 2020 Cast Vote Record (CVR). The lead author of the report, Walter C. Daugherty, was also a principal contributor to the discredited Mesa County election reports. Those reports were widely rejected by bipartisan election officials for their inaccuracies, technical misrepresentations, and misleading conclusions. Furthermore, the Mesa Reports were debunked by Mesa County DA Dan Rubinstein's 2022 investigation, which attributed anomalies to human error, not fraud.

Now, the same individuals are using similar tactics to target Arapahoe County — misrepresenting the nature of redaction, exaggerating a technical formatting error, and implying criminal wrongdoing where none occurred. These actors are not neutral experts. They are part of a broader, coordinated effort to spread false claims that exploit misunderstandings of election systems, thereby spreading fear and doubt. Their pattern is clear: use selective data, ignore legal and administrative context, and present conclusions designed to erode public trust.

Please be aware that this type of manufactured controversy has real consequences. The spread of false or misleading information has fueled a wave of threats and harassment against election officials across the country, contributing to a disturbing loss of institutional knowledge as experienced staff resign under pressure. This report is not just false — it is part of a larger effort to erode confidence in our elections and intimidate those who run them.

The Dangers of Election Disinformation and Threats to Election Officials

Election false or misleading information poses a significant threat to democratic institutions and public trust. False narratives about election processes and outcomes can lead to decreased voter confidence, suppression of voter turnout, and even incite violence.

Beyond eroding public trust, false or misleading information has tangible consequences for those administering elections. Election officials and workers have faced a surge in threats and harassment, leading to increased turnover and challenges in maintaining experienced personnel.

Threats to Election Officials:

- A Reuters investigation identified over 100 threats of death or violence made to U.S. election officials by individuals perpetuating false claims about the 2020 election. (<https://www.reuters.com/investigates/section/campaign-of-fear/>)
- Issue One's 'Faces of Democracy' campaign highlights that nearly 3 in 4 election officials report an increase in threats against them in recent years. (<https://issueone.org/projects/facesofdemocracy/>)
- The same campaign notes that over 50% of local election officials are concerned about political interference in how they perform their duties. (<https://issueone.org/projects/facesofdemocracy/>)
- A report from Issue One details that in the western United States, more than 160 chief local election officials have left their positions since November 2020, representing roughly 40% of the total in that region. (<https://issueone.org/press/new-report-from-issue-one-highlights-the-high-cost-of-high-election-official-turnover/>)
- Cortez man who threatened to kill Colorado election official gets prison. (<https://www.durangoherald.com/articles/cortez-man-who-threatened-to-kill-colorado-election-official-gets-prison/>)

These findings underscore the critical need for vigilance against false or misleading information to protect the integrity of elections and maintain public trust in democratic processes.

Guidance for Clerks – Proactive Communication is Critical

Since false claims about the 2020 election undermined public trust and placed unprecedented scrutiny on election officials, we have learned the importance of being prepared to respond swiftly, transparently, and factually when issues arise. To protect public confidence and counter false information, counties should implement the following proactive communication strategies:

- **Verify Promptly:** Conduct an internal review to determine the nature and scope of the issue and document findings thoroughly.
- **Announce Quickly:** Disclose the issue within 48–72 hours using official channels. Include a clear timeline of events.
- **Explain Clearly:** Use plain language to describe the issue and its resolution. Include an FAQ on the county website.
- **Engage Stakeholders:** Brief local election officials, bipartisan representatives, and trusted media outlets early to ensure consistent messaging and reduce the risk of disinformation.
- **Respond to False Claims:** Publish a fact-based response that directly refutes misinformation using verifiable evidence such as Access Controls, Risk-Limiting Audit results, chain of custody, etc.

- **Foster Trust Continuously:** Build transparency into standard operations through clear public communication, accessible data, and voter education efforts.

These steps foster public trust, protect election workers from undue harm, and uphold the integrity of Colorado's elections by proactively addressing and neutralizing false narratives.

Conclusion

There was no tampering, no fraud, and no conspiracy. A technical error in the transparency file was identified and corrected. At no point was the official Cast Vote Record — used to audit, certify, and validate the 2020 election — altered or compromised. The official results remain accurate and intact.

Redaction is not fraud. It is a legal requirement under Colorado law to protect voter anonymity, and it occurs in every election. To suggest otherwise is not only false — it is dangerously misleading.

The claims made in the May 26, 2025, report are not just inaccurate — **they are part of a broader, coordinated effort to spread false allegations aimed at undermining confidence in our elections.** These falsehoods are the same kinds of narratives that have led to threats, harassment, and violence against election officials across the country. They are designed not to reveal the truth but to spread fear, destabilize democracy, and intimidate the public servants who safeguard it.

This report is not a public service — it is a political weapon. And like the Mesa County reports before it, it should be rejected for what it is: a deliberate attempt to erode trust in free and fair elections through deception and manufactured outrage.