

STATE OF COLORADO
SECRETARY OF STATE
1700 BROADWAY #550
DENVER, COLORADO 80290

BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE,
ADMINISTRATIVE HEARING OFFICER

AHO Case No. _____

ED Case No. 2024-86

In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

ELECT SANDY HOLLINGSWORTH GILPIN COUNTY COMMISSIONER,

Respondent.

COMPLAINT

Pursuant to § 1-45-111.7, C.R.S. (2024), the Elections Division of the Secretary of State files this complaint against Elect Sandy Hollingsworth Gilpin County Commissioner (the “Committee” or “Respondent”).

BACKGROUND

1. To provide voters with information about the sources of election-related communications, Colorado law requires entities spending a certain amount on electioneering communications to include in those communications a disclaimer identifying the person who paid for the advertisement. If the person is a non-natural person, the disclaimer must also identify the person’s registered agent.

2. Here, the Committee failed to include compliant disclaimers on just under \$2,000 worth of electioneering communications during the 2024 election cycle.

3. Accordingly, the Elections Division brings this action for appropriate relief.

PARTIES

4. Complainant is the Elections Division (“Division”) of the Colorado Secretary of State.

5. Respondent is Elect Sandy Hollingsworth Gilpin County Commissioner, a candidate committee registered with the Elections Division, ID # 20195036384.

JURISDICTION AND VENUE

6. The Division has jurisdiction under § 1-45-111.7.

7. The Division files this complaint with a hearing officer consistent with § 1-45-111.7(5)(a)(IV).

8. This complaint is timely filed within thirty days of Division’s April 1, 2025, Notice of Investigation and Consolidation, according to § 1-45-111.7(5)(a)(IV).

9. Venue is proper before the hearing officer under § 1-45-111.7(5).

ALLEGATIONS

10. In 2024, Sandy Hollingsworth ran for county commissioner in Gilpin County, District 3. Elect Sandy Hollingsworth Gilpin County Commissioner was the candidate committee organized to support Hollingsworth’s candidacy.

11. During the 2024 election, the Committee distributed various electioneering communications supporting Hollingsworth’s candidacy. These included yard signs, postcards, banners, mailers, and a website. These communications were distributed to members of the electorate for District 3, and encouraged voters to support Hollingsworth.

12. Many of these communications included “paid for by” disclaimers, but many of those disclaimers were noncompliant in one of two ways.

13. First, some of the disclaimers slightly misidentified the Committee. For example, the Committee’s newspaper advertisement said that it was “Paid for by Elect Sandy Hollingsworth Commissioner,” omitting the “Gilpin County” in the Committee’s registered name.

14. Second, the communications failed to identify the Committee's Registered Agent. However, because Hollingsworth was the Committee's registered agent, the communications all included the name of the Committee's registered agent.

15. On October 21, 2024, the Division received a campaign finance complaint against Hollingsworth filed by Brenda Diehl. The Diehl Complaint alleged that the Committee had failed to include compliant disclaimers on its communications.

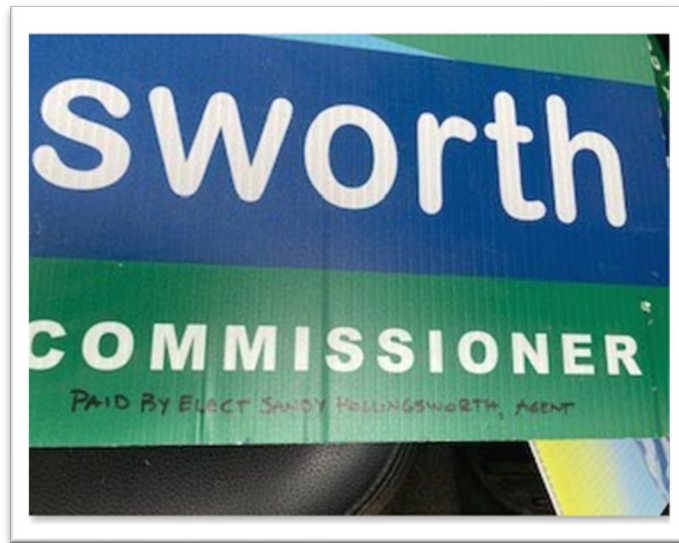
16. The Diehl Complaint also included a photograph of one of Hollingsworth's yard signs, which did not include a "paid for by" disclaimer.



17. On October 30, 2024, the Committee responded to the Diehl Complaint with a Notice of Intent to Cure. In the Notice, the Committee indicated that upon receiving the Complaint, it had "started to drive around neighborhoods" to identify noncompliant signs and add disclaimers with permanent marker.

18. Upon further investigation, the Division learned that the Committee had reused some old yard signs from Hollingsworth's 2020 election, and those signs did not have a disclaimer. But that the remainder of the Committee's communications had a disclaimer.

19. Although, as noted above, not all of those disclaimers were accurate or compliant.
20. The Committee provided photos of its effort to add disclaimers to the old yard signs.



21. During its review and investigation of the complaint, the Division corresponded with the Committee, which provided extensive information about its electioneering communications and the costs associated with those communications.

22. Ultimately, based on its investigation, the Division concluded that the Committee had distributed \$1,985.48 on electioneering communications that did not include accurate or compliant “paid for by” disclaimers.

COLORADO CAMPAIGN FINANCE LAW

23. “Any person who expends one thousand dollars or more per calendar year on electioneering communications . . . shall, in accordance with the requirements specified in section 1-45-107.5(5), state in the communication the name of the person making the communication.” § 1-45-108.3(3), C.R.S. (2024).

24. Under 107.5(5), that statement must (I) say that “The communication has been ‘paid for by (full name of the person paying for the communication’; and (II) identif[y] a natural person who is the registered agent if the person identified in subsection (5)(a)(I) of this section is not a natural person.” § 1-45-107.5(5)(a).

25. An electioneering communication is “any communication broadcasted by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, or otherwise distributed that: (I) unambiguously refers to any candidate; and (II) is . . . distributed within thirty days before a primary election or sixty days before a general election; and (III) is . . . distributed to an audience that includes members of the electorate for such public office.” Colo. Const. art. XXVIII, § 2(7)(a).

CLAIM ONE
FAILURE TO INCLUDE A COMPLIANT DISCLAIMER
(§ 1-45-108.3(4), C.R.S.)

26. All preceding allegations are incorporated.

27. In 2024, the Committee distributed \$1,985.48 worth of electioneering communications that did not include compliant disclaimers.

28. These communications were distributed to members of the electorate for Gilpin County Commissioner, District 3, within sixty days of the November 2024 general election, and unambiguously referred to Sandy Hollingsworth.

29. Some of these communications misidentified the Committee that paid for the communications. Some of these communications did not identify the Committee’s registered agent.

30. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 et seq.

PRAYER FOR RELIEF

WHEREFORE, the Elections Division prays for judgment and relief as follows:

1. Penalties as set out under 8 CCR 1505-6, Rule 23.4.3.
2. Such other relief as the Hearing Officer may deem appropriate.

Respectfully submitted this 1st day of May, 2025

NATALIE HANLON LEH
Chief Deputy Attorney General

/s/ Peter G. Baumann

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CERTIFICATE OF SERVICE

This is to certify that I will cause the foregoing to be served this 1st day of May, 2025, by email and/or U.S. mail, addressed as follows:

Elect Sandy Hollingsworth Gilpin County Commissioner
C/O Registered Agent Sandra Hollingsworth
PO Box 542
Nederland, CO 80466
Sandyforgilpin@gmail.com
Respondent

Brenda Diehl
PO Box 773
Black Hawk, CO 80422
Brenda.diehl@yahoo.com
Third-party Complainant

/s/ Peter G. Baumann