

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 Nos. 2024-64

In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

KEN DEGRAAF FOR HD-22,

Respondent.

COMPLAINT

Pursuant to section 1-45-111.7, C.R.S. (2024), the Elections Division of the Secretary of State files this complaint against Ken DeGraaf for HD-22 (“Respondent”).

BACKGROUND

1. To provide voters with information about sources of election-related communications, Colorado law requires candidate committees, like Ken DeGraaf for HD-22, to (1) include a disclaimer on their campaign communications that identifies the payor and registered agent; (2) disclose the committee’s expenditures for communications; and (3) disclose all campaign contributions above certain amounts.

2. Here, Ken DeGraaf for HD-22 failed to identify the correct payor for communications, failed to identify its registered agent in communications, failed to identify communication expenditures, and failed to disclose campaign contributions.

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 Ken Degraaf for HD-22, a candidate committee registered with the Colorado Secretary of State, ID # 20225041872.

JURISDICTION AND VENUE

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

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

8. This complaint is timely filed within thirty days of Division’s April 2, 2025, Notice of Investigation and Consolidation, according to section 1-45-111.7(5)(a)(IV).

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

ALLEGATIONS

10. As of today, Respondent’s stated purpose is to “elect Ken DeGraaf to serve as HD-22 representative.” It had the same stated purpose when it filed its Committee Registration Form on January 4, 2022.

11. Respondent’s registered agent is Julia Lindahl.

12. On September 24, 2024, the Division received a campaign finance complaint against www.hd22info.com and Ken DeGraaf.

13. The complaint was filed by Michael Pierson, and it alleged that website www.hd22info.com lacked compliant disclaimer statements.

14. In truth, Ann Easton, the secretary for the Republican Party in Respondent’s district, was personally responsible for www.hd22info.com.

15. However, during its review and investigation of the Pierson complaint, the Division uncovered multiple additional infractions.

16. Respondent's campaign website, <https://kendegraaf4hd22.com>, failed to include an accurate disclaimer statement, misidentifying the payor for the communication as "The Committee to Elect Ken DeGraaf for Colorado House District 22 Representative."
17. That committee does not exist.
18. Respondent's website disclaimer failed to identify a registered agent.
19. Respondent's website unambiguously referred to Ken DeGraaf by name and was visible to members of the electorate for House District 22 during the 2024 electioneering window.
20. Respondent's website stated that DNA Information System Solutions created it.
21. Respondent had not reported any in-kind or other contributions from DNA Information System Solutions.
22. Respondent's TRACER filings disclosed over \$1,000 spent on communications.
23. Respondent's TRACER filings disclosed a \$500 expenditure for radio advertisements on November 1, 2024.
24. Respondent's radio advertisement expenditure is the only expenditure it marked as an "electioneering communication."
25. Respondent's TRACER filings disclosed a \$2,500 expenditure on a "message service" on October 12, 2024.
26. Respondent's TRACER filings disclosed a \$778 expenditure on "signs" on September 12, 2024.
27. Respondent's TRACER filings include thousands of dollars being reported and cancelled out within the same report.
28. Respondent's TRACER filings disclosed up to \$4,500 spent on "data," "message service," and "advertising" at Out of the Box Performance, which—according to

Respondent's TRACER filings, is located at 1043 Greenland Forest Dr., Monument, CO 80132.

29. On information and belief, that address is a residential address.

30. There is an "Out of the Box Performance" registered with the Colorado Secretary of State's business and licensing division. Its business registration is at 1043 Greenland Forest Dr., and its registered agent is Jason Lupo.

31. On information and belief, Lupo was a candidate for House District 20 in the 2024 Republican primary election, but did not advance to the general election.

32. On information and belief, Out of the Box Performance is a business offering "Running Injury Prevention Classes," "Customized Training Plans," and "Swim Training."

33. Respondent stated to the Division that it was not responsible for www.hd22info.com.

34. During the review and investigation of the Pierson Complaint, the Division requested that Respondent provide responses and documentation regarding campaign communications and expenditures.

35. Respondent failed to provide the requested responses and documentation regarding campaign communications and expenditures.

COLORADO CAMPAIGN FINANCE LAW

36. Under section 1-45-108.3(3), C.R.S., any person expending "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."

37. Under section 1-45-107.5(5)(a), C.R.S., that disclaimer 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."

38. Under section 1-45-108(1)(a)(I), C.R.S., “all candidate committees, political committees, issue committees, small donor committees, and political parties shall report to the appropriate officer their contributions received, including the name and address of each person who has contributed twenty dollars or more; expenditures made, and obligations entered into by the committee or party.”

CLAIM ONE
FAILURE TO INCLUDE A COMPLIANT DISCLAIMER
(§ 1-45-108.3(3), C.R.S.)

39. All preceding allegations are incorporated.

40. Upon information and belief, during the 2024 election cycle, Respondent spent more than one thousand dollars on electioneering communications.

41. One such communication was a campaign website, which unambiguously referred to Ken DeGraaf and was visible to members of the electorate for House District 2022 during the 2024 electioneering window.

42. The website included a disclaimer that failed to include the identity of Respondent’s registered agent.

43. The website included a disclaimer that did not accurately identify the person paying for the website.

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

CLAIM TWO
FAILURE TO REPORT CONTRIBUTIONS
(§ 1-45-108(1), C.R.S.)

45. All preceding allegations are incorporated.

46. Upon information and belief, during the 2024 election cycle, DNA Information System Solutions created a website for Respondent.

47. The website supported candidate Ken DeGraaf, who appeared on the November ballot.

48. Respondent failed to report contributions from, or identify expenditures to, DNA Information System Solutions.

49. 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.

CLAIMS NOT PURSUED

1. The complaint alleged that a website, www.hd22info.com, failed to include compliant disclaimers.
2. The Division reviewed and investigated those allegations.
3. The www.hd22info.com website was not directly related to Respondent, and it did not receive or spend funds in an amount sufficient to trigger committee registration requirements or disclaimer requirements.
4. Based on these facts, the Division is not pursuing claims for failure to register or provide compliant disclaimers against www.hd22info.com.

Respectfully submitted this 2nd day of May, 2025

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/s/ Zach W. Fitzgerald

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CERTIFICATE OF SERVICE

This is to certify that I will cause the foregoing to be served this 2nd day of May 2025, by email and/or U.S. mail, addressed as follows:

Ken DeGraaf for HD-22
C/O Registered Agent Julia Lindahl
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Respondent

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Third-party Complainant

/s/ Zach W. Fitzgerald