

STATE OF COLORADO OFFICE OF ADMINISTRATIVE COURTS 1525 Sherman Street, 4 <sup>th</sup> floor Denver, Colorado 80203	▲ COURT USE ONLY ▲
BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE, <i>in re</i> ED 2022-86	
ELECTIONS DIVISION OF THE SECRETARY OF STATE,  Complainant,  vs.  CONCERNED CITIZENS FOR PARK COUNTY  Respondent.	CASE NUMBER  2023 AHO ____
<b>COMPLAINT</b>	

Pursuant to § 1-45-111.7, C.R.S. (2022) and Rule 24 of the Secretary’s Rules on Campaign and Political Finance, 8 CCR 1505-6, the Elections Division of the Secretary of State files this Complaint against Concerned Citizens for Park County (“Respondent” or the “Committee”).

### BACKGROUND

1. To foster transparency and assist voters in assessing the sources of electioneering communications, Colorado law requires any person, after spending one thousand dollars on electioneering expenditures, to include a “paid for by” disclaimer on all future electioneering communications. This disclaimer must include the name of the entity paying for the communication, and, if the entity is a non-natural person, it must also identify the entity’s registered agent.

2. Here, the Committee included “paid for by” disclaimers on its communications, but it failed to identify the entity’s registered agent on over \$500 worth of communications distributed after it crossed the \$1,000 threshold.

3. Accordingly, the Division brings this complaint for appropriate relief.

## **PARTIES**

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

5. Respondent is the Concerned Citizens for Park County, an independent expenditure committee registered with the Colorado Secretary of State, ID # 20225043697.

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

## **ALLEGATIONS**

9. The Committee is an independent expenditure committee organized under Colorado law. Its stated purpose is “to support and campaign for the Democrat candidate, Ashley Girodo, for Park County Commissioner District 3.”

10. Ashley Girodo ran for Park County Commissioner District 3 in 2022, and appeared on the November 8, 2022, general election ballot.

11. In early-October 2022, the Division received a campaign finance complaint against Tim Jones. Tim Jones is the Registered Agent for the Committee. The complaint alleged that Jones, on behalf of the Committee, had (1) failed to include a disclaimer on certain communications that the communication was not paid for by the candidate, (2) failed to file complete and accurate reports, and (3) failed to register as a political committee.

12. The Division investigated the complaint, and determined that the Committee had filed accurate reports and was not required to register as a political committee.

13. However, during its investigation, the Division discovered that the Committee sent an electioneering letter to Park County voters in or around October 2022. That letter did include a disclaimer that it was “paid for by Concerned Citizens for Park County,” but did not identify the Committee’s registered agent.

14. The Division’s investigation further uncovered that between September 1, 2022, and October 25, 2022, the Committee made \$1,534 worth of electioneering expenditures. The Committee passed the \$1,000 electioneering expenditure threshold on October 16, 2022, when it reimbursed \$610 Richard Elsner for out of pocket expenses used to produce the letter.

### **COLORADO CAMPAIGN FINANCE LAW**

15. Under Colorado law, “any person who expends one thousand dollars or more per calendar year on electioneering communications or regular biennial school 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).

16. Under § 1-45-107.5(5), that disclaimer must include “a statement that: (I) the communication has been ‘paid for by (full name of the person paying for the communication)’; and (II) Identifies 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).

### **CLAIM ONE Failure to Include Sufficient Disclaimers (§ 1-45-108.3(3), C.R.S.)**

17. All preceding allegations are incorporated.

18. Concerned Citizens for Park County is an independent expenditure committee.

19. During the 2022 election, the Committee distributed more than \$1,000 worth of electioneering communications supporting Ashley Girodo.

20. Just over \$500 worth of those communications did not include a compliant disclaimer. Specifically, the communication did not identify the Committee’s registered agent.

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

Respectfully submitted this 20th day of July, 2023.

PHILIP J. WEISER  
Attorney General

*/s/ Peter G. Baumann*

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CERTIFICATE OF SERVICE

This is to certify that I will cause the within filing to be served by mail this 18th day of July, 2023, addressed as follows:

Concerned Citizens of Park County  
C/O Registered Agent Tim Jones  
PO Box 906  
Fairplay, CO 80440  
TimJ110822@gmail.com  
*Respondent*

Cynthia Lynn Sheriff  
393 Miners Way  
Bailey, CO 80421  
[Cyndie.sheriff@gmail.com](mailto:Cyndie.sheriff@gmail.com)  
*Third-party complainant*

*/s/ Carmen Van Pelt*