

STATE OF COLORADO OFFICE OF ADMINISTRATIVE COURTS 1525 Sherman Street, 4 th floor Denver, Colorado 80203	
BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE, <i>in re</i> ED 2022-108	
ELECTIONS DIVISION OF THE SECRETARY OF STATE,	▲ COURT USE ONLY ▲
Complainant,	CASE NUMBER
vs.	2023 AHO ____
RUBYMARTINEZ4HD45	
Respondent.	
COMPLAINT	

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 RubyMartinez4HD45 (“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 distributed postcards and flyers that included the disclaimer statement “Paid for by Ruby Martinez 4 HD 45,” but failed to identify the Committee’s registered agent.

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 RubyMartinez4HD45, a candidate committee registered with the Colorado Secretary of State, ID # 20225042363.

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 a candidate committee under Colorado law. Its stated purpose is to “elect Ruby Martinez to HD 45.”

10. Ruby Martinez appeared on the November 2022 general election ballot in state house district 45.

11. During the course of the campaign, the Committee distributed postcards, and flyers to unaffiliated voters. In total, the Committee spent \$7,556.37 on these electioneering communications.

12. These electioneering communications including the disclaimer: “Paid for by Ruby Martinez 4 HD 45.”

13. None of these electioneering communications identified the Committee’s registered agent, Katie Barrett.

14. The Division was alerted to these communications by a campaign finance complaint filed by David DiFolco. The DiFolco complaint raised disclaimer concerns with a number of communications.

15. However, after investigation, the Division determined that disclaimers were required only on the postcards and flyers.

COLORADO CAMPAIGN FINANCE LAW

16. 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).

17. 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.)

18. All preceding allegations are incorporated.

19. RubyMartinez4HD45 is a candidate committee under Colorado law.

20. During the 2022 election, the Committee distributed more than \$1,000 worth of electioneering communications.

21. After the Committee distributed more than \$1,000 worth of electioneering communications, the Committee distributed \$7,556.37 worth of electioneering postcards and flyers.

22. Those postcards and flyers included the disclaimer statement: “Paid for by Ruby Martinez 4 HD 45.”

23. The disclaimer did not identify the Committee’s registered agent.

24. 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 11th day of August, 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 11th day of August, 2023, addressed as follows:

RubyMartinez4HD45
C/O Registered Agent Ruby Martinez
Rubymartinez4hd45@gmail.com
Respondent

David DiFolco
3275 Soaring Egale Lane
Castle Rock, CO 80109
dcdifolco@msn.com
Third-party complainant

/s/ Carmen Van Pelt