

STATE OF COLORADO ADMINISTRATIVE HEARING OFFICER 1700 Broadway #550 Denver, CO 80290	▲ COURT USE ONLY ▲
BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE, <i>in re</i> ED 2022-105	
ELECTIONS DIVISION OF THE SECRETARY OF STATE,	CASE NUMBER 2023-_____
Complainant,	
vs.	
ASHLEY GIRODO - CAMPAIGN	
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 Ashley Girodo - Campaign (“Respondent” or the “Committee”).

BACKGROUND

1. To foster transparency and assist voters in assessing the sources of electioneering communications, Colorado law requires any person spending one thousand dollars or more on electioneering communications to include a “paid for by” disclaimer on the communication. This disclaimer must clearly and conspicuously include the name of the entity paying for the communication, and if the entity is not a natural person, it must also identify the entity’s registered agent.

2. Here, the Committee paid for and distributed about \$6,995 worth of electioneering communications that failed to include compliant disclaimer statements. The communications included signs, newspaper advertisements, flyers, and postcards, First, all of the communications at issue did not identify the registered agent. Next- a small number of the communications failed to properly state the name of the Committee “Ashley Girodo – Campaign” instead indicating “Girodo For Park County.” Finally, 12 signs failed to include a disclaimer altogether.

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 Ashley Girodo - Campaign, a candidate committee registered with the Colorado Secretary of State, ID # 20225043276 in the 2022 election for Park County Commissioner- District 3.

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), (6).

8. This complaint is timely filed within thirty days of the Division’s August 3, 2023, Notice of Investigation under § 1-45-111.7(5)(a)(IV).

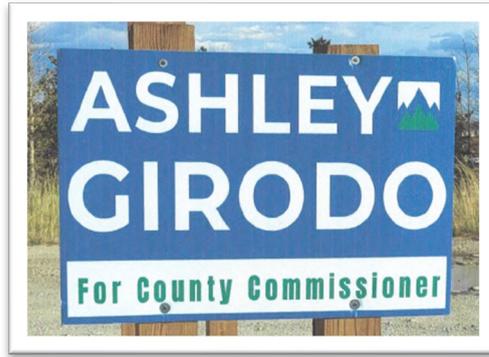
9. Venue is proper before the hearing officer under § 1-45-111.7(5).

ALLEGATIONS

10. Ashley Girodo – Campaign is a candidate committee registered with the Secretary of State. Its purpose is “for common purpose of receiving contributions or making expenditures under authority of a candidate, Ashley Girodo (“Girodo”), candidate for Park County Commissioner- District 3.”

11. On October 31, 2022, the Division received a campaign finance complaint against “Ashley Girodo – Campaign”. The complaint was filed by Lillian Wissel.

12. The Wissel complaint alleged that a sign posted after the primary election date of June 28, 2022, supporting Girodo’s candidacy for Park County Commissioner- District 3 did not contain a disclaimer statement. The complaint contained a photo of the front and back of sign.



13. On November 14, 2022, the Division sent Respondent a Notice of Initial Review and Opportunity to Cure. The Division concluded that the Wissel complaint identified one or more potential violations of Colorado campaign finance law and alleged sufficient facts to support a legal and factual basis regarding the alleged violation, but also that the violations may be curable.

14. On November 17, 2022, Girodo, on behalf of the Committee, provided a signed Intent to Cure form and indicated that the sign referenced in the Complaint was one of a small number of signs posted between August 17 and August 20, 2023. Girodo admitted the sign in the complaint did not include a disclaimer indicating that though she believed that the Committee had added handwritten disclaimer statements on the group of signs, the sign in the complaint was missed.

15. The Division reviewed the Committee's reports of contributions and expenditures, and identified \$6,995 in expenditures that constituted electioneering communications, as the communications: 1) unambiguously referred to Girodo; 2) were distributed during the electioneering window (30 days before the primary election (May 29, 2022) extending through the general election—here distributed from July 19, 2022 through October 24, 2022); and 3) were distributed to an audience that included members of the electorate for such office: residents of Park County.

16. On July 20, 2023, the Division sent a second Request for Information to Respondent requesting further information on the electioneering communications and evidence of disclaimers on the communications. Respondent sent receipts, invoices, and images of all electioneering communications.

17. During the course of the campaign, the Committee distributed \$6,995 (10,132 pieces of communication) worth of electioneering communications that failed to include compliant disclaimer statements. First, all of the non-complaint disclaimers failed to identify the Committee's registered agent. Second, a small number of the communications (\$136 or 200 pieces of communication) included the following disclaimer: "Paid for by Girodo For Park County." These communications were actually paid for by the Committee; "Ashley Girodo - Campaign," "Girodo For Park County" is not a committee registered with the Secretary of State. Finally, Respondent had 12 signs that did not include any disclaimer- including the sign referenced in the Complaint.

COLORADO CAMPAIGN FINANCE LAW

18. Under Colorado law, "a candidate committee...making an expenditure in excess of or spending more than one thousand dollars per calendar year on communication that must be disclosed" and that is distributed to members of the electorate must include a "paid for by" disclaimer. § 1-45-108.3(1), C.R.S.

19. Under § 1-45-107.5(5), C.R.S. the 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 of if the person identified in subsection (5)(a)(I) of this section is not a natural person.

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

20. All preceding allegations are incorporated.

21. Ashley Girodo was a candidate for Park County Commissioner. She appeared on the June 28, 2022, Primary ballot in Park County, and the November 4, 2022, General Election ballot in Park County.

22. The Committee was the candidate committee organized to support Girodo's candidacy.

23. Between July 19, 2022 and October 24, 2022, the Committee purchased and distributed \$6,995 worth of electioneering communications.

24. Those communications did not include compliant disclaimer statements.

25. 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 5th day of September, 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 5th day of September, 2023, addressed as follows:

Ashley Girodo – Campaign
C/O Registered Agent Ashley Girodo
PO Box 150
Alma, CO 80420
girodoforparkco@gmail.com
ashleygirodo@gmail.com
Respondent

Lillian Wissel
Po Box 222
Fairplay, CO 80440
Gege_lw@msn.com
Third-Party Complainant

/s/ Carmen Van Pelt