

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. 2024-84, 2024 93, & 2024-108

In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

YES ON 6F FOR KEN-CARYL,

Respondent.

COMPLAINT

Pursuant to § 1-45-111.7, C.R.S. (2024), the Elections Division of the Secretary of State files this complaint against Yes on 6F for Ken-Caryl (the “Committee” or “Respondent”).

BACKGROUND

1. To provide voters with information about the sources of election-related communications, Colorado law requires persons paying for certain communications to include a disclaimer on the communication identifying the person paying for the advertisement.

2. Here, Yes on 6F for Ken Caryl, a small-scale issue committee, spent over \$1,800 in 2024 on various communications advocating in favor of a bond extension in the Ken-Caryl Ranch Metropolitan District. However, Yes on 6F did not include compliant disclaimers in its communications.

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 Yes on 6F for Ken-Caryl, a small-scale issue committee registered with the Colorado Secretary of State, ID # 20245047694.

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 January 30, 2025, Notice of Investigation, 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. Yes on 6F for Ken-Caryl is a small-scale issue committee. Its stated purpose is to advocate in favor of a bond extension that appeared on the November 2024 ballot in the Ken-Caryl Ranch Metropolitan District.

11. During 2024, the Committee spent \$1,856 on communications in support of 6F. These communications included a website, yard signs, and an advertisement.

12. During the 2024 Election Cycle, the Division received three campaign finance complaints against the Committee. The first, filed by Jamie Eickhoff on October 21, 2024, alleged, among other things, that Yes on 6F’s website did not have a compliant disclaimer.

13. Two days later, Eickhoff filed a second complaint alleging that the Committee’s yard signs also lacked a “paid for by” disclaimer.

14. Finally, after the November election the Division also received a complaint filed by Tim Berg. The Berg complaint alleged that the Committee had failed to include compliant disclaimers in its communications.

15. The Division reviewed and investigated the complaints, and the Committee cooperated. Because the complaints arose from a common set of operative facts, the Division consolidated them.

16. During its review and investigation, the Division determined the following:

- a. The Committee spent \$1,410 on yard signs that contained no disclaimer statement;
- b. The Committee spent \$96 on a website that included a “paid for by” disclaimer, but did not identify the Committee’s registered agent;
- c. The Committee spent \$350 on a newspaper advertisement that included “paid for by” disclaimer, but did not identify the Committee’s registered agent.

17. Each of these communications encouraged voters to vote yes on the ballot measure, and were distributed or displayed to members of the electorate during the electioneering window.

COLORADO CAMPAIGN FINANCE LAW

18. “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).

19. 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).

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

20. All preceding allegations are incorporated.
21. During the 2024 calendar year, Yes on 6F for Ken-Caryl distributed over \$1,800 of electioneering communications.
22. None of these communications included complaint disclaimer statements.
23. Some omitted the disclaimer statement altogether.
24. Others included the disclaimer statement, but did not identify a natural person who is the Committee's registered agent.
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.

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 3rd day of March, 2025.

PHILIP J. WEISER
Attorney General

/s/ Peter G. Baumann

PETER G. BAUMANN*
Senior Assistant Attorney General, No 51620
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, Colorado 80203
Telephone: 720-508-6152
Fax: 720-508-6041
peter.baumann@coag.gov
*Counsel of Record

CERTIFICATE OF SERVICE

This is to certify that I will cause the foregoing to be served this 3rd day of March, 2025, by email and/or U.S. mail, addressed as follows:

Yes on 6F for Ken-Caryl
C/O Registered Agent Lauri Lehan
2 Coyote Lane
Littleton, CO 80127
laurilehan@comcast.net
Respondent

Tim Berg
2 Goshawk Lane
Little, CO 80127
tberg@teralogicnet.com
Third-party Complainant

Jamie Eickhoff
7647 S. Bear Mountain
Littleton, CO 80127
Ikeman616@gmail.com
Third-party Complainant

/s/ Peter G. Baumann