

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 No. 2024-100

In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

SUMMIT COUNTY REPUBLICAN CENTRAL COMMITTEE,

Respondent.

FIRST AMENDED COMPLAINT

In accordance with the Hearing Officer’s Scheduling Order dated April 18, 2025, the Division submits this First Amended Complaint. Pursuant to § 1-45-111.7, C.R.S. (2024), the Elections Division of the Secretary of State files this complaint against the Summit County Republican Central Committee (the “Committee” or “Respondent”).

BACKGROUND

1. To provide voters with information about the sources of election-related communications and expenditures, political party committees, like the Summit County Republican Central Committee are required to report their contributions and expenditures to the Secretary of State.

2. These committees are also required to include “paid for by” disclaimers on most political advertising. The disclaimer must identify the person paying for the communication and, if the person is a non-natural person, the name of the person’s registered agent.

3. Here, the Committee sent 14 text messages to voters during the 2024 election. These text messages were electioneering communications, direct ballot issue or ballot question communications, or both. Of the 14, just one correctly identified the person paying for the communication, and none identified the Committee’s registered agent.

4. Moreover, the Committee failed to disclose its expenditures on these text messages on either its November 1, 2024, or December 10, 2024, reports of contributions and expenditures.

5. Accordingly, the Elections Division brings this action for appropriate relief.

PARTIES

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

7. Respondent is Summit County Republican Central Committee, a political party committee registered with the Colorado Secretary of State, ID # 20055625227.

JURISDICTION AND VENUE

8. The Division has jurisdiction under § 1-45-111.7.

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

10. This complaint is timely filed within thirty days of Division’s March 18, 2025, Notice of Investigation, according to § 1-45-111.7(5)(a)(IV).

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

ALLEGATIONS

12. Between October 16, 2024, and November 3, 2024, the Committee distributed 14 text message communications to voters in Summit County.

13. Each of these text messages encouraged voters to vote for or against one or more candidates for elected office, or to vote for or against one or more ballot initiatives appearing on the November 2024 ballot.

14. These text messages included various disclaimers:
 - a. One, sent on October 18, 2024, correctly indicated that it had been “Paid for by the Summit County Republican Central Committee,” but did not identify the Committee’s registered agent.
 - b. Ten of the text messages included the disclaimer “Paid for by Summit GOP” or “Paid for by Summit County GOP.” None of those text messages identified the Committee’s registered agent.
 - c. The remaining text messages did not include a “paid for by” disclaimer. Nor did they link to webpages in which a compliant disclaimer, identifying the person who paid for the text message, was available.

15. In total, the Committee spent \$6,520.35 on the 14 text messages. On information and belief, an accurate list of the 14 messages, including the language used in each message, is attached as Exhibit A.

16. On October 28, 2024, the Division received a campaign finance complaint from Vanessa Agee, filed against “Summit GOP” in TRACER as Summit County Republican Central Committee.”

17. The Agee complaint alleged that the Committee had distributed electioneering text messages without including a compliant disclaimer.

18. The Division notified the Committee of the Agee complaint the same day.

19. During its review and investigation of the Agee complaint, the Division corresponded with the Chair of the Summit County Republican Central Committee, CJ Milmoie.

20. On behalf of the Committee, Milmoie provided a “summary of information about our paid texts sent out in 2024,” including the text for the 14 text messages and the total the Committee spent on each of the messages.

21. Milmoie also indicated that the Committee sent the messages using a “communications provider,” called “Numinar.”

22. As part of its review and investigation, the Division also reviewed the Committee's reports of contributions and expenditures.

23. In October 2024, the Committee reported a single expenditure: \$500 to the Committee to Elect Allen Bacher.

24. The Committee has not reported any expenditures to "Numinar."

25. The Division is unable to identify any of the expenditures the Committee supposedly made on the 14 text messages.

COLORADO CAMPAIGN FINANCE LAW

26. Under Colorado law, "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).

27. Moreover, "any person who makes a direct ballot issue or ballot question expenditure shall, pursuant to section 1-45-107.5(5), state their name in any communication that is broadcast, printed, mailed, or delivered . . . or that is otherwise distributed to persons who are eligible to vote on the ballot issue or ballot question and is produced or funded, either in whole or in part, by the person who made the direct ballot issue or ballot question expenditures." § 1-45-108.3(4), C.R.S. (2024).

28. The disclaimer "shall 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), C.R.S. (2024).

29. Colorado law defines an electioneering communication as any communication that is distributed that: "(I) Unambiguously refers to any candidate; and (II) Is . . . distributed within . . . sixty days before a general election; and (III) Is . . . distributed to an audience that includes members of the electorate for such public office." Colo. Const. art. XXVIII, § 2(7)(a).

30. Colorado law defines a direct ballot issue or ballot question expenditure as “direct spending in support of or opposition to any single ballot issue or ballot question by a person who does not otherwise meet the requirements of an issue committee.” § 1-45-103(7.2), C.R.S. (2024).

31. Political parties are also required to “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.” § 1-45-108(1)(a)(I).

CLAIM ONE
FAILURE TO INCLUDE DISCLAIMER
(§§ 1-45-108.3(3), (4), C.R.S. (2024))

32. All preceding allegations are incorporated.

33. In October and early-November 2024, the Committee spent \$6,520.35 on 14 text messages. These messages were distributed to Summit County voters, and either included support or opposition to a ballot measure, or mentioned one or more candidates for elected office by name.

34. The Committee crossed the \$1,000 electioneering threshold on October 18, 2024, after that date, the Committee spent \$5,381.60 on electioneering text messages or direct ballot issue or ballot question expenditures.

35. None of these text messages included compliant disclaimer statements. One accurately reflected the person paying for the communication, but did not identify the Committee’s registered agent. The remainder did not identify the entity paying for the communication or the Committee’s registered agent.

36. 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 EXPENDITURES
(§ 1-45-108(1)(a)(1), C.R.S. (2024))

37. All preceding allegations are incorporated.

38. In October and early-November 2024, the Committee spent \$6,520.35 on 14 text messages. These messages were distributed to Summit County voters, and either included support or opposition to a ballot measure, or mentioned one or more candidates for elected office by name.

39. The Committee did not report its expenditures on these text messages.

40. To date the Committee has still not reported its expenditures on these text messages.

41. 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 28th day of April, 2025

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 foregoing to be served this 28th day of April, 2025, by email and/or U.S. mail, addressed as follows:

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/s/ Peter G. Baumann