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STATE OF COLORADO  
Secretary of State  
Administrative Hearing Office  
1700 Broadway, Suite 550  
Denver, CO 80290

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Case number:

2025 AHO 08 CPF  
(*in re* ED 2024-78 & 2024-99)

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IN THE MATTER OF:

ELECTIONS DIVISION of the SECRETARY OF STATE

Complainant

v.

COLORADO DAWN,

Respondent

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### **ORDER GRANTING STAY**

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1. I thank counsel for the parties for their cooperation in clarifying the issues by filing the Amended Complaint (along with a redlined version that made it easy to focus on the changes) and Amended Answer, as well as in the filing of the Division's response to the Motion to Stay.

2. Turning now to Respondent's Motion to Stay, the motion is based on this case having an overlapping issue with *No on EE—A Bad Deal for Colorado*, 2024 COA 79. In that case, the Court of Appeals held that "the registered agent disclosure requirement imposed on issue committees under section 1-45-108.3 violates issue committees' free speech rights under the First Amendment." *Id.*, 2024 COA 79, ¶34, 558 P.3d 671, 680. The Division filed a Petition for Certiorari with the Colorado Supreme Court, which stayed the decision of the Court of Appeals in 2024SC540. Briefing was completed November 6, 2024, but no decision on certiorari, as of the date of this order, has yet been entered.

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3. The Division's case here against Colorado Dawn alleges election communications that lacked compliant disclaimers on nine text messages sent by Respondent (Count 1) and a failure to report within 48 hours the \$1,000 expenditures for the creation of each of three websites in the month leading up to the election, as required by § 1-45-107.5(4)(c). (Count 2.)


4. In its Response to Motion to Stay, the Division states that the “crux of the parties’ dispute lies with the first claim.” ¶ 4. The Response goes on to state that “the Supreme Court’s analysis of *Beall* may be relevant” to the analysis required by this case, ¶ 8, as to eight of the nine text messages at issue in Count 1. ¶ 9. Finally, the Division states:

“that the penalty it seeks will be heavily influenced by the analysis related to those eight text messages. Under the relevant rules, those eight text messages will form the basis for a significant percentage of the total penalty the Division will seek. See generally 8 CCR 1505-6, Rule 23.4.2.1”

¶10

5. Since most of what is at stake in the instant case as currently pled<sup>1</sup> may be impacted by the Supreme Court’s disposition of *No on EE*, it will conserve the time and resources of the parties, counsel and the court for this case to be stayed until the Supreme Court has acted in the *No on EE* case. The Motion to Stay is therefore GRANTED. The remaining deadlines in the Revised Scheduling Order and the hearing previously scheduled for July 18, 2025 are vacated.

**SO ORDERED** this 4<sup>th</sup> day of June 2025.

  
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Macon Cowles, Hearing Officer

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<sup>1</sup> Given the allegations in ¶¶36-41 of the Amended Complaint, it is conceivable that the Supreme Court’s disposition of another case awaiting action on a Cert Petition filed May 30, 2024—*Unite for Colorado v. Colorado Department of State, et al.*, 2024SC281—could impact the instant case as well.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that one true copy of this Revised Scheduling Order was sent via email on June 5<sup>th</sup>, 2025 to the following:

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*N. B. Porte*

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Nathan Borochoff-Porte, Administrative Court Clerk