

STATE OF COLORADO  
SECRETARY OF STATE  
1700 BROADWAY #550  
DENVER, COLORADO 80290

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BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE,  
ADMINISTRATIVE HEARING OFFICER

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AHO Case No. \_\_\_\_\_

ED Case No. 2024-106

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In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

AMY MITCHELL FOR COMMISSIONER,

Respondent.

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### **COMPLAINT**

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Pursuant to § 1-45-111.7, C.R.S. (2024), the Elections Division of the Secretary of State files this complaint Amy Mitchell for Commissioner (“Respondent” or the “Committee”).

### **BACKGROUND**

1. To provide voters with information about the sources of election-related communications, Colorado law entities spending a certain amount on electioneering communications to include in those communications a disclaimer identifying the person who paid for the advertisement. If the person is a non-natural person, like a committee, the disclaimer must also identify the person’s registered agent.

2. Here, the Committee failed to include compliant disclaimers on just under \$6,000 worth of electioneering communications during the 2024 election cycle.

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 Amy Mitchell for Commissioner, a candidate committee registered with the Colorado Secretary of State, ID # 20245046875.

## **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 the Division’s May 27, 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. In 2024, Amy Mitchell ran for County Commissioner in Park County, District 1. Amy Mitchell for Commissioner was the candidate committee formed to support her candidacy.

11. On October 31, 2024, the Division received a campaign finance complaint against “Amy Dowd Mitchell.” The complaint was filed by Robb Green. The Green complaint alleged that Mitchell had distributed signs in support of her candidacy without disclaimers.

12. During its review and investigation of the complaint, the Division determined that the signs at issue in the Green complaint were reused from Mitchell’s 2020 campaign, and that she had tried to affix disclaimers to those signs. Mitchell admitted that some of those disclaimer stickers “may have been destroyed or removed by an individual.”

13. The Division also reviewed the Committee’s reports of contributions and expenditures, and requested copies of the Committee’s other electioneering materials.

14. Based on its review and investigation, the Division determined that the Committee had spent \$6,272.91 on electioneering communications in 2024, including on Radio advertisements, digital and print advertisements, mailed letters, and a website.

15. Although these communications included a disclaimer, that disclaimer did not identify the Committee’s registered agent. It only said: “Paid for by Amy Mitchell for Commissioner.”



## COLORADO CAMPAIGN FINANCE LAW

16. “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).

17. 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).

18. An electioneering communication is “any communication broadcasted by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, or otherwise distributed that: (I) unambiguously refers to any candidate; and (II) is . . . distributed within thirty days before a primary election or 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).

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

19. All preceding allegations are incorporated.
20. In 2024, the Committee distributed \$6,272.91 worth of electioneering communications that did not include compliant disclaimers.
21. These communications were distributed to members of the electorate for Park County Commissioner, District 1, during the 2024 electioneering window, and unambiguously referred to Amy Mitchell.
22. Although these communications did identify the person paying for the communications, they did not identify the Committee's registered agent.
23. 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 26th day of June, 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 26<sup>th</sup> day of June, 2025, by email and/or U.S. mail, addressed as follows:

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