

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. 2025-69

In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

COLORADO FIRST ACTION,

Respondent.

COMPLAINT

Pursuant to § 1-45-111.7, C.R.S. (2025), the Elections Division of the Secretary of State files this complaint against Colorado First Action, (“Respondent” or the “Committee”).

BACKGROUND

1. To provide voters with information about the sources of election-related communications, Colorado law requires independent expenditure committees that are supporting or opposing candidates in a regular biennial school election to file on a “frequent filing calendar.” This frequent filing calendar includes monthly reports in the six full months leading up to the biennial school election, except bi-weekly beginning in September, with an additional report due 35 days after the election. For 2025, this meant that reports were due on June 2, July 1, August 1, September 2, September 15, September 29, October 14, October 27, and December 9.

2. Here, Respondent Colorado First Action registered as an independent expenditure committee on July 14, 2025. However, the Committee did not file a report of

contributions and expenditures until October 15, 2025. After that report, it did not file again until January 15, 2026. The result is that the majority of its activity related to the 2025 biennial school election was not timely reported.

3. In addition, the Committee’s purpose does not identify the public office for which it supported or opposed candidates, which is required by Colorado law.

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

PARTIES

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

6. Respondent Colorado First Action is an independent expenditure committee registered with the Colorado Secretary of State, ID # 20255049829.

JURISDICTION AND VENUE

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

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

9. This complaint is timely filed within thirty days of Division’s March 18, 2026, Notice of Investigation, according to § 1-45-111.7(5)(a)(IV).

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

ALLEGATIONS

11. In 2025, Deborah Kramer, Stephen Vail, Keaton Gambill, and Matthew Smith ran on a common slate for separate school board seats on the Douglas County School Board. Each appeared on the November 2025 ballot in Douglas County.

12. On July 14, 2025, the Committee registered as an independent expenditure committee with the Colorado Secretary of State. As originally registered, its purpose was “to make independent expenditures supporting conservative candidates and opposing Democrats

in Colorado's 2026 elections, including through grassroots, digital, and voter mobilization efforts under the Mobilize26 campaign.”

13. Notwithstanding this purpose, however, in September 2025 the Committee announced its intent to support the candidacies of Kramer, Vail, Gambill, and Smith. It did not amend the purpose of the Committee to reflect this effort.

14. Thereafter, prior to the 2025 biennial school election, the Committee made expenditures to support this slate of candidates.

15. On October 15, 2026, the Committee filed its first report of contributions and expenditures. As originally filed, the October 15, 2026 report disclosed \$10,000 in donations, but no expenditures.

16. On October 20, 2026, the Division received a campaign finance complaint filed by Lloyd Guthrie. The Guthrie complaint alleged that the Committee's purpose was not accurately describing its activity, and that it had failed to timely file reports of contributions and expenditures.

17. Upon receiving notice of the Guthrie Complaint, the Committee amended its purpose to: “To make independent expenditures supporting candidates who share Colorado First Action's conservative principles and to advance policies that strengthen Colorado's families, schools, and economy through grassroots and voter mobilization efforts.” This remains the Committee's purpose to this day.

18. The amended purpose does not identify the 2025 races in which the Committee was supporting or opposing candidates.

19. Upon receiving notice of the Guthrie Complaint, the Committee also amended its October 15, 2025 report. The amended report reflected an additional \$25 in monetary donations, \$666.68 in non-monetary donations, and \$703.03 in expenditures (including \$668.68 in non-monetary expenditures).

20. On January 15, 2026, the Committee filed only its second report of contributions and expenditures. On this report, the Committee disclosed over \$10,000 in expenditures, including many made to support the slate of candidates, made between October 2, 2025, and November 18, 2025.

21. The Division reviewed and investigated the Guthrie Complaint. Based on its review and investigation, the Division concluded that the Committee had participated in the 2025 regular biennial school election and thus was required to file reports on the “frequent filing schedule.”

22. The Division also determined that the Committee had not amended its purpose to reflect the offices for which it had supported or opposed candidates.

23. The Division also determined that the Committee had not filed reports on the frequent filing schedule.

24. In total, the Division’s investigation determined that the Committee had failed to timely report \$8,541.57 in expenditures.

COLORADO CAMPAIGN FINANCE LAW

25. Under Colorado law, all committees shall file a registration that “include[s] the purpose or nature of interest of the committee.” 8 CCR 1505-6, Rule 8.1. For independent expenditure committees, that purpose must also “identify the types of candidates it supports or opposes, and the offices they seek.” 8 CCR 1505-6, rule 8.1.2.

26. Colorado law also requires independent expenditure committees report their contributions and expenditures to the Secretary of State. “Any . . . independent expenditure committee . . . that is participating in a regular biennial school election shall file its disclosure reports in accordance with the filing schedule specified in” § 1-45-108(2)(a)(I)(C)-(E), C.R.S. § 1-45-108(2)(a)(V), C.R.S.

27. That schedule, in turn, requires reports to be filed “(C) On the first day of each month beginning the sixth full month before the . . . election . . .; (D) On the first Monday in September and on each Monday every two weeks thereafter before the . . . election . . .; (E) thirty-five days after a . . . election.” § 1-45-108(2)(a)(I)(C)-(E), C.R.S.

CLAIM ONE FAILURE TO TIMELY DISCLOSE (§ 1-45-108(2)(a)(V))

28. All preceding allegations are incorporated.

29. In 2025, the Committee failed to timely file reports on the frequent filing calendar. As a result, the Committee failed to file required reports on August 1, September 2, September 15, September 29, October 27, and December 9.

30. In total, the Committee did not timely report \$8,541.57 worth of expenditures.

31. Many of these expenditures were not reported until January 2026, well after the November 2025 regular biennial school election.

32. 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 DISCLOSE PURPOSE
(8 CCR 1505-6, Rule 8.1.2)

33. Allegations in paragraphs 1-26 are hereby incorporated.

34. In 2025, the Committee supported candidates running for school board director in Douglas County.

35. However, the Committee's original purpose did not mention any 2025 activity at all, let alone the offices for which it was supporting or opposing candidates.

36. When the Committee did amend its purpose, it still did not identify the offices sought by the candidates it supported or opposed.

37. 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 17th day of April, 2026

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 17th day of April, 2026, by email and/or U.S. mail, addressed as follows:

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Third-party complainant

/s/ Peter G. Baumann