

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. 2025-101

In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

ESSERMAN FOR DENVER KIDS,

Respondent.

COMPLAINT

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

BACKGROUND

1. To provide voters with information about the sources of election-related communications, Colorado law requires that entities spending a certain amount on electioneering communications or regular biennial school 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, despite spending more than \$1,000 on regular biennial school electioneering communications, the Committee failed to include compliant disclaimers on \$725 worth of regular biennial school 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 Esserman for Denver Kids, a candidate committee registered with the Colorado Secretary of State, ID # 20255049619.

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 November 12, 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 2025, Scott Esserman ran as a candidate for School Board Director in Denver County. Esserman appeared on the November 2025 ballot.

11. Esserman for Denver Kids was the candidate committee organized to support Esserman’s candidacy.

12. On November 3, 2025, the Division received a campaign finance complaint against Scott Esserman. The complaint was filed by Heather Lamm. The Lamm complaint alleged that Esserman had distributed a robocall without a compliant disclaimer.

13. During its review and investigation of the complaint, the Division corresponded with the Committee and reviewed the Committee’s regular biennial school electioneering communications.

14. Based on its investigation, the Division concluded that the Committee had spent at least \$2,205.16 on regular biennial school electioneering communications during the 2025 election.

15. This included:

- a. \$500 to Good Trouble Consulting for the Committee’s website;
- b. \$1,155 to SignRocket.com for yard signs;
- c. \$325.16 to Gambino Printing for flyers; and
- d. \$225 to MobileSphere for the robocall referenced in the Lamm Complaint.

16. Based on its investigation, the Division concluded that the Committee’s yard signs and flyers included compliant disclaimer statements.

17. However, the Committee’s website, www.esserman4denverkids.com, did not have a “paid for by” disclaimer.

18. The website unambiguously referred to Esserman and was broadcast to potential voters in the November 2025 election for Denver County School Board, District 3 within sixty days of the November 2025 election.

19. The robocall identified in the Lamm Complaint also did not include a compliant disclaimer statement. According to the Committee, the script for the robocall was: *“Hi, this is Sarah Parady, and I’m one of our At-Large Denver City Council Members. I’m proud to support strong schools, strong educators, and strong communities. That’s why I’m supporting Scott Esserman for Denver School Board in District 3. Scott is a proven leader who stands up for students and educators across our city. It’s too late to mail in your ballot – but it’s not too late to make your voice heard! Find your nearest ballot drop-off box and drop it off before 7 PM on Tuesday, November 4th and vote for Scott Esserman.”*

20. The Committee also confirmed that “no additional verbal tagline (“Paid for by Esserman for Denver”) was appended.”

21. The robocall unambiguously referred to Esserman and was distributed to potential voters in the November 2025 election for Denver County School Board, District 3 within sixty days of the November 2025 election.

COLORADO CAMPAIGN FINANCE LAW

22. “Any person who expends one thousand dollars or more per calendar year on electioneering communications or regular biennial school 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. (2025).

23. 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).

24. 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).

25. A “regular biennial school electioneering communication” is an electioneering communication that refers to a candidate in a regular biennial school election and is broadcast, printed, mailed, delivered, or distributed within sixty days before a regular biennial school election. § 1-45-103(15.5).

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

26. All preceding allegations are incorporated.

27. In 2025, the Committee distributed over \$1,000 worth of electioneering communications.

28. These communications were distributed to members of the electorate for the election to Denver County School Board, District 3, and were distributed within 60 days of the November 2025 election to that office.

29. \$725 worth of these communications did not include a compliant disclaimer statement.

30. 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 12th day of December, 2025

NATALIE HANLON LEH
Chief Deputy 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 12th day of December, 2025, by email and/or U.S. mail, addressed as follows:

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