
STATE OF COLORADO
SECRETARY OF STATE
Administrative Hearing Office
1700 Broadway, Suite 550
Denver, CO 80290

Case number: 2025 AHO 35 CPF
(in re ED Case Nos. 2025-88, 2025-89, 2025-90, 2025-91)

IN THE MATTER OF:
ELECTIONS DIVISION of the SECRETARY OF STATE
Complainant
v.
CLARK CALLAHAN FOR DCSD, KYRZIAPARKER4DCSD,
TONYRYAN4DCSC, and KELLY DENZLER FOR DCSD,
Respondents

MINUTE ORDER RE CLAIM THREE OF THE COMPLAINT

On December 10, 2025, counsel for Complainant filed a complaint alleging 3 claims against Respondents.

Claim Three at p. 9 of the Complaint charges:

CLAIM THREE
FAILURE TO ACCURATELY REPORT
CONTRIBUTIONS AND EXPENDITURES
(ALL COMMITTEES)
(§ 1-45-108.3(3), C.R.S.)

Claim Three charges a failure to report campaign contributions and expenditures accurately—but accurate reporting is not covered by § 1-45-108.3(3)—which deals only with disclaimers.

(3) In addition to any other applicable requirements provided by law, 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. For purposes of this subsection (3), an "electioneering communication" also includes any communication that satisfies all other requirements set forth in section 2 (7) of article XXVIII of the state constitution but that is broadcast, printed, mailed, delivered, or distributed between the primary election and the general election.

C.R.S. § 1-45-108.3(3).

Respondents in most cases brought by the Elections Division are lay people. It is important that they be able to find the sections of the Fair Campaign Practices Act (FCPA) or the Colorado Constitution, Art. XXVIII which form the basis each Claim. In this case, Claim Three of the Complaint charges that “the Committees’ reports of contributions and expenditures are inaccurate,” Compl. ¶ 52, alleging the violation of a section of the Fair Campaign Practices Act that has nothing to do with inaccurate reporting.

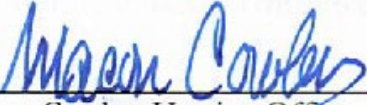
As former Secretary of State Wayne Williams testified to the General Assembly in 2018 in connection with the rewrite of the FCPA following *Holland v. Williams*, 457 F. Supp. 3d 979, 996 (D. Colo. 2018), “[it can take several years for attorneys and laypersons alike to fully grasp, analyze, and apply the [the campaign finance reporting] scheme correctly.”¹ This testimony underscores the importance of starting a case based on the FCPA on the right foot, by charging the correct part of this complicated statute.

Respondents are entitled to Due Process, which includes the right to know the “legal authority and jurisdiction under which [the case] is to be held, and the matters of fact and law asserted.” § 24-4-105(2)(a). Claim Three of the Complaint falls short of this requirement.

¹ Order Setting Aside Initial Decision, Remanding Complaint for Further Consideration, and Directing Reassignment to New Hearing Officer, Ce. 30, 2022, p. 3, In re Elections Division v. Unite for Colorado, OAC Case Number: OS 2021-0012, Elections Div’n No. 2021-27.

Claim Three will be dismissed unless on or prior to December 19, 2025, the Division files an amended complaint that correctly cites the provision of the Fair Campaign Practices Act that Respondents are alleged to have violated in Claim Three. C.R.S. § 1-45-111.7(6)(a) and § 24-4-105(4)(a).

SO ORDERED this 12th day of December 2025.



Macon Cowles, Hearing Officer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that one true copy of this Minute Order re Claim Three of the Complaint was sent via email on December 12, 2025 to the following:

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Third-party Complainant

/s/ N. B. Porte

Nathan Borochoff-Porte, Administrative Court Clerk