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

Case number: 2025 AHO 15 CPF
(in re ED 2025-01)

Elections Division of the Secretary of State
Complainant
v.
DOUGLAS COUNTY VICTORY FUND,
Respondent

ORDER ON SUMMARY JUDGMENT

This matter comes before the court on Complainant’s Motion for Summary Judgment. As set forth in detail below, the Motion is granted in part and denied in part.

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JURISDICTION AND VENUE

1. Colorado’s campaign finance laws are set forth in Colo. Const. art. xxviii and the Fair Campaign Practices Act, C.R.S. § 1-45-101 et seq., as well as implementing regulations found in the General Procedural Rules for Administrative Hearings (GPR), 8 CCR 1505-3 and the Campaign and Political Finance Rules (CPF) 8 CCR 1505-6. The enforcement of these laws including investigations, enforcements and hearings is specifically set forth in § 1-45-111.⁷¹ Under that section, the elections division of the office of the secretary is charged with the investigation and prosecution of cases involving alleged violations of the state's laws governing campaign and political finance. When an administrative complaint is filed under § 1-45-111.7(5)(a), administrative hearing officers of

¹ Section 6(1) of chapter 330 (SB 19-232), Session Laws of Colorado 2019, provides that the act adding this section applies to complaints filed with the secretary of state on or after July 1, 2019.

the Colorado Secretary of State are given jurisdiction to hear the case and enter orders pursuant to Colo. Const. art. xxviii, § 9(1)(f), C.R.S. § 24-4-105 of the Colorado Administrative Procedure Act and FCPA § 1-45-111.7(d).

BACKGROUND

2. This case arises out of a single fundraising event held July 2, 2024 by Respondent Douglas County Victory Fund (DCVF). Respondent admits the allegation of the complaint that the money was distributed as follows: Answer, ¶ 19.

Recipient	Amount	Percentage
Lauren Boebert for Congress	\$3,340.36	12%
Legal & accounting services	\$6,384.26	23%
Douglas County RCC	\$15,389.53	55%
Various Colorado Candidate committees	\$3,062.00	11%
Total Distributed	\$28,176.15	100%

3. Respondent registered with and reported these transactions to the Federal Elections Commission but did not register or report to the Colorado Secretary of State on TRACER. The Elections Division filed a hearing officer complaint alleging three violations of Colorado’s Fair Campaign Practices Act (FCPA).

Count 1 alleges the failure of DCVF to register as a political committee with the Division as required by § 1-45-108(3).

Count 2 alleges the failure of DCVF to report its contributions to state political and candidate committees to the Division as required by § 1-45-108(1)(a)(1).

Count 3 alleges that DCVF paid \$755.56 to Brauchler for DA (Douglas County Colorado District Attorney)—\$305.56 more the maximum of \$450 permitted under Colo. Const. art. xxviii, § 3(1); 8 CCR 1505-6, Rule 10.17.1(b)(2).

4. Respondent admits the overpayment to Brauchler for DA, Answer, ¶¶ 44-45, and deems the proposed civil penalty of \$130.60 to be “reasonable under the circumstances of this case.” MSJ Response, p. 10. The remaining dispute between the parties on summary judgment is about whether Respondent, having registered and reported with the Federal Election Commission, has a duty to register and report contributions to State committees to the Colorado Secretary of State.

STANDARD OF REVIEW

5. The purpose of summary judgment is to permit the parties to pierce the formal allegations of the pleadings and save the time and expense connected with a trial when, as a matter of law, based on undisputed facts, one party could not prevail. *Markus v. Brohl*, 2014 COA 146, P13. It is appropriate where “the pleadings and supporting documents show that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law.” *MetroPCS Cal., LLC v. City of Lakewood*, 2025 CO 53, P17 (citing C.R.C.P. 56(c)). In determining whether this standard is met, the Hearing Officer looks to “the pleadings . . . together with the affidavits, without assessing witness credibility or weighing evidence.” *S. Conejos Sch. Dist. RE-10 v. Wold Architects Inc.*, 2023 COA 85, P17 (citations and internal quotations omitted).

6. On summary judgment, the nonmoving party is entitled to the benefit of all favorable inferences from the undisputed facts, and all doubts as to the existence of a triable issue of fact must be resolved against the moving party. A "material fact" is one that will affect the outcome of the case or claim. *Id.* at P17 (citations and internal quotes omitted).

UNDISPUTED FACTS

7. The parties have agreed to the undisputed facts below. Motion, pp. 2-3; MSJ Response, p. 2.

1. On July 2, 2024, DCVF hosted a fundraising event. Answer ¶ 14.
2. DCVF spent \$28,072.61 on the event. Answer ¶ 14.
3. To host the event, DCVF received three separate in-kind contributions from members of the Ames family. Answer ¶ 14.
4. These three contributions to DCVF totaled \$28,072.61. Answer ¶ 14.²
5. In 2024, DCVF contributed:
 - a. \$3,340.36 to Lauren Boebert’s federal campaign committee. Answer ¶ 19; Ex. C to Scott Decl. at 3.

² These three contributions totaling \$28,072.60 were *in kind*, so they were not reported to the state by Respondent or any of the state committees. The total amount of cash raised at the fundraiser, according to the FEC filing, Scott Decl. p. 6 (“unitemized” contributions of \$2450) plus the specific contributor donations to DCVF, *id.* pp. 9-13, was \$28,850.

James Burcham	\$1,000.00
Bruce Church	\$500.00
Kim Haarberg	\$1,000.00
John Kim, MD	\$5,000.00
Susan Kim	\$5,000.00
Jeff Lind	\$500.00
Larry Mizel	\$5,000.00
C. O'Reilly	\$300.00
Brett Plumadore	\$300.00
Brett Plumadore	\$300.00
Harold Smethills	\$7,500.00
Unitemized on FEC form	\$2,450.00
Total	\$28,850.00

b. \$6,384.26 to various entities for legal or accounting services. Answer ¶ 19; Ex. C to Scott Decl. at 3-4.

c. \$15,389.53 to the Douglas County Republican Central Committee in a disbursement DCVF reported as a “non-federal disbursement.” Answer ¶ 19; Ex. C to Scott Decl. at 3.

d. \$3,062.00 to various Colorado state candidate committees, which DCVF also reported as “non-federal disbursement[s].” Answer ¶ 19; Ex. A to Scott Decl.

6. Among DCVF’s contributions to Colorado state candidate committees was a \$755.56 contribution to Brauchler for Colorado. Answer ¶ 19; Ex. A to Scott Decl.

7. Brauchler for Colorado attempted to return \$305.56 of that contribution on January 17, 2025, and reported that attempted reimbursement to the Secretary of State. Answer ¶ 19; Ex. A to Scott Decl.

8. As of the date of this filing, DCVF has not cashed the reimbursement check from Brauchler for Colorado. Scott Decl. ¶ 9.

9. In 2024, DCVF had the major purpose of supporting or opposing candidates for office as demonstrated by its disbursements to Colorado state candidates and committees. Answer ¶ 36.

10. DCVF did not register as a political committee with the Colorado Secretary of State in 2024. Answer ¶¶ 3, 37.

11. DCVF did not file reports of contributions and expenditures with the Colorado Secretary of State in 2024. Answer ¶¶ 3, 41; Scott Decl. ¶ 7.

LEGAL ANALYSIS

8. Respondent Douglas County Victory Fund is a political committee for purposes of the Colorado Fair Campaign Practices Act. It became such on the date of the Larkspur fundraiser, July 2, 2024, when it “accepted or made contributions or expenditures in excess of \$200 to support” candidates for state office. Colo. Const. art. xxviii, §2 ¶¶ (2) & (12)(a) [definitions of “candidate” and “political committee”]. Raising money for state

candidates, Respondent had a duty under the Colorado Fair Campaign Practices Act to register “with the appropriate officer **before** accepting or making any contributions.” FCPA § 1-45-108(3), C.R.S. (2024) (Emphasis supplied.) The appropriate officer is the Colorado Secretary of State, Colo. Const. art xxviii, § 2(1) and FCPA § 1-45-109(1), C.R.S. (2024) and specifically the Elections Division of the Colorado Secretary of State. § 1-45-111.7(c). The official repository for campaign finance reporting in Colorado is TRACER, the Colorado Secretary of State’s electronic campaign finance filing and public disclosure platform.³

9. DCVF’s *reporting* duty, a duty of disclosure under the Colorado FCPA, is explicit. Political committees “shall report contributions received...expenditures made, and obligations entered into by the committee.” The report to the Secretary must include the name and address of persons contributing \$20 or more, § 1-45-108(1)(a)(I) and the occupation and employer as to all persons contributing \$100 or more. § 1-45-108(1)(a)(II).

10. Respondent makes two arguments as to why summary judgment should not be granted on Counts 1 and 2. First, Respondent urges that state requirements are preempted by federal law, the basis of its Motion to Dismiss that was denied in an August 27, 2025 Order. Second, Respondent argues that the state requirements for registering and reporting are unconstitutional as applied to it. These two arguments are wound together by Respondent. The claim of preemption is that because Respondent has reported state committee transactions to the Federal Elections Commission, it need not report the same

³ TRACER refers to the Secretary of State’s online campaign finance filing system, accessible at <http://tracer.sos.colorado.gov>.

information again to the State of Colorado. Reporting on TRACER the transactions already reported to the FEC, Respondent claims, is an unconstitutional burden on the committee's First Amendment right to speak.

11. Administrative agencies lack jurisdiction to rule on facial challenges to the constitutionality of a statute. *Arapahoe Roofing and Sheet Metal, Inc. v. City and Cty. of Denver*, 831 P.2d 451, 454 (Colo. 1992); see also *Horrell v. Dep't of Admin.*, 861 P.2d 1194, 1198-99 (Colo. 1993). But administrative agencies may “evaluate whether an otherwise constitutional statute has been unconstitutionally applied” in a given case. *Horrell v. Dep't of Admin.*, 861 P.2d 1194, 1198 & n.4 (Colo. 1993); *No on EE v. Beall*, 2024 COA 79, ¶13 fn.4.

***Buckley v. Valeo* endorsed three purposes of reporting of campaign finance transactions**

12. The constitutional framework for campaign reporting requirements was first articulated in *Buckley v. Valeo*, 424 U.S. 1 (1976). *Buckley* involved a wide ranging attack on the constitutionality of the contribution and expenditure limits and reporting requirements of the then recently enacted Federal Election Campaign Act of 1971 (FECA). Part I of the decision upheld contribution limits to candidate committees and struck down independent expenditure limits and limits on what candidates can spend from personal resources. Part II of the decision deals with reporting and disclosure requirements of the Act that are pertinent to this case.

13. *Buckley* is a ringing endorsement of the importance of the disclosure of campaign contributions and expenditures. Disclosure requirements for the reasons set

forth in *Buckley* implicate “the free functioning of our national institutions” and are of such importance and such “magnitude” that they may outweigh First Amendment concerns.

Buckley, id. 66. “[D]isclosure requirements, as a general matter, directly serve substantial governmental interests.” *Id.*, 68.

14. The *Buckley* court articulated three very good reasons, *id.* 66-68, to impose requirements for reporting and disclosure.

First, disclosure provides the electorate with information "as to where political campaign money comes from and how it is spent by the candidate" in order to aid the voters in evaluating those who seek [] office. It allows voters to place each candidate in the political spectrum more precisely than is often possible solely on the basis of party labels and campaign speeches. The sources of a candidate's financial support also alert the voter to the interests to which a candidate is most likely to be responsive and thus facilitate predictions of future performance in office.

Second, disclosure requirements deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity. This exposure may discourage those who would use money for improper purposes either before or after the election. A public armed with information about a candidate's most generous supporters is better able to detect any post-election special favors that may be given in return. ...

Third, and not least significant, recordkeeping, reporting, and disclosure requirements are an essential means of gathering the data necessary to detect violations of the contribution limitations described above.

15. Each of the three purposes of disclosure endorsed by *Buckley v. Valeo* are served by requiring DCVF to report its contributions and expenditures to the Secretary of State.

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- a. First, reporting to the state certainly would have provided information to voters in Colorado, who had, and still have, no information at all about who contributed money to DCVF that was given to seven state candidates. That information was on the FEC website—not the Secretary of State’s website which is where persons interested in Colorado elections would naturally be consulting.
 - b. Second, knowledge about donors on the Secretary of State’s website does help to avoid quid pro quo corruption and the appearance of corruption by shining a light on who is giving money to candidates and thus alerting the public to favors that may be returned by a candidate who wins an election. In this case, for example, three family members who apparently hosted the fundraiser gave virtually all of the \$28,072.61 worth of contributions that were taken in at the July 2 event. Answer, ¶14.
 - c. Third, this case does indeed show how disclosure aids in the enforcement of campaign finance law, including contribution limits. For example, the citizen complaint that launched the instant case was filed December 31, 2024. Answer, ¶ 23. Only after the investigation began did Brauchler for DA—a recipient of money from DCVF—attempt to return funds in excess of the \$450 per cycle contribution limit imposed by the FCPA. That occurred on January 17, 2025. Scott Decl. Ex. A.

16. To summarize, all three purposes of reporting and disclosure endorsed by *Buckley v. Valeo* and *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 344-45 (2010), are advanced by requiring DCVF to register and report contributions and expenditures *related to state candidates and offices* to the Colorado Secretary of State.

Exacting scrutiny

17. Because compelled disclosure has the potential for infringing the exercise of First Amendment rights, reporting requirements are subjected to “exacting scrutiny,” i.e., there must be a “relevant correlation” or “substantial relation” between the governmental

interest and the information required to be disclosed.” *Id.* 64. The infringement of First Amendment rights may be of two kinds: associational, or speech.

18. **First Amendment right of association.** A reporting requirement that discloses the identities of donors infringes on associational rights where it subjects those whose identity is disclosed to economic reprisal, loss of employment, threat of physical coercion or violence. This was the reason that disclosure of an organization’s membership list was held to violate the First Amendment rights of the organization and its members in *NAACP v. Ala. ex rel. Patterson*, 357 U.S. 449, 462, 78 S. Ct. 1163, 1172, 2 L. Ed. 2d 1488, 1500 (1958). At a time when the Ku Klux Klan was still active,⁴ it would obviously intimidate Alabamans from associating with the NAACP to pursue racial justice if their names were known.

19. Respondent does not claim that Colorado’s reporting requirements infringe its first Amendment right of association. And yet Respondent cites two associational right cases in support of its argument that reporting contributions and expenditures to the Secretary of State would be an unconstitutional burden on its speech. Respondent cherry picks a sentence, MSJ Resp. p. 6, from *Americans for Prosperity Foundation v. Bonta*, 594 U.S. 595, 141 S. Ct. 2373, 2384 (2021), quoting *Shelton v. Tucker*, 364 U.S. 479, 488 (1960), that even a “legitimate and substantial” purpose “cannot be pursued by means that

⁴ On September 15, 1963, Ku Klux Klan members detonated dynamite beneath the 16th Street Baptist Church in Birmingham, Alabama, a historic African American church, killing four little girls, and injuring others. Subsequent trials convicted three white supremacists and members of the Ku Klux Klan, between 1977 and 2002, of the bombing and deaths.

broadly stifle ... personal liberties when the end can be more narrowly achieved.” But Plaintiffs in both *Americans for Prosperity* and *Shelton* claimed that *their associational rights*—not their First Amendment right to speak—were chilled by the disclosure sought by the government. *Americans for Prosperity*, 594 U.S. at 618, 141 S.Ct. at 2389; *Shelton*, 364 U.S. at 490. There is no chill on the First Amendment right of association implicated by Colorado’s reporting requirements. Nor does DCVF claim an infringement on the First Amendment right of association in its Response to the Motion for Summary Judgment.

20. **First Amendment right of free speech.** The other right that can be implicated in reporting requirements is the First Amendment right of free speech, meaning the right to speak without undue government-imposed burdens on speaking.

None of Respondent’s cited cases support its claim that reporting transactions once on TRACER is an unconstitutional burden on its right to speak

21. Respondent claims that *Citizens for Responsible Gov’t State PAC v. Davidson*, 236 F.3d 1174 (10th Cir. 2000) supports its claim that reporting transactions already reported to the FEC is an unconstitutional burden, because it struck down a 24 hour reporting requirement.⁵ *Id.* at 1197. But *Davidson*’s reasoning that 24 hour reporting is unconstitutional is probably no longer valid law after *Citizens United v. FEC*, 558 U.S. 310,

⁵ *Citizens for Responsible Gov’t State PAC* struck down a section of the FCPA section 107(1) that contained a 24 hour notice mandate that would “not only require that independent expenditures be reported to the Secretary and made available to the public -- it also requires immediate written notice to each candidate in the race.” *Id.* at 1198. The court held “that neither the twenty-four hour requirement nor the candidate-notice provision can survive strict scrutiny.” *Id.*

370-371 (2010). *Citizens United*, among other issues for which the case is better known, upheld a 24 hour reporting requirement for electioneering expenditures of \$10,000 or more in FECA, stating that this “transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.” *Id.* at 371. Three years after *Citizens United*, the 8th Circuit’s decision in *Iowa Right to Life Comm., Inc. v. Tooker*, 717 F.3d 576 (8th Cir. 2013) upheld a 48 hour reporting requirement, cited several cases in which 24 and 48 hour reporting requirements have been upheld, *id.* at 595, and discussed the importance of prompt “rapid and informative” [disclosure]...provid[ing] the electorate with information about the sources of election-related spending.” 717 F.3d at 595.

(Internal quotations and citations omitted.)

22. Two other cases cited by Respondent— *Minnesota Citizens Concerned for Life, Inc. v. Swanson (MCCL)*⁶, 692 F.3d 864 (8th Cir. 2012) and *Iowa Right to Life Comm. v. Tooker (IRTL)*⁷, 717 F.3d 576, 598 (8th Cir. 2013)—likewise do not support Respondent’s

⁶ The Minnesota law at issue in MCCL required the association to comply with onerous regulations long after it stopped speaking, *id.* 871-872. The requirements included appointing a treasurer who becomes subject to civil and criminal penalties, segregating funds, maintaining detailed records, and registering and filing ongoing reports. *Id.* 871. The court found that the law at issue in that case would subject two farmers that engage in minimal speech to the full panoply of ongoing reporting regulations and requirements that apply to a PAC. *Id.* at 875; 886-887. Compliance with the law would so discourage political speech that it was held to be an unconstitutional infringement on the First Amendment right to speak.

⁷ Unlike Respondent, the plaintiff in *IRTL* was saddled by Iowa law with onerous “supplemental” reports that required it to report repeatedly the same information that it had already reported to the state.

argument that registering and reporting to the Colorado Secretary of State on TRACER is an unconstitutional burden. These cases cut the other way. In both cases, expenditures and contributions of political and candidate committees *had already been reported to the state*. What the 8th Circuit found to be an unconstitutional burden on the First Amendment right of free speech was that each state’s regulations imposed additional and continuing reporting requirements that thrust the organizations into a “long-term morass of regulatory red tape.” *MCCL*, 692 F. 3d at 873; *IRTL*, 717 F.3d at 599. The 8th Circuit found reporting requirements that require organizations *who have already reported to the state* to make perpetual, ongoing onerous reports,” *MCCL*, 692 F. 3d at 873, *IRTL*, 717 F.3d at 597, long after they have spoken, to be unconstitutional burdens on the First Amendment right of free speech. *MCCL*, 692 F. 3d at 877 and *IRTL*, 717 F.3d at 598.

23. These onerous, supplemental reporting requirements in the Minnesota and Iowa cases are not at all like the simple, initial one-time reporting requirements for contributions and expenditures involving state committees in the instant case. Contrary to Respondent’s argument, the 8th Circuit in *MCCL* expressed *approval* for the very type of reporting that the Division seeks to require of DCVF here. The court observed that when money is spent, it needs to be reported.

Iowa's supplemental reporting requirements thus extend the ongoing reporting requirements — "untethered from continued speech" — that "hinder[] [groups] from participating in the political debate and limit[] their access to the citizenry and the government."

IRTL, 717 F.3d at 598, quoting *MCCL*, 692 F.3d at 876.

"[R]equiring reporting whenever money is spent" is a constitutional way to "accomplish . . . disclosure-related interests."

MCCL, 692 F.3d at 876-77, quoted with approval *IRTL*, 717 F.3d at 594.

Reporting state campaign and committee transactions *in the right place*—on TRACER—is a simple obligation

24. Respondent has presented no evidence indicating that registration by DCVF⁸ in TRACER and reporting its contributions and expenditures for state candidates would impose any burden beyond the simple act of reporting the name, address, amount, date, employer and occupation of each of fourteen contributors. C.R.S. § 1-45-108(1)(a)(I) and (II), as well as the date, amount, purpose and recipient or committee name and address for each of ten distributees.

25. The small burden of contemporaneously reporting campaign finance transactions has been upheld in case after case. The importance of doing so was explained by Chief Justice Roberts in *Doe v. Reed*, 561 U.S. 186 (2010), decided three

⁸ The FCPA contemplates that fundraising activities may overlap federal and state candidates. Therefore, to facilitate registration by a committee like Respondent, FCPA § 1-45-108(3)(a) permits a federally registered committee to file its Federal registration Form 1 with the state in lieu of registering on TRACER, if it “contains substantially the same information required by § 1-45-108(3).” CPF Rule 7, addressed to federal PACs and political organizations, requires them to report state committee and candidate activity on TRACER. But nothing in Colorado’s campaign finance laws or CPF regulations permit a committee not to register and report on TRACER expenditures and disbursements regarding state committees just because it has done so on the Federal Elections Commission website. It is unknown why, during the “cure” period of this case, FCPA § 1-45-111.7(4), the Division rejected Respondent’s Form 1 as inadequate registration. Answer, ¶ 26. Resolving that uncertainty will be reserved for the hearing on civil penalties.

months after *Citizens United*, “[D]isclosure requirements may burden the ability to speak, but they . . . do not prevent anyone from speaking.” *Id.* at 196, quoting *Citizens United v. FEC*, 588 U.S. at 366 (internal quotation marks omitted). “We allow States significant flexibility in implementing their own voting systems,” *Doe v. Reed*, 561 U.S. at 194. The state’s interest in preserving electoral integrity extends “to promoting transparency and accountability in the electoral process.” *Id.* at 198. “Public disclosure [] promotes transparency and accountability in the electoral process to an extent other measures cannot.” *Id.* at 199. (Emphasis supplied.)

26. On the issue of FCPA reporting requirements, the Colorado Supreme Court has concluded that “Any contribution to a political committee . . . whose major purpose is to influence elections, is deemed to be campaign related and thus justifies the burden of reporting and disclosure.” *Campaign Integrity Watchdog v. Alliance for a Safe & Indep. Woodmen Hills*, 2018 CO 7, P18.

[T]he interests identified in *Buckley* apply to any contribution to a group that primarily serves to influence elections, even a contribution earmarked for non-campaign purposes like legal expenses. The electorate benefits from knowing “the interests to which a candidate is most likely to be responsive.”

Id. at P44, quoting *Citizens United*, 588 U.S. at 67.

27. Respondent has not cited a single case where any state’s requirement of contemporaneous reporting of campaign contributions and expenditures to the state has been held to be an unconstitutional burden on First Amendment rights. Respondent seeks to escape responsibility for having reported contributions and expenditures *in the wrong*

place—a place not authorized by Colorado’s narrowly tailored reporting requirements.⁹

The failure to report contributions and expenditures to and on behalf of state committees *in the right place*—on TRACER—is a violation of Colorado’s FCPA.

28. The disclosure in the instant case was not only in the wrong place, but it was anything but prompt, and certainly not “immediate,” which is when the Secretary must make reported information available to the public. The fundraiser in Larkspur was July 2, 2024. While DCVF did not report to the state at all, some—but not all—of the recipients of DCVF’s funds reported the transactions on TRACER nine to twelve weeks later, Scott Decl. at p. 4, and were apparently not reported to the FEC until October 15, 2024, Scott Supp. Decl. p. 2, ¶ 4—three and a half months after the fundraiser, and at a time when ballots had already been mailed to Colorado voters.

Getting the committee to file a report in the right place is essential to making the information in the reports available to the public

29. Colorado’s campaign finance laws contain important duties that must be promptly performed—and in some cases immediately performed—by the Secretary of State in order to fulfill the three purposes endorsed in *Buckley*: providing information to

⁹ Presenting as a small committee that contributed less than \$19,000 to state committees, Respondent states that it was “forced to spend over \$6,300.00 on accounting and reporting services,” MSJ Response, p. 7, but provides no evidence or explanation about why it was “forced” to do this. Lay people—first time candidates and campaign managers across the state—input contributions and expenditures into TRACER. What is it about DCVF’s transactions that “forced” the expenditure of \$6,300.00? Does it have anything to do with the state committees?

voters, avoiding corruption or the appearance of corruption, and ensuring compliance with contribution limits. The Secretary:

- a. Shall “[m]ake the reports and statements filed with the secretary of state's office available *immediately* for public inspection and copying. Colo. Const. art. xxviii, § 9(1)(e). (Emphasis supplied.)
- b. Shall review any document filed with the Secretary for violations or potential violations of the state’s campaign finance laws. § 1-45-111.7(7)(a) and (b). This review includes “the factual inspection of any document required to be filed with the secretary for campaign finance registration, reporting, or disclosure in order to *assess the document's accuracy and completeness and the timeliness of the document's filing*. FCPA § 1-45-111.7(7)(c). (Emphasis supplied.)
- c. Shall make the required information “available *immediately* in a file for public inspection...[and] shall make reports viewable on the secretary of state's official website.” FCPA § 1-45-109(4)(a). (Emphasis supplied.)
- d. Shall “operate and maintain a website so as to allow any person who wishes to review reports filed with the secretary of state's office pursuant to this article... free of charge.” FCPA § 1-45-109(5)(a). All reports required of state political and candidate committees “shall be made available *immediately* on the website. FCPA § 1-45-109(5)(b). (Emphasis supplied.) “The website shall enable a user to produce summary reports based on search criteria that shall include, but not be limited to the reporting period, date, name of the person making a contribution or expenditure, candidate, and committee.” FCPA § 1-45-109(5)(c).

30. The whole point of reporting contributions and expenditures of state political and candidate committees is to allow the Secretary to ensure compliance with Colorado’s campaign finance laws and to make information about campaign contributions and expenditures easily available and searchable by the public. The point is lost when committees report information in the wrong place. Wrong place reporting makes it

impossible for the Secretary to ensure that accurate campaign finance information is made available to the public at the time it is useful. It also makes finding and searching information more difficult for some members of the public and impossible for others.

31. Further, that the committees and the Secretary fulfill their obligations under the FCPA is necessary to support and implement the three purposes of disclosure endorsed in *Buckley v. Valeo*. Obviously, the Secretary cannot perform her function of making the information available to, accessible by and useable for the public until the committees perform the primary obligation of registering and reporting, which Respondent has failed to do here.

32. The Secretary cannot discharge the duties listed in ¶ 29 above unless candidate and political committees comply with their obligation to report transactions ***in the right place***, on the Secretary's TRACER website. A corollary of this is that the *Buckley* sanctioned purposes of accurate reporting cannot be achieved if committees are free to report information *in the wrong place* and then claim compliance. While DCVF and its advisors chose to report to the FEC, the reports that they did make to the FEC reveal underreporting of state candidate contributions. The Motion for Summary Judgment does not require an examination of Respondent's assertion that "it reported...as required by federal law."¹⁰ MSJ Response, p. 5. The concern here is with the fact that Respondent did not report as state law requires.

¹⁰ There is a reason that throws this assertion in doubt. Respondent reported to the FEC as a "Joint" fundraising committee. Joint fundraising committees are required to have written

DCVF made in kind contributions that were never reported to the State of Colorado

33. In addition to untimely reporting in the wrong place, DCVF made contributions that were never reported to the State of Colorado.

34. Lisa for Colorado Committee received a monetary contribution of \$318.13 from DCVF, Scott Supp. Decl. at 20, but that has never been reported to the State.

35. In kind distributions from Lois, Tara, and Tom Ames to each of the state committees were reported to the FEC.

This in kind allocated in the following ways: Line 22 - Lauren Boebert for Congress - 2,607.53, Line 29 -Douglas County Republican Committee - 4500.00, Van Winkle for Colorado - 500.00, Brauchler for DA - 450.00, George for Douglas Co. - 500.00, Lisa for Colorado Committee - 200.00, Max Brooks for Colorado Committee - 200.00, Brandi Bradley for HD39 - 200.00, Hartsook for House - 200.00.

Scott Supp. Decl. at 15-16.

But none of these in kind DCVF disbursements to state committee were reported on TRACER. The total of unreported in kind disbursements to state committees is \$20,250.00 (\$28,072.59 - \$7,822.59 [in kind to Lauren Boebert] = \$20,250.00), *id*, is set forth in the chart on the next page.

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agreements among the participants that set forth how money will be allocated among the participants. 11 C.F.R. 102.17(c)(1). But there is no evidence that DCVF had such an agreement with any of the state committees. And the allocation of cash disbursements to the committees, Scott Supp. Decl. pp. 18-20 is different from the allocation of in kind disbursements. Scott Supp. Decl. pp. 15-16.

	In kind from Tara	In kind from Lois	In kind from Tom	Total in kind	%
Lauren Boebert for Congress	\$2,607.53	\$2,607.53	\$2,607.53	\$7,822.59	28%
Douglas County Republican Committee	\$4,500.00	\$4,500.00	\$4,500.00	\$13,500.00	48%
Van Winkle for Colorado	\$500.00	\$500.00	\$500.00	\$1,500.00	5%
Brauchler for DA	\$450.00	\$450.00	\$450.00	\$1,350.00	5%
George for Douglas Co.	\$500.00	\$500.00	\$500.00	\$1,500.00	5%
Lisa for Colorado Committee	\$200.00	\$200.00	\$200.00	\$600.00	2%
Max Brooks for Colorado Committee	\$200.00	\$200.00	\$200.00	\$600.00	2%
Brandi Bradley for HD39	\$200.00	\$200.00	\$200.00	\$600.00	2%
Hartsook for House	\$200.00	\$200.00	\$200.00	\$600.00	2%
Total in kind disbursements	\$9,357.53	\$9,357.53	\$9,357.53	\$28,072.59	100%

36. The difference between the allocated percentages of the monetary disbursements (66% to state committees, see ¶ 2 above) and those of the in kind disbursements (72% to state committees, see chart above) is a confusing detail that might be better understood with the aid of the written allocation agreement required by 11 CFR 102.17(c)(1) for “joint” fundraising committees registered with the FEC. But that is not part of the record before me.

37. Max Brooks was elected November 5, 2024 to represent Colorado House District 45 in the General Assembly, and the Max Brooks for Colorado Committee is listed

in three text lines as a beneficiary of DCVF of the federal filing, Scott Supp. Decl. at 15-16. But his committee reports no contributions of any kind from DCVF in TRACER during the last general election.

FCPA'S REGISTRATION AND REPORTING REQUIREMENTS ARE NOT UNCONSTITUTIONAL AS APPLIED TO RESPONDENT

38. For the reasons stated above, I find that the registration and reporting requirements of Colorado's Fair Campaign Practices Act are not unconstitutional as applied to Respondent Douglas County Victory Fund. Requiring DCVF to register and report its activities and transactions insofar as they affect state political and campaign committees "impose[s] no ceiling on campaign-related activities," *Citizens United*, 558 U.S. at 366 (quoting *Buckley*, 424 U.S. at 64), and "do[es] not prevent anyone from speaking," *id.* (quoting *McConnell v. Fed. Election Comm'n*, 540 U.S. 93, 201 (2003) (overruled on other grounds by *Citizens United*)).

39. I have already found in the August 27, 2025 Order Denying Motion to Dismiss that FECA does not preempt the registration and reporting requirements of Colo. Const. art. xxviii and the Colorado FCPA. I do not accept Respondent's invitation to reconsider my findings and conclusions on that issue.

SUMMARY JUDGMENT GRANTED IN PART AND DENIED IN PART

40. Summary Judgment is GRANTED as to Respondent's liability on all counts in the Complaint. Pursuant to C.R.S. § 1-45-111.5(3), Respondent Douglas County Victory Fund is hereby ORDERED within ten days of the date hereof to register and report the transactions, contributions, and expenditures related to the state political and campaign

committees in 2024 as required by FCPA § 1-45-108(3) (registration), § 1-45-108(1)(a)(1) (reporting), and CPF Rule 23.4.4(a)(1) and (3), 8 CCR 1505-6.

41. The Division also seeks civil penalties in the Motion for Summary Judgment:

Count 1	\$7,942.00
Count 2	\$3,247.32
Count 3	\$130.60
Total penalties sought:	\$ 11,319.92.

42. Sanctions and civil penalties for violations of Colorado’s campaign finance laws are authorized by Colo. Const. art. xxviii §10, by FCPA § 1-45-111.5 and by CPF Rule 23.4. The ALJ or hearing officer “has discretion to determine an appropriate penalty “for violation of Colorado’s campaign finance laws.” *Patterson Recall Comm., Inc. v. Patterson*, 209 P.3d 1210, 1217 (2009). The exercise of discretion in imposing civil penalties can be overturned only where the penalty “(1) bears no relation to the conduct, (2) is manifestly excessive in relation to the needs of the public, or (3) is otherwise a gross abuse of discretion.” *Id.* at 1218 (internal quotation marks and citations omitted). The exercise of discretion can also include imposing no penalty at all. *Id.* at 1219.

43. The facts surrounding appropriate civil penalties and monetary sanctions, however, are in dispute. A fuller record is required for me to exercise appropriate discretion as to the amount of any civil penalties. The parties concur that \$130.60 is the appropriate penalty for the violation of Count 3. But before entering judgment for that amount, I need to understand whether the overpayment to Brauchler for DA is indeed \$305.56, or if it is some other amount when the Ames’ in kind contributions are factored in.

44. Summary Judgment therefore is DENIED as to the civil penalties sought in the Division’s Motion. There are disputed issues of material fact as to the application of the civil penalties provided in the rules and any mitigation of the penalties that ought to be considered. I do not provide a full catalog of disputed facts as to the penalties, but here are several:

- a. Explain the source and contributors lumped together as “unitemized contributions” of \$2450 reported on the FEC summary page. Scott Supp. Decl.p. 6.
- b. What was the idea behind the formation of the Douglas County Victory Fund? When was the DCVF established and who or what committees participated in its founding? When did this entity spring into being, and what is the evidence of its existence?
- c. Where is the written agreement among the various committees required by 11 C.F.R. 102.17(c)(1)? What does it say? Does Respondent claim that this regulation does not apply? Does the existence, or not, of an agreement impact the consideration of civil penalties?
- d. When did each of the state committees become intended recipients of funds raised at the event? When did the federal candidate become an intended recipient of funds raised at the event? What did the invitation to the July 2, 2024 fundraiser look like? What did it say?
- e. Who placed the value on the in kind contributions of the Ames family members? Does it have any relation to the price for the venue and services that would be paid in an arm’s length transaction?
- f. Who made the allocation for the in kind contribution to the various candidates reported on pp. 15-16 of Scott Supp. Decl.? When was that allocation made? How was the allocation communicated to participating committees? Why is there no report of in kind contributions by any of the state political and candidate committees on TRACER?
- g. Where did Respondent have its bank account? When was it opened? When was it closed?

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- h. Who made registration and reporting decisions for Respondent?
 - i. Who is making the registration and reporting decisions for Respondent now?
 - j. By what means did Respondent make the monetary distributions to political and candidate committees?
 - k. Why did Respondent choose to report transactions involving Colorado political and candidate committees on the FEC website?
 - l. Was October 15 the date on which Respondent recorded receipts and disbursements on the FEC website? Scott Supp. Decl. p. 2, ¶14 and pp. 9-20.
 - m. What is the nature and source of “Unitemized contribution” of \$2,450 on the federal filing? Scott Supp. Decl. p. 6, Line 11(a)(2).
 - n. Did DCVF distribute any money to Max Brooks for Colorado? How? Or why not, since he is listed as having received an in kind contribution from each of the Ames family members.
 - o. On Count 1, what was the basis for the Division’s rejecting Form 1 as a cure for DCVF’s not having registered with the Secretary of State? See §1-45-108(3.5).
 - p. What legal services of First and Fourteenth are attributable to the state political and candidate committees? What of the firm’s legal services are attributable to the federal candidate?
 - q. McCauley and Associates that did “accounting and reporting” was paid \$1,500 August 26 and \$636.26 October 30. Scott Decl. pp. 12-13. What services did the firm perform that resulted in the October 30 payment?
 - r. What was the assignment to the McCauley firm? Is there an engagement letter and are there invoices that shed light on its work and the allocation of its fees among the committees? How does that impact civil penalties for Counts 1 and 2.
 - s. To what extent were the legal and accounting and reporting expenses attributable to the federal candidate?
 - t. Was the amount of the overpayment to Brauchler for Colorado \$305.56, or does the overpayment include, in addition, the in kind distributions from the Ames family members?

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- u. What happened to the \$305.56? Where is it now? Has the check from the Brauchler for Colorado Committee been paid? Who benefitted from the repayment?

45. **Prehearing Statements** shall comply with GPAR Rule 3.11 and are due one week before the hearing.

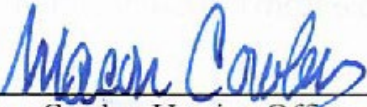
46. **Exhibits and exhibit format.** Exhibits shall be exchanged on the same date as the prehearing statements. Each party shall put its exhibits in a single bookmarked pdf file, with each exhibit labeled (with the Division using numbers and the Respondent using letters) and bookmarked within the pdf file. The exhibit “labels” must contain the exhibit number or letter, the hearing date and the case number. Each party shall also present an exhibit book with hard copies of exhibits for the use of the hearing officer during the hearing.

47. **Trial Efficiencies.** Include in the Prehearing Statement an estimate of time needed for direct examination of each witness in each parties’ case in chief, as well as the amount of time required to try the case.


48. The Division shall file **a single exhibit list with both party’s exhibits**, noting stipulations as to admissibility and objections by the parties, using the template that will be provided by the Court Clerk on request.

49. Counsel are directed to confer with each other and with Nathan Borochoff-Porte, Administrative Court Clerk, to set a hearing date during the first two weeks of February.

SO ORDERED this 7th day of January 2026.



Macon Cowles, Hearing Officer



CERTIFICATE OF SERVICE

The undersigned hereby certifies that one true copy of this Order on Summary Judgment was sent via email on January 7, 2026, to the following:

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Third-Party Complainant

/s/ N. B. Porte

Nathan Borochoff-Porte, Administrative Court Clerk