

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. 2025-43

In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

JENNIFER MCGAVIN ELECTION COMMITTEE,

Respondent.

COMPLAINT

Pursuant to § 1-45-111.7, C.R.S. (2024), the Elections Division of the Secretary of State files this complaint against Jennifer McGavin Election Committee (“Respondent” or the “Committee”).

BACKGROUND

1. To provide voters with information about the sources of election-related communications, Colorado law requires entities spending a certain amount on 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, the Committee failed to include compliant disclaimers on almost \$850 worth of regular biennial school electioneering communications during the 2025 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 Jennifer McGavin Election Committee, a candidate committee registered with the Colorado Secretary of State, ID # 20255049860.

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 filed more than 30 days after the Division’s Notice of Investigation. *But see* § 1-45-111.7(5)(a)(IV). However, such deadlines are discretionary, not mandatory, and therefore the complaint is timely. *See, e.g., In re Protest of McKenna*, 2015 CO 23, ¶ 20.

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

ALLEGATIONS

10. In 2025, Jennifer McGavin ran for school board director in the Delta County 50J School District. Jennifer McGavin Election Committee was the candidate committee organized to support McGavin’s’s candidacy.

11. On September 4, 2025, the Division received a campaign finance complaint against Jenifer McGavin. The complaint alleged that the Committee had failed to include compliant disclaimers on campaign communications.

12. During its review and investigation of the complaint, the Division determined that the Committee spent \$2,553.23 on biennial school electioneering communications between August 2, 2025, and November 1, 2025.

13. The Division also determined that \$846.28 worth of those communications did not include required “paid for by” disclaimers.

14. Upon receiving notice of the complaint in early-September 2025, the Committee took steps to cure the alleged violations, including by adding disclaimers to previously distributed signs and ensuring that compliant disclaimers were included on subsequent communications.

COLORADO CAMPAIGN FINANCE LAW

15. “Any person who expends one thousand dollars or more per calendar year on . . . 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. (2024).

16. 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).

17. 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).

18. A “regular biennial school electioneering communication” “has the same meaning as ‘electioneering communication . . . except that, for purpose of the definition of regular biennial school electioneering communication only, ‘candidate’ . . . means a candidate in a regular biennial school election and the requirements specified in section 2(7)(a)(II) [of the Colorado Constitution] mean a communication that is . . . 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.)

19. All preceding allegations are incorporated.
20. In 2025, the Committee distributed more than \$1000 worth of regular biennial school electioneering communications.
21. Of those, \$846.28 worth of the communications did not include compliant “paid for by” disclaimer statements.
22. These communications were distributed to members of the electorate for school board director in the Delta County 50J School District, during the 2025 regular biennial school electioneering window, and unambiguously referred to Jennifer McGavin.
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 19th day of February, 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 19th day of February, 2026, by email and/or U.S. mail, addressed as follows:

Jennifer McGavin Election Committee
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Respondent

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Third-Party Complainant

/s/ Peter G. Baumann