

STATE OF COLORADO  
SECRETARY OF STATE  
1700 BROADWAY #550  
DENVER, COLORADO 80290

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BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE,  
ADMINISTRATIVE HEARING OFFICER

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AHO Case No. \_\_\_\_\_

ED Case No. 2025-66, 2025-67, 2025-68, 2025-75, 2025-86

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In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

SAY NO TO THE RECALL OF SCOTT MIJARES,

Respondent.

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### **COMPLAINT**

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Pursuant to § 1-45-111.7, C.R.S. (2024), the Elections Division of the Secretary of State files this complaint against Say No to the Recall of Scott Mijares (the “Committee” or “Respondent”).

### **BACKGROUND**

1. To provide voters with information about the sources of election-related communications, Colorado law requires entities spending a certain amount on 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, the disclaimer must also identify the person’s registered agent.

2. Here, the Committee failed to include compliant disclaimers on just under \$17,000 worth of communications during the 2025 election cycle. Although the Committee was able to cure many of the noncompliant communications, it was unable to cure all of them.

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 Say No to the Recall of Scott Mijares, an issue committee registered with the Elections Division, ID # 20255050586.

### **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 Division’s February 6, 2026, Notice of Investigation and Consolidation, 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. Last summer, residents of Montrose County filed a recall petition seeking to recall Montrose County Commissioner Scott Mijares. The recall vote appeared on the November 2025 ballot, and Commissioner Mijares was recalled.

11. Say No to the Recall of Scott Mijares was the issue committee formed to oppose the recall effort. Its registered agent is Scott Mijares.

12. Between October 17 and October 2024, 2025, Barbara Bynum filed five, separate campaign finance complaints with the Division against Scott Mijares and the Committee. The Bynum Complaints alleged that Respondent had failed to include compliant “paid for by” disclaimers on various election communications.

13. On October 30, 2025, the Division consolidated the five complaints.

14. Under Colorado law, non-natural persons—such as issue committees—must identify the name of the person’s registered agent in their “paid for by” disclaimers.

15. During its review and investigation of the Bynum Complaints, the Division determined that although all of Respondent's communications included a "paid for by" disclaimer, none of those communications identified the Committee's registered agent.

16. The Division also determined that the Committee spent more than \$1,000 on each of the communications in question, specifically "marketing materials" (signs and banners), radio advertisements, postcards, additional signs, and additional radio advertisements.

17. Shortly after receiving notice of the first Bynum Complaint, the Committee undertook a significant effort to cure the alleged violations. This included adding stickers with compliant disclaimers to already-distributed signs and re-recording radio advertisements to include a complaint disclaimer.

18. The Committee was unable to cure some communications, such as mailers, which had already been distributed.

19. Based on its review and investigation, the Division determined that the Committee had distributed \$16,902.33 worth of communications without compliant disclaimers.

20. The Division further determined that the Committee was able to cure approximately \$11,000 worth of communications, but was unable to cure approximately \$5,800 worth of communications.

### **COLORADO CAMPAIGN FINANCE LAW**

21. Any issue committee "making an expenditure in excess of or spending more than one thousand dollars per calendar year on a communication that must be disclosed under article XXVIII of the state constitution or under this article 45 or supports or opposes a ballot issue or ballot question, and that is broadcast, printed, mailed, delivered; placed on a website, streaming media service, or online forum for a fee; or that is otherwise distributed shall include in the communication a disclaimer statement in accordance with subsection (2) of this section." § 1-45-108.3(1), C.R.S. (2025).

22. That disclaimer statement “must conform to the requirements specified in section 1-45-107.5(5) for content, size, duration, and placement.” § 1-45-108.3(2), 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).

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

24. All preceding allegations are incorporated.

25. In 2025, the Committee distributed five separate communications, each costing more than \$1,000.

26. Each of these communications did not originally include a compliant “paid for by” disclaimer. Specifically, the communications did not identify the Committee’s registered agent.

27. These communications expressly advocated against the ballot issue posing the question of whether Scott Mijares should be recalled, and were distributed to members of the electorate for that election.

28. 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 9th day of March, 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 9th day of March, 2026, by email and/or U.S. mail, addressed as follows:

Say No to the Recall of Scott Mijares  
C/O Registered Agent Scott Mijares  
439 E. Main St.  
Montrose, CO 81401  
ScottM4Montrose@gmail.com  
*Respondent*

Barbara Bynum  
PO Box 233  
Montrose, CO 81402  
volunteer@recallscottmijares.com  
*Third-party Complainant*

/s/ Peter G. Baumann