

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 Nos. 2025-71, 2025-72, 2025-73, and 2025-74

In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

KRAMER FOR DCSD, VAIL FOR DCSD, GAMBILL FOR DCSD, and SMITH FOR
DCSD,

Respondents.

COMPLAINT

Pursuant to § 1-45-111.7, C.R.S. (2025), the Elections Division of the Secretary of State files this complaint against Kramer for DCSD, Vail for DCSD, Gambill for DCSD, and Smith for DCSD (collectively, “Respondents” or the “Committees”).

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, the disclaimer must also identify the person’s registered agent.

2. Here, the Committees failed to include “paid for by” disclaimers on over \$12,000 worth of regular biennial school electioneering communications during the 2025 election.

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 Kramer for DCSD is a candidate committee registered with the Colorado Secretary of State, ID # 20255049823.

6. Respondent Vail for DCSD is a candidate committee registered with the Colorado Secretary of State, ID # 20255049825.

7. Respondent Gambill for DCSD is a candidate committee registered with the Colorado Secretary of State, ID # 20255049821.

8. Respondent Smith for DCSD is a candidate committee registered with the Colorado Secretary of State, ID # 20255049819.

JURISDICTION AND VENUE

9. The Division has jurisdiction under § 1-45-111.7.

10. The Division files this complaint with a hearing officer consistent with § 1-45-111.7(5)(a)(IV).

11. This complaint is timely filed within thirty days of Division’s March 16, 2026, Notice of Consolidation and Investigation, according to § 1-45-111.7(5)(a)(IV).

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

ALLEGATIONS

13. In 2025, Deborah Kramer, Stephen Vail, Keaton Gambill, and Matthew Smith ran on a common slate for separate school board seats on the Douglas County School Board. Each appeared on the November 2025 ballot in Douglas County.

14. The Committees were the candidate committees organized to support each candidate’s candidacy for school board.

15. On October 21, 2025, the Division received four separate campaign finance complaints—one against each committee. The complaints were filed by Scott Undercofler, and alleged that the Committees had failed to include “paid for by” disclaimers on digital advertisements promoting the slate.

16. The Division reviewed and investigated the Undercofler complaints.

17. Because the complaints arose from a common set of operative facts, the Division consolidated the four Undercofler complaints against the Committees.

18. Based on its investigation, the Division concluded that the Committees had failed to include “paid for by” disclaimers on digital advertisements that appeared on Meta platforms (for example, Facebook) and Google.

19. The Division determined that the Committees had spent \$12,133.64 on digital advertisements that qualified as regular biennial school electioneering communications that did not include compliant disclaimer statements. This total was split equally amongst the Committees.

20. The Division also determined that Kramer for DCSD had spent an additional \$3,787.39 on digital advertisements that constituted regular biennial school electioneering communications.

21. During its investigation, the Division reviewed additional communications from the Committees. The Division was assisted in this review by the Committees’ cooperation, including by providing invoices, receipts, and copies of other communications.

22. The Committee’s non-digital communications each included compliant “paid for by” disclaimers.

COLORADO CAMPAIGN FINANCE LAW

23. Under Colorado law, “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. (2025).

24. 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).

25. A “regular biennial school electioneering communication” is an “electioneering communication” that applies to candidates and elections for biennial school boards. § 1-45-103(15.5).

26. 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; (II) is . . . distributed within . . . 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).

CLAIM ONE
FAILURE TO INCLUDE COMPLIANT DISCLAIMER
(ALL RESPONDENTS)
(§ 1-45-108.3(3), C.R.S. (2025))

27. All preceding allegations are incorporated.

28. In 2025, the Committees distributed more than \$1,000 worth of regular biennial school electioneering communications.

29. Each of these communications referred to each of the Committees’ candidates, were distributed to members of the electorate for the office those candidates were seeking, and were distributed within 60 days of the general election for that office.

30. \$12,133.64 worth of those communications did not include a “paid for by” disclaimer identifying the persons paying for the advertisement.

31. The cost of those communications was split equally between each of the Committees.

32. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 et seq.

CLAIM TWO
FAILURE TO INCLUDE COMPLIANT DISCLAIMER
(KRAMER FOR DCSD)
(§ 1-45-108.3(3), C.R.S. (2025))

33. Allegations in paragraphs 1-26 are hereby incorporated.

34. In 2025, Kramer for DCSD distributed more than \$1,000 worth of regular biennial school electioneering communications.

35. Each of these communications referred to Deborah Kramer, were distributed to members of the electorate for the office Kramer was seeking, and were distributed within 60 days of the general election for that office.

36. In addition to the communications identified in Claim 1, Kramer for DCSD spent an additional \$3,787.39 on regular biennial school electioneering communications that did not include “paid for by” disclaimers.

37. 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 15th day of April, 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 15th day of April, 2026, by email and/or U.S. mail, addressed as follows:

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Smith for DCSD
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Respondents

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/s/ Peter G. Baumann