

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. 2024-88

In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

YARA FOR COLORADO,

Respondent.

COMPLAINT

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

BACKGROUND

1. To provide voters with information about the sources of election-related communications and expenditures, Colorado law requires “paid for by” disclaimers on electioneering communications once certain thresholds have been met. These disclaimers must identify the person paying for the communication and, if that person is not a natural person, the name of the person’s registered agent.

2. Here, the Committee sent a series of text messages to voters prior to the November 2024 election encouraging voters to support Yara Zokaie’s candidacy for Colorado State House of Representatives. The text messages did not include a “paid for by” disclaimer.

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 Yara for Colorado, a candidate committee registered with the Colorado Secretary of State, ID # 20235044327.

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 the Division’s March 18, 2025, Notice of Investigation, 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. In 2024, Yara Zokaie ran for the Colorado State House of Representatives in District 52. The candidate committee formed to support her candidacy was Yara for Colorado.

11. The Committee’s stated purpose was “to elect Yara Zokaie to the Colorado State House for House District 52.”

12. Zokaie appeared on the November 5, 2024, general election ballot in District 52.

13. On October 22, 2024, the Division received a campaign finance complaint against Zokaie. The Complaint was filed by Stephen Yurash, and alleged that Zokaie was distributing text message communications to voters without a paid for by disclaimer.

14. The Division provided notice to the Committee of the Yurash complaint the same day.

15. The Yurash complaint also included photos of the text messages, which did not include a disclaimer.



16. The text messages did include a graphic, but the graphic also did not include a disclaimer statement.



17. As part of its review and investigation, the Division reviewed the Committee's reports of contributions and expenditures.

18. In 2024, the electioneering window opened 30 days before the June 25, 2024, primary election.

19. On June 3, 2024, the Committee paid \$500 to Stacy Suniga. The Committee reported this expenditure as an electioneering communication. After this expenditure, the Committee had spent more than \$1,000 on electioneering communications in 2024.

20. On October 3, 2024, the Committee reported a \$527.32 expenditure to "Scale to Win." One of Scale to Win's products is "Scale to Win Text, an all-in-one texting tool for organizing and fundraising."

21. On information and belief, the text messages identified in the Yurash complaint were part of the \$527.32 expenditure to Text to Win.

22. After its initial review, the Division offered the Committee an opportunity to cure the alleged violations.

23. On November 7, 2024, the Committee filed a Notice of Intent to Cure. In the Notice, the Committee expressed its "belief that the initial text made clear that this is a text from Yara's state house campaign," but indicated that the Committee "also sent a follow up text to the same list to let them know that the previous text was paid for by Yara for Colorado, Registered agent Danielle Suniga."

24. The Committee did not respond to follow-up requests for more information about this subsequent text message.

COLORADO CAMPAIGN FINANCE LAW

25. Under Colorado law, "any person who expends one thousand dollars or more per calendar year on 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).

26. The disclaimer "shall include . . . a statement that: (I) The communication has been 'paid for by (full name of the person paying for the communication)'; and (II) Identifies

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), C.R.S. (2024).

27. Colorado law defines an electioneering communication as any communication that is distributed that: “(I) Unambiguously refers to any candidate; and (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).

28. Additionally, the Colorado Court of Appeals had found that an electioneering communication exists when that communication expresses "electoral advocacy" and tends to "influence the outcome of Colorado elections.” *Harwood v. Senate Majority Fund, LLC*, 141 P.3d 962, 966 (Colo. App. 2006).

CLAIM ONE
FAILURE TO INCLUDE DISCLAIMER
(§ 1-45-108.3(3), C.R.S. (2024))

29. All preceding allegations are incorporated.

30. During the 2024 election season, within sixty days of the November 5, 2024 general election, the Committee distributed text messages. The messages unambiguously identified Yara Zokaie and were distributed to voters in House District 52.

31. The text messages expressed electoral advocacy and were intended to influence the outcome of an election, asking the recipient “Can I count on your vote in the upcoming election?”

32. These text messages were distributed after the Committee had spent more than \$1,000 on electioneering communications during the 2024 election cycle.

33. These text messages did not include a “paid for by” disclaimer.

34. 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 17th day of April, 2025

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 17th day of April, 2025, by email and/or U.S. mail, addressed as follows:

Yara for Colorado
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/s/ Peter G. Baumann