

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. 2025-03

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In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

VAN WINKLE FOR COLORADO,

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 Van Winkle 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 candidate committees to report their contributions received.

2. Here, the Committee received a \$1,590.65 contribution from the Douglas County Victory Fund in late-September, and deposited the check in its bank account. However, the Committee did not initially report the contribution, and did not report the contribution at all until January 2025, after the November 2024 general 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 is Van Winkle for Colorado, a candidate committee registered with the Colorado Secretary of State, ID # 20235046303.

## **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 19, 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, Kevin Van Winkle ran for County Commissioner in Douglas County, in District 3. The candidate committee formed to support his candidacy was Van Winkle for Colorado.

11. The Committee’s stated purpose was to “elect Senator Van Winkle to Douglas County Commissioner District 3.”

12. Van Winkle appeared on the November 5, 2024, general election ballot in Douglas County.

13. On September 23, 2024, the Committee accepted a \$1,590.65 contribution from the Douglas County Victory Fund (DCVF) and deposited the contribution into its bank account.

14. When the Committee filed its October 15 Report of Contributions and Expenditures, covering the period including September 23, 2024, the contribution from DCVF was not included in the Report.

15. On January 2, 2025, the Division received a campaign finance Complaint against Van Winkle for Colorado filed by Lloyd Guthrie. The Guthrie complaint alleged that the Committee had accepted a contribution from DCVF but had failed to report that contribution.

16. The Division provided the Committee notice of the Guthrie complaint the same day.

17. On January 30, 2025, the Committee amended its October 15, 2024 Report of Contributions and Expenditures to reflect the September 23, 2024, contribution from DCVF.

18. According to Van Winkle, the delay in amending the Report was the result of trying to obtain information about DCVF necessary to report the contribution.

### **COLORADO CAMPAIGN FINANCE LAW**

19. Under Colorado law, candidate committees “shall report to the appropriate officer their contributions received, including the name and address of each person who has contributed twenty dollars or more.” § 1-45-108(1)(a)(I), C.R.S. (2024).

### **CLAIM ONE FAILURE TO REPORT CONTRIBUTION ( § 1-45-108(1)(a)(I), C.R.S. (2024))**

20. All preceding allegations are incorporated.

21. In September 2024, the Committee accepted and deposited a \$1,590.65 contribution from the Douglas County Victory Fund.

22. The Committee did not originally disclose that contribution on its reports of contributions and expenditures.

23. The Committee did not ultimately disclose that contribution until January 30, 2025, more than two months after the November election in which Kevin Van Winkle appeared on the ballot.

24. 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 18<sup>th</sup> 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 18<sup>th</sup> day of April, 2025, by email and/or U.S. mail, addressed as follows:

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C/O Registered Agent Kevin Van Winkle  
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*Third-Party Complainant*

/s/ Peter G. Baumann