

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. 2025 AHO 15 (CPF)

ED Case No. 2025-01

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In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

DOUGLAS COUNTY VICTORY FUND,

Respondent.

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### **ANSWER**

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Douglas County Victory Fund (“DCVF” or the “Respondent”) submits this Answer to the Complaint filed by the Elections Division on April 28, 2025.

### **BACKGROUND**

1. Under Colorado law, any person or group with the major purpose of electing or nominating candidates for office, and that makes contributions or expenditures in excess of \$200 to support or oppose a candidate for state office, is a political committee. Such committees must register with the Secretary of State, and report their contributions and expenditures.

**RESPONSE: This paragraph states a legal conclusion to which no response is required.**

2. In 2024, the Douglas County Victory Fund was established to support candidates for both federal and state offices. It raised and spent over \$56,000, and the majority of the disbursements it made to candidates or other committees went to Colorado

State candidates or to the non-federal account of the Douglas County Republican Central Committee. In total, it spent \$18,451.53 on such contributions.

**RESPONSE: Admitted.**

3. Nonetheless, despite its extensive Colorado political activity, DCVF did not register as a political committee under Colorado law, or report its contributions and expenditures.

**RESPONSE: Admitted.**

4. Accordingly, the Elections Division brings this action for appropriate relief.

**RESPONSE: Admitted that the Elections Division filed a Complaint on April 28, 2025. To the extent the paragraph makes allegations as to the timeliness of the Complaint, the jurisdiction of the Division or the appropriateness of the relief sought in the Complaint, it is denied.**

#### **PARTIES**

5. Complainant is the Elections Division (“Division”) of the Colorado Secretary of State.

**RESPONSE: Admitted.**

6. Respondent is the Douglas County Victory Fund, a joint fundraising committee previously registered with the Federal Elections Commission.

**RESPONSE: Admitted.**

#### **JURISDICTION AND VENUE**

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

**RESPONSE: Denied.**

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

**RESPONSE: Admitted that the Elections Division filed a Complaint on April 28, 2025. To the extent the paragraph makes allegations as to the timeliness of the Complaint, the jurisdiction of the Division or the appropriateness of the relief sought in the Complaint, it is denied.**

9. This complaint is timely filed within thirty days of Division’s March 28, 2025, Notice of Investigation, according to § 1-45-111.7(5)(a)(IV).

**RESPONSE: Denied.**

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

**RESPONSE: Denied.**

### **ALLEGATIONS**

11. On July 2, 2024, an event was held in Larkspur, CO. According to an invitation for the event, “The Douglas County Republican Party” and “the Ames Family” invited attendees “to an event celebrating Douglas County Unity,” “featuring Republican candidates from the 2024 Primary Election with special guest and keynote speaker Congresswoman Lauren Boebert.” The invitation further noted that the event was “paid for by Douglas County Republican Victory Fund and authorized by all participating committees.”

**RESPONSE: Admitted**

12. To RSVP to the event, invitees were encouraged to email “Robin Webb” at “rsvp@dcbop.org.” Dcbop.org is the url for the Douglas County Republican Party, and Robin Webb is the Registered Agent for the Douglas County Republican Party.

**RESPONSE: Admitted**

13. The RSVP link also included information about the “Douglas County Republican Victory Fund.” It stated that the fund was “a joint fundraising committee for the Douglas County Republican Central Committee,” and included information about how contributions to the fund would be allocated:

- a. The first \$3,000 would go to the Douglas County Republican Central Committee;
- b. The next \$1,050 would go to the “authorized candidate committee for the Republican nominee for CD4;”

- c. The next \$500 would go to the “authorized campaign committee for the Republican nominee for Douglas County Commissioner District No. 3;”
- d. Any remaining contributions would go to other participating committees in the same amount.

**RESPONSE: Admitted.**

14. The event was held on July 2, 2024. On information and belief, DCVF spent \$28,072.61 on the event, which came in the form of three separate in-kind contributions from members of the Ames family. The event raised \$28,176.15.

**RESPONSE: Admitted.**

15. Under federal law, a joint fundraising committee is obligated to register with the FEC within ten days of accepting contributions or making expenditures in excess of \$1,000 in a calendar year. 11 CFR 102.2; 11 CFR 102.1.

**RESPONSE: This paragraph states a legal conclusion to which no response is required.**

16. Roughly two months after the event, on July 31, 2024, Douglas County Victory Fund—not the “Douglas County Republican Victory Fund” advertised on the invitations to the event—was registered as a joint fundraising committee with the Federal Elections Commission (“FEC”).

**RESPONSE: Admitted that the Douglas County Victory Fund registered with the FEC on July 31, 2024. All other allegations in the paragraph are denied.**

17. Through the FEC, DCVF reported receiving \$56,922.61 in contributions, and disbursing the same amount in expenditures. It reported receiving 11 separate contributions on July 31, 2024.

**RESPONSE: Admitted.**

18. On its FEC Form 1, DCVF listed the committees participating in the joint fundraising effort. Those included Lauren Boebert for Congress, the Douglas County Republican Central Committee, and seven Colorado candidate committees covering candidates for Colorado state races, including races for the Colorado legislature, county commissioner, and district attorney.

**RESPONSE: Admitted.**

19. According to its FEC reports, DCVF disbursed the proceeds from the fundraiser as follows:

- e. \$3,340.36 went to Lauren Boebert's federal campaign committee.
- f. \$6,384.26 went to various entities for legal or accounting services.
- g. \$15,389.53 went to the Douglas County Republican Central Committee in a disbursement the DCVF reported as a "non-federal disbursement."
- h. \$3,062.00 went to the various Colorado state campaign committees.

**RESPONSE: Admitted.**

20. On the Secretary of State's TRACER system, five candidate committees reported receiving contributions from DCVF in September 2024:

- i. Brandi Bradley for Colorado House District 39 reported receiving \$159.06.
- j. Hartsook for House reported receiving \$159.06.
- k. Brauchler for DA reported receiving \$755.56, but because contributions to candidates for district attorney are capped at \$450, Brauchler for DA later reported returning \$305.56, for a total reported contribution of \$450.
- l. George for DougCo reported receiving \$397.66.
- m. Van Winkle for Colorado reported receiving \$1,590.65.

**RESPONSE: This allegation summarizes a document in the possession of the Secretary of State which speaks for itself. The allegation is denied to the extent it is inconsistent with the TRACER reports referenced.**

21. On its filings with the FEC, the Committee reported making these contributions on August 26, 2024.

**RESPONSE: Admitted.**

22. The Colorado committees, however, all reported receiving these contributions on various dates in September 2024.

Contributor ▲	Covered Org	City, State	Type	Amount	Date	Recipient Name	In Kind?	Major	
DOUGLAS COUNTY VICTORY FUND	No	PARKER, CO	Monetary (Itemized)	\$159.06	09/02/2024	<a href="#">BRANDI BRADLEY FOR COLORADO HOUSE DISTRICT 39</a>	No	No	<a href="#">View</a>
DOUGLAS COUNTY VICTORY FUND	No	PARKER, CO	Monetary (Itemized)	\$636.26	09/05/2024	<a href="#">MATT BURCHAM FOR COLORADO</a>	No	No	<a href="#">View</a>
DOUGLAS COUNTY VICTORY FUND	No	PARKER, CO	Returned Contributions	(\$636.26)	09/17/2024	<a href="#">MATT BURCHAM FOR COLORADO</a>	No	No	<a href="#">View</a>
DOUGLAS COUNTY VICTORY FUND	No	PARKER, CO	Monetary (Itemized)	\$159.06	09/24/2024	<a href="#">HARTSOOK FOR HOUSE</a>	No	No	<a href="#">View</a>
DOUGLAS COUNTY VICTORY FUND	No	PARKER, CO	Monetary (Itemized)	\$755.56	09/25/2024	<a href="#">BRAUCHLER FOR DA</a>	No	No	<a href="#">View</a>
DOUGLAS COUNTY VICTORY FUND	No	PARKER, CO	Monetary (Itemized)	\$397.66	09/05/2024	<a href="#">GEORGE FOR DOUGCO</a>	No	No	<a href="#">View</a>
DOUGLAS COUNTY VICTORY FUND	No	PARKER, CO	Monetary (Itemized)	\$795.32	09/16/2024	<a href="#">DOUGLAS COUNTY REPUBLICAN CENTRAL COMMITTEE</a>	No	No	<a href="#">View</a>
DOUGLAS COUNTY VICTORY FUND	No	PARKER, CO	Monetary (Itemized)	\$14,594.21	09/16/2024	<a href="#">DOUGLAS COUNTY REPUBLICAN CENTRAL COMMITTEE</a>	No	No	<a href="#">View</a>
DOUGLAS COUNTY VICTORY FUND	No	PARKER, CO	Returned Contributions	(\$305.56)	01/17/2025	<a href="#">BRAUCHLER FOR DA</a>	No	No	<a href="#">View</a>
DOUGLAS COUNTY VICTORY FUND (DCVF)	No	PARKER, CO	Monetary (Itemized)	\$1,590.65	09/23/2024	<a href="#">VAN WINKLE FOR COLORADO</a>	No	No	<a href="#">View</a>

**RESPONSE: This allegation summarizes a document in the possession of the Secretary of State which speaks for itself. The allegation is denied to the extent it is inconsistent with the TRACER reports referenced.**

23. On December 31, 2024, the Division received a campaign finance complaint against DCVF filed by Lloyed Guthrie. The Guthrie Complaint alleged that DCVF qualified as a political committee under Colorado law but had failed to register with the Secretary of State or report its contributions and expenditures to the Colorado Secretary of State.

**RESPONSE: Admitted that Mr. Guthrie filed a campaign finance complaint on December 31, 2024. The remainder of the allegation This allegation summarizes Mr. Guthrie's complaint, which speaks for itself. The allegation is denied to the extent it is inconsistent with the complaint.**

24. The Division reviewed and investigated the Guthrie Complaint.

**RESPONSE: Admitted.**

25. As part of its review and investigation, the Division corresponded with DCVF, through counsel, which provided extensive information about DCVF's activities.

**RESPONSE: Admitted.**

26. Although arguing that its obligation to do so was preempted by federal law, DCVF also attempted to "cure" the alleged violation by emailing a copy of its FEC Form 1 to the Secretary's campaign finance compliance team on March 18, 2025. *See* § 1-45-108(3.5), C.R.S. (2024).<sup>2</sup> That purported filing was rejected by the campaign finance compliance team as not including all of the information required for state registration.

**RESPONSE: Admitted that Respondent has consistently argued that it has no obligation to register with the Colorado Secretary of State because that obligation is preempted by federal law. Further admitted that Respondent, at the invitation of the Division submitted a copy of its FEC Form 1 in a good-faith attempt to "cure" the alleged violation. The remainder of the allegation is denied.**

27. DCVF has consistently argued that it was not required to register as a political committee because it is a federal committee registered with the FEC and supporting "at least one" candidate for federal office.

**RESPONSE: Admitted.**

28. In support of this argument, DCVF has cited statutes and regulations which preempt state campaign finance laws "with respect to election for federal office." 2 U.S.C. § 453; 11 CFR 108.7 (federal campaign finance law preempts "any provision of state law with respect to election for federal office").

**RESPONSE: Admitted that Respondent has cited federal campaign finance laws and regulations in support of its position that any requirement that it register with the Secretary of State is preempted. Denied to the extent that the allegation characterizes or limits the statutes or regulations to which Respondent has cited in support its position.**

29. However, DCVF's obligation to register as a Colorado political committee arises under its activity related to state candidates. Because those obligations do not respect or relate to elections for federal office, they are not preempted. The Division agrees that DCVF was under no obligation to report its activity related to Lauren Boebert's candidacy for federal office.

**RESPONSE: This paragraph consists of legal conclusions and argument to which no response is required.**

### **COLORADO CAMPAIGN FINANCE LAW**

30. Under Colorado law, a political committee is “any person, other than a natural person, or any group of two or more persons, including natural persons that have accepted or made contributions or expenditures in excess of \$200 to support or oppose the nomination or election of one or more candidates.” Colo. Const. art. XXVIII, § 2(12)(a).

**RESPONSE: Admitted that this allegation quotes the definition of a political committee under the Colorado Constitution.**

31. All political committees are required to register with the Secretary of State and report their “contributions received, including the name and address of each person who has contributed twenty dollars or more; expenditures made, and obligations entered into by the committee.” § 1-45-108(1), (3), C.R.S. (2024).

**RESPONSE: Admitted that this allegation accurately quotes C.R.S. § 1-45-108(1). Denied to the extent this allegation suggests that Respondent is subject to the registration and reporting obligations referenced.**

32. “No person, including a political committee, shall make to a candidate committee . . . aggregate contributions for a primary or general election in excess of the following amounts: . . . (b) two hundred dollars to any one . . . district attorney candidate committee.” Colo. Const. art. XXVIII, § 3(1)(b).

**RESPONSE: Admitted that this allegation accurately quotes the section of the Colorado Constitution cited.**

33. For 2024, that amount was adjusted to \$225 per election, or \$450 for the entire election cycle. 8 CCR 1505-6, Rule 10.17.1(B)(2).

**RESPONSE: Admitted that this allegation accurately summarizes 8 CCR 1505-6, Rule 10.17.1(B)(2).**

### **CLAIM ONE FAILURE TO REGISTER ( § 1-45-108(3) C.R.S. (2024))**

34. All preceding allegations are incorporated.

**RESPONSE: Respondent incorporates its responses to the preceding allegations.**

35. During the 2024 election cycle, DCVF spent more than \$200 to support the election of candidates for Colorado state offices.

**RESPONSE: Admitted.**

36. It had the major purpose of supporting or opposing candidates for office, as demonstrated by its disbursements to Colorado state candidates and committees.

**RESPONSE: Admitted.**

37. Nonetheless, DCVF did not register as a political committee.

**RESPONSE: Admitted that Respondent did not register as a political Committee with the Colorado Secretary of State. Denied to the extent the allegation implies that Respondent had a valid legal duty to so register.**

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

**RESPONSE: Denied.**

## **CLAIM TWO**

### **FAILURE TO REPORT CONTRIBUTIONS AND EXPENDITURES (§ 1-45-108(1)(a)(1), C.R.S. (2024))**

39. All preceding allegations are incorporated.

**RESPONSE: Respondent incorporates its responses to the preceding allegations.**

40. DCVF qualified as a political committee in 2024.

**RESPONSE: Denied.**

41. Nonetheless, DCVF did not file reports of contributions and expenditures with the Colorado Secretary of State.

**RESPONSE: Admitted that Respondent did not register as a political Committee with the Colorado Secretary of State. Denied to the extent the allegation implies that Respondent had a valid legal duty to so register.**

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

**RESPONSE: Denied.**

**CLAIM THREE**  
**EXCESSIVE CONTRIBUTION**  
**(Colo. Const. Art. XXVIII, § 3(1); 8 CCR 1505-6, Rule 10.17.1(b)(2))**

43. All preceding allegations are incorporated.

**RESPONSE: Respondent incorporates its responses to the preceding allegations.**

44. According to its FEC filing, DCVF made a \$755.56 contribution to Brauchler for DA on August 26, 2024.

**RESPONSE: Admitted.**

45. During the 2024 election cycle, contributions to candidates for district attorney were limited to \$225 per election, or \$450 per cycle.

**RESPONSE: Admitted.**

46. Brauchler for DA reported that contribution on TRACER on September 25, 2024. Brauchler for DA reported returning \$305.56 of that contribution, but not until after the election, on January 17, 2025.

**RESPONSE: This allegation summarizes documents in the possession of the Secretary of State which speaks for itself. The allegation is denied to the extent it is inconsistent with the TRACER reports referenced.**

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

**RESPONSE: Denied.**

**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.
  - a. In calculating these penalties, expenditures made to support federal candidates, should be excluded.
2. An order requiring DCVF to register with the Secretary of State and report its non-federal contributions and expenditures.
3. Such other relief as the Hearing Officer may deem appropriate.

**RESPONSE: To the extent a response to the Division's prayer for relief is required, Respondent denies that the Division is entitled to relief as prayed for.**

### **AFFIRMATIVE DEFENSES**

A. Claims One and Two do not state a claim on which relief can be granted because the state statutes and regulations on which they rely is preempted by the Federal Election Campaign Act and implementing regulations.

B. Claims One and Two do not state a claim on which relief can be granted because to the extent Claims One and Two are not preempted by federal law, the state statutes and regulations on which they are based are unconstitutional because they compel speech by Respondent and are not narrowly tailored to an important government interest.

Respectfully submitted this 25th day of September, 2025

FIRST & FOURTEENTH PLLC

*/s/ Christopher O. Murray*

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## CERTIFICATE OF SERVICE

This is to certify that I will cause the foregoing to be served this 25th day of September, 2025, by email and/or U.S. mail, addressed as follows:

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