



Campaign Finance Complaint Frequently Asked Questions

1. What is the campaign finance complaint process?

The campaign finance complaint process addresses potential violations of Colorado campaign and political finance (CPF) laws as outlined under section 1-45-111.7, C.R.S. and Rule 23 of the Secretary's Rules Concerning Campaign Finance. Campaign finance complaints are handled by the Campaign Finance Enforcement Team in the Elections Division (Division) of the Secretary of State's Office. The complaint process has several stages outlined in statute and can include initial review, opportunity to cure, investigation, and hearings.

- **Notice of a campaign finance complaint** – when a complaint is filed, the Enforcement Team will notify the complainant and respondent that a complaint has been filed. The complaint will also be posted on the Secretary of State's public disclosure website, TRACER.
- **Notice of Initial Review** – within 10 *business days* of receipt of the complaint, the Enforcement Team will make an initial determination, based primarily on the information in the complaint, whether the complaint is timely, specifically identifies one or more violations of Colorado CPF law, and has alleged sufficient facts to support the allegations in the complaint. This notice is sent to the complainant and respondent. The notice is also posted on TRACER. Based on the initial review, the Enforcement Team may:
 - File a motion to dismiss the complaint with the Deputy Secretary. The Deputy will have five *business days* to decide the motion,
 - Provide the respondent an opportunity to cure the alleged violation, OR
 - Conduct additional review and investigation of the complaint.
- **Opportunity to Cure** – if a respondent is offered the opportunity to cure (to resolve the alleged violation), the respondent will have 10 *business days* to submit evidence of cure along with a Notice of Intent to Cure form. This deadline can be extended to allow more time for the respondent to provide requested information to the Enforcement Team or to resolve the violation. After the period for cure has expired, the Enforcement Team must decide whether the respondent cured and substantially complied with the law.
 - If the Enforcement Team determines the respondent cured and substantially complied with the law, the Enforcement Team will file a motion to dismiss with the Deputy Secretary of State. The Deputy Secretary is then requested to make a determination on the motion to dismiss within 35 days but may be granted additional time for review.
 - If the respondent has not cured or substantially complied, the Enforcement Team will move the complaint into investigation.

- **Investigation** – if the allegations were not cured or an opportunity to cure was not offered, the complaint moves into investigation. The Enforcement Team has 30 days to complete its investigation and review of the allegations in the complaint. As a result of the investigation, the Enforcement Team may:
 - File a motion to dismiss with the Deputy, or
 - File a complaint with a hearing officer (the Division uses the Office of Administrative Courts as its hearing officer).

- **Motions to Dismiss** – if the Enforcement Team determines a CPF violation did not occur, the complaint is barred for time, or any other reason, the Enforcement Team will file a motion to dismiss with the Deputy Secretary. The Deputy Secretary then has 35 days to make a determination on the motion to dismiss:
 - If granted, that is a final agency decision subject to judicial review under the Colorado Administrative Procedure Act.
 - If denied, the enforcement team has 14 *business days* to file a complaint with a hearing officer.

- **Complaint filed with a hearing officer**
 - If, following an investigation, the Enforcement Team determines that a violation did occur and that the complaint was timely filed, the Division will file a complaint with a hearing officer.
 - All hearings conducted by a hearing officer related to CPF complaints must be in accordance with the Colorado Administrative Procedure Act; except that a hearing officer shall schedule a hearing within 30 days of the filing of the complaint. The hearing may be continued by either party for an additional 30 days upon a showing of good cause.
 - Any initial determination made by a hearing officer is subject to review by the Deputy Secretary. The final agency decision is subject to review under the Colorado Administrative Procedure Act.

2. Who can file a campaign finance complaint?

Any person (which includes natural persons, partnerships, committees, associations, other organizations or groups of persons) who believes that a violation of Colorado campaign finance law has occurred may file a complaint. A complaint must be filed no later than 180 days after the date on which the complainant either knew or should have known, by the exercise of reasonable diligence, of the alleged violation. Once a complaint is filed, the complainant and any other non-respondent is not a party to the complaint process or any proceedings before a hearing office. The Enforcement Team also has the authority to file complaints and initiate investigations regarding potential violations of Colorado campaign finance laws.

3. Can complaints be submitted anonymously?

No. Complaints must be filed using the Secretary of State's complaint form. Complaints must identify a respondent and include all information required by the complaint form.

4. Is complaint documentation publicly available?

Complaints are publicly available and posted on the Secretary of State's TRACER website. Not all complaint documents are immediately posted or made publicly available. Documents provided to the Division during the cure process are not posted on TRACER when they are submitted and are only posted to the extent that they are relied upon for the resolution of the complaint. The original complaint, notice of initial review, motions to dismiss, orders issued by the Secretary of State's Office, final agency decisions, and any complaints filed by the Enforcement Team with a hearing officer are publicly available at the time the documents are provided to respondents. Additional documentation including correspondence between the Division and individuals involved in the complaints may be posted to TRACER if it is relevant or material to a determination made in the complaint process.

5. How long does the complaint process take?

The length of the campaign finance complaint process depends on numerous factors including the allegations and facts provided in the complaint and the path that the complaint takes through the complaint process. Certain stages of the complaint process have fixed statutory timelines, while other stages do not. This allows time for parties to cure noncompliance, for the Enforcement Team to investigate the complaint, and to communicate with the parties involved in the complaint. Complaints can vary from two week resolutions to a few months depending on the cure process, length of investigation, and whether a complaint is filed with a hearing officer.

6. What do I do if a campaign finance complaint is filed against me?

You will be notified of a complaint if one is filed against you. Upon receiving the complaint, the Enforcement Team has 10 business days to conduct an initial review to determine if the complaint should proceed to investigation or cure stage of the complaint process. In the notice of initial review, the next steps regarding the complaint will be laid out. In some cases, the Enforcement Team may file a motion to dismiss and no action may be needed from you.

7. What happens if the Division files a complaint with a hearing officer after investigation?

If the Division files a complaint with a hearing officer, a hearing will be scheduled within 30 days of the filing of the complaint. The hearing will be conducted in accordance with the Colorado Administrative Procedures Act which allows parties to present evidence and subpoena witnesses. The hearing officer will make an initial determination subject to review by the Deputy Secretary under 24-4-105, C.R.S.

8. Can the Division and the Respondent resolve the complaint prior to the hearing?

Once the Division files a complaint with a hearing officer, the Division and Respondent can enter into a settlement agreement to resolve the complaint prior to holding a hearing. The Division and Respondent can only resolve a CPF complaint with a settlement agreement after a complaint has been filed with a hearing officer. In determining settlement terms, the Division considers the factors listed in Rule 23.3 of the Secretary of State's Rules on Campaign and Political Finance, which include the nature and extent of the violations, the timing of the violations, the ability or effort to mitigate the violation and other aggravating or mitigating factors.

9. How can I appeal a final agency decision?

The Division, the Respondent, or the original complainant can appeal the final agency decision to a state district court. The procedure for doing so is laid out in section 24-4-106, C.R.S. The Colorado Revised Statutes can be accessed for free, online. The judicial branch also publishes information on how to appeal a state agency decision. Additional helpful information can be found by [clicking here](#), under “How do I appeal a decision made by a state government agency.” The judicial branch’s “Frequently Asked Questions about Appeals,” can be accessed by [clicking here](#).

The judicial branch also publishes a form used to initiate an appeal that is available by [clicking here](#). This form must be filed with a district court, and also mailed to our office. It is not enough to only return it to our office. Appeals to district court must be filed within 35 days from the date of the final agency decision.

Finally, the judicial branch maintains a list of Self Represented Litigant Coordinators, which can be found on their website. These individuals cannot offer legal advice, but are available as a resource to assist self-represented litigants in navigating the judicial process.

If you have any additional questions regarding the campaign finance complaint process, please contact the Campaign Finance Enforcement Team by email or phone at CPFComplaints@sos.state.co.us or 303-894-2200 x6338.