

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. 2024-79

In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

COMMITTEE TO ELECT BARBARA KIRKMEYER TO STATE SENATE

Respondent.

COMPLAINT

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

BACKGROUND

1. Under Colorado law, candidates for the state senate are prohibited from accepting contributions from political action committees in excess of \$450.

2. Here, the Committee to Elect Barbara Kirkmeyer erroneously accepted a \$1,000 contribution from the Realtor Candidate Political Action Committee, a political committee registered with the Secretary of State. Although the Committee attempted to return the excess contribution, the Realtor Candidate Political Action Committee never deposited the reimbursement check, giving the Committee full access to the excess contribution during the 2024 election cycle.

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 the Committee to Elect Barbara Kirkmeyer to State Senate, a candidate committee registered with the Colorado Secretary of State, ID # 20195036481.

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 Division’s February 14, 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. The Committee to Elect Barbara Kirkmeyer is a candidate committee under Colorado law. Its purpose is to “raise funds and elect Republican Barbara Kirkmeyer to Colorado State Senate District 23.”
11. In early-January 2024, the Committee accepted a \$1,000 contribution from the Realtor Candidate Political Action Committee, a political committee under Colorado law.
12. Under Colorado law, candidates for the state senate may only accept contributions totaling \$450 from political committees.
13. On October 17, 2024, the Division initiated a complaint against the Committee under section 1-45-111.7(7), C.R.S. (2024). The complaint alleged that the Committee had accepted an excess contribution.
14. During its review and investigation of the Complaint, the Division corresponded with the Committee.

15. According to the Committee, shortly after receiving the \$1,000 contribution, it had cut a reimbursement check to the Realtor Candidate Political Action Committee in the amount of \$550. However, the Realtor Candidate Political Action Committee never deposited the check.

16. The Committee did not notice this.

17. Upon receiving notice of the complaint on October 17, 2024, the Committee again tried to reimburse the Realtor Candidate Political Action Committee.

18. However, the check was erroneously made out to the wrong entity, and the Realtor Candidate Political Action Committee could not deposit the second reimbursement check.

19. The Committee finally succeeded in reimbursing the Realtor Candidate Political Action Committee in December 2024.

20. Accordingly, although the Committee cured the error, it enjoyed the full value of the excess contribution from January 2024 through December 2024.

21. The Division's original complaint also identified a \$125 contribution from Allison Morgan that the Committee had identified as a cash contribution.

22. Upon receiving notice of the allegation, the Committee amended its reports to note that the Morgan contribution was not a cash contribution.

COLORADO CAMPAIGN FINANCE LAW

23. Under Colorado law, a candidate for state senate in 2024 was limited to accepting contributions of no greater than \$450 from any one person per election cycle. Colo. Const. art. XXVIII, §§ 3(1)(b), (13); 8 CCR 1505-6, Rule 10.17.1(b)(2).

24. Also under Colorado law, candidates and their committees shall not "accept a contribution, or make an expenditure, in currency or coin exceeding one hundred dollars." Colo. Const. art. XXVIII, § 3(10).

25. Finally, Colorado law requires candidate committees to accurately report “their contributions received,” including whether those contributions are in cash or not. § 1-45-108(1)(a)(I).

CLAIM ONE
RECEIPT OF EXCESS CONTRIBUTION
(COLO. CONST. ART. XXVIII, § 3(1)(B))

26. All preceding allegations are incorporated.

27. On January 8, 2024, the Committee accepted a \$1,000 contribution from the Realtor Candidate Political Action Committee, a political committee under Colorado law.

28. That contribution exceeded the \$450 limit for donations from political committees to candidate committees.

29. Although the Committee attempted to reimburse the excess contribution, it did not succeed in doing so until after the 2024 election.

30. 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 FILE ACCURATE REPORT
(1-45-108(1)(A)(I), C.R.S)

31. All preceding allegations are incorporated.

32. On its June 17, 2024, Report of Contributions and Expenditures, the Committee reported a \$125 cash contribution. If accurate, that cash contribution would have been unlawful.

33. Instead, the Committee had erred in reporting that contribution as a cash contribution. It was a non-cash contribution.

34. The Committee amended its report in late-October 2024 to accurately report the contribution as a non-cash contribution.

35. 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 March, 2025.

PHILIP J. WEISER
Attorney General

/s/ Peter G. Baumann

PETER G. BAUMANN*
Senior Assistant Attorney General, No 51620
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, Colorado 80203
Telephone: 720-508-6152
Fax: 720-508-6041
peter.baumann@coag.gov
*Counsel of Record

CERTIFICATE OF SERVICE

This is to certify that I will cause the foregoing to be served this 17th day of March, 2025, by email and/or U.S. mail, addressed as follows:

Committee to Elect Barbara Kirkmeyer to State Senate
C/O Registered Agent Marge Klein and Candidate Sen. Barbara Kirkmeyer
6100 County Road 4
Brighton, CO 80603
senkirkmeyer@gmail.com
mklein@swspolifi.com
Respondent

/s/ Peter G. Baumann