

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. 2025 AHO 08 (In re ED Case Nos. 2024-78, 2024-99)

In the Matter of
ELECTIONS DIVISION OF THE SECRETARY OF STATE,
Complainant,

vs.

COLORADO DAWN,
Respondent.

RESPONDENT’S MOTION TO STAY

Respondent moves for a stay of the proceedings until the Supreme Court denies certiorari in *Beall et al. v. No on EE*, No. 24SC540, or, if the Supreme Court grants certiorari, until the mandate issues from that court.

CONFERRAL

Respondent conferred with the Division’s counsel and the Division takes no position on the Motion.

BACKGROUND

This enforcement matter involves two campaign finance complaints related to several issues on the November 2024 ballot. The majority of the complaint now focuses upon the alleged failure of Respondent (a nonprofit) to include the name of the registered agent on communications sent to the electorate, as required by 1-45-108.3(4).

On 08/01/2025 the Colorado Court of Appeals considered a similar requirement in C.R.S. 1-45-108.3(1) related to issue committee disclaimer requirements. There, the Court held that requiring an issue committee to include the name of the registered agent in election-related communications violates the First Amendment. *See No on EE v. Beall, et al. 2022CA2245, 558 P.3d 671 (Colo.App.2024)*. On September 13, 2024, the Department requested a stay pending petition for certiorari. On September 20, 2024, the request was denied. On October 10, 2024, the

Department renewed its motion to stay before the Colorado Supreme Court. The stay was granted on October 20, 2024. The case is now pending a decision on a petition for certiorari. *See Beall, et al. v. No on EE, 2024SC540.*

ARGUMENT

The case pending before the Colorado Supreme Court and the instant case rely on similar legal principles and it is likely that the final order of *No on EE* will be dispositive of legal questions that Respondent intends to raise.

Both statute and the Secretary of State rules provide grounds for a stay. The Secretary of State's rules provide for a stay until all "appeals are resolved" when complaints "stem from a common set of operative facts as a pending complaint" and "the initial case will be determinative of the later case."8 CCR 1505-6, Rule 23.1.4. This is supported by statute that generally allows a hearing officer to continue a hearing for good cause. C.R.S. 1-45-111.7(6).

Wherefore, Respondent requests a stay of the proceedings until the Supreme Court denies certiorari in *Beall et al. v. No on EE*, No. 24SC540, or, if the Supreme Court grants certiorari, until the mandate issues from that court.

Submitted this 10th day of April 2025.

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CERTIFICATE OF SERVICE

I certify **RESPONDENT'S MOTION TO STAY** was served this 10th day of April 2025, by email, to:

Peter Baumann
Peter.baumann@coag.gov

/s/ Suzanne Taheri