

<p>STATE OF COLORADO  SECRETARY OF STATE  ADMINISTRATIVE HEARING OFFICER  1700 Broadway #550  Denver, CO 80290</p> <hr/> <p>BEFORE THE SECRETARY OF STATE,  COLORADO DEPARTMENT OF STATE, <i>in re</i>  ED 2023-07</p> <p>ELECTIONS DIVISION OF THE SECRETARY  OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>COLORADO RURAL VOTERS</p> <p>Respondent.</p>	<p>▲ COURT USE ONLY ▲</p> <hr/> <p>CASE NUMBER</p> <p>2023-_____</p>
<p><b>COMPLAINT</b></p>	

Pursuant to § 1-45-111.7, C.R.S. (2022) and Rule 24 of the Secretary’s Rules on Campaign and Political Finance, 8 CCR 1505-6, the Elections Division of the Secretary of State files this Complaint against Colorado Rural Voters ( “Respondent” or the “Committee”).

**BACKGROUND**

1. Under Colorado law, all independent expenditure committees are required to report certain donations received and expenditures made.
2. Here, Respondent failed to disclose nearly \$80,000 in activity during the 2022 election cycle, including over \$40,000 in donations and over \$30,000 in expenditures.
3. Accordingly, the Division brings this complaint for appropriate relief.

**PARTIES**

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

5. Respondent is Colorado Rural Voters, an independent expenditure committee registered with the Secretary of State, ID number 20205039915.

## **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), (6).

8. This complaint is timely filed within 30 days of the Division's August 21, 2023, 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. Under Colorado law, an independent expenditure committee is any person that has accepted a donation of more than \$1,000 for the purpose of making an independent expenditure, or that has made an independent expenditure in excess of \$1,000. Such committees must register with the Secretary of State.

11. In addition to their registration obligations, independent expenditure committees must also report to the Secretary of State its expenditures made, as well as any donations of more than \$250 made for the purpose of enabling an independent expenditure.

12. In some cases, such disclosure reports must be made within forty-eight hours after the independent expenditure committee obligates money for the independent expenditure.

13. In April of 2023, Nina Anderson filed a campaign finance complaint with the Division, alleging that the Committee's Report for the period ending on June 8, 2022, had an ending balance of \$3,424.43, but the Committee's Report for the period beginning on June 9, 2022, had a beginning balance of \$31,050. The Anderson complaint also noted that no contributors were listed on either report.

14. According to Anderson, she only looked into the Committee after being given a postcard from the Committee in March 2023. According to Anderson, prior to March 2023 she had never heard of the Committee.

15. In reviewing the Anderson complaint, the Division reviewed the Committee's reports of contributions and expenditures on TRACER. During this review, the Division noticed several inconsistencies in beginning funds and ending funds in sequential reports.

16. The Division also corresponded with the Committee, which provided documentation showing that it had failed to accurately and timely report many separate contributions. Specifically, the Committee failed to report:

- a. \$2,243.32 in donations on their January 18, 2022, Disclosure Report.
- b. \$41,307.02 in donations and \$1,647.92 in expenditures on their May 2, 2022, Disclosure Report.
- c. \$10,444.19 in expenditures on their June 27, 2022, Disclosure Report.
- d. \$96.62 in donations and \$72.87 in expenditures on their October 17, 2022, Disclosure Report.
- e. \$21,000 in expenditures on their October 31, 2022, Disclosure Report.<sup>1</sup>
- f. \$2,525.78 in expenditures on their April 17, 2023, Disclosure Report.

17. The Division also determined that Respondent failed to accurately identify the payee on 48-hour reports filed on June 26, 2022, and October 27, 2022.

18. As a result of these violations, Respondent failed to accurately report their beginning and ending balances on 15 disclosure reports ranging from January 18, 2022, through July 17, 2023.

19. In total, Respondent failed to timely and accurately report \$43,646.96 worth of donations, and \$35,690.76 worth of expenditures.

20. Since receiving notice of the Complaint, the Committee has amended its reports on TRACER, and has instituted new policies and procedures to such misreporting in the future.

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<sup>1</sup> Although this expenditure was reported on a separate 48-hour report, it was not disclosed on the bi-weekly report as well as required by law.

## **COLORADO CAMPAIGN FINANCE LAW**

21. “Any person making an independent expenditure in excess of one thousand dollars per calendar year shall [report] such independent expenditure, as well as the amount of such expenditure, and a detailed description of the use of such independent expenditure.” Colo. Const. art. XXVIII, §5(1).

22. “Any person who expends an aggregate amount in excess of one thousand dollars or more per calendar year for the purpose of making an independent expenditure shall report to the appropriate officer . . . the name and address of any person that, for the purpose of making an independent expenditure, donates more than two hundred fifty dollars per year to the person expending one thousand dollars or more on an independent expenditure.” § 1-45-107.5(4)(b)(I).

23. An independent expenditure committee’s expenditure reports “must be reported in accordance with the schedule specified in section 1-45-108(2) for political committees; except that any person making an independent expenditure excess of one thousand dollars within thirty days before a primary, general, or regular biennial school election shall provide such report within forty-eight hours after obligating moneys for the independent expenditure.” § 1-45-107.5(4)(c).

### **CLAIM ONE Failure to Disclose (§ 1-45-107.5(4), C.R.S.)**

24. All preceding allegations are incorporated.

25. Colorado Rural Voters expended more than one thousand dollars in 2022 on independent expenditures.

26. Colorado Rural Voters failed to timely report over \$40,000 worth of contributions and \$35,000 worth of expenditures.

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

Respectfully submitted this 20th day of September, 2023.

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 within filing to be served by mail this 20th day of September, 2023, addressed as follows:

Colorado Rural Voters  
PO Box 493  
Grand Junction, CO 81502  
[lberry@worc.org](mailto:lberry@worc.org).  
*Respondent*

Nina Anderson  
725 Pitkin Ave.  
Grand Junction, CO 81501  
[hello@nina4colorado.com](mailto:hello@nina4colorado.com)  
*Third-Party Complainant*

*/s/ Carmen Van Pelt*

This is to certify that I will cause a courtesy copy of the within filing to be served by electronic mail this 20<sup>th</sup> day of September, 2023, addressed as follows:

Sue Gershon  
sgershon@tristerross.com  
*Counsel for Respondent*

*/s/ Peter G. Baumann*