

STATE OF COLORADO ADMINISTRATIVE HEARING OFFICER 1700 Broadway #550 Denver, CO 80290	▲ COURT USE ONLY ▲
BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE, <i>in re</i> ED 2023-23	
ELECTIONS DIVISION OF THE SECRETARY OF STATE,  Complainant,  vs.  THOMAS DUNAGAN, candidate committee  Respondent.	CASE NUMBER  AHO 2023 _____
<b>COMPLAINT</b>	

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 the Thomas Dunagan candidate committee (“Respondent” or “the Committee”).<sup>1</sup>

### BACKGROUND

1. To foster transparency and assist voters in assessing the sources of campaign-related advocacy, Colorado law requires candidates—through their candidate committees—to report all contributions received and expenditures made.

2. Here, Respondent purchased yard signs, banners, and other campaign materials, but to date has not disclosed those expenditures—or any contributions received.

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<sup>1</sup> The Division notes that Mr. Dunagan’s candidate committee’s name is identical to his personal name. This action is brought against the Thomas Dunagan candidate committee, not Thomas Dunagan in his personal capacity, except insofar as he is ultimately responsible for the actions of his candidate committee.

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 Thomas Dunagan, a candidate committee registered with the Secretary of State ID number 20225042246.

### **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 thirty days of the Division’s Notice of Investigation under § 1-45-111.7(5)(a)(IV).

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

### **ALLEGATIONS**

10. Thomas Dunagan announced his candidacy for Prowers County Coroner in February 2022. On February 23, 2022, he registered a candidate committee named “Thomas Dunagan,” with the purpose: Thomas Dunagan for Prowers County Coroner.

11. The next day, Dunagan submitted a candidate affidavit certifying his candidacy for Coroner and certifying that he was familiar with Colorado campaign finance law.

12. Dunagan appeared on the November 2022 general election ballot in Prowers County. He was elected, and currently serves as Coroner of Prowers County.

13. On July 5, 2023, Angela Riner filed a campaign finance complaint against Dunagan with the Division. The Riner complaint alleged that Riner had given Dunagan \$400 on March 22, 2022, but that Dunagan had not reported the contribution on TRACER. Riner also alleged that Dunagan had received other contributions without reporting them.

14. After reviewing the Complaint and corresponding with both Dunagan and Riner, the Division moved to dismiss the Riner Complaint on timeliness grounds.

15. On October 31, 2023, the Deputy Secretary dismissed the Riner Complaint under § 1-45-111.7(2)(b). The Deputy Secretary concluded that Riner “was aware of facts that would have prompted a reasonable person to investigate [Dunagan’s] campaign finance filings long before June 2023.”

16. Meanwhile, on August 10, 2023, the Division received a second complaint against Dunagan, this time from Margorie (“Marge”) L. Campbell. The Campbell Complaint alleged that Dunagan had made expenditures on campaign communications, but had not reported that expenditures on TRACER.

17. Campbell was Dunagan’s opponent in the November 2022 general election.

18. While reviewing both the Campbell and Riner Complaints, the Division discovered that Dunagan had produced and distributed campaign communications including banners, branded water bottles, and multiple versions of yard signs in the months leading up to the election.

19. Some of, but not all, of these items included “paid for by” disclaimers stating that they were “Paid for by Thomas Dunagan Registered Agent Raelyn Dunagan.”

20. This disclaimer is incorrect. The Committee’s registered agent is Thomas Dunagan. Raelyn Dunagan is the Committee’s designated filing agent.





21. On information and belief, the Committee spent more than \$1,000 on electioneering communications in 2022.

22. The Division also reviewed the Committee's reports of contribution and expenditures on TRACER. The Committee filed reports during the 2022 election, but those reports showed no activity.

23. To this day, the Committee's TRACER account shows that the Committee made no expenditures in 2022 and received no contributions in 2022.

24. On information and belief, the Committee made expenditures on banners, yard signs, branded water bottles, and other campaign communications, but did not report those expenditures to the Secretary of State.

25. As it did for the Riner Complaint, the Division considered whether the Campbell Complaint was timely filed.

26. As Dunagan’s opponent, Campbell was aware of Dunagan’s significant campaign activity in the months leading up to the November 2022 general election.

27. However, Campbell did not review the Committee’s TRACER reports until a conversation in May or June 2023 with Angela Riner prompted her to do so.

28. The Division determined that although Campbell was a candidate in the 2022 election, she herself had no significant expenditures. Campbell reported only \$245 worth of expenditures on TRACER, and was twice fined by the Campaign Finance Compliance team for filing late reports.

29. The Division concluded that Campbell did not have actual knowledge of the alleged violations before late-May/early-June 2023, and that Campbell had no reason to review Dunagan’s TRACER findings prior to that date.

### **COLORADO CAMPAIGN FINANCE LAW**

30. Under Colorado law, “all candidate committees . . . shall report to the appropriate officer their contributions received, including the name and address of each person who has contributed twenty dollars or more; expenditures made, and obligations entered into[.]” § 1-45-108(1)(a)(I), C.R.S. (2022).

31. “[A]ny person who expends one thousand dollars or more per calendar year on electioneering communications . . . shall, in accordance with the requirements specified in section 1-45-107.5(5), state in the communication the name of the person making the communication.” § 1-45-108.3(3), C.R.S. (2022).

32. Under section 1-45-107.5(5), the required disclaimer statement must indicate that “[t]he communication has been ‘paid for by (full name of the person paying for the communication)’; and indentif[y] a natural person who is the registered agent” if that person is a non-natural person.

### **CLAIM ONE Failure to Include Disclaimer (§ 1-45-108.3(3), C.R.S.)**

33. All preceding allegations are incorporated.

34. The Committee made expenditures on banners, yard signs, water bottles, and other campaign communications in 2022.

35. On information and belief, these communications were paid for by the Committee.

36. These communications were distributed to members of the Prowers County electorate during the 2022 electioneering window.

37. Many of these communications failed to include a compliant disclaimer statement.

38. Those that did include a disclaimer did not accurately identify the Committee's registered agent.

39. 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 Report**  
**(§ 1-45-108(1)(a)(I), C.R.S. (2022))**

40. All preceding allegations are incorporated.

41. On information and belief, the Committee made expenditures on campaign communications supporting Dunagan's candidacy in 2022.

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.

Respectfully submitted this 7th day of December, 2023.

PHILIP J. WEISER  
Attorney General

*/s/ Peter G. Baumann*

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\*Counsel of Record

CERTIFICATE OF SERVICE

This is to certify that I will cause the within filing to be served by mail this 7th day of December 2023, addressed as follows:

Thomas Dunagan Candidate Committee  
C/O Registered Agent Thomas Dunagan  
28746 County Road 33  
Holly, CO 81407  
Dunagan0916@gmail.com  
*Respondent*

Marge Campbell  
30619 CR 34  
Holly, CO 81407  
Nightnursemc50@yahoo.com  
*Third-Party Complainant*

/s/ Kerry Wade