

<p>STATE OF COLORADO 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 2023-60, 63</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>GREAT SCHOOLS GREAT TEACHERS BV</p> <p>Respondent.</p>	<p>▲ COURT USE ONLY ▲</p> <p>CASE NUMBER</p> <p>AHO 2023 _____</p>
<p>COMPLAINT</p>	

Pursuant to § 1-45-111.7, C.R.S. (2023) 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 Great Schools Great Teachers BV (“Respondent” or “the 527”).

BACKGROUND

1. To foster transparency and assist voters in assessing the sources of campaign-related advocacy, Colorado law requires certain political entities to include disclaimers on their electioneering statements. These disclaimers must identify the person paying for the communication, and—if the person is a non-natural person—identify a registered agent who is a natural person.
2. Moreover, Colorado law also requires entities making independent expenditures over \$1,000 to register as an independent expenditure committee within 48 hours of the expenditures.
3. Here, Respondent failed to include compliant disclaimers on its campaign communications, and failed to register within 48 hours of running independent expenditures.
4. Accordingly, the Division brings this complaint for appropriate relief.

PARTIES

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

6. Respondent is Great Schools Great Teachers BV, 527 Political Organization registered with the Secretary of State ID number 20235046636.

JURISDICTION AND VENUE

7. The Division has jurisdiction under § 1-45-111.7.

8. The Division files this complaint with a hearing officer consistent with § 1-45-111.7(5)(a)(IV), (6).

9. This complaint is timely filed within thirty days of the Division’s Notice of Investigation under § 1-45-111.7(5)(a)(IV).

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

ALLEGATIONS

11. On October 4, 2023, Bill Baker registered a political committee called “Great Teachers Great Schools BV.” The purpose of that political committee to “support the election of three candidates for the Buena Vista School Board.”

12. According to Mr. Baker, he opened this Committee after learning that the Colorado Education Association (“CEA”) wanted to donate to a “community support group” that would agree to back pro-union candidates for school board.

13. Several days later, Mr. Baker spoke to a member of the campaign finance compliance team at the Department of State. Based on this conversation, Mr. Baker believed he needed to open a 527 political organization instead of a political committee.

14. He registered that 527 on October 18, 2023. Unfortunately, Mr. Baker transposed the words on the new committee’s registration. Instead of “Great Teachers Great Schools BV,” Mr. Baker registered the 527 as “Great Schools Great Teachers BV.”

15. The 527 received just over \$7,000 (some of which was transferred from the political committee), all of which came through the CEA's own affiliated 527, the Colorado Fund for Children and Public Education.

16. In the weeks leading up to the election, the 527 spent approximately \$6,132 on electioneering communications.

17. All of these communications included the disclaimer "paid for by Great Teachers Great Schools BV." Two communications, one newspaper ad and one online ad, were distributed without identifying Mr. Baker as the registered agent.

18. Both of those ads were corrected prior to the election to identify Mr. Baker as the 527's registered agent.

19. However, those ads did not include compliant disclaimers because they included the name of the *political committee*, "Great Teachers Great Schools BV," even though they were paid for by the 527, "Great Schools Great Teachers BV."

20. Although many of the communications distributed by the 527 did not include express advocacy, two YouTube videos distributed by the 527 did include language saying: "Elect Casey Martin, Mallory Brooks, and Paul Dylan for Buena Vista School Board."

21. On information and belief, these videos cost approximately \$1,700 to produce and distribute.

22. On information and belief, these two videos were distributed to members of the electorate for Buena Vista School Board in the weeks leading up to the 2023 general election.

23. On October 26, 2023, the Division received a campaign finance complaint from Jerry Raski naming Bill Baker as the respondent. The Raski complaint alleged that the 527's newspaper ad did not identify a registered agent, and that one of the 527's online ads omitted the "BV" from its name in the disclaimer.

24. On October 30, 2023, the Division received a second campaign finance complaint. This one was filed by Jerry L. White, and named Great Teachers Great Schools BV as the respondent.

25. The White complaint alleged that the 527 had run an ad “stating that teachers choose [sic] three great candidates for the Buena Vista, CO school district,” but that “the ad was misleading because not all the teachers chose for the three candidates listed on the ad.”

26. The Division investigated the complaints, and issued a Notice of Initial Review, Consolidation, and Investigation on November 8, 2023.

COLORADO CAMPAIGN FINANCE LAW

27. Under Colorado law, “any person who expends one thousand dollars or more per calendar year on electioneering communications or regular biennial school electioneering communications shall . . . state in the communication the name of the person making the communication.” § 1-45-108.3(3), C.R.S. (2023).

28. 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 identif[y] a natural person who is the registered agent” if that person is a non-natural person.

29. “Any person that accepts a donation that is given for the purpose of making an independent expenditure in excess of one thousand dollars or that makes an independent expenditure in excess of one thousand dollars shall register with the appropriate officer within two business days of the date on which an aggregate amount of donations accepted or expenditures made reaches or exceeds one thousand dollars.” § 1-45-107.5(3)(a), C.R.S. (2023)

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

30. All preceding allegations are incorporated.

31. The 527 made expenditures on regular biennial school electioneering communications.

32. Many of those communications did not include a compliant disclaimer statement.

33. 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 Register
(§ 1-45-107.5(3)(a), C.R.S. (2022))

34. All preceding allegations are incorporated.

35. The 527 spent more than \$1,000 on YouTube ads expressly advocating the election of three candidates.

36. The 527 did not coordinate with the candidates, thus the expenditure was an independent expenditure.

37. The 527 did not register with the Secretary of State within 48 hours of making the expenditure.

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

CLAIMS NOT PURSUED BY THE DIVISION

1. The White complaint alleged that the 527's ads were misleading.

2. Because, even if true, that is not a violation of "article XXVIII, . . . article 45, or the rules, § 1-45-111.7, C.R.S., the Division is not pursuing claims related to that allegation.

Respectfully submitted this 8th day of December, 2023.

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CERTIFICATE OF SERVICE

This is to certify that I will cause the within filing to be served by mail this 8th day of December 2023, addressed as follows:

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/s/ Kerry Wade