

<p>STATE OF COLORADO SECRETARY OF STATE ADMINISTRATIVE HEARING OFFICER 1700 Broadway #550 Denver, Colorado 80290</p> <hr/> <p>BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE, <i>in re</i> ED 2023-30 & 2024-02</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>J.B. MOSS VOICE OF THE ELECTORATE (VOTE),</p> <p>Respondent.</p>	<p>▲ COURT USE ONLY ▲</p> <hr/> <p>CASE NUMBER</p> <p>2024-_____</p>
<p>COMPLAINT</p>	

Pursuant to § 1-45-111.7, C.R.S. (2022) and Rule 24 of the Secretary of State’s Rules on Campaign and Political Finance, 8 CCR 1505-6 the Elections Division of the Secretary of State files this complaint against J.B. Moss Voice of the Electorate (Vote) (“Respondent”).

PARTIES

1. Complainant is the Elections Division (“Division”) of the Colorado Secretary of State.
2. Respondent is a political committee registered with the Colorado Secretary of State, ID # 20145028456.

JURISDICTION AND VENUE

3. The Division has jurisdiction under § 1-45-111.7.
4. The Division files this complaint with the Office of Administrative Courts consistent with § 1-45-111.7(5)(a)(IV), (6), (7).
5. This complaint is timely filed within thirty days of the Division’s January 12, 2024, notice of investigation, according to § 1-45-111.7(5)(a)(IV).

6. Venue is proper before the Office of Administrative Courts under § 1-45-111.7(5).

ALLEGATIONS

7. Respondent is a political committee registered with the Colorado Secretary of State. The purpose of the Committee is “the Committee makes contributions in support of candidates in support of labor and/or issues dealing with worker’s issues and rights.”

8. On April 17, 2023, Respondent filed a Report of Contributions and Expenditures covering the period from December 9, 2022, through March 13, 2023.

9. The April 17, 2023, Report included six contributions totaling \$2,400 to Respondent from Richard X. Correa all made on March 29, 2023.

Contributor/Payee	Contribution/Expenditure Date	Amount	Aggregate Amount
Richard X. Correa	03/29/2023	\$400.00	\$400
Richard X. Correa	03/29/2023	\$400.00	\$800
Richard X. Correa	03/29/2023	\$400.00	\$1200
Richard X. Correa	03/29/2023	\$400.00	\$1600
Richard X. Correa	03/29/2023	\$400.00	\$2000
Richard X. Correa	03/29/2023	\$400.00	\$2400

10. These contributions exceeded the \$725 aggregate limit on contributions from a natural person to a political committee per state house of representatives cycle.

11. On September 11, 2023, the Campaign and Political Finance Enforcement section of the Elections Division filed a Notice of Complaint and Investigation against the Party under § 1-45-111.7(7).

12. In the complaint, the Division identified the apparent overages from Richard X. Correa and sought further information from Respondent related to the identified transactions.

13. With regards to the contributions, Respondent admitted Correa’s contributions had exceeded the acceptable amount, and took action by returning the contributions over the limit to Correa and amending its April 17, 2023 Report of Contributions and Expenditures.

14. On April 17, 2023 and October 16, 2023, Respondent filed Reports of Contributions and Expenditures covering the combined period from December 9, 2022, through September 30, 2023.

15. The April 17, 2023, Report included six contributions totaling \$600 to Respondent from Erin Allen all made on March 29, 2023

16. The October 16, 2023 Report included an additional three contributions totaling \$300 to Respondent from Erin Allen all made on August 7, 2023.

17. Taken together the nine contributions exceeded the \$725 aggregate limit on contributions from a natural person to a political committee per State House of Representatives Cycle.

Contributor/Payee	Contribution/Expenditure Date	Contribution Amount	Aggregate Total
Erin Allen	03/29/2023	\$100.00	\$100
Erin Allen	03/29/2023	\$100.00	\$200
Erin Allen	03/29/2023	\$100.00	\$300
Erin Allen	03/29/2023	\$100.00	\$400
Erin Allen	03/29/2023	\$100.00	\$500
Erin Allen	03/29/2023	\$100.00	\$600
Erin Allen	08/07/2023	\$100.00	\$700
Erin Allen	08/07/2023	\$100.00	\$800
Erin Allen	08/07/2023	\$100.00	\$900

18. On January 9, 2024 the Campaign and Political Finance Enforcement section of the Elections Division filed a Notice of Complaint and Investigation against the Party under § 1-45-111.7(7).

19. In the complaint, the Division identified the apparent overages from Erin Allen and sought further information from Respondent related to the identified transactions.

20. With regards to the contributions from Erin Allen, Respondent admitted Allen's contributions had exceeded the acceptable amount, and took action by returning the contributions over the limit to Allen and amending its April 17, 2023 and October 16, 2023 Report of Contributions and Expenditures.

COLORADO CAMPAIGN FINANCE LAW

21. Under Colorado law, "[N]o political committee shall accept aggregate contributions... from any person in excess" of the applicable contribution limits per house of representatives cycle. Colo. Const. Art. XXVIII, § 3(5).

22. For the current cycle running from December 9, 2022 to December 5, 2024, the applicable limit on contributions to political committees from natural persons is \$725. 8 CCR 1505-06, Rule 10.17.1(f).

CLAIM ONE

Acceptance of Excess Contribution (Colo. Const. Art. XXVIII § 3(5))

23. All preceding allegations are incorporated.

24. During the current state house of representatives election cycle, Respondent reported accepting \$2,400 from Richard X. Correa.

25. That amount exceeded the applicable contribution limit by \$1,675.

26. 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

Acceptance of Excess Contribution (Colo. Const. Art. XXVIII § 3(5))

27. All preceding allegations are incorporated.

28. During the current state house of representatives election cycle, Responded reported accepting \$900 from Erin Allen.

29. That amount exceeded the applicable contribution limit by \$175.

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.

Respectfully submitted this 12th day of February, 2024.

PHILIP J. WEISER
Attorney General

/s/ Peter G. Baumann

PETER G. BAUMANN*
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 within filing to be served this 12th day of February, 2024 by mail, addressed as follows:

J.B. Moss Voice of the Electorate (VOTE)
C/O Mary Mahoney, Registered Agent
80 Eighth Ave., Suite 205
New York, NY 10011
mmahoney@opeiu.org

Kerry Wade