

<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 2023-29</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>COLORADO DEMOCRATIC PARTY,</p> <p>Respondent.</p>	<p>▲ COURT USE ONLY ▲</p> <hr/> <p>CASE NUMBER</p> <p>2024 AHO _____</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 Colorado Democratic Party (“Respondent,” or “the Party”).

BACKGROUND

1. In 2023, the Colorado Democratic Party accepted contributions from two separate entities in excess of the annual limits any one person can contribute to a political party. The Party also failed to accurately report a contribution.

2. Accordingly, the Division brings this complaint for appropriate relief.

PARTIES

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

4. Respondent is the Colorado Democratic Party, a Political Party Committee registered with the Colorado Secretary of State, ID # 19991500001.

JURISDICTION AND VENUE

5. The Division has jurisdiction under § 1-45-111.7.
6. The Division files this complaint with a hearing officer consistent with § 1-45-111.7(5)(a)(IV), (6).
7. This complaint is timely filed within 30 days of the Division's January 17, 2024, Notice of Investigation according to § 1-45-111.7(5)(a)(IV).
8. Venue is proper before the hearing officer under § 1-45-111.7(5).

ALLEGATIONS

9. On April 17, 2023, the Party filed a Report of Contributions and Expenditures ("First Disclosure Report"), disclosing contributions it received from December 9, 2022 to March 31, 2023.
10. The First Disclosure Report included a \$2,000 contribution from Colorado Dental PAC, a political committee, made to Respondent on January 9, 2023 and a second contribution of \$2,000 from Colorado Dental PAC also made on January 9, 2023.
11. Taken together, the two contributions from Colorado Dental PAC exceeded the \$3,875 annual limit from any person to a political party.
12. On July 17, 2023, Respondent filed a Report of Contributions and Expenditures ("Second Disclosure Report"), disclosing contributions it received from April 1, 2023, to June 30, 2023.
13. The Second Disclosure Report included a \$5,000 contribution from Polis for Colorado, a candidate committee, made to Respondent on May 15, 2023.
14. The contribution from Polis for Colorado exceeded the \$3,875 annual limit from any person to a political party.
15. The Second Disclosure Report also included a contribution of \$6,875 from Bird for Colorado, a candidate committee, made to Respondent on June 16, 2023.
16. The contribution from Bird for Colorado exceeded the \$3,875 annual limit from any person to a political party.

17. On September 12, 2023, the Division filed a Notice of Complaint and Opportunity to Cure against Respondent under section 1-45-111.7(7), C.R.S. alleging that Respondent accepted contributions over the contribution limit.

18. On September 13, 2023, Respondent returned \$125 to Colorado Dental PAC and Respondent returned \$1,125 to Polis for Colorado.

19. On September 15, 2023, Respondent amended its Second Disclosure Report, indicating that it had not received \$6,875 from Bird for Colorado but it had instead received \$3,000 from Bird for Colorado Leadership Fund, a political committee.

20. Also on September 15, 2023, Respondent provided its Notice of Intent to Cure through its counsel. Respondent explained that it had returned the excessive contributions from Colorado Dental PAC and Polis for Colorado.

21. With regard to the \$6,875 reported from Bird for Colorado, the Party admitted that 1) the contribution was only \$3,000, and 2) the contributor was actually “Bird for Colorado Leadership Fund, not Bird for Colorado. The Party provided a copy of the relevant check to corroborate these facts.

COLORADO CAMPAIGN FINANCE LAW

22. Under Colorado law, “[N]o political party shall accept aggregate contributions from any person that exceed” the applicable contribution limit per year. Colo. Const. Art. XXVIII, § 3(3)(a).

23. For 2023, the applicable limit on contributions to Political Parties from persons other than a small donor committee was \$3,875. 8 CCR 1505-06, Rule 10.17.1(d)(2).

24. Under Colorado law, all political parties must accurately report to the appropriate officer their contributions received. § 1-45-108(1)(a)(I).

CLAIM ONE

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

25. All preceding allegations are incorporated.

26. During 2023, the Colorado Democratic Party reported accepting \$4,000 from Colorado Dental PAC.

27. That amount exceeded the applicable contribution limit by \$125.

28. 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(3))

29. All preceding allegations are incorporated.

30. During 2023, the Colorado Democratic Party reported accepting \$5,000 from Polis for Colorado.

31. That amount exceeded the applicable contribution limit by \$1,125.

32. 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 THREE
Inaccurately Reporting a Contribution
(§ 1-45-108(1)(a)(I), C.R.S.)

33. All preceding allegations are incorporated.

34. During 2023, the Colorado Democratic Party reported accepting a contribution of \$6,875 from Bird for Colorado.

35. The Colorado Democratic Party did not accept a contribution of \$6,875 from Bird for Colorado.

36. The Colorado Democratic Party accepted a contribution of \$3,000 from Bird for Colorado Leadership Fund. This contribution was not accurately reported.

37. 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 16th day of February, 2024.

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CERTIFICATE OF SERVICE

This is to certify that I will cause the within filing to be served by mail this 16th day of February, 2024, addressed as follows:

Colorado Democratic Party
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Respondent

/s/ Kyle M. Holter