

<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 2024-14</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>MONTEZUMA COUNTY REPUBLICAN CENTRAL COMMITTEE</p> <p>Respondents.</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 the Montezuma County Republican Central Committee (“Respondent,” or “the Committee”).

BACKGROUND

1. Under Colorado law, political party committees, including local party committees, are prohibited from accepting contributions from corporations.
2. Here, Respondent accepted a \$1,473 contribution from S.S. Enterprises, Inc., a registered corporation in the state of Colorado.
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 the Montezuma County Republican Central Committee, a political party committee registered with the Colorado Secretary of State, ID # 20065645582.

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 April 3, 2024, 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. On July 22, 2023, the Committee received a \$1,473.00 contribution from S.S. Enterprises, Inc., a registered corporation under Colorado law.

11. S.S. Enterprises is not a corporation "formed for the purpose of promoting political ideas," and it can "engage in business activities." Colo. Const. art. XXVIII, § 4(b)(I).

12. The Committee reported this contribution on its November 1, 2023, Report of Contributions and Expenditures.

13. On February 28, 2024, the Division filed a campaign finance complaint against the Committee under 1-45-111.7(7). On March 21, 2024, the Committee responded with a Notice of Intent to Cure.

14. In the Intent to Cure, the Committee admitted that it had accepted the contribution from S.S. Enterprises, Inc., and that it had returned the contribution upon notice of the Division's complaint.

15. The Division confirmed that this reimbursement had occurred, and that it will be reflected in Respondent's next report of Contributions and Expenditures (due June 4, 2024).

16. On April 3, 2024, the Division provided the Committee with a Notice of Investigation.

17. The Division concluded that although the Committee had cured the alleged violation, it had not substantially complied with its legal obligations. *See generally* § 1-45-111.7(4)(f).

18. Among the reasons for this conclusion was the substantial size of the contribution, which accounted for over approximately two-thirds of the contributions the Committee received between December 9, 2022, and October 27, 2023, and over 30% of the Committee's total contributions since January 1, 2021.

COLORADO CAMPAIGN FINANCE LAW

19. Under Colorado law, it is “unlawful for a corporation or labor organization to make contributions to . . . a political party[.]” Colo. Const. art. XXVIII, § 4(a).

CLAIM ONE Acceptance of Prohibited Contribution (Colo. Const. art. XXVIII, § 4(a))

20. All preceding allegations are incorporated.

21. In July 2023, the Committee accepted a \$1,473.00 contribution from a corporation.

22. That corporation was prohibited from donating to a political party like the Montezuma County Republican Central Committee.

23. The Committee did not return and reimburse the contribution until March 2024, eight months later.

24. 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 3rd day of May, 2024.

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 and/or email this 3rd day of May 2024, addressed as follows:

Montezuma County Republican Central Committee
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Cortez, CO 81321
Lshullgop24@gmail.com

/s/ Peter G. Baumann