

<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 2024-39</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>LEISY FOR HOUSE DISTRICT 65</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. (2024) 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 Leisy for House District 65 (the “Committee” or “Respondent”).

BACKGROUND

1. Colorado law requires candidates for state house to report all expenditures to the Secretary of State.
2. Here, Respondent failed to timely report two expenditures made in support of Trent Leisy’s candidacy to State House District 65.
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 Leisy for House District 65, a candidate committee registered with the Secretary of State, Committee ID #: 20245047087.

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 July 30, 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. In 2023, Trent Leisy announced his candidacy for United States Congress, in Colorado's 4th Congressional District.

11. However, in March 2024, Leisy announced that he was withdrawing from that race to run in the Republican primary for Colorado State House District 65.

12. On March 11, 2024, Leisy registered the candidate committee Leisy for House District 65, and filed a candidate affidavit as required by law.

13. A few days earlier, on March 7, 2024, Leisy printed homemade fliers promoting his candidacy for District 65, and distributed those materials at the Larimer County Republican caucus.

14. Leisy also re-purposed the website from his U.S. Congressional run into a website supporting his candidacy for District 65.

15. In total, Respondent spent \$21.28 on the fliers and \$47.49 on the website.

16. Respondent did not report either of these expenditures when it filed its first Report of Contributions and Expenditures on May 2, 2024.

17. On June 14, 2024, the Division received a campaign finance report against Leisy filed by Michael Yancy. The Yancy Complaint alleged that Leisy had failed to report expenditures on the fliers and website.

18. Leisy appeared on the June 25, 2024, Republican primary election ballot for House District 65. He did not advance to the general election.

19. On July 30, 2024, Respondent amended its May 2, 2024, Report of Contributions and Expenditures to reflect non-monetary contributions for the fliers and website from Leisy to the Committee.

COLORADO CAMPAIGN FINANCE LAW

20. Under Colorado law, “all candidate committees . . . shall report to the appropriate officer their contributions received . . . ; expenditures made, and obligations entered into by the committee[.]” 1-45-108(1)(A)(I).

CLAIM ONE Failure to Include Compliant Disclaimer (§ 1-45-108(1)(A)(I), C.R.S.)

21. All preceding allegations are incorporated.

22. Leisy for House District 65 received in-kind contributions totaling \$68.77 in the form of fliers and a campaign website.

23. Although those contributions were made and received on March 7, 2024, they were not timely reported to the Secretary of State.

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., including, but not limited to:

- a. Under Rule 23.3.3(b), a penalty of \$100 per report that should have included this information but did not, plus 5% of the activity not reported.
- b. Such other relief as the Court deems just and proper.

Respectfully submitted this 29th day of August, 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 29th day of August 2024, addressed as follows:

Leisy for House District 65
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Respondent

Michael Yancey
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Third Party Complainant

/s/ Peter G. Baumann