

<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 2024-32</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>MATT BURCHAM FOR COLORADO</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 Matt Burcham for Colorado (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 sufficiently describe multiple expenditures, depriving voters of fully and accurate reporting of the Committee’s expenditures
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 Matt Burcham for Colorado, a candidate committee registered with the Secretary of State, Committee ID #: 20245046940.

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 August 5, 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 February 2023, Matt Burcham announced his candidacy for State House Representative, District 43.

11. Matt Burcham for Colorado is the candidate committee organized to support Burcham's candidacy.

12. On May 6, 2024, the Committee filed its first Report of Contributions and Expenditures. That report included an \$846 expenditure to "Todd Hager Product Design" for "Website and Collateral."

13. On June 7, 2024, Laurence Glesener filed a campaign finance complaint against Burcham. The Complaint alleged that Burcham had failed to report expenditures for large signs, yard signs, and door hangers.

14. During the Division's investigation, it determined that the Committee agreed to purchase a website, palm cards, banners, and yard signs from Todd Hager Product Design. But the invoice from Todd Hager Product Design did not itemize all items. Instead, it only read: "Matt Burcham website and collateral," which is what the Committee reported.

15. During the course of the Division's investigation, the Committee amended its reports to itemize the items included in the invoice, including \$500 for the website, \$200 for the palm cards, \$73 for the banners, and \$73 for the yard signs.

16. The amendments were made on July 22, 2024, after Burcham prevailed in the June 25, 2024, Republican Primary Election for House District 43.

COLORADO CAMPAIGN FINANCE LAW

17. 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 Report Expenditures (§ 1-45-108(1)(A)(I), C.R.S.)

18. All preceding allegations are incorporated.

19. Matt Burcham for Colorado made expenditures on yard signs, palm cards, and banners that were not fully reported.

20. Although the Committee reported the total amount paid to the payee, it did not itemize the expenditure in a way that would enable the public to see that money had been spent on palm cards, banners, and yard signs.

21. 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 4th day of September, 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 4th day of September 2024, addressed as follows:

Matt Burcham for Colorado
C/O Registered Agent Katie Kennedy and Candidate Matt Burcham
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Respondent

Laurence Glesener
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Third Party Complainant

/s/ Peter G. Baumann