

**BEFORE THE SECRETARY OF STATE  
STATE OF COLORADO**

**CASE NO.**

---

**IN THE MATTER OF THE COMPLAINT FILED BY COLORADO ETHICS  
WATCH REGARDING ALLEGED CAMPAIGN AND POLITICAL FINANCE  
VIOLATIONS BY COLORADO LEAGUE OF TAXPAYERS**

---

Claimant Colorado Ethics Watch, by and through undersigned counsel, pursuant to Colo. Const. Art. XXVIII and C.R.S. § 1-45-101, *et seq.*, for its Complaint against Respondent, Colorado League of Taxpayers, thereof alleges as follows:

**FACTUAL ALLEGATIONS**

1. Colorado Ethics Watch (“Ethics Watch”) is a nonprofit organization dedicated to ensuring accountability in government and compliance with state laws.
2. Ethics Watch is a “person” as that term is defined by Colo. Const. art. XXVIII, § 2(11) and C.R.S. 1-45-103(13) and therefore is authorized to bring a complaint under section Colo. Const. art. XXVIII, § 9(2)(a) and C.R.S. § 1-45-111.5(1.5)(a).
3. Respondent, Colorado League of Taxpayers (“CLT”) is a Colorado nonprofit corporation with its principal office at 12237 E. Amherst Circle, Aurora, Colorado 80014. See Colorado Department of State, Business Center Summary, a copy of which is attached as **Exhibit 1**.
4. On or about September 19, 2008, CLT mailed to voters in Garfield County, Colorado a piece advocating against the election of Steve Carter, a candidate for Garfield County Commissioner. A copy of the mailing is attached as **Exhibit 2**.
5. On information and belief, CLT has not filed an electioneering communication report with the Colorado Secretary of State’s office or the Garfield County Clerk.

**CLAIM FOR RELIEF**

**(Violation of Colo. Const. Art. XXVIII, § 6(1) and C.R.S. § 1-45-108(1)(a)(III))**

6. Ethics Watch incorporates by reference paragraphs 1 through 12 as if fully set forth herein.
7. Article XXVIII, § 2(7)(a) of the Colorado Constitution defines “electioneering communication” as including any communication that unambiguously refers to any candidate and is directly mailed within sixty days of a general election to an audience that includes members of the electorate for such public office.

8. The previous Secretary of State purported to further limit the definition of “electioneering communication” through the enactment of Rule 9.4 of the Secretary of State Rules Concerning Campaign and Political Finance, 8 C.C.R. § 1505-6(9.4). That rule is unconstitutional to the extent it contradicts the plain language of Colo. Const. art. XXVIII, § 2(7)(a).

9. Regardless, CLT’s mailer is an “electioneering communication” under either Colo. Const. art. XXVIII, § 2(7)(a) or Rule 9.4 because it unambiguously refers to Steve Carter, a candidate for Garfield County Commissioner, and cannot be reasonably interpreted as anything other than an appeal to voters to vote against Steve Carter.

10. Pursuant to Colo. Const. art. XXVIII, § 6 and C.R.S. § 1-45-108(2), CLT should have filed an electioneering communications report for the Carter mailer no later than September 29, 2008. CLT has not filed such a report.

11. Pursuant to Colo. Const. art. XXVIII, § 10(2)(a), CLT should be fined \$50 per day for each day it has failed to file an electioneering communications report.

WHEREFORE, Complainant Colorado Ethics Watch respectfully requests that the Administrative Law Judge enter an order imposing a fine of \$50 per day on Respondent, Colorado League of Taxpayers, from September 29, 2008 through the date Respondent files an electioneering communication disclosure or the date of the hearing, whichever is earlier, and grant such further relief as s/he deems proper.

Respectfully submitted this 19th day of February, 2009.

---

Chantell Taylor, Reg. No. 33059  
Luis Toro, Reg. No. 22093  
Colorado Ethics Watch  
1630 Welton Street, Suite 415  
Denver, CO 80202

### **Certificate of Service**

I hereby certify that on February 19, 2009 a true and correct copy of the foregoing complaint was hand delivered to the Secretary of State, Elections Division, and served by placing the same in the U.S. Mail, postage prepaid, to:

Colorado League of Taxpayers  
12237 East Amherst Circle  
Aurora, Colorado, 80014

---

Doug Staggs