

# C Ethics Watch

May 18, 2009

The Honorable Bernie Buescher  
Secretary of State of Colorado  
1700 Broadway, Suite 250  
Denver, CO 80290

**VIA MAIL AND FACSIMILE: (303) 869-4860**

Dear Secretary Buescher:

This is a supplement to Colorado Ethics Watch (“Ethics Watch”)’s May 7, 2009 request that you initiate an inquiry pursuant to 8 C.C.R. 1505-6, Rule 6, to determine whether former U.S. Congressman Scott McInnis is in violation of state campaign finance law by announcing his candidacy for governor and subsequently soliciting, receiving or expending campaign funds before registering a candidate committee.

It was reported in the news yesterday that Mr. McInnis again spoke publicly about his candidacy for governor at the Routt County Lincoln Day Dinner. *See* Brandon Gee, Republican hopefuls convene at Friday’s Lincoln Day Dinner, Steamboat Pilot & Today, May 17, 2009, attached. According to the report, Mr. McInnis said that Colorado campaign laws prevent him from formally announcing his candidacy but that it would be “an understatement” to say that he is “seriously considering” running for governor. It is impossible to see how these comments could be interpreted as anything other than a public announcement of Mr. McInnis’ candidacy. In fact, Mr. McInnis’ recent statements are further indicia that he is skirting the law to avoid regulation as a properly registered candidate.

Of course, Colorado campaign laws do not prevent Mr. McInnis from declaring his candidacy and disclosing his contributions and expenditures to date. At least two candidates, including the incumbent governor, have already registered candidate committees with your office for the 2010 gubernatorial election. There is no reason for Mr. McInnis to postpone registering his candidate committee other than to delay mandatory disclosures to the public of his fundraising and expenditures.

Rule 6.1 of the Secretary of State’s Rules Concerning Campaign and Political Finance is designed precisely for this type of situation when the person believed to have committed the violation possess the information necessary to prove or refute allegations of wrongdoing. Now that the Secretary is aware of a possible violation, he is required to notify Mr. McInnis “of the facts or conduct that constitute the possible violation” and Mr.

McInnis is required by law to “submit written statements explaining the reasons that support a conclusion that a violation was not committed.” 8 C.C.R. 1505-6, Rule 6.1. If Mr. McInnis has complied with state law, as he claims, then presumably he can provide an adequate explanation. If not, the Secretary has the authority to file a complaint pursuant to Article XXVIII, Section 9(2)(a). 8 C.C.R. 1505-6, Rule 6.2.

Accordingly, Ethics Watch expects the secretary of state’s office to forthwith issue notice to Mr. McInnis as set forth above and further detailed in Ethics Watch’s May 7 letter. Among other things, the notice should ask Mr. McInnis to explain whether he paid to attend the Lincoln Day dinner or whether he was provided with a free ticket to that dinner. Payment for the ticket could constitute an expenditure in support of the campaign he announced at the dinner, and receipt of a free ticket could constitute an acceptance of a contribution in kind. Coupled with the public announcement, that expenditure or contribution would require Mr. McInnis to register a campaign committee and file an affidavit of candidacy with your office.

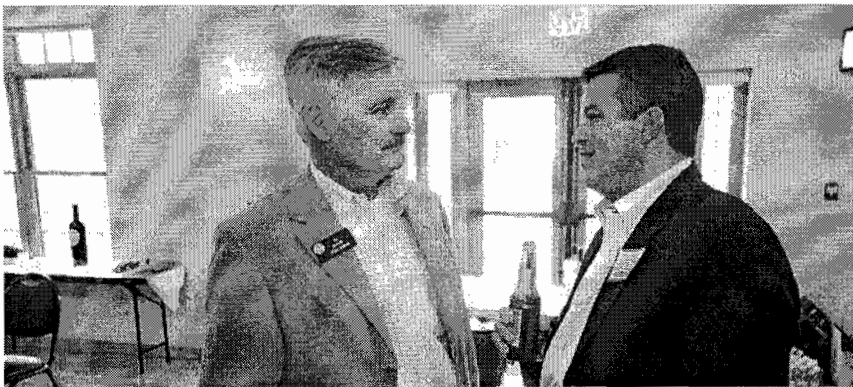
Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Chantell Taylor". The signature is written in black ink and is positioned above the typed name and title.

Chantell Taylor  
Director  
Colorado Ethics Watch

Encl.



Steamboat Springs resident Chris Kaminski, right, visits with state Sen. Al White, R-Hayden, on Friday during the Routt County Republican Central Committee's annual Lincoln Day Dinner at the community center. Enlarge photo — Photo by Matt Stensland

## Republican hopefuls convene at Friday's Lincoln Day Dinner

By Brandon Gee (Contact)

STEAMBOAT SPRINGS — Former Colorado Congressman Scott McInnis all but guaranteed he will take on Gov. Bill Ritter in the 2010 gubernatorial election at the Routt County Republicans' Lincoln Day Dinner fundraiser Friday.

McInnis said Colorado campaign laws prevent him from formally announcing his candidacy but promised the local audience, "I'm ready for a little fight." When local party Chairman Jack Taylor said McInnis was "seriously considering" running for governor, McInnis replied, "That would be an understatement."

Like McInnis, other speakers at Friday's dinner were ready to put the pain of the 2008 election behind them and look optimistically toward 2010.

"We need to keep the faith," state Sen. Al White, R-Hayden, said, "even though the times seem bleak and dark."

The sentiment came with a dose of acknowledgment that Republicans "got our hats handed to us" in 2008, as state Rep. Randy Baumgardner, R-Hot Sulphur Springs, put it, and will need to work hard to rebound.

"We are going to be the party of the future," Baumgardner said. "We are going to see things change, but we've got to get out there and work hard."

State party Chairman Dick Wadhams was Friday's keynote speaker, and he said Republicans' future success depends on grass-roots involvement and internal competition rather than strategizing by the party elite.

"More than any other time, we need the involvement of every Republican in Colorado," Wadhams said. "What we need in this party is a great discussion, a great debate."

Wadhams said he was happy that McInnis likely will run for governor, but he also noted other Republican contenders such as Senate Minority Leader Josh Penry and Evergreen businessman Dan Maes. Wadhams said he knows of four Republican candidates who plan to take on U.S. Senator Michael Bennet in 2010: Aurora City Councilman Ryan Frazier, former Congressman Bob Beauprez, Weld County District Attorney Ken Buck and talk radio personality Dan Caplis.

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"I welcome anybody to run," Wadhams said. "I think we've got plenty of opportunities in 2010. ... That's the debate that's going to bring us back."

Wadhams blasted Ritter and Bennet as weak and indecisive leaders.

"I don't think Bill Ritter has even seen a priority but to raise taxes and hand the state over to unions," Wadhams said.

Other candidates at Friday's dinner included Walker Stapleton, who is running for state treasurer, and Scott Gessler, who is running for Colorado secretary of state. Stapleton said he would use the treasurer's office as a "bully pulpit" to fight "spending and taxing initiatives that seem rampant at the state capitol." From an admittedly partisan standpoint, Wadhams said the race was a very important one because of the increasing star power of Democratic state Treasurer Cary Kennedy.

"We've got to take her out because they're going to run her for governor one day," Wadhams said.

Gessler, an election law attorney, said Colorado needs a Republican secretary of state to "stand firm" against efforts to liberalize Colorado elections with such reforms as same-day voter registration.

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