

<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 2024-06</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>AUON'TAI M. ANDERSON and AUON'TAI M. ANDERSON FOR DENVER KIDS</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 Auon’tai M. Anderson (“Anderson”) and Auon’tai M. Anderson for Denver Kids (the “Committee”) (collectively, the “Respondents”).

BACKGROUND

1. Under Colorado law, all candidate committees must report their expenditures—including any funds expended to satisfy penalties for campaign finance violations—to the appropriate official.
2. Moreover, when a candidate for one state-level office decides to run for a second office, the candidate must terminate their first candidate committee within ten days of registering their second candidate committee.
3. Here, Anderson’s candidate committee for his re-election to School Board failed to report a \$50 expenditure made to satisfy a campaign finance penalty. And when Anderson subsequently ran for State House, he failed to terminate his School District committee within 10 days.

4. Accordingly, the Division brings this complaint for appropriate relief.

PARTIES

5. Complainant is the Elections Division (“Division”) of the Colorado Secretary of State.

6. Respondents are:

a. Auon’tai Anderson. Anderson is registered as a candidate for Colorado State House, District 8 with the Colorado Secretary of State, Candidate ID # 20235045528, and was previously a registered candidate for School Board in Denver County, Candidate ID # 20185035524; and

b. Auon’tai M. Anderson for Denver Kids, the candidate committee registered “to re-elect Auon’tai Anderson to the Denver School Board,” Committee ID # 20185035610.

JURISDICTION AND VENUE

7. The Division has jurisdiction under § 1-45-111.7.

8. The Division files this complaint with a hearing officer consistent with § 1-45-111.7(5)(a)(IV), (6).

9. This complaint is timely filed within 30 days of the Division’s April 10, 2024, Notice of Investigation according to § 1-45-111.7(5)(a)(IV).

10. Venue is proper before the hearing officer under § 1-45-111.7(5).

ALLEGATIONS

11. Auon’tai Anderson was first elected to the Denver School Board in 2019. He registered a candidate committee for that race, and although the name of the Committee has changed since 2019, it has been continuously active since that first election.

12. In 2022, the Committee was required to file a report of contributions and expenditures on April 15, 2022. That Report was not filed until April 17, 2022.

13. The Committee sought a waiver of the penalty under Rule 18 of the Secretary’s rules on campaign and political finance, and the penalty was reduced to \$50. The Committee satisfied that penalty on March 15, 2023.

14. The Committee did not originally report that expenditure on its May 1, 2023, Report of Contributions and Expenditures. The Committee amended that Report in February of 2024 to reflect that expenditure.

15. In mid-2023, Anderson announced his intent to run for Colorado State house.

16. On June 12, 2023, Anderson registered a second candidate committee with the Secretary of State. This committee, Anderson for Colorado, was registered to support Anderson’s election to Colorado State House, District 8.

17. To this day, both Anderson’s school board candidate committee and state house candidate committee are registered with the Colorado Secretary of State.

18. On January 22, 2024, Shaun Waymire filed a campaign finance complaint with the Division. The complaint alleged that Anderson had violated Colorado law by failing to terminate his existing school board committee within ten days of registered his state house committee, and failing to report the \$50 penalty expenditure.

COLORADO CAMPAIGN FINANCE LAW

19. Under Colorado law, all candidate committees are required to “report to the appropriate officer their . . . expenditures made.” § 1-45-108(1)(a)(I), C.R.S. (2023).

20. Moreover, “a candidate seeking a different public office must terminate his or her existing candidate committee and register a new candidate committee within ten days.” 8 CCR 1505-6, Rule 12.2.

CLAIM ONE Failure to Report Expenditure (1-45-108(1)(a)(I))

21. All preceding allegations are incorporated.

22. On March 15, 2023, the Committee made a \$50 expenditure to the Secretary of State’s office to satisfy a campaign finance penalty.

23. The Committee did not originally report that expenditure. The Committee did not report the expenditure until February 2024.

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.

CLAIM TWO
Failure to Terminate Committee
(Rule 12.2, 8 CCR 1505-6)

25. All preceding allegations are incorporated.

26. On June 12, 2024, Anderson registered a candidate committee with the Secretary of State's office for his candidacy to Colorado State House.

27. At the time, he had an existing candidate committee organized to support his candidacy for School Board.

28. Anderson did not terminate his School Board committee.

29. To this day, both committees remain actively registered with the Colorado Secretary of State.

30. 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 10th day of May, 2024.

PHILIP J. WEISER
Attorney General

/s/ Peter G. Baumann

PETER G. BAUMANN*
Senior Assistant Attorney General,
No. 51620
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, Colorado 80203
Telephone: 720-508-6152
Fax: 720-508-6041
peter.baumann@coag.gov
*Counsel of Record

CERTIFICATE OF SERVICE

This is to certify that I will cause the within filing to be served by mail and/or email this 10th day of May 2024, addressed as follows:

Auon'tai M. Anderson for Denver Kids
C/O Registered Agent LJ Harker
TeamTay@tayanderson.org

Auon'tai Anderson
Tay@tayanderson.org
Respondents

Shaun Waymire
Shaun.waymire@gmail.com

/s/ Peter G. Baumann