

STATE OF COLORADO
SECRETARY OF STATE
1700 BROADWAY #550
DENVER, COLORADO 80290

BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE,
ADMINISTRATIVE HEARING OFFICER

AHO Case No. _____

ED Case Nos. 2024-62, 2024-66, 2024-87

In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

ACADEMY SCHOOL DISTRICT 20,

Respondent.

COMPLAINT

Pursuant to § 1-45-111.7, C.R.S. (2024), the Elections Division of the Secretary of State files this complaint against Academy School District 20 (the “District” or “Respondent”).

BACKGROUND

1. Colorado law prohibits political subdivisions, including school districts, from using public funds to urge voters to support or oppose ballot measures. Although a subdivision can provide neutral, factual, information about a measure, that information cannot advocate for or against the measure and must provide arguments both for and against the proposed initiative.

2. During the 2024 election, Academy School District 20 referred a ballot measure to voters in the District. The measure, which passed, asked voters to approve new debt which would be used to fund certain capital projects including the rebuilding of Air Academy High School.

3. After referring the initiative to voters, the District spent over \$20,000 on mailers and a website encouraging voters to support the measure. This money was spent in violation of the prohibition on political activity by political subdivisions.

4. Accordingly, the Elections Division brings this action for appropriate relief.

PARTIES

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

6. Respondent is Academy School District 20, a political subdivision of the state of Colorado.

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).

9. This complaint is timely filed within thirty days of Division’s April 9, 2025, Notice of Consolidation and 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. On August 8, 2024, the District voted to refer a bond measure to voters within the district. The measure asked voters to approve new debt in the form of a bond measure. The measure passed unanimously.

12. One day earlier, before making the referral, the District had distributed \$21,296 worth of mailers to voters in the District. On one side, the mailer said that “Once in a Generation Opportunities Are Upon Us.” On the other, it summarized the District’s “reasons for the ask,” that voters approve the bonds, including that the bond measure “will also bring extensive benefits to all D20 schools, ensuring a brighter future for our students.” The mailer did not state any arguments for or against the bond measure.



13. The District also had a webpage summarizing the bond measure in similar language.

14. The District also produced a video that presented the bond measure only in a positive light, and urged voters to support the bond.

15. On September 9, 2024, the Division received a campaign finance complaint—complaint No. 2024-62—filed by Robert Rogers against Academy School District 20. The Complaint alleged that the District’s webpage was improperly advocating in favor of the measure.

16. On October 3, 2024, Rogers filed a second campaign finance complaint against the District. The second complaint—No. 2024-66—alleged that the District’s mailer also violated Colorado campaign finance law.

17. Finally, on October 22, 2024, the Division received a third complaint against the District. This one—No. 2024-87—was filed by Lara Matissek, and alleged that one of the District’s schools had sent an email improperly advocating in favor of the measure.

18. During its review and investigation of the three complaints, the Division corresponded with counsel for the District. The District provided extensive information about the costs associated with the District’s activities.

19. The Division’s investigation also uncovered that the District had added to its website arguments both for and against the measure several days before the first Rogers Complaint was filed.

20. Upon receiving notice of the Complaint, the District cured the violations on its website by deleting advocacy-based language and adding further arguments against the measure. The District also removed the video advocating for the measure. These changes were made in August 2024, several months prior to the November election.

21. However, the District was unable to cure the mailer.

22. On April 9, 2025, the Division consolidated the three complaints.

COLORADO CAMPAIGN FINANCE LAW

23. Under Colorado law, political subdivisions, including school districts, are prohibited from spending “any money from any source . . . to urge electors to vote in favor or against any: . . . (III) Referred measure . . . passed by the . . . governing body of any political subdivision of the state with authorization to refer matters to voters.” § 1-45-117(1)(a)(I).

24. Political subdivisions may, however, use public funds to “dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate in the jurisdiction. Such summary shall not contain a conclusion or opinion in favor of or against any particular issue.” § 1-45-117(1)(b)(I).

CLAIM ONE PROHIBITED CONTRIBUTION (§ 1-45-117(1)(a)(I), C.R.S. (2024))

25. All preceding allegations are incorporated.

26. In 2024, the District spent \$21,297 on a mailer. The mailer referenced a referred ballot measure, and encouraged voters to support the measure.

27. The mailer was not a factual summary of the measure, and did not include arguments both for and against the measure.

28. The mailer was distributed to members of the electorate in Academy District 20.

PRAYER FOR RELIEF

WHEREFORE, the Elections Division prays for judgment and relief as follows:

1. Penalties as set out under 8 CCR 1505-6, Rule 23.4.3 and section 1-45-117(4), C.R.S.
2. Such other relief as the Hearing Officer may deem appropriate.

CLAIMS NOT PURSUED

1. The first Rogers Complaint, Complaint No. 2024-62, alleged that the District had spent money on non-neutral information about the bond measure that appeared on the District's website.

2. During its review and investigation of the first Rogers Complaint, the Division determined that the website originally did not qualify as a factual summary under section 1-45-117(1)(b), C.R.S.

3. However, the District quickly cured that violation, including even before receiving notice of the first Rogers Complaint.

4. That cure occurred in August 2024, well before the November election. Nothing in the Division's review and investigation led it to determine that the website was an intentional effort to mislead the electorate.

5. Accordingly, the Division determined that the District had cured that violation and substantially complied with its legal obligations under section 1-45-111.7(4)(e)-(f).

Respectfully submitted this 9th day of May, 2025

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 foregoing to be served this 9th day of May, 2025, by email and/or U.S. mail, addressed as follows:

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