

Jason Bailey  
Citizens for NO New Debt  
Red ink is my reply  
August 3, 2025

I respectfully ask for the Opposition to the Motion to Dismiss to be denied for 3 reasons.

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. 2025 AHO 23 CPF  
ED Case No. 2024-107

In the Matter of  
ELECTIONS DIVISION OF THE SECRETARY OF STATE,  
Complainant,  
vs.  
CITIZENS FOR NO NEW DEBT,  
Respondent.

OPPOSITION TO MOTION TO DISMISS

Respondent, Citizens for No New Debt, moves to dismiss the Complaint on the grounds that the Complaint was untimely filed and because it is “riddled with inaccuracies.” Mot. to Dismiss at 1 (July 14, 2025). However, the Division’s Complaint was timely filed within thirty days of the Notice of Investigation in this matter, taking into account that the deadline fell on a Sunday.

Respondent’s other contentions are factual attacks on the Complaint best resolved at a hearing. The Motion should be denied.

The complaint should be dismissed for 3 reasons.

1) The Colorado sos took a political position defending government debt. Paragraph 12 in the complaint. This is clearly breaking all the rules for the Colorado sos office to take a political position against the very purpose pertaining to me and my organization as they hand me a complaint. This behavior deserves investigative reporting because it’s so unacceptable.

2) The complaint, and any agreement that could have been reached, was biased from the beginning due to the interaction that occurred between the two parties when the Colorado sos carelessly published my cell number to the internet and then demanded that I beg for mercy before they would remove my cell number from the internet. Carelessly publishing personal and private information to the internet and then recklessly demanding pleas of “Oh, I’m so scared,” before they would remove my cell number from the internet, this behavior by the Colorado sos deserves investigative reporting. (I have the emails to prove this)

3) Although statements and their accuracy is the point of the hearing, if the attorneys grossly and intentionally misrepresent the facts, this should weigh-in for a dismissal of the complaint.

This Opposition to my Motion to Dismiss refers to facts as “attacks.” Facts are basic elements of civilized behavior. Calling facts, “attacks” by the Colorado sos deserves investigative reporting because it’s so unacceptable to see facts this way.

It would seem clear to me that the overall culture of the Colorado sos, as managed by Jena Griswold, is one of bullying, harassment, intentional misrepresentation, and excessive everything, all disguised as gentle attorneys just doing their job to defend democracy.

## FACTUAL BACKGROUND

On May 16, 2025, the Elections Division of the Department of State served a Notice of Investigation on Citizens for No New Debt. Compl. ¶ 10 (June 16, 2025). Under section 1-45-111.7(5)(a)(IV), C.R.S. (2024), “the Division shall determine whether it will file a complaint with a hearing officer within thirty days after initiating an investigation.” Here, that date was Sunday, June 15, 2025.

The Division’s complaint, filed the following Monday, June 16, 2025, alleged that Citizens for No New Debt qualified as an issue committee

I qualify for a thousand things, this doesn’t make me that thing. I eat food and it comes out the other end, I guess I qualify to be a worm.

under Colorado law, but had failed to register (Claim 1)

I registered exactly as I was told to register by the Colorado S.O.S. Myra seems to be the only honest person in that office.

or report its contributions and expenditures (Claim 2).

I emailed every transaction to Jim Scott the day after he requested such.

The complaint also alleged that Citizens for No New Debt had failed to include compliant disclaimers on its electioneering communications (Claim 3).

One tiny inadvertent error on my part and the Colorado sos spends tens of thousands of dollar in time and overhead to investigate, going on 10-11 months now. This is such an enormous waste of tax payer money that this entire situation deserves investigative reporting.

AND, if spending personal money is “**outside the scope of the complaint**” then this is yet another reason why this entire situation should be immediately dismissed considering it was made clear from the beginning that I used a personal credit card for the \$300 ad that Carrie Olson complained about to begin with. It was my personal credit card that bought that digital ad from the Denver Post.

## LEGAL STANDARD

To survive a Motion to Dismiss, a complaint must state a plausible claim for relief.

Cnty. Comm’rs of Boulder Cnty. v. Suncor Energy USA, Inc., 2025 CO 21, ¶ 25. As part of this review, the court must “accept all allegations of material fact in the complaint as true,” and “view the complaint’s allegations in the light most favorable to the plaintiff.” Id.

Comparing me to Suncor shows the depravity of this entire situation. This entire situation is so sad that I’m more deeply concerned about the effectiveness of our government than any time in my life.

## ARGUMENT

### **I. Because thirty days from May 16 fell on a Sunday, the Division’s deadline for filing a complaint fell to the following Monday.**

In this forum, the Colorado Rules of Civil Procedure apply “unless inconsistent with

these rules and the applicable statute.” 8 CCR 1505-3, Rule 3.12.1.

Relevant here, Rule

6(a)(1) states that when the last day of any period of time is a “Saturday, a Sunday, or a legal holiday, . . . the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.” Colo. R. of Civ. P. 6(a)(1). See also *Austin v. Weld Cnty.*, 702 P.2d 293, 295 (Colo. App. 1985) (rejecting argument that statutory deadline was not subject to Rule 6’s “roll forward” provision)

Here, the thirty-day window during which the Division needed to decide whether to

file a complaint with the hearing officer expired on Sunday, June 15, 2025.

Under Rule 6, that deadline fell forward to Monday, June 16, 2025. Because

the Division filed on Monday, June 16, 2025, the Complaint was timely filed.

Moreover, even if the Division had not filed within thirty days, the Complaint would still not be subject to dismissal. As a general rule, statutory “provisions that prescribe the time within which an agency must act are presumed to be directory unless the statute suggests a contrary intent.” In re Protest of McKenna, 2015 CO 23, ¶ 20; see also DiMarco v. Dept. of Rev., Motor Vehicle Div., 857 P.2d 1349, 1352 (Colo. 1993) (“[O]ur appellate courts have generally construed time limitations imposed on public bodies as being directory rather than mandatory, unless the General Assembly has clearly evidenced a contrary intent.”). Because the statute is directory, not mandatory, failure to file within the prescribed thirty days would not be a jurisdictional defect. See generally DiMarco, 857 P.2d at 1352.

On my motion to dismiss, I said June 16 is 31 days after May 16. I was incorrect, it’s 32 days. Factually speaking, of course. I now realize, however, that the Colorado SOS considers time constraints on their part to be arbitrary since they are only directed, but not mandatory.

Taking into account that the deadline fell on a Sunday doesn’t mean that the complaint was timely filed within thirty days of the Notice of Investigation. as falsely stated in the opening paragraph in this Opposition to Motion to Dismiss. It means the timely response of 30 days isn’t required.

Considering this investigation is about a tiny inadvertent error pertaining to two words, the attorneys should try to be more accurate about everything they say and do since this whole situation is predicated on being a perfect person who never makes mistakes. These attorneys are the most righteous

government payroll individuals I've ever meet... to put me through all this for such a tiny error on my part. So sad.

## **II. Respondent's alleged "inaccuracies" are factual matters suitable for a hearing.**

Next, Respondent alleges a series of factual "inaccuracies" it claims entitle it to dismissal. The Hearing Officer should decline to adjudicate these factual disputes at the Motion to Dismiss stage.

Yes, if the whole complaint is within some boundary of reasonable behavior. However, because this complaint is so intentionally misleading, it deserves no further attention.

At this stage, the Hearing Officer "accept[s] all factual allegations in the complaint as true, viewing them in the light most favorable to the [Division]." *Norton v. Rocky Mountain Planned Parenthood, Inc.*, 2018 CO 3, ¶ 7. In its Motion, Respondent argues that many of the factual allegations made by the Division are not true. For example, Respondent argues it did not have "a major purpose" of supporting or opposing any ballot measure in 2024, and therefore did not qualify as an issue committee. Respondent does not argue that the Division has failed to allege a cause of action or that the Division failed to allege the requisite elements of a claim, including a claim based on Respondent having a major purpose of supporting or opposing a ballot measure. Instead, Respondent elects in its Motion to contest factually what its major purpose was.

This paragraph above makes no sense. These attorneys want to have their cake and eat it to. They want to hold me completely accountable to what I typed for my articles of incorporation (which is just fine), and at the same time the attorneys want to make claims that my organization is all about campaigning even though campaigning is never mentioned in my articles of incorporation.

The Complaint alleges sufficient facts to establish a plausible claim that Citizens for No New Debt qualified as an issue committee under Colorado law in 2024. See *Warne v. Hall*, 2016 CO 50, ¶ 30.

According to the Complaint, “virtually all” of the organization’s spending in 2024,

As I mentioned, this isn’t true when you include the fact that I rented an office for my organization and I paid for technical training in order to build my website for my organization – just because I paid personally for this doesn’t mean it wasn’t for my organization – because it was.

Furthermore, if spending personal money is “**outside the scope of the complaint**” then this is yet another reason why this entire situation should be immediately dismissed considering it was made clear from the beginning that I used a personal credit card for the \$300 ad that Carrie Olson complained about to begin with. It was my personal money that bought that digital ad from the Denver Post. This was clearly stated when I answered the investigation from Jim Scott back in November. I answered all his questions and had them back to him the next day.



Furthermore, on the phone with Jim Scott, I offered to pay 10% of the \$300 ad (the disclaimer complaint from Carrie Olson), to make this enormous nightmare go away. He refused this offer.

and “a significant number of the organization’s publications” in 2024

So glad the attorneys mention my publications for 2024. As I have nothing to hide, I’ve deleted nothing from my website for this ridiculous persecution from the Colorado sos attorneys. Considering that 7 of my 10 monthly reports for 2024 were not campaigning, clearly, the major purpose was to write and communicate about government debt in general – exactly as stated in my articles of incorporation.

Furthermore, even the reports that included campaigning, 90% of the story is general information about government debt with campaigning as the icing on the cake. The cake is my major purpose – to write and communicate about government debt. This is why my website looks so much different than websites that are all about campaigning as the major purpose. The attorneys at the Colorado sos don’t care about ascertaining reality – they only care about winning and dominating.

One more metaphor here. Campaigning is loud and bright. Campaigning is like honking the horn, you hear the horn. Campaigning is like the headlights on the car, you see the headlights. But the car is the major purpose of my organization. The attorneys at the Colorado sos just stare into the headlights like a herd of deer that fail to see the car. The attorneys are just trying to dominate and win, this is why they refuse to see the car.

The car is my vehicle for this entire organization. How sad the attorney’s do this to me – trying over and over again to pigeon hole me into their world of

dystopic political bs. The attorneys don't see the forest for the trees because they stare at the trees all day. My life's work, my organization, is so much bigger than campaigning. Ok, that was two more metaphors.

related to opposing a ballot measure. Under *Cerbo v. Protect Colo. Jobs*, 240 P.3d 495, 501-02 (Colo. App. 2010) and the Secretary's Rules, 8 CCR 1505-6, Rule 4.4.1, these are factors that reflect a major purpose of ballot issue advocacy.

Respondent argues that these calculations are inaccurate because of personal expenses made by Respondent's registered agent that should nonetheless be imputed to Respondent. Perhaps. But that factual dispute is outside the scope of the Complaint.

The money spent doesn't need to travel in circles through the organization just to be for the organization since it's perfectly legal for me to spend personal money on, and for, my organization by renting an office and training for me to build my website.

Furthermore, if spending personal money is “**outside the scope of the complaint**” then this is yet another reason why this entire situation should be immediately dismissed considering it was made clear from the beginning that I used a personal credit card for the \$300 ad that Carrie Olson complained about to begin with. It was my personal money that bought that digital ad from the Denver Post.

Respondent's argument that its major purposes may evolve in the future also does not entitle it to dismissal.

Never did I say my organization or my major purpose “may evolve in the future.” The attorneys just continue to twist my words as they intentionally try to mislead.

When I say, “Check back way into the future if you care to be accurate,” this is saying that the future will clearly be the same as today – writing and communicating about government debt. On the phone with Jim Scott, I told him clearly that the airport debt will continue to be a major focus of my work – the airport debt has nothing to do with electioneering.

Another major focus of my work will continue to be “certificates-of-participation,” lease-purchase agreements from financial hell. COPs have nothing to do with electioneering. Never did I say or hint that my organization or purpose “may evolve in the future.” The attorneys lie.

See generally Mot. to Dismiss at 6 (discussing sample sizes). Under Colorado law, an entity’s major purposes—at least for local ballot measures—are determined in part based on “the amount of money the organization had spent on the issue in question in relation to its annual budget.” 8 CCR 1505-6, Rule 4.4.1(b)(6) (emphasis added); see also Cerbo, 240 P.3d at 501-02 (expressing factors including an organization’s “annual expenditures” and “the amount of money it had spent on the issue in question in relation to its annual budget”) (emphases added). That the organization’s major purposes might evolve in the future does not absolve Respondent of the requirement to register and report during the period it qualifies as an issue committee.

The above paragraph is redundant. It’s been addressed by Jason Bailey.

In 2022, the General Assembly amended the definition of an issue committee, but only as applied to issue committees addressing statewide ballot measures. See Laws 2022, Ch. 400 (S.B. 22-237). “For an organization supporting or opposing a non-statewide ballot measure [like Respondent], a major purpose . . . is determined based on the consideration of” several factors, including “the organization’s demonstrated pattern of conduct, as reflected through . . . (1) the scope of the issues addressed in the organization’s print and electronic publications; (2) the length of time the organization had existed; . . . (6) the amount of money the organization had spent on the issue in question in relation to its annual budget.” 8 CCR 1505-6, Rule 4.4.1.

The above paragraph is just redundant. It’s been addressed by Jason Bailey.

Finally, as to Claim 3, Respondent admits that some of its communications did not identify its registered agent but argues that others did. Mot. at 10. Again, the scope of Respondent’s non-compliance on this point is not suitable for resolution at the Motion to Dismiss stage.

“Respondent “admits” – what a bunch of crap. As though I’ve been trying to hide this point up now. The fact that the Denver Post left two words off a \$300 ad was never in question nor did it ever need to be “admitted” since it was clear from the start. I’m so sick of this behavior from the Colorado sos attorneys after 10-11 months now. This behavior by these attorneys is sick, it’s intentionally misleading, it’s unacceptable, it’s a terrible waste of tax payer money.

Furthermore, if spending personal money is “**outside the scope of the complaint**” then this is yet another reason why this entire situation should be immediately dismissed considering it was made clear from the beginning that I used a personal credit card for the \$300 ad that Carrie Olson complained about to begin with. It was my personal money that bought that digital ad from the Denver Post.

**Does “Registered Agent” need to be on an ad bought with a personal credit card?**

## CONCLUSION

The ridiculous behavior by the attorneys at the Colorado sos is so unacceptable, the attorneys in question should receive investigative reporting.

Furthermore, this Opposition to Motion to Dismiss conveniently didn’t mention many of the items I typed about in my Motion to Dismiss.

Not a word on Myra, for example. Myra is the only person in that office that seems to be honest.

Not a word on Jim Scott making it clear in his settlement agreement that I was clearly not trying to hide anything.

Not a word on the bias to begin with from the way the two parties handled personal and private information that was published to the internet by the Colorado sos.

Not a word that Carrie Olson won the election so there was no harm to her political outcome last November.

This complaint was not a citizen complaint, it was Carrie Olson, a government official.

Not one citizen ever had a problem with my work.

The Motion to Dismiss should be denied.

Respectfully submitted this 28th day of July, 2025

PHILIP J. WEISER  
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/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 28th day of July, 2025, by email and/or U.S. mail, addressed as follows:

Citizens for No New Debt  
C/O Registered Agent J Robert Bailey  
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Respondent  
/s/ Peter G. Baumann

I respectfully ask for the Opposition to the Motion to Dismiss to be denied.

Signed Jason Robert Bailey by Jason Robert Bailey