BEFORE THE COLORADO SECRETARY OF STATE

TANIA VAN PELT, DANA MILLER, SMADAR BELKIND GERSON, and DOROTA WRIGHT-O’NEILL,
Complainants,

vs.

UNITE AMERICA, INC., UNITE COLORADO, INC., and UNITE AMERICA ELECTION FUND,
Respondents.

CAMPAIGN FINANCE COMPLAINT

Tania Van Pelt, Dana Miller, Smadar Belkind Gerson, and Dorota Wright-O’Neill, Complainants, hereby allege the following and thereby establish the basis for campaign finance complaints against Unite America, Inc., United Colorado, Inc., Unite America Election Fund, or all of them.

Complainants

1. Tania Van Pelt is a registered elector who resides in Denver County, Colorado.

2. Dana Miller is a registered elector who resides in Denver County, Colorado.

3. Smadar Belkind Gerson is a registered elector who resides in Arapahoe County, Colorado.

4. Dorota Wright-O’Neill is a registered elector who resides in Denver County, Colorado.

Respondent Unite America, Inc.

5. Unite America, Inc. ("UA") is a 501(c)(4) organization whose stated purpose is to "partner[] with mission-aligned organizations in our target states to help elect independent state legislative candidates." Exhibit 1 at 1 (https://www.uniteamerica.org/partnerships) (last viewed Sept. 11, 2018) (emphasis added).

6. UA’s stated objection is “to support these independent candidates” due, in part, to their “ability to run a competitive campaign.” Exhibit 2 at 1 (https://www.uniteamerica.org/state_legislative) (last viewed Sept. 11, 2018) (emphasis added).

8. UA supports no fewer than six (6) state legislative candidates in Colorado. Five of those listed candidates are: Steve Peterson (Senate District 30); Maile Foster (House District 18); Jay Geyer (House District 33); Thea Chase (House District 54); and Paul Jones (House District 59). Exhibit 4 (last viewed Sept. 12, 2018). UA also features a video on its website, entitled “Meet Our Candidates – Unite Colorado.” This video consists solely of interviews with four of UA’s endorsed Colorado legislative candidates – specifically, Jay Geyer, Maile Foster, Steve Peterson, and Eric Montoya. Id.; see also https://www.youtube.com/watch?v=-1b-qoBoY08 (video description includes “Unite America” and Unite America’s logo).

9. Montoya, the sixth endorsed Colorado candidate, states in the video that he currently serves on the Thornton City Council from Ward 2, and the graphic associated with his interview states he is running for House District 31. Id. The endorsement of Montoya’s candidacy has been withdrawn. “Unite Colorado is no longer endorsing a candidate in HD-31.” Exhibit 5 at 5 (https://www.unitecolorado.org/unite_colorado_announces_new_candidate_endorsement_seven_new_steering_committee_members) (last viewed Sept. 11, 2018).

10. UA publicly supported the five endorsed candidates (Steve Peterson, Maile Foster, Jay Geyer, Thea Chase, and Paul Jones), since at least July 9, 2018, Exhibit 32, which was the date on which all five filed petitions with the Secretary of State. Exhibit 33.\(^1\) On information and belief, UA supported these candidates in the same manner for months prior to their filing of candidate petitions.

11. UA lists among fourteen other state legislative races where it supports candidates: Maine (4); Alaska (3); Vermont (2); Maryland (1); New Hampshire (1); South Dakota (1); Washington (1); New Mexico (1). Exhibit 6 (https://www.uniteamerica.org/state_legislative) (last viewed Sept. 11, 2018).

12. UA lists fewer statewide races in which it is supporting one (1) candidate: Alaska (governor); Maine (governor); Kansas (governor); Missouri (U.S. Senate); Maryland (U.S. Senate); and California (Insurance Commissioner). Exhibit 7 (www.uniteamerica.org/statewide) (last viewed Sept. 11, 2018).

13. UA’s stated objective is as follows: “Our mission is to elect independent candidates to office.... *We’re building the necessary grassroots community, donor network, and*

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\(^1\) https://www.google.com/url?q=https://www.sos.state.co.us/pubs/elections/vote/files/2018/2018GeneralPetitionCandidates.xlsx&sa=U&ved=0ahUKEwjjuPuptBDMAhVsvOoMKHUWyAKQF6gGMAE&client=internal-uds-cse&cx=005331801672446424340:e-a4pqdp4e5&usg=AOvVaw3IkC0CAHbWjJ5SUVCVv1s84W
14. UA has “the major purpose” of supporting Colorado candidates for state legislature, given: (a) paid staff located in Colorado and working on Colorado campaigns, performing specific tasks to elect UA’s endorsed state legislative candidates, as detailed in Paragraphs 20-22 below; (b) paying for the UA website that advocates the election of the Colorado candidates, Exhibit 9 at 13 (www.uniteamerica.org/) (stating it is “Paid for by Unite America, Inc.”) (last viewed Sept. 11, 2018); (c) fundraising for more Colorado state legislative candidates than candidates in any other state, as is detailed in Paragraph 18 below; and (d) supporting more state legislative candidates than statewide candidates and supporting more Colorado state legislative candidates during this election cycle (6) than candidates for comparable offices in any other state.

15. On information and belief, UA also pays, directly or indirectly, for goods or services that are provided to the five (5) Colorado campaigns, such as petitions used to gain access to the Colorado ballot, for which none of the endorsed candidates has reported expenditures.

16. UA allows contributors to contribute through its website or to mail monetary contributions to its offices. “If you’d like to mail in your contribution, please make checks out to ‘Unite America’ and send to: Unite America, 6000 E Evans Ave, 1-121, Denver, CO 80222.” Exhibit 10 at 2 (https://www.uniteamerica.org/donate) (last viewed Sept. 11, 2018).

17. UA also accepts donations via www.crowdpac.com. Of all its endorsed state legislative candidates, the UA website states it helps to fund “[o]ur slate” of eight (8) of its endorsed state legislative candidates due to “local dynamics and campaign finance regulations.” Exhibit 11 at 1 https://www.crowdpac.com/campaigns/380313/unite-america-support-independent-candidates-for-state-legislature (last viewed Sept. 12, 2018).

18. Three (3) of these eight UA-funded candidates are candidates for the Colorado state legislature: Thea Chase; Maile Foster; and Paul Jones. None of the five (5) non-Colorado legislative candidates is even from the same state. Id. (one candidate each from New Mexico, Maryland, Vermont, Washington, and Arizona). Thus, contributions are made primarily for supporting state legislative candidates in Colorado.

19. Donations for all eight candidates currently totals $87,564. Id.

20. UA engages in direct voter contact for the purpose of supporting its five state legislative candidates in Colorado. UA described its Field Manager as a person who “will manage a team of volunteers across the Denver metro area who will be doing direct voter contact on phones, at doors and via letter writing campaigns. The Lead Field Organizer will also be responsible for training volunteers.” Exhibit 12 at 1-2 (www.uniteamerica.org/colorado_field_manager) (last viewed Sept. 11, 2018) (emphasis
21. Among the stated job responsibilities of UA’s Political Director is to “lead[] all of the organization’s candidate-focused programs,” “maintain[] relationships with all candidates...,” and “[s]upport state partnerships and candidate programs in Colorado, Maine and Washington.” Exhibit 14 at 1, 2 (www.uniteamerica.org/national_political_director) (last viewed Sept. 11, 2018) (emphasis added). This position is “based in Denver, Colorado.” Id. This position is currently held by Andrew Short. Exhibit 15 (https://www.uniteamerica.org/staff) (last viewed Sept. 11, 2018).

22. UA also employs two campaign coordinators; one “has worked for Unite America since June 2017.” UA also employs one grassroots coordinator. All of these employees are located in Colorado. Id.

23. On information and belief, UA’s website was distributed to all persons with access to the internet, including persons residing in the legislative districts of the 5 state legislative candidates in Colorado, named above in Paragraph 8.

Respondent Unite Colorado, Inc.

24. Unite Colorado, Inc. ("UC") sponsors a website (www.UniteColorado.org) that advocates the election of five candidates for Colorado state legislative office: Steve Peterson (Senate District 30); Maile Foster (House District 18); Jay Geyer (House District 33); Thea Chase (House District 54); and Paul Jones (House District 59).

25. UC’s website includes a webpage about the five aforementioned Colorado candidates, entitled “Meet Our Candidates.” Exhibit 16 (www.unitecolorado.org/candidates) (last viewed Sept. 13, 2018) (emphasis added).

26. UC has a sponsored video on YouTube ("Meet Our Candidates | Unite Colorado") featuring its six (6) endorsed Colorado candidates. https://www.youtube.com/watch?v=--1b-qoBoY08 (last viewed Sept. 13, 2018). The video’s description advocates Colorado candidates and lists direct means to contribute to, as well as web links for, its candidates:

Uploaded on Jan 4, 2018
Unite Colorado is proud to present their slate of common-sense, independent candidates. You can donate directly to their campaigns via Crowd pac: https://www.crowdpac.com/campaigns/380313/unite-america-support-independent-candidates-for-state-legislature

Maile Foster, CO House District 18:
http://www.fosterforcolorado.com/
Steve Peterson, CO Senate District 30:
http://www.steve4colorado.com/

Eric Montoya, CO House District 33:
http://www.montoyaforcolorado.com/

Jay Geyer, CO House District 31:
http://www.jaygeyerforcolorado.com/

See Exhibit 17 https://www.youtube.com/watch?v=-1b-qoBoY08 (last viewed Sept. 13, 2018) (emphasis in original). Thus, UC has been publicly and openly supporting these candidates since at least January 4, 2018 and continues to do so.

27. UC’s website is “Paid for by Unite Colorado, a project of Unite America. Not authorized by any candidate.” UC’s website “is operated by Unite Colorado” and identifies The Centrist Project as “our parent organization” and “The Centrist Project Voice” as “our PAC.” Exhibit 18 at 1, 2 (https://www.unitecolorado.org/privacy_policy) (last viewed Sept. 11, 2018).

28. In UC’s May 1, 2018 press release, one of UC’s steering committee members stated, “We’re ready to roll up our sleeves to help independents get on the ballot and run competitive campaigns for state legislature.” Exhibit 19 at 3 (https://www.unitecolorado.org/unite_colorado_expands_recruitment_to_uncontested_state_legislative_races) (last viewed Sept. 13, 2018) (emphasis added).

29. UC’s mission is “to elect common sense, independent candidates to office” - namely “the State Legislature” in Colorado. Exhibit 20 at 2 (www.UniteColorado.org/our_mission).

30. UC states that “our support comes in many different forms – ranging from a simple endorsement to our statewide network of campaign talent, volunteers, and donors” and is focused on districts that provide “a competitive head-to-head matchup opportunity.” Exhibit 21 at 2, 3 (www.unitecolorado.org/run_for_office).

31. UC informs donors that contributions made through its website will fund all of its endorsed Colorado candidates. “One donation will directly support our entire slate of common-sense, independent candidates for Colorado.” Exhibit 16 at 1 (emphasis added).

32. UC’s website names five endorsed Colorado candidates: Steve Peterson (Senate District 30); Maile Foster (House District 18); Jay Geyer (House District 33); Thea Chase (House District 54); and Paul Jones (House District 59). Id. It does not name any other candidates in Colorado or in any other state.

33. On information and belief, UC’s website was distributed to all persons with access to the internet, including persons residing in the legislative districts of the 5 state legislative candidates in Colorado, named above in Paragraph 24.
34. UC lists its "office location" as "6000 E Evans Ave, Suite 1-121, Denver, CO 80222." Exhibit 22 at 2 (www.unitecolorado.org/contact) (last viewed on Sept. 11, 2018).

Respondent Unite America Election Fund

35. An independent expenditure committee, Unite Colorado Election Fund ("UCEF"), and a small donor committee, Unite Colorado Grassroots Election Fund, are both registered with the Colorado Secretary of State. Neither of these entities are mentioned on the "Donate" pages of the UA website or the UC website or elsewhere on those websites.

36. On Sept. 27, 2017, UCEF was filed as an independent expenditure committee. Its name at that time was "Colorado Centrist Project Election Fund." Exhibit 23 (from SOS Tracer system). Its stated purpose was to "Support Independent and Unaffiliated Candidates for Statewide and County Offices." Id.

37. In January, 2018, the Colorado Centrist Project Election Fund filed its reports with the Secretary of State as "Unite Colorado Election Fund." Exhibit 24 (from SOS Tracer system). Its stated purpose was to "Support Independent and Unaffiliated Candidates for Statewide and County Offices." Id.

38. In a June 2, 2018, 48 Hour Notice of Independent Expenditure in Excess of One Thousand Dollars, UCEF reported independent expenditures totaling $13,700: $6,850 "to support Maile Foster to represent HD 18;" and $6,850 "in support of Thea Chase for House District 54." Exhibit 25 (from SOS Tracer system). Both expenditures were for "canvassing in support of" the named candidates.

39. In its May 7, 2018 report (amended and filed on May 21, 2018), UCEF reported that it received a single donation on February 7, 2018 of $125,000. Unite America Election Fund ("UAEF") was the sole donor of this $125,000 contribution. Exhibit 26 (from SOS Tracer system). The contribution was reported from UAEF located at 2420 17th Street, 3rd Floor, Denver, CO 80202; a like contribution from UAEF at this address was stricken; and finally the same amount was shown as a contribution from UAEF at the address referenced in Paragraph 49, below.

40. In its report filed on September 4, 2018, UCEF reported a donation of $75,000 from UAEF, received on August 6, 2018. Exhibit 27 at 3 (from SOS Tracer system).

41. UAEF raised and contributed $200,000 in support of UC’s endorsed candidates, but UAEF is not a registered committee with the Secretary of State.

42. UAEF is a federal "super PAC" registered with the Federal Election Commission. Exhibit 28 (summary of Centrist Project Election Fund from www.opensecrets.org, the "Official PAC Name" for which is "Unite America Election Fund").
43. UAEF accepts contributions in excess of the limit allowed for political committees in Colorado. Exhibit 29 (summary from www.opensecrets.org of contributors to Unite America Election Fund).

44. UAEF reported to the FEC the $125,000 contribution it made to UCEF. Exhibit 30 (summary from www.opensecrets.org of expenditures by Unite America Election Fund).

45. UAEF has not disclosed the amounts or sources of its contributions to the Secretary of State.

46. Before UAEF contributed an additional $75,000 to UCEF, UAEF already had "the major purpose" of supporting or opposing candidates for election to the Colorado state legislature, as over 70% of its state-related expenditures at that point ($125,000 out of $175,000 given to state entities: UCEF, Washington Independents, and More Voice for Maine), Exhibit 31 (https://www.opensecrets.org/pacs/expenditures.php?cycle=2018&cmte=C00637314), was spent for the purpose of supporting or opposing candidates for election to the Colorado state legislature. Because of the additional $75,000 contribution to UCEF since that time, that percentage of state-related expenditures has, on information and belief, grown.

47. On information and belief, UAEF accepts contributions that are made through the UA webpage and/or the Crowdpac webpage and transfers some or all of such amounts to UCEF.

48. On information and belief, multiple contributions were made to and through UAEF for the purpose of UCEF's independent expenditures exceeded $1,000.

49. UCEF's re-amended report (filed May 21, 2018) changed the addresses for both UCEF and UAEF from 2420 17th Street, 3rd Floor, Denver, CO 80202 to 6000 E. Evans Ave., 1-121, Denver, CO 80222.

50. The address on UCEF's amended report (6000 E. Evans Ave., 1-121, Denver, CO 80222) is the same address UA uses as its address. See Paragraph 19 above.

**Colorado Campaign Finance Law**

51. "Contribution" is defined to mean:

(I) The payment, loan, pledge, gift, or advance of money, or guarantee of a loan, made to any candidate committee, issue committee, political committee, small donor committee, or political party;

(II) Any payment made to a third party for the benefit of any candidate committee, issue committee, political committee, small donor committee, or political party;
(III) The fair market value of any gift or loan of property made to any candidate committee, issue committee, political committee, small donor committee or political party;
(IV) Anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's nomination, retention, recall, or election.

Colo. Const. art. XXVIII, § 2(5)(a).

52. "'Expenditure' means any purchase, payment, distribution, loan, advance, deposit, or gift of money by any person for the purpose of expressly advocating the election or defeat of a candidate or supporting or opposing a ballot issue or ballot question." Colo. Const. art. XXVIII, § 2(8)(a).

53. "Political committee" is defined to mean:

(a) "Political committee" means any person, other than a natural person, or any group of two or more persons, including natural persons that have accepted or made contributions or expenditures in excess of $200 to support or oppose the nomination or election of one or more candidates.
(b) "Political committee" does not include political parties, issue committees, or candidate committees as otherwise defined in this section.

Colo. Const., art. XXVIII, §2(10).

54. A "political committee" must have "the major purpose" of supporting or opposing candidates and either accepts contributions or makes expenditures "to support or oppose" such candidates. Alliance for Colorado's Families v. Gilbert, 172 P.3d 964, 970 (Colo. App. 2007).

55. Political committees must register with the Secretary of State "before accepting or making any contributions." C.R.S. § 1-45-108(3).

56. Political committees must report to the Secretary of State "contributions received, including the name and address of each person who has contributed twenty dollars or more... [and] expenditures made" as well as the "occupation and employer of each person who has made a contribution of one hundred dollars or more to such committee." C.R.S. § 1-45-108(1)(a)(I), (II).


58. An organization engages in “express advocacy” of a candidate where it “explicitly advocates for the election or defeat of a candidate through the use of the ‘magic words’
set out in [Buckley v. Valeo, 424 U.S. 1, 44 n.52 (1976)] or substantially similar synonyms.” Colo. Ethics Watch v. Senate Majority Fund, LLC, 2012 CO 12, ¶41, 269 P.3d 1248, 1259. The so-called “magic words” are “‘vote for,’ ‘elect,’ ‘support,’ ‘cast your ballot for,’ ‘Smith for Congress,’ ‘vote against,’ ‘defeat,’ ‘reject.’” Id. n.1 (citation omitted) (emphasis added).

59. “Electioneering communication” is defined to mean: “any communication… distributed that... unambiguously refers to any candidate... and is... distributed with thirty days before a primary election... and... [i]s... distributed to an audience that includes members of the electorate for such public office.” Colo. Const. art. XXVIII, § 2(7)(a).

60. Any person who spends $1,000 or more on electioneering communications must report the amount expended, the name and address of each contributor who gives $250 or more, and if the contributor of at least $250 is a natural person, the report must include his or her employer and occupation. Colo. Const. art. XXVIII, § 6; C.R.S. § 1-45-108(1)(a) (III).

61. The maximum permitted contribution to a political committee is $575 per election cycle. 8 CCR 1505-6 (Rule 10.16.1(f), adjusting the political committee contribution limit in Colo. Const. art. XXVIII, § 3(5).

62. “A Federal PAC that qualifies as a political committee under Colo. Const. Article XXVIII, section 2(12), must register with the Secretary of State’s office as a state political committee and follow all requirements for state political committees.” 8 CCR 1505-6 (Rule 7.1.1) (emphasis added).

63. The statute of limitations for filing this complaint is 180 days. “Any person who believes that a violation of either the secretary of state's rules concerning campaign and political finance or this article 45 has occurred may file a written complaint with the secretary of state not later than one hundred eighty days after the date of the occurrence of the alleged violation.” C.R.S. § 1-45-111.5(1.5)(a) (emphasis added).

64. In 2018, the Secretary adopted 8 CCR 1505-6 (Rule 18.2.2) which limits the filing of complaints to “no later than 90 days after the complainant knew or should have known by the exercise of reasonable diligence of the alleged violation.” The Secretary lacks authority to adopt rules that are contrary to a clear statutory provision. Gessler v. Colo. Common Cause, 2014 CO 44, ¶ 9, 327 P.3d 232 (where an SOS rule “conflicts with either” the Constitution or campaign finance statute, “the rule must be set aside”).

65. One hundred eighty (180) days from May 7, 2018 is October 24, 2018; one hundred eighty (180) days from May 21, 2018 is November 7, 2018.

66. This complaint is timely filed within the statutory 180 day period, as violations occurred on May 7 and/or May 21, when the nature of undisclosed financing of political activity was first revealed. Respondents have not cured their non-reporting and non-compliance
on disclosure reports required to be filed with the Secretary of State on May 7 (amended on May 21), June 18, July 2, August 1, or September 4, 2018.

67. Ninety days prior to the filing of this Campaign Finance Complaint was June 19, 2018. One hundred eighty prior to the filing of this Campaign Finance Complaint was April 1, 2018.

68. This complaint is timely filed with the regulation’s 90 day period, as violations occurred when the respondents failed to accurately report as political committees, abide by political committee contribution limits, or report electioneering communications as reflected on the disclosure reports required to be filed with the Secretary of State on June 18, July 2, August 1, or September 4, 2018. See C.R.S. § 2-4-108(2) (Sundays are excluded in statutory time computation).

69. UAEF has not complied with the requirement that federal political committees, operating in Colorado, abide by Colorado political committee contribution limits, including in any of the reports required to be filed by June 18, July 2, August 1, and September 4, 2018.

70. Under Colorado law, the 2018 primary election was scheduled for, and was held on, June 26, 2018, and the general election is scheduled for November 6, 2018.

71. For purposes of calculating electioneering communication reporting requirements, thirty days prior to the primary election was May 25, 2018, and sixty days prior to the general election was September 7, 2018.

Incorporation by Reference

72. This complaint incorporates by reference all information and signatures included on the Secretary of State’s authorized complaint forms, attached hereto.

73. Further, the complaint forms signed by Complainants incorporate the information and summary on the form filed by their counsel and attached hereto, as well as all allegations in this Campaign Finance Complaint.

FIRST CLAIM
(UA is an unregistered political committee)

74. The allegations in paragraphs 1-71 above are adopted by reference herein.

75. The major purpose of UA is to “elect” and “support” the candidates chosen to be on the UA slate of candidates, and it accepts contributions and makes expenditures for those purposes.

76. UA is not registered as a Colorado political committee, in violation of Colorado law.

77. UA is liable for penalties assessed for its failure to file as required by law.
SECOND CLAIM
(UA failed to file its political committee disclosures to Secretary of State)

78. The allegations in paragraphs 1-75 above are adopted by reference herein.

79. UA did not file any of the required disclosure reports over the last 90 days or the last 180 days, in violation of Colorado law.

80. UA is liable for penalties assessed for its failure to file as required by law.

THIRD CLAIM
(UA violated the contribution limit applicable to political committees)

81. The allegations in paragraphs 1-78 above are adopted by reference herein.

82. UA accepted donations that were greater than the maximum political committee contribution ($575 per election cycle), in violation of Colorado law.

83. UA is liable for penalties assessed for its failure to comply with contribution limits as required by law.

FOURTH CLAIM
(UA failed to disclose pre-primary electioneering communications to Secretary of State)

84. The allegations in paragraphs 1-81 above are adopted by reference herein.

85. UA did not disclose all of its electioneering communications, including but not limited to its website narratives concerning four of the five endorsed candidates – Steve Peterson, Maile Foster, Jay Geyer, and Thea Chase, even though those candidates were unambiguously referred to during the 30 days prior to the primary election and/or 60 days prior to the general election to persons residing the candidates’ districts.

86. UA is liable for penalties assessed for its failure to file as required by law.

FIFTH CLAIM
(UC is an unregistered political committee)

87. The allegations in paragraphs 1-84 above are adopted by reference herein.

88. The major purpose of UC is to provide “support” to the Colorado slate of state legislative candidates including such assistance as will allow them to “get on the ballot” and “run competitive campaigns” for a single purpose – so they “CAN win.” It accepts contributions and makes expenditures for those purposes.

89. UC is not registered as a Colorado political committee, in violation of Colorado law.
90. UC is liable for penalties assessed for its failure to file as required by law.

**SIXTH CLAIM**
(UC failed to file its political committee disclosures to Secretary of State)

91. The allegations in paragraphs 1-88 above are adopted by reference herein.

92. UC did not file any of the required disclosure reports over the last 90 days or the last 180 days in violation of Colorado law.

93. UC is liable for penalties assessed for its failure to file as required by law.

**SEVENTH CLAIM**
(UC violated the contribution limit applicable to political committees)

94. The allegations in paragraphs 1-91 above are adopted by reference herein.

95. UC accepted donations that were greater than the maximum political committee contribution ($575 per election cycle), in violation of Colorado law.

96. UC is liable for penalties assessed for its failure to comply with contribution limits as required by law.

**EIGHTH CLAIM**
(UC failed to disclose pre-primary electioneering communications to Secretary of State)

97. The allegations in paragraphs 1-94 above are adopted by reference herein.

98. UC did not disclose all of its electioneering communications, including but not limited to its website narratives concerning four of the five endorsed candidates — Steve Peterson, Maile Foster, Jay Geyer, and Thea Chase, even though those candidates were unambiguously referred to during the 30 days prior to the primary election and/or 60 days prior to the general election to persons residing in the candidates’ districts.

99. UC is liable for penalties assessed for its failure to file as required by law.

**NINTH CLAIM**
(UAEF is an unregistered political committee)

100. The allegations in paragraphs 1-97 above are adopted by reference herein.

101. The major purpose of UAEF is to “elect” and “support” the candidates chosen to be on the UA slate of candidates, and it accepts contributions and makes expenditures for those purposes.
102. UAEF is not registered as a Colorado political committee, in violation of Colorado law.

103. UAEF is liable for penalties assessed for its failure to file as required by law.

**TENTH CLAIM**  
(UAEF failed to file its political committee disclosures to Secretary of State)

104. The allegations in paragraphs 1-101 above are adopted by reference herein.

105. UAEF did not file any of the required disclosure reports over the last 90 days or the last 180 days, in violation of Colorado law.

106. UAEF is liable for penalties assessed for its failure to file as required by law.

**ELEVENTH CLAIM**  
(UAEF violated the contribution limit applicable to political committees)

107. The allegations in paragraphs 1-104 above are adopted by reference herein.

108. UAEF accepted donations that were greater than the maximum political committee contribution ($575 per election cycle), in violation of Colorado law.

109. UAEF is liable for penalties assessed for its failure to comply with contribution limits as required by law.

**TWELFTH CLAIM**  
(As a Federal PAC, UAEF was required to, but did not, comply with the limits and mandates of Colorado law)

110. The allegations in paragraphs 1-107 above are adopted by reference herein.

111. UAEF is a federal PAC and a “political committee” for purposes of the 2018 state elections for state legislative seats.

112. UAEF failed to conform to the contribution limits, registration requirement, and disclosure mandates that apply to Colorado political committees.

113. UAEF is liable for penalties attributable to its failure to comply, as provided by the Secretary of State’s regulations, with all requirements imposed on federal PACs that operate as state political committees.
RELIEF REQUESTED

A. For each violation of the registration requirements, the hearing officer should impose a penalty of $50 per day for each day that UA, UC, and/or UAEF operated as a political committee without registering with the Secretary of State.

B. For each violation of the disclosure requirements, the hearing officer should impose a penalty of $50 per day for each day that UA, UC, and/or UAEF failed to disclose its contributions and expenditures as a political committee.

C. For each violation of the contribution limit on political committees, the hearing officer should impose a penalty on UA, UC, and/or UAEF of 2 to 5 times the amount contributed in violation of that limit.

D. All other such relief as is warranted by the evidence.

RESPECTFULLY SUBMITTED this 17th day of September, 2018.

RECHT KORNFELD P.C.
Mark G. Grueskin, #14621
1600 Stout St., #1400
Denver, CO 80202
mark@rklawpc.com
(303) 573-1900
CERTIFICATE OF SERVICE

I, Erin Holweger, hereby affirm that a true and accurate copy of the CAMPAIGN FINANCE COMPLAINT was sent this day, September 17, 2018, via U.S. mail, first class postage prepaid, to the Respondents at:

Unite America, Inc.
6000 E. Evans Ave., 1-121,
Denver, CO 80222

Unite Colorado, Inc.
6000 E. Evans Ave., 1-121,
Denver, CO 80222

Unite America Election Fund
6000 E. Evans Ave., 1-121,
Denver, CO 80222

/s Erin Holweger