

STATE OF COLORADO OFFICE OF ADMINISTRATIVE COURTS 1525 Sherman Street, 4 <sup>th</sup> floor Denver, Colorado 80203	▲ COURT USE ONLY ▲
BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE, <i>in re</i> ED 2021-26 and 2021-39	
ELECTIONS DIVISION OF THE SECRETARY OF STATE,	CASE NUMBER  OS 2021-_____
Complainant,	
vs.	
TINA PETERS,  Respondent.	
<b>COMPLAINT</b>	

Pursuant to § 1-45-111.7, C.R.S. (2020), the Elections Division of the Secretary of State files this complaint against Tina Peters.

### BACKGROUND

1. Under Colorado law, all candidates are required to register a candidate committee with the Secretary of State prior to accepting any contributions to support the committee’s activities.
2. Tina Peters is currently the Mesa County Clerk and Recorder. She was elected Mesa County Clerk and Recorder in 2018.
3. As of the filing of this complaint, Tina Peters has not filed an affidavit with the Colorado Secretary of State affirming her candidacy for Mesa County Clerk and Recorder in 2022.
4. As of the filing of this complaint, Ms. Peters does not have an actively registered candidate committee.
5. On information and belief, Tina Peters has a website soliciting contributions to her 2022 reelection campaign.<sup>1</sup>

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<sup>1</sup> See <https://tinapetersforcolorado.com/donate>.

6. Ms. Peters appears to have actively solicited contributions on her candidate webpage and on a litigation support website, and accepted contributions from third parties.

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

## **PARTIES**

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

9. Respondent is Tina Peters.

## **JURISDICTION AND VENUE**

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

11. The Division files this complaint with the Office of Administrative Courts consistent with § 1-45-111.7(5)(a)(IV), (6).

12. This complaint is timely filed within thirty days of the Division’s respective October 6, 2021 and October 25, 2021 notices of investigation, according to § 1-45-111.7(5)(a)(IV).

13. Venue is proper before the Office of Administrative Courts under § 1-45-111.7(5).

## **ALLEGATIONS**

### **Ms. Peters’ 2022 Candidacy**

14. Ms. Peters terminated her 2018 candidate committee effective January 14, 2019. The committee is currently inactive.

15. As of the filing of this complaint, Ms. Peters has not filed a candidate affidavit with the Colorado Secretary of State in connection with her 2022 candidacy.

16. As of the filing of this complaint, Ms. Peters does not have an active candidate committee registered with the Colorado Secretary of State.

17. An individual becomes a candidate when they publicly announce their intent to run for office and thereafter receive a contribution or make an expenditure in support of their candidacy. Colo. Const. art. XXVIII, § 2(2).

18. A public announcement includes but is not limited to making a statement a reasonable person would expect to become public signifying an interest in a public office by means of a speech, advertisement, or other communication reported to or appearing in public media or any place that is accessible to the public. A public announcement also includes a stated intention to explore the possibility of seeking an office and/or the registration of a candidate committee.

19. In or about mid-June 2021, the Grand Junction Sentinel reported that Ms. Peters “said she welcomed [Bobbie Gross, a 2022 candidate for Mesa Clerk and Recorder] to the race.” The newspaper quoted Peters as saying: “Competition is good,” Peters said. “Voters deserve choices. I believe I’m the best choice, but I welcome her to the race.”<sup>2</sup>

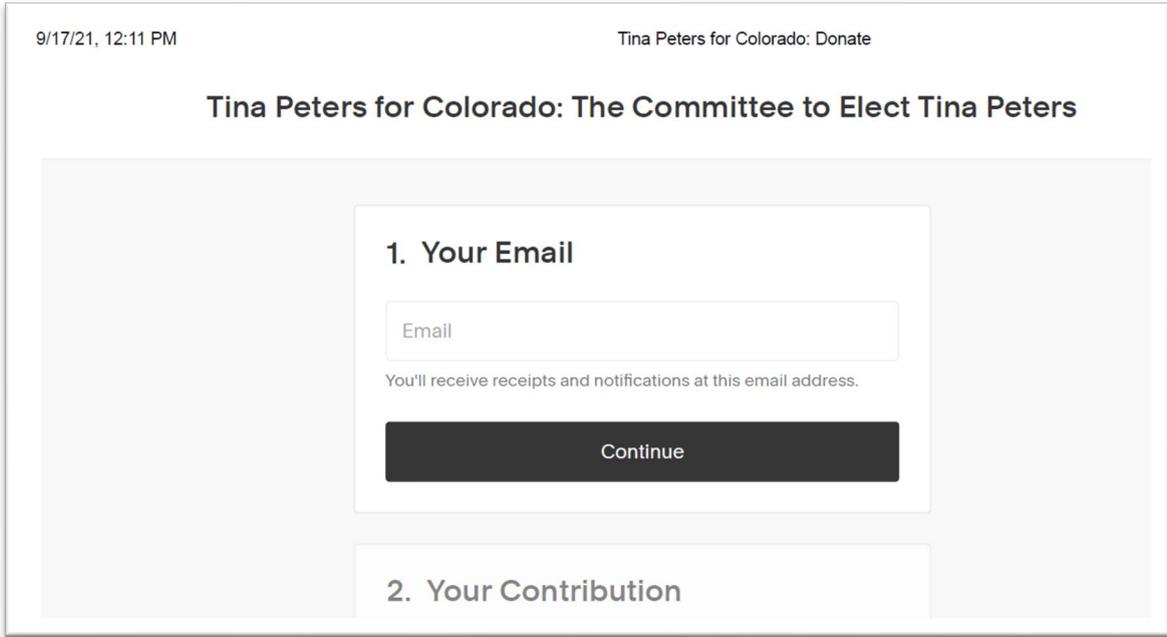
20. As of at least August 2021, Ms. Peters began soliciting funds for her 2022 re-election to the office of Mesa County Clerk and Recorder via the website [www.TinaPetersforColorado.com](http://www.TinaPetersforColorado.com).

21. On information and belief, the website [www.TinaPetersforColorado.com](http://www.TinaPetersforColorado.com) is controlled by Ms. Peters and/or her candidate committee because it is the same website that Ms. Peters and her candidate committee used in connection with her 2018 candidacy as reflected by TRACER.

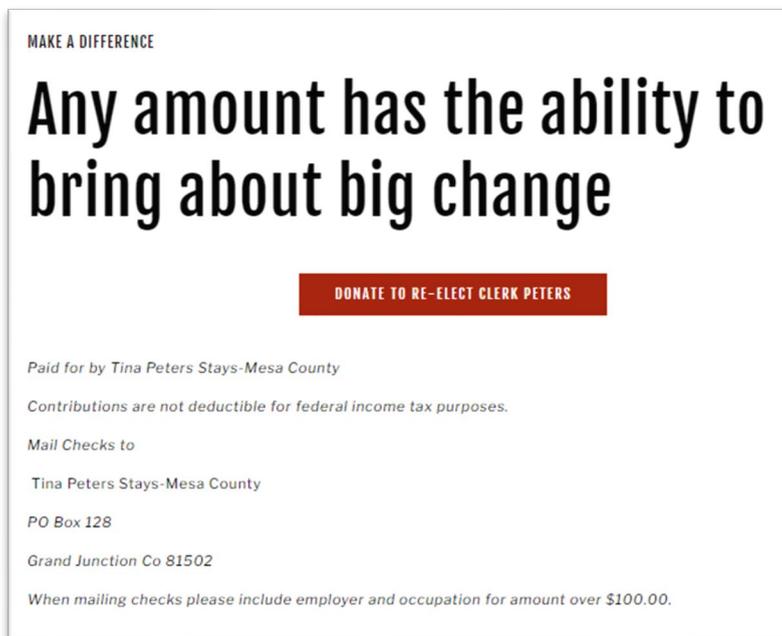
22. In addition, as of September 17, 2021, the website [www.TinaPetersforColorado.com](http://www.TinaPetersforColorado.com) referenced “Tina Peters for Colorado: The Committee to Elect Tina Peters”—the name of Ms. Peters’ 2018 candidate committee—in connection with its request for contributions, as shown in the screenshot below:

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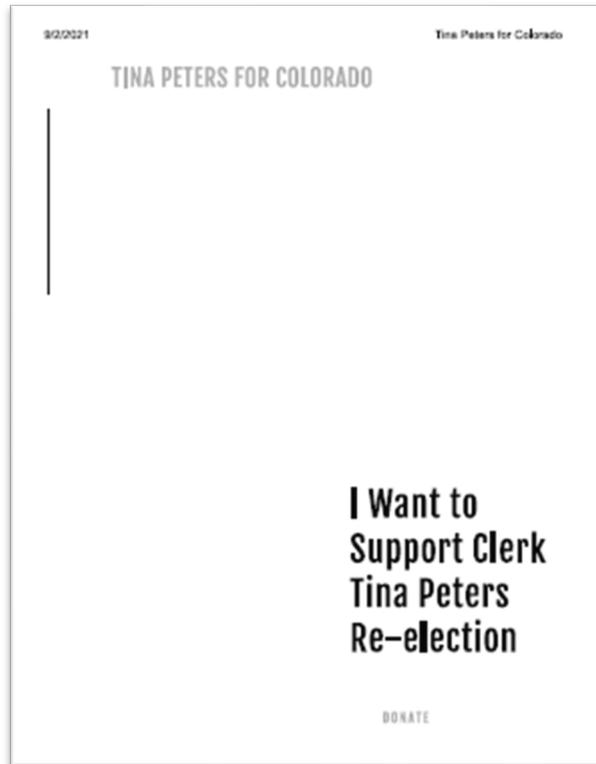
<sup>2</sup> [https://www.gjsentinel.com/news/western\\_colorado/gross-to-challenge-peters-for-county-clerk/article\\_81171dae-d06f-11eb-89c1-9706f0b8e775.html](https://www.gjsentinel.com/news/western_colorado/gross-to-challenge-peters-for-county-clerk/article_81171dae-d06f-11eb-89c1-9706f0b8e775.html).



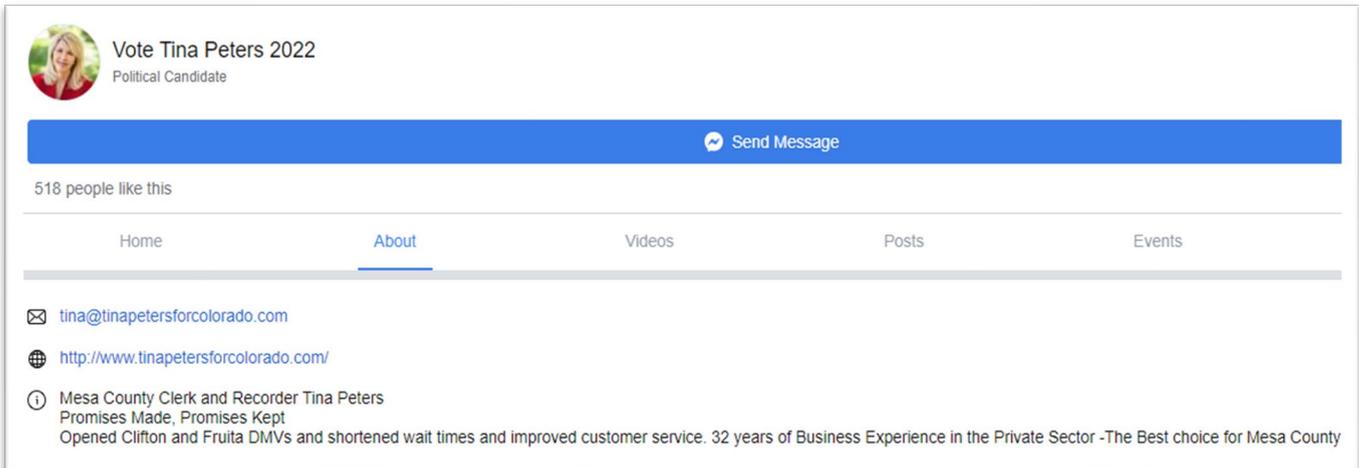
23. In addition, the website solicits contributions in support of Ms. Peter's re-election and specifies that checks should be sent to P.O. Box 128, Grand Junction, Colorado 81502, which is the same mailing address Ms. Peters registered in connection with her own 2018 candidacy, as shown in the screenshot below:



24. The [www.TinaPetersforColorado.com](http://www.TinaPetersforColorado.com) website references Ms. Peter's "re-election" in multiple places, as illustrated both by the screenshot in the foregoing paragraph and the following screenshot from the website:



25. Ms. Peters also declared her candidacy on her Facebook page. The page is titled “Vote Tina Peters 2022” and describes her as a “Political Candidate.” The “About” page indicates that the page belongs to “Mesa County Clerk and Recorder Tina Peters.” It also includes a link to the [www.TinaPetersforColorado.com](http://www.TinaPetersforColorado.com) website. It lists the page’s email address as [tina@tinapetersforcolorado.com](mailto:tina@tinapetersforcolorado.com), as shown in the screenshot below:



26. The “Vote Tina Peters 2022” Facebook page includes posts and narratives that appear to be authored by Tina Peters. The most recent post dates from June 2021.

27. On information and belief, Ms. Peters and/or her campaign committee operate the “Vote Tina Peters 2022” Facebook page.

**Ms. Peters Solicits and Accepts  
Contributions and/or Makes Expenditures  
for her 2022 Candidacy**

28. On information and belief, Ms. Peters’ campaign set up a “donation” portal on [www.TinaPetersforColorado.com](http://www.TinaPetersforColorado.com), the website her campaign registered in connection with her 2018 candidate committee, to solicit contributions in support of Ms. Peter’s re-election in 2022. Ms. Peter’s Facebook page also links to the website.

29. On information and belief, Ms. Peters and/or her committee made expenditures in support of her 2022 candidacy, specifically expenditures in connection with her [www.TinaPetersforColorado.com](http://www.TinaPetersforColorado.com) website, which urges the re-election of Ms. Peters.

30. On information and belief, Ms. Peters accepted contributions in the form of travel expenses, including a flight on a private jet and lodging, contributed by Mike Lindell, founder and CEO of MyPillow, in connection with Ms. Peters' appearance at a Cyber Symposium on or about August 10-12, 2021 and thereafter.

31. On information and belief, Mr. Lindell's contributions to Ms. Peters, a candidate for office in 2022, exceeded allowable limits.

32. On information and belief, Ms. Peters solicited and accepted contributions in support of litigation via the website [www.StandwithTina.org](http://www.StandwithTina.org) which solicits contributions "to defray fees and expenses incurred by Tina Peters, her colleagues, and others in defending the government investigations or prosecutions and for related civil litigation. Contributions are not tax deductible." Such donations are contributions to the extent they are not "the payment of legal fees to advise a candidate on compliance with campaign laws or regulations or to represent a candidate or candidate committee in any action in which the candidate or committee has been named as a defendant." § 1-45-103, C.R.S.

### **The Division Receives Campaign Finance Complaints**

33. On August 16, 2021, Scott Beilfuss filed a campaign finance complaint with the Division, ED 2021-26. The complaint alleged that Ms. Peters violated Colorado campaign and political finance laws by failing to report campaign contributions and expenditures and accepting gifts over allowed limits, specifically in connection with contributions allegedly made by Mr. Lindell.

34. On September 24, 2021, Scott Beilfuss filed a second campaign finance complaint with the Division, ED 2021-39. The complaint again alleged that Ms. Peters violated Colorado campaign and political finance laws by failing to report campaign contributions and expenditures and accepting gifts over allowed limits, specifically in connection with contributions received through the website [www.StandwithTina.org](http://www.StandwithTina.org).

35. Neither Tina Peters nor her candidate committee Tina Peters for Colorado has filed a Report of Contributions and Expenditures since November 2019. Neither has otherwise reported any contributions they may have received in support of Ms. Peters' 2022 candidacy.

36. Furthermore, as described above, Ms. Peters has a campaign website, [www.TinaPetersforColorado.com](http://www.TinaPetersforColorado.com). Neither Ms. Peters nor her candidate committee have reported any expenditures related to the website.

## **Ms. Peters Declines to Cure**

37. The Division offered Ms. Peters an opportunity to cure the violations alleged in both complaints filed by Mr. Beilfuss, ED 2021-26 and ED 2021-39. Ms. Peters declined to cure the alleged violations.

38. The Campaign Finance Enforcement Team could not conclude that Ms. Peters had cured or substantially complied with her legal obligations, and initiated investigations under § 1-45-111.7(5)(a) in connection with both ED-2021-26 and ED 2021-39.

## **COLORADO CAMPAIGN FINANCE LAW**

39. “Candidate’ means any person who seeks nomination or election to any state or local public office that is to be voted on in this state at any primary election, general election, school district election, special district election, or municipal election. . . . A person is a candidate for election if the person has publicly announced an intention to seek election to public . . . and thereafter has received a contribution or made an expenditure in support of the candidacy.” Colo. Const. art. XXVIII, § 2(2).

40. “Candidate committee’ means a person, including the candidate, or persons with the common purpose of receiving contributions or making expenditures under the authority of a candidate. A contribution to a candidate shall be deemed a contribution to the candidate’s candidate committee.” Colo. Const. art. XXVIII, § 2(3).

41. An individual becomes a candidate when they publicly announce their intent to run for office and thereafter receives a contribution or makes an expenditure in support of their candidacy. Colo. Const. art. XXVIII, § 2(2).

42. A public announcement includes but is not limited to making a statement a reasonable person would expect to become public signifying an interest in a public office by means of a speech, advertisement, or other communication reported to or appearing in public media or any place that is accessible to the public. A public announcement also includes a stated intention to explore the possibility of seeking an office and/or the registration of a candidate committee.

43. “Contribution,” includes

“(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).

44. Further, “Contribution” includes, with regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, but not limited to, items of perishable or nonpermanent value, goods, supplies, services, or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration as determined by the candidate committee.” § 1-45-103, C.R.S.

45. “Contribution’ does not include the payment of legal fees to advise a candidate on compliance with campaign laws or regulations or to represent a candidate or candidate committee in any action in which the candidate or committee has been named as a defendant. Such legal services are not undertaken ‘for the benefit of any candidate committee’ or ‘for the purpose of promoting the candidate's nomination, retention, recall, or election’ as those phrases are used in section 2(5)(a)(II) and (5)(a)(IV) of article XXVIII of the state constitution.”

46. A “standalone” candidate is a candidate without a committee who does not accept contributions.” 8 CCR 1505-6, Rule 1.22.

47. Only standalone candidates are not required to register a candidate committee. 8 CCR 1505-6, Rule 2.1.1.

48. Under Colorado law, “all candidate committees . . . shall register with the appropriate officer before accepting or making any contributions.” § 1-45-108(3), C.R.S.

49. Furthermore, “all candidate committees . . . shall report to the appropriate officer their contributions received, including the name and address of each person who has contributed twenty dollars or more[.]” § 1-45-108(1)(a)(I), C.R.S.

50. “The maximum amount of aggregate contributions that any one person other than a small donor committee or a political party may make to a candidate committee of a candidate for a county office, and that a candidate committee for such candidate may accept from any such person, is one thousand two hundred fifty dollars for the primary election and one thousand two hundred fifty dollars for the general election.” § 1-45-103.7(1.5)(a)(I), C.R.S.; *see also* 8 CCR 1505-6, Rule 10.17.

51. “When any individual becomes a candidate, such individual shall certify, by affidavit filed with the appropriate officer within ten days, that the candidate is familiar with the provisions of this article.” § 1-45-110(1).

52. A candidate required to file with the Secretary of State must file a candidate affidavit electronically using the Secretary of State’s online campaign finance filing system.” 8 CCR 1505-6, Rule 2.3.

**CLAIM ONE**  
**Failure to Register a Candidate Committee**  
**(§ 1-45-108(3), C.R.S.)**

53. All preceding allegations are incorporated.

54. Ms. Peters is a 2022 candidate for Mesa County Clerk and Recorder.

55. Ms. Peters does not have an active candidate committee registered with the Colorado Secretary of State.

56. On information and belief, Ms. Peters accepted contributions and/or made expenditures in support of her 2022 candidacy for Mesa County Clerk and Recorder.

57. 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 Report Contributions and Expenditures**  
**(§ 1-45-108(1)(a)(I), C.R.S.)**

58. All preceding allegations are incorporated.

59. Ms. Peters is a 2022 candidate for Mesa County Clerk and Recorder.

60. On information and belief, Ms. Peters and/or her committee made expenditures, including on a campaign website, that have not been disclosed.

61. On information and belief, Ms. Peters and/or her committee accepted contributions that have not been disclosed.

62. 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 THREE**  
**Acceptance of Contributions Above Allowable Limits**  
**(§ 1-45-103.7(1.5)(a)(I), C.R.S.)**

63. All preceding allegations are incorporated.

64. Ms. Peters is a 2022 candidate for Mesa County Clerk and Recorder.

65. On information and belief, Ms. Peters and/or her committee accepted contributions above allowable limits, specifically travel expenses in relation to a symposium in August 2021, which upon information and belief, were above allowable limits.

66. 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 FOUR**  
**Failure to file a Candidate Affidavit**  
**(§ 1-45-110(1), C.R.S.)**

67. All preceding allegations are incorporated.

68. Ms. Peters is a 2022 candidate for Mesa County Clerk and Recorder, and she declared her candidacy through her website and/or statements to the media no later than August 30, 2021.

69. As a candidate for office, Ms. Peters was required to file a candidate affidavit with the Secretary of State electronically using the Secretary of State's online campaign finance filing system.

70. Ms. Peters has not filed a candidate affidavit with the Secretary of State.

71. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 et seq.

**PRAYER FOR RELIEF**

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

- (a) Penalties to include appropriate fines; and
- (b) Such other relief as is warranted by the facts and the law.

Respectfully submitted this 5th day of November, 2021.

PHILIP J. WEISER  
Attorney General

*/s/ Emily B. Buckley*

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CERTIFICATE OF SERVICE

This is to certify that I will cause the within filing to be served via email this 5<sup>th</sup> day of November, 2021, addressed as follows:

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*Third-Party Complainant*

/s/ Xan Serocki