

STATE OF COLORADO

Department of State

1700 Broadway
Suite 200
Denver, CO 80290



Scott Gessler

Secretary of State

Suzanne Staiert

Deputy Secretary of State

November 8, 2013

Matthew Azer, Director
Office of Administrative Courts
633 17th Street, Ste 1300
Denver, CO 80202

ADMINISTRATIVE COURTS
OFFICE OF

NOV 08 2013

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Re: In the Matter of Campaign and Political Finance Violations alleged by Jill Duvall v. Robert Rowland

Dear Mr. Azer:

In accordance with Section 9(2)(a) of Article XXVIII of the Colorado Constitution, I am referring the above-referenced complaint to your office for assignment to an administrative law judge. Our office received the complaint on November 1, 2013, and the Campaign Finance Complaint Cover Sheet via email on November 7, 2013. According to campaign and political finance rule 18.4.3, the signed original complaint is due to the Secretary of State's office no later than five calendar days after the electronic submission; our office will forward the signed original to you once it has been received.

We expect the parties to direct all future pleadings and correspondence to your office.

Sincerely,

Suzanne Staiert
Deputy Secretary of State

Enclosure

cc: Respondent
Robert Rowland
215 Comanche St.
Kiowa, CO 80117

Complainant
Jill Duvall
P.O. Box 1492
Elizabeth, CO 80107

Campaign Finance Complaint Cover Sheet

Submit Original to:
 Colorado Secretary of State
 Campaign Finance
 1700 Broadway, Suite 200
 Denver, CO 80290

If faxing or emailing, original must follow within 5 calendar days

Phone: 303-894-2200
 FAX: 303-869-4861
 Email: cpfhelp@sos.state.co.us
 Website: www.sos.state.co.us

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ADMINISTRATIVE COURTS

Your complaint must be typed or written separately and attached to this form.

*** Denotes Required Field**

Your Information - Information about the person filing the complaint (complainant)

* Full Name: Jill Duvall

* Mailing Address: PO Box 1492, Elizabeth, CO 80107

* Telephone Number: 303-646-3202 Email Address: jduvall908@aol.com

Counsel's Information - If you are represented by counsel, you must provide the following:

Attorney's Name: N/A Telephone Number: _____

Law Firm: _____

Mailing Address: _____

Respondent's Information - Information about the person alleged to have committed the violation:

* Full Name: Robert Rowland

* Mailing Address: 215 Comanche St, Kiowa, CO 80117

* Telephone Number: 303-621-3126 Email Address: robert.rowland@elbertcounty-co.gov

Briefly summarize the allegations made in the attached complaint.

Public funds were used to promote an Issue on the ballot of Nov. 5, 2013.

By submitting this form, with the attached complaint, I hereby certify that I wish to initiate a lawsuit against the named respondent(s). I am aware of the procedure outlined in section 9(2)(a) of Article XXVIII of the Colorado Constitution, and know that by filing this complaint I will be required to appear at a hearing within 15 days of the referral of the complaint, to prove my claims by a preponderance of the evidence. I understand that the Secretary of State's office will not conduct an investigation or be involved in any way after the complaint is transmitted to the Office of Administrative Courts. If this complaint is found to be frivolous, groundless, or vexatious, I may be required to pay attorney's fees.

* Complainant's Signature: Jill Duvall Date: 11/7/13

Counsel's Signature (required if applicable): _____ Date: _____

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SOS-E-21-13-0013

NOV 08 2013

I am filing a complaint regarding the use of county funds by the county commissioners to promote a ballot issue. In Elbert County, we have a proposed mill levy property tax increase on the ballot for November 5, 2013.

OFFICE OF
ADMINISTRATIVE COURTS

The county commissioners have hired Tim Buchanan, for a price of \$15,000.00 (utilizing county funds) to present four town hall meetings demonstrating the dire financial straits our county is currently experiencing. All four of these town hall meetings have taken place during the month of October, 2013.....conveniently right before the election.

I personally have attended two of these meetings, most recently the meeting on October 22, 2013 at 7PM Legacy Academy in Elizabeth, Colorado. Many times during the meeting, the only solution proposed to the financial situation of Elbert County was the importance of passing the mill levy. In particular, County Commissioner Robert Rowland spoke about the upcoming mill levy by name on numerous occasions throughout the evening.

Other individuals present who were witnesses to this presentation:

Susan Schick - 4122 Downwest Ride, Elizabeth, CO 80107

Belinda Seville - 3992 Bonnie Ridge Circle, Elizabeth CO 80107

Tony Corrado - 3565 Paint Horse Circle, Elbert, CO 80106

Patty Sward - 1765 Pawnee Parkway, Elizabeth, CO 80107

Jim Duvall - 40753 Rd. 21, Elizabeth, CO 80107

I can provide names of many other witnesses if necessary.

My contention is that the county commissioners are using public money to promote a ballot issue. I believe that these meetings were conveniently scheduled at precisely the exact time that ballots were being mailed out.

Jill Duvall
40753 Rd. 21
Elizabeth, CO 80107

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ELECTIONS/LICENSING
SECRETARY OF STATE

FEDERAL LAW VIOLATIONS [NOTE: ALL ALLEGED VIOLATIONS OF THE HELP AMERICA VOTE ACT MUST BE NOTARIZED]

Pursuant to section 1-1.5-105, Colorado Revised Statutes, the Secretary of State has sole jurisdiction to adjudicate alleged violations of Title III of the Help America Vote Act of 2002 (HAVA). Any person who believes that a violation of Title III of HAVA has occurred, is occurring, or is about to occur may file a complaint. In order to initiate the complaint process, a sworn, written, signed and notarized complaint must be filed with the Secretary of State no later than one year from the date of either the occurrence of the alleged violation or of the election giving rise to the complaint, whichever is later. The complaint must allege the violation with particularity, contain a reference to the section of HAVA alleged to have been violated, and the person or entity responsible for the violation.

- | | |
|--|---|
| <ul style="list-style-type: none"><input type="checkbox"/> I was not able to vote because my polling place was not accessible to individuals with disabilities.<input type="checkbox"/> Applications for voter registration were not properly processed, e.g. appropriate identification from the registrant were not required. | <ul style="list-style-type: none"><input type="checkbox"/> Required voting information was not publicly posted in a polling place on Election Day.<input type="checkbox"/> I was not allowed to vote using a provisional ballot.<input type="checkbox"/> I was not able to determine whether my provisional ballot was counted. |
|--|---|
- ☒ Other federal law violation: use of public funds to promote ballot issue

DETAILS OF THE COMPLAINT

STATE IN YOUR OWN WORDS THE DETAILED FACTS AND CIRCUMSTANCES THAT FORM THE BASIS OF YOUR COMPLAINT, INCLUDING ANY RELEVANT PERSON(S). IN YOUR NARRATIVE EXPLANATION, PLEASE INCLUDE RELEVANT DATES AND TIMES AND THE NAMES AND ADDRESSES OF OTHER PERSONS WHOM YOU BELIEVE HAVE KNOWLEDGE OF THE FACTS. ALSO, GIVE ANY REASONS THAT YOU FEEL THE ALLEGED VIOLATION WAS COMMITTED BY THE PERSON AND/OR ENTITY AGAINST WHOM THIS COMPLAINT IS BROUGHT.

IF YOU BELIEVE THAT A VIOLATION OF TITLE III OF THE HELP AMERICA VOTE ACT OF 2002 HAS OCCURRED, IS OCCURRING OR IS ABOUT TO OCCUR, PLEASE STATE THE SPECIFIC ACTS COMMITTED BY THE PERSON OR ENTITY NAMED IN THIS COMPLAINT ALONG WITH A REFERENCE TO THE SECTION OF HAVA ALLEGED TO HAVE BEEN VIOLATED:

see attached page regarding
Elbert County's use of public
monies to promote the commissioners'
proposed tax increase.

Check here if additional pages are attached



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OCT 31 2013

Colorado Secretary of State

IF YOUR COMPLAINT IS AN ALLEGED VIOLATION OF STATE LAW, YOU MUST SIGN THE FOLLOWING:

I declare under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct.

Executed on 9/28/13, at Elizabeth, CO
(Date) (City) (State)

Signature of Person Filing Complaint

Julie L. Newall

IF YOUR COMPLAINT IS AN ALLEGED VIOLATION OF THE HELP AMERICA VOTE ACT, A
NOTARY PUBLIC MUST COMPLETE THE FOLLOWING CERTIFICATE OF
ACKNOWLEDGEMENT.

CERTIFICATE OF ATTESTATION

STATE OF COLORADO

COUNTY OF _____

I, the undersigned, under penalty of perjury, do swear or affirm that the information contained in this complaint is true and correct to the best of my knowledge.

Signature of Complainant

Sworn to and subscribed before me this _____ day of _____, 20____.

Signature of Officer Authorized to Administer Oaths or Notary Public

(Print, Type, or Stamp Commissioned Name of Notary Public)

☐ Personally known or ☐ Produced Identification

Type of Identification Produced _____

NOTICE: This Complaint is not confidential and, once filed with the Department of State, will be treated as a public record.