

August 11, 2025
Jason Robert Bailey
Citizens for NO New Debt
Denver, Colorado

**Case Number 2025 AHO 23 CPF
(in re ED 2024-107)**

IN THE MATTER OF:
ELECTIONS DIVISION OF THE SECRETARY OF STATE,
Complainant
V.
CITIZENS FOR NO NEW DEBT,
Respondent

Motion to Dismiss August 11, 2025 (Second request)

For 3 reasons, I believe the complaint from the Elections Division of the Secretary of State from June 16, 2025 should be dismissed.

1) The \$300 ad in question from the complaint filed by Carrie Olson, November 2024, was paid for with a personal credit card.

My first request for Motion-to-Dismiss did not include this realization as I picked up on this realization when the attorneys in their Opposition-to-Motion-to-Dismiss stated that since I paid for my office expense with personal checks that this office expense is therefore, “**outside the scope of the complaint,**” pertaining to monies spent by Citizens for NO New Debt.

This issue, issue 1, is not about fact finding, as this fact that the ad in question was purchased with my personal credit card was communicated in writing to Jim Scott on November 26, 2024, after he requested information from me for his investigation.

Furthermore, on November 26, 2024, I also included all my receipts from the campaign, and the receipt from the Denver Post has my personal credit card number (*****[REDACTED]) printed on it – the receipt for the ad in question by Carrie Olson.

This fact has not been disputed by the Elections Division, and this Motion-to-Dismiss is therefore not a fact finding situation but rather a situation of Scope.

The fact that the ad in question was paid for with a personal credit card is not in dispute.

Complaints based on a situation **outside the scope of the complaint** should be dismissed.

This situation, outside the Scope, should have been identified by the Elections Division after my communications to them in November 2024. I have suffered enormous stress, spending days, weeks, and months, dealing with this error from the Elections Division because they did not properly identify Scope.

2) The largest expense from Citizens for NO New Debt was for the 4-page insert into the Denver Post which has the name of the registered agent clearly printed on it. When I mentioned this to Jim Scott on the phone and I

said that I would be glad to drop off printed copies to show him, he said, “well we have so much security here.”

This issue, issue 2, for this Motion-to-Dismiss is not about fact finding as this fact that Jim Scott never bothered to see this 4-page insert is evident in that Peter Baumann had to ask for a copy of this 4-page insert in his discovery process.

This issue, issue 2, is not a fact finding situation but rather a situation of negligence on the part of the Elections Division pertaining to their complaint against Citizens for NO New Debt.

The fact that the 4-page insert was never obtained by the Elections Division, as they worked for months to fine me for this 4-page insert, is not in dispute. The 4-page insert was \$4,940 in expense out of the \$8,000 total expense.

The process followed by the Elections Division was insufficient as they were seeking a fine based on the total amount spent including the 4-page insert **which they never bothered to obtain**. This negligence from the Elections Division has caused me days, weeks, and months of enormous stress, time, worry, and it has affected my health.

3) The complaint from the Elections Division clearly took a political position in Paragraph 12., “The ballot measure would have authorized the issuance of new debt to support capital improvements for the Denver Public Schools.”

New debt does not support capital improvements as the schools will have more money to support capital improvements, per dollar of revenue, without using debt (basic math).

This statement by the Elections Division, this argument by the Elections Division about “supporting capital improvements” was, a primary point of contention for the political campaign in question.

This statement from the Elections Division is not about fact finding because the statement is clearly there – the Elections Division clearly handed me a political statement.

For the Elections Division to take a political position against my political position, as they hand me a complaint, this not only wrong, it’s illegal.

For these 3 reasons, the complaint by the Elections Division should be dismissed.

Signed Jason Robert Bailey by Jason Robert Bailey
August 11, 2025.