

IEC COMPLAINT PROCESS UNDER COLO. CONST. ART. XXIX & IEC PROCEDURAL RULES

Attachment A

Complaint filed

- Complaint must be filed with IEC - no self-generated investigations
- IEC discusses new complaints in executive session to determine if frivolous
- If found frivolous, dismissed and kept confidential.
- If not frivolous, respondent notified & files written response.

IEC Investigates

- IEC staff (or contracted investigator) collects information from parties, conducts investigation, & prepares factual report.
- Report does not necessarily include legal conclusions or recommendations.
- IEC Rules provide for exchange of documents, possible witnesses between parties & investigative report is provided to parties before hearing. No court-like discovery between parties.

Public Hearing

- Complainant acts as prosecutor (may retain counsel at own expense) presenting evidence & witnesses after IEC staff summarizes investigative report. Must also argue & prove legal standards.
- Commissioners may ask questions of all witnesses. AG assigned to advise Commissioners in the hearing is not involved in presenting prosecution case.
- Respondent (usually with government-funded counsel) questions witnesses & presents defense.
- Commissioners deliberate in public, vote on findings & impose penalty (if appropriate)



Ethics Watch