

Boulder clerk tosses campaign finance complaints against Open Boulder, Engage Boulder

By John Bear

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Boulder's city clerk has declined to pursue investigations into allegations of campaign finance violations against citizens groups [Engage Boulder](#) and [Open Boulder lodged by a member of another citizens group, PLAN-Boulder County](#), last week.

In separate letters dated Oct. 23 and addressed to John Spitzer, who filed the complaints, City Clerk Lynette Beck writes that upon conferring with City Attorney Tom Carr, she has ruled that no probable cause exists to justify further investigation into Open Boulder or Engage Boulder.

Both letters were provided to the Daily Camera by third parties, but Boulder city spokesman Patrick von Keyserling confirmed their authenticity in an email on Tuesday. He said that the city has so far received, in total, two complaints involving alleged campaign finance violations but declined to elaborate on who filed them or who they are lodged against.

Spitzer is a former Boulder Planning Board member and current member of PLAN-Boulder County, a citizens group that has endorsed a different slate of candidates than Open Boulder and Engage Boulder.

He said in an email on Tuesday evening that he wanted to clarify that he filed the complaints on his own behalf and didn't do so at the behest of any group. He alleged last week that Open Boulder failed to properly identify itself in two political flyers and Engage Boulder didn't properly identify itself in telephone calls made to Boulder voters.

Spitzer also alleges that Open Boulder is spending more money on the flyers and other advertising than it is reporting with the city, which has a voter-backed Campaign Finance Reform Initiative that limits political contributions. He claims that the group has used ambiguous language in its advertisements to skirt the campaign finance rules.

"Why not be open with the voters?" he said. "They are hiding behind the fact they did not say 'Vote For' on their costly mailer, but said instead, 'With them (the five) on Council.' This is just playing games with the ordinance. It does not pass the common-sense test."

Open Boulder has denied the allegations and said they were without merit.

"We were wholly confident of the outcome, but are disappointed that PLAN and its advocates are resorting to these kinds of divisive tactics in a local, municipal election," Open Boulder spokesman Andy Schultheiss said in an email on Tuesday.

"Meant to distract from the progressive qualifications of Open Boulder's endorsed candidates and divide the community, they are bad for Boulder," he said. "And while these kinds of tactics can work, and have worked at the national level, we believe Boulder voters can see past them."

[Spitzer lodged a complaint against Open Boulder](#) in 2016 alleging that the group didn't properly format a petition to place an item on the ballot to limit the number of terms a City Council member could serve. The city clerk declined to invalidate the petitions and the ballot measure passed.

A spokeswoman for Engage Boulder didn't immediately respond to a request for comment on Tuesday evening.

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