

## MEMORANDUM

To: Honorable Ken Buck  
Chairman, Colorado Republican Party

From: Commission regarding investigation of party controversies

Re: Investigation regarding Weld County controversies

Date: December 14, 2020

### Introduction and Scope

The Commission was appointed by Chairman Ken Buck to provide recommendations regarding party controversies, and more recently Chairman Buck requested the Commission to investigate controversies involving the seating of Republican Party delegates to the 2020 Weld County Republican Party Assembly.

Specifically, on or about May 7, 2020 Weld County Republican Party Chairman Will Sander filed a criminal complaint with the Colorado Secretary of State alleging that Lois Rice (Second Vice Chairwoman), Cody LeBlanc (District H Captain), Todd Sargent (District F Captain) and Evelyn Harlan (Precinct Committeeperson) committed election fraud, in violation of Colorado law. In a press release, Chairman Sander further stated that he “also reached out to the state party chairman Ken Buck who did not take action.” Chairman Buck charged the Commission with investigating the facts and controversies surrounding the allegations made by Chairman Sander, as well as providing – if appropriate – recommendations for future actions.

Over the course of several months, the Commission interviewed multiple witnesses, reviewed documents, and discussed the proper recommendations. Unless otherwise noted below, all recommendations were arrived at upon a consensus agreement of the Commissioners. As part of its charge to provide recommendations, the Commission has endeavored to identify improvements in Party procedures in order to avoid similar issues in the future.

The analysis below first describes the facts surrounding the allegations, in three groups; (1) allegations concerning Lois Rice and Todd Sargent, both of whom resided in Precinct 332, (2) allegations concerning Cody LeBlanc and Evelyn Harlan, both of whom resided in Precinct 302, and (3) the allegation against Chairman Ken Buck. The Commission’s conclusions and recommendations follow the factual descriptions.

## Factual Analysis

### 1. Allegations concerning Precinct 332.

Chairman Sander made two allegations regarding residents of Precinct 332. First, that Sargent was improperly elevated from alternate delegate to delegate. Second, that Lois Rice was improperly inserted as a delegate. As a result, Chairman Sander alleges, two properly elected delegates were removed.

The Weld County Republican Party groups its many county precincts into several districts. District F includes Precinct 332. At the time of the caucus, the residents of Precinct 332 included two leaders of the Weld County Party; Ms. Lois Rice who is a Vice-chair for the county party, and Mr. Todd Sargent who serves as District F Captain.

The Republican Party held its caucuses on March 7, 2020, starting at 10:00 am. Like many county parties, the Weld County party consolidates multiple precincts and districts for caucus meetings. Accordingly, several Weld County Party districts, including District F, held their caucuses at the Frederick High School. Both Mr. Sargent and Ms. Rice participated in the caucus meetings.

Eight people attended the caucus meeting for District 332. They included three members of Ms. Rice's family (herself, her daughter, and her son-in-law), Mr. Sargent, and four members of another family. As a Vice Chairman, Ms. Rice spent much of her evening assisting other caucus attendees. As a result, she only spent about five minutes at the District 332 meeting. Likewise, as a district captain, Mr. Sargent spent much of his evening assisting others. Accordingly, he attended the meeting for roughly the first 15 minutes, and then again attended as the meeting was ending.

One of the purposes of all caucus meetings is to elect delegates to the Weld Part district and county assemblies. District 332 was allocated four delegates to the Weld County assembly. Although the term "elect" implies a formal election whereby attendees voted to select delegates from a group of interested attendees, in fact the attendees at the precinct meeting described a far more casual selection process. Only four people volunteered for the four delegate slots, obviating the need for an election. The caucus attendees passed around a sheet and those interested in being delegates wrote their names down.

Neither Mr. Sargent nor Ms. Rice were one of the four delegates, in part because they were absent during the discussions involving delegates. Ms. Rice believes that she had told one or more members of her desire to be a delegate. This was likely directed at one of her family members who attended the meeting, because the caucus secretary did not remember any statement to that effect. Mr. Sargent returned to the meeting after attendees had placed their names on the paper as delegates. At that time, he placed his name as an alternate delegate.

Importantly, three of the four delegates were relatives of Ms. Rice. That included her daughter, son-in-law, and grandson. Her grandson did not attend the Precinct 332 meeting, even though his name was added as a delegate. There is no suggestion that including Ms. Rice's grandson as a delegate was improper.

The Weld County plan for the caucuses called for all district captains to take the caucus paperwork to a central location in Greeley and enter caucus results on the Party's online caucus management system. The caucus meetings began at 10:00, and after meetings and all work was completed (at approximately 2:00 pm), a group of several district captains and other volunteers (for a total of five or six people) met at a volunteer's home to order lunch. While there, they decided to enter the caucus information rather than bring the information to the central location in Greeley, partly because of a pending county deadline.

Attendees assembled in pairs to enter information by district. Several districts were completed before District F, and in order to speed the process Ms. Harlan volunteered to enter data for District F, which included Precinct 332. Ms. Harlan herself did not have log-in credentials for the Party's online caucus management system, so she used her son's log-in information. Before logging in, she asked for and received approval from other attendees to use her son's log-in information. Ms. Harlan did not review District F paperwork, but rather entered information at the direction of others.

At one point, Mr. Sargent opened the envelope containing the Precinct 332 results, and he stated that the paperwork did not reflect the Precinct 332 caucus discussions. (Most attendees stated Mr. Sargent opened the envelope, although he believes Ms. Rice opened the envelope). Although there are several disagreements over the exact conversations involving the entry of delegates from Precinct 332, these disagreements have little consequence, and several critical facts are not in dispute:

- First, Mr. Sargent and Ms. Rice discussed who should serve as delegates from Precinct 332, particularly in light of Mr. Sargent's and Ms. Rice's inability to attend the precinct meeting while they were providing assistance to others.
- Second, one experienced volunteer and former district captain stated that the Weld County Party's past practice had been to always include district captains as delegates. Ms. Rice further stated that she had assisted a prior chair with party activities, and that party chair often included District captains as delegates, in belief that they deserved a position as delegate.
- Third, the belief that precinct captains automatically received a designation as a delegate was incorrect. The Weld County Party amended its bylaws – apparently in 1992 -- to remove a provision that gave precinct captains automatic berths as delegates.

- Fourth, Ms. Rice stated (both at the meeting and at later times) that her grandson did not wish to be a delegate and wanted Ms. Rice to be able to serve as a delegate. She believed that both of them, along with her daughter, wanted her to be a delegate. Ms. Rice offered to remove her grandson and son-in-law as delegates.
- Fifth, Ms. Harlan asked for direction about whom to enter as delegates. Although some disagreement exists over who directed Ms. Harlan to enter Ms. Rice and Mr. Sargent as delegates, Ms. Harlan herself stated that both Ms. Rice and Mr. Sargent agreed to remove Ms. Rice's grandson and son-in-law as delegates and replace them with Ms. Rice and Mr. Sargent.
- Sixth, other people attending the meeting overheard the conversation, and likely participated, but no one objected to the delegate substitution. Other volunteers entering data were seated at the same table, and so they could easily listen to the conversation.
- Seventh, after Ms. Harlan was directed to enter the information, Mr. Sargent asked whether they should also change the paperwork. Ms. Rice stated that they should not change any paperwork, in the belief that such a change would be improper.

After the group had entered all data, several volunteers delivered the paperwork to Chairman Sander and other party officials in Greeley. Several months after the caucus meetings, Ms. Rice's son-in-law and grandson (both of whom had been removed as delegates) wrote letters defending her actions.

## 2. Allegations concerning Precinct 302.

There are two allegations involving residents of Precinct 302. First, that Mr. Cody LeBlanc acted fraudulently or dishonestly by having his name included as a delegate. Second, that Ms. Evelyn Harlan fraudulently accessed the online caucus management platform, by using her son's credentials.

Precinct 302 is part of District H, which is captained by Cody LeBlanc. Mr. LeBlanc also resides in Precinct 302. Ms. Harlan was and is the precinct committee person for Precinct 302.

One or two days before the caucuses, several district captains and volunteers met to prepare for the upcoming caucuses. Mr. LeBlanc did not attend the meeting, because he did not plan to attend the March 7 caucus meetings. Ms. Harlan, however, did attend the meeting. Because of his planned absence, that evening Mr. LeBlanc delivered caucus materials to the group. He also handed Ms. Harlan a handwritten letter addressed to the "Precinct 302 caucus" and dated March 7, 2020. In the letter he asked for the precinct members' consideration to be elected as a delegate to the district and county assemblies. Mr. LeBlanc's letter went on to identify the issues and candidates he supported.

At the caucus meeting on March 7, several people – including Ms. Harlan – attended the Precinct 302 caucus meeting. Consistent with his letter, Mr. LeBlanc did not attend the meeting. Ms. Harlan, therefore, served as acting District H Captain. She attended some of the Precinct 302 meeting, but she missed certain parts while assisting other caucus attendees. Precinct 302 members elected three delegates and two alternative delegates. As with the Precinct 332 meeting, there were no contested seats, three attendees volunteered for the three delegate positions, and attendees agreed by consensus without a formal vote. Ms. Harlan was chosen as one of the precinct delegates. No one nominated Mr. LeBlanc, caucus participants were unaware of his desire to become a delegate as his letter was not presented to the attendees, and accordingly the participants did not choose him to be a delegate.

Following the caucus meeting, Ms. Harlan and joined the other party leaders at a nearby home to enter caucus results into the online management platform. As discussed above, Ms. Harlan used her son's login credentials, with the approval of other district captains and volunteers. During the time entering data, Ms. Harlan texted Mr. LeBlanc on his telephone to confirm whether he still wanted to be a delegate. Upon learning that he did, she entered his name as an elected delegate. Ms. Harlan stated that she thought Mr. LeBlanc was entitled to a delegate slot by virtue of his position as district captain, and she formed this erroneous opinion in part based on listening to the discussion among Mr. Sargent, Ms. Rice and other volunteers regarding delegate replacement in Precinct 332. By adding Mr. LeBlanc, she removed another delegate and assigned him a slot as an alternative delegate.

Importantly, according to both Ms. Harlan and Mr. LeBlanc, Ms. Harlan entered Mr. LeBlanc's name upon her own initiative. Mr. LeBlanc did not ask or advise her to include his name after the delegate election, nor did he ask to replace another delegate.

During the Commission's investigation, the delegate who Ms. Harlan had initially removed stated that he did not object to his removal and replacement with Mr. LeBlanc. Further, other attendees at the caucus meeting later stated that they approved of Ms. Harlan's decision to include Mr. LeBlanc as a delegate.

### 3. Allegations concerning the Republican Party Chairman.

A press release issued by Chairman Sander stated that Chairman Sander had identified fraudulent actions and had forwarded a criminal complaint to the Secretary of State. The release also included sentences that (1) "Sander also reached out to the state party chairman Ken Buck who did not take action," and (2) "After getting no support at the state level, I felt I had no other choice but to file a complaint." These statements later served as the basis for several newspaper headlines stating that Chairman Buck had been accused of fraud.

To fully evaluate the press release allegation concerning Chairman Buck, it is important to first understand the controversy that arose following the delegate replacement in Precincts 332 and 302. Approximately one week after the caucus meeting, county party

leadership audited the caucus results by comparing the paperwork to the information entered into the online caucus management system. Chairman Sander did not directly participate in the audit, but he soon learned that the paperwork (specifically the delegate election results completed at the caucuses) did not match the information entered into the online caucus management system.

After learning about the problems in Precincts 332 and 302, Chairman Sander spoke with Mr. LeBlanc, Ms. Harlan, Ms. Rice, and Mr. Sargent separately, and he asked for the resignations of the party officers – specifically, Ms. Rice and Mssrs. LeBlanc and Sargent. None agreed to resign, and in fact the discussions between Chairman Sander and several of the participants quickly descended into acrimony, and one of Chairman Sander’s emails was sent to multiple Weld County Republican Party members. After Chairman Sander was unable to privately obtain resignations, and following the public dissemination of one of his requests for resignation, Chairman Sander publicly called for the resignations of Ms. Rice and Mssrs. LeBlanc and Sargent.

The public call for resignations ignited substantial controversy. The Weld County Party had previously established an ad hoc committee for investigating and resolving controversies, and that committee volunteered to provide an analysis and recommendations concerning the delegate controversies. Working on an extremely short timeline, that Committee prepared a draft report and then met to discuss the draft and finalize the report. Several party officers, including Chairman Sander and several others, unexpectedly attended that meeting. The meeting also descended into acrimony involving accusations and counter-accusations, and accordingly the draft report was never finalized or approved by the committee.

When the matter became public, Chairman Sander contacted state party Chairman Ken Buck. As Chairman Sander later explained, he had concerns that Mr. LeBlanc was also employed by Chairman Buck, in Chairman Buck’s capacity as a Member of Congress. In other words, Chairman Sander believed that Mr. LeBlanc’s actions created a potential conflict with his employment in a congressional office, and that Mr. LeBlanc’s actions may have been inconsistent with his employment as a congressional staffer.

Consistent with Chairman Sander’s concerns, Chairman Buck viewed the matter as a personnel issue concerning his congressional office. Accordingly, he directed Chairman Sander to speak the Congressional office chief of staff for proper review and resolution. He also alerted his chief of staff to the issue, and he asked the chief of staff and the state party executive director to continue to monitor the issue.

Section IX(2) of the Weld County Bylaws allows removal of a vice chair by two thirds vote of the central committee, and Section IX(3) allows removal of committee persons, also by two-thirds vote of the central committee. Chairman Sander decided not to bring the matter before the Central Committee, in part because of a division of opinion within that committee. Accordingly he consulted with the county sheriff and several county commissioners. Following these consultations, he decided forward a criminal complaint to

the Colorado Secretary of State, under the assumption that it would be referred to the District Attorney for Judicial District 10 (which is comprised of Weld County) who would then likely refer the matter to the District Attorney for Judicial District 8 (which includes Larimer County). Chairman Sander also issue a press release describing his criminal referral.

After speaking with Chairman Sander, both Chairman Buck and the party executive director stated that they did not hear about the matter again, until reading about it in the Denver Post. After the news story, Chairman Sander sent an email in which he stated “I am sorry that you and State Party were linked to this in the article. In reading my press release, which I have copied below, you will see that it was not my intent.” The press release contained the aforementioned statement that Chairman Sander reached out to Chairman Buck, who did nothing.

Finally, the state party executive director subsequently discussed the matter the Chairman Sander, who sent a follow up email stating, in part, that “I reached out to Chairman Buck to let him know that there was a problem with his staffer and that I could use his help backing up my request for Cody to resign.” The second part of the sentence – that Chairman Sander could use help in seeking Mr. LeBlanc’s resignation – is inconsistent with the executive director’s recollection of the phone call.

#### 4. Other disputes and controversies

During the Commission’s investigation into this matter, it uncovered multiple other controversies and issues that fell outside of the scope of its review. In order to provide thoroughness and respond to potential expectations regarding the Commission’s role, several of those controversies are identified below:

- a. Caucus v. assembly as a legitimate nominating process. Much of the acrimony involving the above issues seems to stem from divisions within Weld County party members regarding the legitimacy of candidate nominations by caucus and assembly, compared to nominations by petition. Multiple members, including Mr. LeBlanc in his capacity as a district captain, have vigorously endorsed the caucus process and vigorously supported candidates who seek nomination by caucus, rather than by petition. The Commission does not opine on this matter, other than to note that both avenues are authorized by Colorado law.
- b. Vice Chairwoman Rice’s attendance at the March 7, 2020 caucuses. Vice Chairman Rice did not sign in as an attendee at the March 7, 2020 caucuses, and there were questions regarding whether she, in fact, participated. Multiple witnesses attested to her attendance and participation at the caucuses that day.
- c. The *ad hoc* committee meeting and lack of a final report. Unfortunately, the ad hoc committee was unable to produce a report, in part due to strong

opinions and divisions among Weld County party members. The lack of a final report from the committee represented a lost opportunity to investigate and fully discuss these matters at the county level, without involvement by the state party.

- d. Multiple accusations of bad faith, dishonesty, and other discourteous behavior. Throughout its investigation, the Commission identified multiple documents and communications in which various participants accused one another of lying, acting in bad faith, or otherwise behaving in a discourteous or disrespectful manner towards one another. And as noted at above, much of the emotion behind these communications seems to be fueled by passionate disagreements regarding nomination methods. The Commission did not investigate any of these accusations, as beyond its charge.
- e. Improper removal of two delegates. Two delegates in one precinct indicated that they might not be able to attend the county assembly. As a result, the precinct committee person contacted the two delegates and suggested that they be removed as delegates and replaced by other individuals. Not knowing any better, the two delegates agreed to be removed. Ultimately, the two individuals were able to attend, but could not attend as delegates because their names had been removed from the roll of duly-elected delegates. This procedure directly violated the Weld County bylaws. The names of duly-elected delegates should never be removed from the roll. If delegates cannot attend, alternate delegates should be elevated to take their places.
- f. Delegates and attendees added, without authorization. In one instance the Commission identified several people in one precinct who had been listed as attendees and placed as delegates without their permission. This is not, of course, acceptable behavior. In light of its focused mission, the Commission did not further investigate to determine who engaged in that improper behavior.
- g. Subsequent circulation of letters regarding caucus results. Ms. Harlan obtained a letter, signed by all Precinct 302 attendees, that the attendees believed that the will of the precinct – subsequent to the meeting – was to elect Mr. LeBlanc as a delegate. Likewise, Ms. Rice obtained a letter and statement from her family members who participated in the caucus to the same effect. These letters had no effect or persuasive influence on the Commission’s deliberations.
- h. Accusations of unequal treatment by Chairman Sander. Several members of the Weld County Republican Party accused Chairman Sander of harshly responding to delegate replacements in Precincts 332 and 302, while treating other, similar behavior in a much more lenient way. Whether Chairman Sander treats Weld County party members in a fair and equitable way is

beyond the scope of the Commission's duties, and accordingly the Commission has confined itself to examining and providing conclusions and recommendations based on specific allegations of wrongdoing or improper behavior.

### **Conclusions and Recommendations**

After reviewing the above matters, the Commission has reached the following conclusions and submits the following recommendations.

1. Chairman Sander properly reversed the delegate substitutions.

The substantial controversy surrounding these issues should not obscure one central fact. The system worked. Several volunteers and party leaders improperly made delegate substitutions that did not reflect the choices made the day of the caucus meetings. Chairman Sander and other Weld County party leaders audited all caucus results, identified several problems with delegate replacements, and restored the replaced delegates to their positions. This process demonstrates that county party checks and balances are in place, and party members should have faith that errors were properly identified and corrected.

All other recommendations should be considered in light of this central conclusion.

2. A criminal referral was not warranted.

Following the rejection of Chairman Sander's call for several party members resign their leadership positions, a criminal referral was not warranted. Colorado law states:

Any person in authority at any precinct caucus, assembly, or convention who in any manner *dishonestly, corruptly, or fraudulently* performs any act devolving on him by virtue of the position of trust which he fills or knowingly aids or abets any other person to do any fraudulent, dishonest, or corrupt act or thing in reference to the carrying on of any precinct caucus, assembly, or convention or the ascertaining or promulgating of its true will is guilty of a misdemeanor.<sup>1</sup>

There are no reported cases involving this law, which indicates that it has likely never been used to prosecute anyone. By its plain language, however, the law requires a person to act dishonestly, corruptly, or fraudulently. In other words, it requires a state of mind in which a person knowingly or willfully violates the law. For example, the common definition of fraud is "[a] knowing misrepresentation or knowing concealment of a material fact made

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<sup>1</sup> C.R.S. § 1-13-301 (emphasis supplied).

to induce another to act to his or her detriment. Fraud is usu[ally] a tort, but in some cases (esp. when the conduct is willful) it may be a crime.”<sup>2</sup>

To be sure, Chairman Sander consulted with several county leaders – including the county sheriff – before making criminal referrals. But a fuller investigation would have revealed that each participant believed he or she acted properly. First, Ms. Harlan, at her own initiative, added Mr. Leblanc as a delegate. Mr. LeBlanc never asked to replace an elected delegate, nor did he participate in the substitution of his name. By contrast, he submitted a letter—albeit a letter that apparently was not shared with the attendees at his precinct’s caucus—requesting that that he be elected as a delegate.

Second, Ms. Harlan believed that she was providing a service by using her son’s login credentials to assist others in entering caucus results. She did not hide her activities, she specifically consulted with others about the propriety of her actions, and she only accessed the online platform after receiving assurances that she could do so. This was not dishonest, corrupt, or fraudulent behavior.

Third, Ms. Rice, Mr. Sargent, and Ms. Harlan all improperly substituted delegates, but they did so in the belief that their actions were proper. Indeed, other leaders and volunteers believed that party leaders could automatically be included as delegates, and one experienced volunteer specifically stated, at the post-caucus afternoon meeting, that district captains could be included as delegates. Further, any harm was minimal. The errors were caught and rectified, and even if the delegate substitutions had remained, the delegates who were removed in fact approved of the substitutions.

Overall, the Commission’s investigation shows that none of the participants intended to violate Colorado law, and none acted in a dishonest, corrupt, or fraudulent way. To be sure, they made serious mistakes. But all believed that they were acting properly.

3. Chairman Buck reasonably referred Chairman Sander’s concerns to his Congressional chief of staff, and Chairman Sander’s press release was misleading.

The Commission reviewed emails and interviewed Chairman Sander, Chairman Buck, and the state party executive director. Following the caucuses and county audit, Chairman Sander and Chairman Buck discussed Chairman Sander’s concern that Mr. LeBlanc’s position as a paid congressional staffer in Congressman Buck’s office conflicted with his actions as a party leader. Chairman Buck referred Chairman Sander to his Congressional chief of staff to investigate and if necessary resolve any issues. After speaking with Chairman Sander, the Commission could not identify any specific request made to Chairman Buck to intervene in the disputes involving the substitution of delegates. In an email from Chairman Sander to the state party executive director, Chairman Sander stated that he had previously requested Chairman Buck’s support in seeking Mr. LeBlanc’s

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<sup>2</sup> FRAUD, Black's Law Dictionary (11th ed. 2019)

resignation as a district captain. But the executive party director stated that Chairman Sander did not make such a request, and that the email did not accurately reflect any conversations between him and Chairman Sander.

In light of this evidence, the Commission finds that Chairman Buck acted reasonably. First, Chairman Buck reasonably interpreted his conversation with Chairman Sander as a personnel issue involving a congressional office employee, not a party issue involving dispute over delegates. Chairman Buck appropriately referred concerns about Mr. LeBlanc's potential conflicts to his Congressional chief of staff, the person responsible for managing Mr. LeBlanc. Second, the Commission did not identify any specific or general request by Chairman Sander for state party assistance. Third, even if Chairman Sander had in fact requested Chairman Buck's assistance in demanding Mr. LeBlanc's resignations, Chairman Buck reasonably declined to require Mr. LeBlanc's resignation, absent a full investigation into the facts surrounding Mr. LeBlanc's behavior. By referring the matter to his chief of staff, Chairman Buck himself sought to avoid accusations of a conflict of interest.

Ultimately, accusations of criminal behavior are serious matters. Here, Chairman Sander acted according to his sincere belief, after consulting with other community leaders. At the same time, the Weld County Party and Chairman Sander could have benefitted immensely if the county party's *ad hoc* committee had more time to investigate these matters, was able to issue a final report, and could have dispassionately discussed its investigation and conclusions with party leadership. The entire episode involving the committee was a lost opportunity to obtain a full picture before seeking criminal charges.

In addition, the County Party's press release was highly misleading. First, it exclusively focused on accusations of criminal behavior, followed by the statement "Sander also reached out to the state party chairman Ken Buck who did not take action." This strongly implies that Chairman Sander reached out to Chairman Buck for help in resolving allegations of illegal conduct. This did not happen. At most, Chairman Sander indicated that he requested Chairman Buck's assistance in demanding Mr. LeBlanc's resignation, but the press release made no mention of a resignation request. It focused solely on criminal behavior.

Second, Chairman Buck in fact did take action. He referred Chairman Sander to his Congressional chief of staff, the person responsible for handling personnel matters. And he instructed his chief of staff to monitor the dispute and take appropriate actions.

Third, the release included a quote from Chairman Sander that "[a]fter getting no support at the state level, I felt I had no other choice but to file a complaint." But Chairman Sander did not ask for state party support, and he had the option of seeking the resignation of Ms. Rice, Mr. Sargent, Mr. LeBlanc, and Ms. Harlan at a central committee meeting, an option he chose not to pursue.

Although Chairman Sander stated that it was not his intent to involve the party in the county party's disputes, there should be no surprise that the above statements produced sensational and accusatory media coverage, unfairly casting the state party and Chairman Buck in a negative light. All Republicans should be mindful that media coverage, by its nature, often emphasizes and sensationalizes conflict. Further, most mainstream media reporters, by background and inclination, are hostile to Republican values and Republican officials; they will not miss a chance to publish negative stories that cast Republicans in a poor light. By all means, Party officials should refer criminal behavior to the proper authorities. At the same time, however, a referral does not require a press release. And Party officials should endeavor to refrain from using the media to accuse one another of negligent, improper, or illegal conduct. It never ends well.

4. The delegate substitutions revealed inadequate training and planning.

The Commission's review uncovered several breakdowns in training and planning. In the Commission's experience, these types of challenges are not necessarily limited to Weld County. Foremost among the problems in this instance, several party leaders incorrectly believed that district captains received automatic placement as delegates. This erroneous view was not confined to Ms. Rice and Ms. Harlan. It extended to other district captains and volunteers who provided bad advice or failed to object to improper behavior. Party leadership should ensure adequate training for district captains and others. At the same time, district captains, vice-chairs, and other party leaders have a responsibility to take it upon themselves to ensure that they fully understand the state laws and county bylaws governing party activities. For these reasons, the county parties, and perhaps the state party, should ensure adequate training for and education of all county party leaders.

Further, the district captains and leadership participating in the caucuses at the Frederick High School should not have entered caucus results at a local volunteer's home, but rather should have brought the paperwork to the central county meeting place, as previously planned. In other words, the county plan for central data entry was sound, but it broke down in execution. The decision to enter information separately was initially driven by the group's desire to get lunch after a long morning and early afternoon of volunteering, combined with a tight deadline to enter information. These were foreseeable issues, and future caucus meetings should adequately account for volunteer hunger and timeline issues.

5. Adherence to county bylaws can often avoid or de-escalate these types of controversies.

County bylaws play a critical role because they serve as an agreed-upon method for conducting party operations and resolving disputes. As noted above, the Weld County Party bylaws provided for removal of officers by vote of the central committee. That would have been an ideal forum to present evidence, discuss the mistakes and concerns about intentional wrongdoing, and render a decision with respect to the improper behavior.

Additionally, county bylaws address much of the cause of the underlying acrimony – pre-primary neutrality. Much acrimony and divisiveness stems from support for (or opposition to) candidates that seek nomination by caucus rather than petition. For example, Mr. LeBlanc articulated very strong support for the caucus process, and in fact his request to be listed as a delegate identified specific candidates that he endorsed. County bylaws do not prohibit this behavior. They require the chair, vice chairs, secretary, and treasurer to be neutral but do not require neutrality from district captains like Mr. LeBlanc. District captains nonetheless exercise leadership, and primary endorsements seem to have increased divisiveness. Although the Commission is not recommending specific action, if the Weld County Party wishes to prohibit district captains from endorsing primary candidates, it may amend its bylaws to extend neutrality requirements to district captains.

6. The state party should revise reporting forms and perhaps reporting procedures.

Although the Commission did not identify specific evidence pointing to problems with reporting forms, some of the confusion is consistent with certain Commissioners' difficulties in using state party forms and procedures to report caucus results. And confusing forms and procedures may well have contributed to some of the misunderstandings and mistakes experienced in Weld County. For this reason, the state party should -- in conjunction with county parties -- conduct a thorough review of its reporting forms and procedures in order to limit and reduce errors. Simpler procedures will help reduce error and misunderstanding.

7. Weld County party leadership should take steps to diffuse the substantial anger and accusatory behavior among party members.

It should be no surprise that the Commission's investigation revealed a county party sharply divided. Many members in this dispute were quick to assume bad faith on one another's part and often accused one another of dishonesty or unfairness. Ultimately, all party members should recognize that the values that bind us as Republicans are far stronger than our disagreements, and that party members are volunteers who spend their precious time and energy helping Republicans, helping our state, and helping our country.

In addressing this divisiveness, concrete processes and procedures are always elusive. But party leadership at all levels should consider ways to calm troubled waters, by fostering personal connections with perceived adversaries, exercising patience, and empathizing with different Republican views. Weld is an important county, and Republicans statewide rely on Weld County Republicans to send solid Republicans to the legislature, post strong margins for statewide candidates, and serve as examples of good, Republican governance. When party leaders successfully de-escalate conflict among themselves, they help all Colorado Republicans.

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With these conclusions and recommendations, the Commission has completed its work, and all commission members hope that this report will serve as a way to improve state and county party operations.



Scott Gessler, Chair



Marla Reichert



Jeff Hays (Dec 15, 2020 12:07 MST)

Jeff Hays



Chris Murray