



January 26, 2011

The Honorable Scott Gessler, Secretary of State  
Department of State  
1700 Broadway  
Denver, CO 80290

**Re: Rules Concerning Campaign and Political Finance, 8 CCR 1505-6**

Common Cause is a non partisan, non profit organization that is dedicated to restoring the core values of American democracy, reinventing an open, honest and accountable government that serves the public interest, and empowering ordinary people to make their voices heard in the political process.

Colorado Common Cause has a long history working on campaign finance issues, and in 2002 we were one of the proponents of Amendment 27, now Article 28 of the Colorado Constitution, that established the trigger for reporting that is the subject of today's rulemaking.

We oppose increasing the trigger for reporting by issue committees to \$2,500. While we recognize that the Court's ruling in *Sampson v Buescher* may create uncertainty about the Court's willingness to uphold meaningful disclosure requirements, we do not believe that the ruling requires such a broad and significant increase as is proposed with the addition of Rule 4.27.

We urge the Secretary to reject this proposed rule.

We disagree with the Court's finding concerning the burden of the disclosure requirements for the issue committee in *Parker North* and point to the fact that the Court chose not to reject ballot issue disclosure more broadly. In its ruling, the Court only found the requirements too onerous as applied in this particular case. We don't believe that this ruling provides the grounds to weaken the trigger for disclosure more broadly.

Rather than focus solely on the dollar amount that should trigger disclosure, we urge the Secretary's office to improve its guidance for citizens who will be required to comply with disclosure rules going forward. The court in *Sampson* noted that the rules were too difficult to comply with and that the Secretary of State's office often encouraged citizens to seek outside legal advice. We do not believe that the reporting requirements are overly burdensome, but to the extent that there is

confusion, this office should focus on providing clarity about the requirements rather than eliminating the requirements for groups that seek to influence Colorado elections. In fact, the Colorado legislature has recently passed two bills in an effort to make clearer when groups must register and comply with ballot disclosure rules (HB 09-1153 and HB 10-1370).

We are also concerned about setting a standard that suggests issue committee disclosure should be limited to groups working on well-funded, statewide ballot campaigns. Ballot measures are not limited to large, state-wide issues. Each year municipalities and special districts across Colorado bring numerous ballot issues before their electors. These issues may be as “small” as a simple zoning ordinance, but they sometimes more closely affect the daily lives of residents more than the “bigger” constitutional amendments that get the attention of the press. We would prefer to see the focus of this rulemaking be on ensuring that “small” issue committees have the support and training required to file disclosures and provide transparency for the voters.

Colorado is a ballot initiative state. Voters regularly act as legislators at both the statewide and local levels. Like lawmakers who have an interest in knowing who is lobbying for their vote, voters of our state have an interest in knowing who is behind the issues that come before them, and importantly, who is attempting to influence their vote. Increasing the threshold for ballot issue disclosure will not only limit the amount of information voters will receive, but also the timeliness of that disclosure.

We do not believe that the *Sampson* ruling provides the grounds to weaken the trigger for disclosure more broadly and urge the Secretary to reject this rule.

Thank you for the opportunity to comment. Please contact us if you would like additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'ENUNEZ', with a stylized flourish at the end.

Elena Nunez  
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