



December 14, 2011

Secretary of State  
Scott Gessler  
Colorado Department of State  
1700 Broadway  
Denver, Colorado 80290

Dear Secretary Gessler:

Planned Parenthood Votes Colorado submits these comments in opposition to the sweeping changes your office has proposed to the Colorado Campaign Finance system. We believe many of these rules strike a serious blow to the transparency requirements that Colorado has supported and operated under in the past. Specifically, we are opposed to the proposed rules dealing with campaign finance regulation that seek to define “member” as a person who pays dues to an organization.

Planned Parenthood Votes Colorado (PPVC) is a 501(c)(4) organization that promotes pro-choice and pro-family planning policies and advocates for unrestricted access to the full range of reproductive healthcare services and comprehensive sex education. PPVC has over 36,000 members in Colorado. These are individuals that have taken an affirmative action to indicate that they want to receive political and advocacy information from PPVC and while they frequently donate to support our efforts, we do not require an annual donation for them to remain members. Our members are particularly interested in responses provided to PPVC from candidates on our candidate survey and we often provide this information to our members before primary and general elections so that they can make informed votes.

The proposed rule could have the impact of eliminating PPVC’s ability to communicate with its members about important candidate information. We believe this restriction unnecessarily inhibits PPVC’s ability to communicate with our members. We also believe this new membership requirement unnecessarily obstructs the ability of our members to access the information they would like to have before casting their votes.

PPVC is also opposed to the proposed campaign finance regulations that would, among other things, eliminate public reporting of issue advocacy (i.e., electioneering communications) in candidate campaigns. See e.g., Rules 1.7, 1.10, 7.2.1. We believe that this is a radical departure from the Colorado Constitution, Colorado statutes, Colorado case law, and Colorado voters’ intent to maintain adequate transparency in the political process.

Issue advocacy has long been a main concern of the courts in protecting First Amendment exchanges, particularly exchanges of political ideas. That such efforts can have an effect during an election cycle is unquestioned. For that reason, there are reporting requirements both to the Internal Revenue Service and the Colorado Secretary of State when an entity engages in issue advocacy. Those reports allow voters to know which groups are funding messages that could have an effect on an election in light of their timing, the audiences to which they are sent, and the fact that they reference candidates who are running for



office. The lack of contribution limits on such message production and distribution also honors First Amendment priorities given to political speech. For that reason, reporting is a key element of Colorado's campaign finance laws and we do not believe your office has the authority to simply do away with the requirement.

For these reasons, we strongly urge you not to enact any rule that seeks to redefine "member" or removes reporting requirements for issue advocacy. We also strongly encourage you to retract the full set of proposed rules in the interest of protecting fair, open, and transparent elections in Colorado.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy Alderman". The signature is fluid and cursive, with a large loop at the end.

Cathy Alderman  
Vice President of Public Affairs  
Planned Parenthood Votes Colorado