

Andrea Gyger

From: Martin L. Buchanan [REDACTED]
Sent: Thursday, December 22, 2011 12:26 AM
To: Andrea Gyger
Cc: Diana Hsieh; Ari Armstrong
Subject: 8 CCR 1505-6 Campaign Finance regulations

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Dear Ms. Gyger:

Please consider the contents of this email as testimony on this matter, submitted for publication in the record, along with my name and email address. I'm a registered voter in the city and county of Denver.

Other citizens like Diana Hsieh and Ari Armstrong have made good comments on the details of the campaign finance regulations and the principles at stake. I'll add some general points:

1. Regulations create some burden even when they do not apply. In my 2008 campaign for Congress, the main applicable regulations were the federal ones, but I still printed and read a hundred pages or so of Colorado regulatory information to be sure. Thus prefer short and simple regulations when short and simple is workable.
2. Campaign finance regulations have the unintended consequence of abolishing secret ballot. Because even relatively small contributions are tracked, anyone can determine my political leanings and likely votes based on those contributions. Reforms that eliminate reporting of de minimis contributions would reduce that harm.
3. Even if you believe contributions should be reported, contribution reporting for issue committees should be much less stringent than for candidates, for two reasons. First, the concern when someone gives substantial money to a candidate is that someone is buying influence over the officeholder if the candidate wins. That concern is completely absent for an initiative or referendum campaign and largely absent for a recall campaign: you are not electing anyone. Second, when someone commits to running for office that person generally commits to making a major effort to win election, so the significant campaign finance paperwork may not be out of proportion in relation to that major effort. In contrast, many individuals and small groups work for and against major issues on the ballot, often at such a small scale that your regulations are a huge impediment.
4. As many others have pointed out, most current campaign finance regulation directly contradicts and violates free speech rights. However, government bodies can still

legitimately regulate at least some behaviors by their members or leaders. For example, a legislature may have a rule that prohibits soliciting contributions during the legislative session, because of the potential for conflicts related to pending legislation. Such regulations attach to the office, not to being a candidate. Campaign regulations stemming from that source would be in rules and laws that apply to sitting legislators and would not apply to candidates who are not in office. The roundabout point here, regarding issue advocacy, is that a right to regulate the conduct of sitting officeholders does not lead to any right to regulate the rights of citizens to advocate for or against issues.

Sincerely,

Martin L Buchanan

