

**Initiative #82**  
**Colorado Congressional Delegation to Support Campaign Finance Limits**

1 **Amendment \_\_\_\_ proposes amending the Colorado Constitution and Colorado**  
2 **statutes to:**

- 3       ♦ instruct the Colorado congressional delegation to propose and support  
4       an amendment to the U.S. Constitution that allows Congress and the  
5       states to limit campaign contributions and spending; and
- 6       ♦ instruct the state legislature to ratify any such amendment passed by  
7       Congress.

8 **Summary and Analysis**

9       Colorado and federal law currently place limits on the amount of money that  
10      individuals, political action committees, and other organizations may give directly to  
11      candidates, campaigns, political parties, and other political groups. Colorado has also  
12      established voluntary spending limits that political candidates and campaigns may  
13      choose to follow. However, there are no mandatory limits in state or federal law on  
14      how much money campaigns may spend overall.

15      In the past, courts have ruled that limiting contributions to candidates and  
16      campaigns is a permissible restriction on money in politics so as to prevent corruption  
17      or the appearance of corruption. However, the courts have also ruled that spending  
18      money is a form of protected political speech. Therefore, overall spending limits on  
19      campaigns are not allowed, and spending by persons and organizations who are  
20      independent of political campaigns cannot be restricted.

21      ***Changes under Amendment \_\_\_\_.*** The measure does not directly affect current  
22      state or federal campaign finance laws, or create campaign spending limits. Instead,  
23      it amends state law to encourage Congress and the state legislature to take steps to  
24      amend the U.S. Constitution to allow greater limits on the role of money in state and  
25      federal elections. The measure also expresses the intent of voters that state law  
26      should establish campaign spending limits, rather than encourage voluntary spending  
27      limits.

28      ***Amending the U.S. Constitution.*** An amendment to the U.S. Constitution may  
29      be proposed with a two-thirds majority vote in both houses of Congress. Then, the  
30      amendment must be ratified by the state legislatures in three-fourths of the states, or  
31      38 of the 50 states, in order to take effect.

*For information on those issue committees that support or oppose the measures on the ballot at the **November 6, 2012**, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:*

*<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>*

1     **Arguments For**

2           1) The role of money in politics should be limited, and this measure expressly  
3 sends that message from the Colorado voters to their elected representatives. It  
4 reinforces a message to elected representatives in Congress and the state legislature  
5 that changes are necessary to create a more level playing field. The current system  
6 gives too much influence over elections and public policy to wealthy individuals and  
7 organizations.

8           2) Because the courts continue to view spending money as a form of protected  
9 political speech, the surest way to change the campaign finance system is to amend  
10 the U.S. Constitution as recommended by this measure. Amendment \_\_\_\_ takes the  
11 necessary first step in that process by encouraging Congress to take action.

12     **Arguments Against**

13           1) The measure could lead to restrictions that limit the fundamental rights to  
14 freedom of speech, expression, and association. Individuals and organizations should  
15 not be restricted in how they spend money to promote the ideas and candidates they  
16 support. Further, candidates and campaigns should be free to spend any  
17 contributions received from supporters.

18           2) A state ballot measure cannot require elected representatives in Congress or  
19 the state legislature to support or vote for certain laws and policies. Therefore,  
20 the measure will have no practical effect. Rather than using Colorado law to make a  
21 political statement, those who advocate for more restrictive campaign finance laws  
22 should instead support congressional candidates who will pursue such changes.

23     **Estimate of Fiscal Impact**

24           Amendment \_\_\_\_ is not expected to affect state or local government revenue or  
25 spending.