

**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 limit the amount of money that individuals,  
10      political action committees, and other organizations may give directly to candidates,  
11      campaigns, political parties, and other political groups. Colorado has also established  
12      voluntary spending limits that political candidates and campaigns may choose to  
13      follow. However, there are no mandatory limits in state or federal law on how much  
14      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 mandatory campaign spending limits, rather than encourage  
27      voluntary spending 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:

[www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html](http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html)

## Arguments For

1) The current system of financing political campaigns gives too much influence over elections and public policy to wealthy individuals and organizations. This measure sends a message from Colorado voters to their elected representatives that money in politics should be limited so that other perspectives can be heard. Further, it gives elected representatives in Congress and the state legislature clear instructions to make the necessary changes to create a more level playing field in politics.

2) Prior court rulings have increased the ability of wealthy individuals and organizations to spend unlimited amounts of money to influence campaigns and elections, as well as public policy. In many cases, the public does not know who is providing this money because the source does not have to be disclosed. The surest way to reverse these changes is to amend the U.S. Constitution as recommended by this measure. Amendment \_\_\_\_ takes the first step in that process by encouraging Congress to take action.

## Arguments Against

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

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

## Estimate of Fiscal Impact

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