

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

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.

Last Draft as Mailed to Interested Parties

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Last Draft Comments from Interested Parties

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No comments were submitted on the last draft.

INITIATIVE 82
COLORADO CONGRESSIONAL DELEGATION TO
SUPPORT CAMPAIGN FINANCE LIMITS
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Initiative 82
Colorado Congressional Delegation to
Support Campaign Finance Limits

1 **Ballot Title:** Shall there be amendments to the Colorado constitution and the Colorado
2 revised statutes concerning support by Colorado's legislative representatives for a federal
3 constitutional amendment to limit campaign contributions and spending, and, in
4 connection therewith, instructing Colorado's congressional delegation to propose and
5 support, and the members of Colorado's state legislature to ratify, an amendment to the
6 United States constitution that allows congress and the states to limit campaign
7 contributions and spending?

8 **Text of Measure:**

9 *Be it Enacted by the People of the State of Colorado:*

10 In the constitution of the state of Colorado, **amend** section 1 of Article XXVIII as
11 follows:

12 **Section 1. Purposes and findings.** The people of the state of Colorado hereby
13 find and declare that large campaign contributions to political candidates create the
14 potential for corruption and the appearance of corruption; that large campaign
15 contributions made to influence election outcomes allow wealthy individuals,
16 corporations, and special interest groups to exercise a disproportionate level of influence
17 over the political process; that the rising costs of campaigning for political office prevent
18 qualified citizens from running for political office; that because of the use of early
19 voting in Colorado timely notice of independent expenditures is essential for informing
20 the electorate; that in recent years the advent of significant spending on electioneering
21 communications, as defined herein, has frustrated the purpose of existing campaign
22 finance requirements; that independent research has demonstrated that the vast majority
23 of televised electioneering communications goes beyond issue discussion to express
24 electoral advocacy; that political contributions from corporate treasuries are not an
25 indication of popular support for the corporation's political ideas and can unfairly
26 influence the outcome of Colorado elections; and that the interests of the public are best
27 served by limiting campaign contributions, ~~encouraging voluntary~~ ESTABLISHING
28 campaign spending limits, providing for full and timely disclosure of campaign
29 contributions, independent expenditures, and funding of electioneering communications,
30 and strong enforcement of campaign finance requirements.

1 In Colorado Revised Statutes, **amend** 1-45-102 as follows:

2 **1-45-102. Legislative declaration.** The people of the state of Colorado hereby
3 find and declare that large campaign contributions to political candidates allow wealthy
4 contributors and special interest groups to exercise a disproportionate level of influence
5 over the political process; that large campaign contributions create the potential for
6 corruption and the appearance of corruption; that the rising costs of campaigning for
7 political office prevent qualified citizens from running for political office; and that the
8 interests of the public are best served by limiting campaign contributions, ~~encouraging~~
9 ~~voluntary~~ ESTABLISHING campaign spending limits, full and timely disclosure of
10 campaign contributions, and strong enforcement of campaign laws.

11 In Colorado Revised Statutes, 1-45-103.7 **add** (9) as follows:

12 **1-45-103.7. Contribution limits - treatment of independent expenditure**
13 **committees - contributions from limited liability companies - definitions - voter**
14 **instructions on spending limits.**

15 (9)(a) THE VOTERS INSTRUCT THE COLORADO CONGRESSIONAL DELEGATION TO
16 PROPOSE AND SUPPORT, AND THE COLORADO STATE LEGISLATURE TO RATIFY, AN
17 AMENDMENT TO THE UNITED STATES CONSTITUTION THAT ALLOWS CONGRESS AND THE
18 STATES TO LIMIT CAMPAIGN CONTRIBUTIONS AND SPENDING, TO ENSURE THAT ALL
19 CITIZENS, REGARDLESS OF WEALTH, CAN EXPRESS THEIR VIEWS TO ONE ANOTHER AND
20 THEIR GOVERNMENT ON A LEVEL PLAYING FIELD.

21 (b) THE PROVISIONS OF THIS SUBSECTION SHALL TAKE EFFECT ON JANUARY 1,
22 2013, AND BE APPLICABLE THEREAFTER.