

## 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.

# Blue Book

1                    *For information on those issue committees that support or oppose the*  
2                    *measures on the ballot at the November 6, 2012, election, go to the*  
3                    *Colorado Secretary of State's elections center web site hyperlink for*  
4                    *ballot and initiative information:*  
5                    [www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html](http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html)

## 6                    **Arguments For**

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

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

## 20                    **Arguments Against**

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

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

## 31                    **Estimate of Fiscal Impact**

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