



April 19, 2011

The Honorable Scott Gessler, Secretary of State
Department of State
1700 Broadway
Denver, CO 80290

Re: Rules Concerning Campaign and Political Finance, 8 CCR 1505-6

Common Cause is a non partisan, non profit organization that is dedicated to restoring the core values of American democracy, reinventing an open, honest and accountable government that serves the public interest, and empowering ordinary people to make their voices heard in the political process.

Colorado Common Cause has a long history working on campaign finance issues, and in 2002 we were one of the proponents of Amendment 27, now Article 28 of the Colorado Constitution, that established the campaign finance enforcement structure that is the subject of today's rulemaking.


We appreciate the work of the Secretary and his staff to provide clear standards for the evaluation of waiver requests. A fair and transparent process will provide Colorado voters with greater confidence about the application of the campaign finance laws they overwhelmingly approved with the passage of Amendment 27 in 2002.

We agree that there are instances where it would be appropriate to reduce or waive a fine, particularly when there is a good cause for failure to comply (Rule 15 A 1). We have concerns that under the second scenario contemplated by the rules, some filers may choose to accept a penalty in lieu of meeting the filing requirements. We suggest that the Secretary of State's office conduct a public review after the rules have been in place for an election cycle to ensure that this waiver structure is appropriate.

In the revised draft rules, we were dismayed to see that Rule 15 C, stating that "penalty caps shall not apply to any willful delinquency", had been struck. The addition of similar language in 15 A 2 (A) and 15 A 2 (C) that states that "penalty caps *may* be disregarded" is not as strong as the original draft and we would request that the "may" be changed to "shall". An entity that willfully chooses to disregard the law should be required to pay the full fine.

Thank you for the opportunity to comment. Please contact us if you would like additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'ENUN', with a long horizontal flourish extending to the right.

Elena Nunez
Program Director, Colorado Common Cause
(303) 292-2163
enunez@commoncause.org