Andrea Gyger

From: Karen Sampson [redacted]
Sent: Friday, May 06, 2011 2:03 PM
To: Andrea Gyger
Subject: Comments on Proposed New CFLAW Rule 4.27

PLEASE DO NOT PUBLISH THIS EMAIL ADDRESS.

Ms. Gyger:

Six Parker North neighbors were sued in 2006 for alleged violations of campaign finance laws. After a slow, painful progression through the courts to the 10th Circuit Court of Appeals decision in Sampson v. Buescher late in 2010, I am dismayed that this is all the Secretary of State has to offer after its court defeats.

Upon notification of our unexpected lawsuit, we were forced to hire a lawyer. Reading this proposed new rule makes me want to hire a lawyer again.

Paragraph 4.27(A) requires burdensome tracking of contributions and expenditures from day one. Subject to interpretation is what must be reported after reaching the $5,000 threshold.

Does this mean an individual may contribute $4,999.99 to support or oppose a ballot issue and not be subject to disclosure rules, but the poor individual who contributes the next $20 or $100 is subject to public disclosure of name, address and employer name? Or must all financial information from before and after the $5,000 threshold be reported?

Will the average citizen correctly interpret the language in 4.27(A) or do we have to hire an attorney again?

This proposed rule does not fix the dollar limit and mandatory disclosure controversy. Nor does it address other documented issue committee controversies that include, but are not limited to:

1. The private enforcement provision allows individuals and groups to harass and intimidate their opponents because there is no legitimate oversight of lawsuits by the Secretary of State.

2. A federal court had to clarify for the Secretary of State that annexation opponents were not subject to issue committee campaign finance law at the time we were sued – based on criteria other than donations and expenditures limits.

3. Citizens may choose not to disclose how they vote, so we should not be forced to disclose what issues we support or oppose along with personal information such as our addresses and employer names and addresses.

4. The Secretary of State's 100 page manual and advice to "seek legal advice" run afoul of an open political process.

5. Disclosure requirements are an administrative and financial burden to those who wish to speak freely.

When news spread of the lawsuit against six No Annexation individuals, neighbors pulled $5 No Annexation signs from their lawns, ceased making donations, and stopped talking to their neighbors because they feared they too would be sued by the annexation proponents. In fact, in their original lawsuit filing, annexation proponents threatened actions against anyone who opposed annexation, and the Secretary of State's office ignored the blatantly obvious intent of the lawsuit – to silence political opponents.

If that isn't government setting the stage for stifled political speech, I don't know what is.

The Secretary of State and voters need to step back to take in the bigger picture and see how Colorado campaign finance law inhibits political speech. Voters need more – not less – speech to help them make informed decisions. Based on my experience, all ballot issue rules need careful examination and significant reform or – better yet – repeal to allow unfettered participation in the political process.

Karen Sampson
Consultant and Author
scenariosbysampson.com