



June 14, 2011

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

Re: Revised 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 opposes the adoption of this rule. It would eliminate disclosure during the period when timely disclosure is most critical. In the weeks leading up to an election, biweekly disclosure is important because candidates are most likely to be raising and spending money and the electorate has an interest in timely disclosure of their activities.

We disagree with the Secretary of State's rationale for adopting this rule. While it is true that changing the date of the primary election from the second Tuesday in August to the last Tuesday in June results in additional disclosure reporting, additional reporting is not an absurd result. The Secretary may believe that the additional reporting is excessive, but the decision to eliminate biweekly reporting (or revert to the same number of reports as was previously required before a primary election) is a policy decision that requires legislative action.

Statutory changes are within the legislature's authority and their decision not to act must be read as an intent to keep the law as it is, requiring existing disclosure. Indeed, the legislature had the opportunity to act during the 2011 legislative session but did not. Senate Bill 11-252 would have, among other things, modified the reporting requirements in advance of the primary and general elections. The Legislature did not adopt SB11-252.

We believe that this rule, as proposed, is beyond the Secretary of State's rulemaking authority. However, we agree that there is a conflict with the odd year reporting requirement; a more narrow rule to address that specific conflict and eliminate biweekly reporting during the odd year would be more appropriate. The rule goes

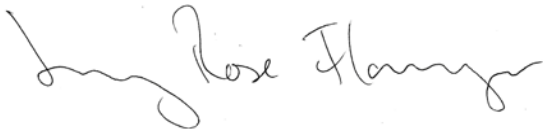
beyond resolving that conflict because it would also eliminate biweekly reporting during the election year.

When the legislature reconvenes, we would urge your support of a statutory change that would maintain the integrity of the current law while adjusting to the new primary date in June. The law would need to require biweekly reporting in the 6 weeks before the primary election, not eliminate that additional reporting altogether. To maintain the current level of reporting, C.R.S. 1-45-108 (2)(a)(I)(B) should read: "On the second Monday in May and on each Monday every two weeks thereafter before the primary election;"

We believe that statutory change would be the appropriate way to maintain the existing level of reporting and hope to work with you and your office on that.

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

Sincerely,

A handwritten signature in black ink that reads "Jenny Rose Flanagan". The signature is written in a cursive style with a large initial "J" and "F".

Jenny Rose Flanagan
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