

December 14, 2011

Secretary of State
Scott Gessler
Colorado Department of State
1700 Broadway
Denver, Colorado 80290

Dear Secretary Gessler:

Planned Parenthood of the Rocky Mountains (PPRM) submits these comments in opposition to the sweeping changes your office has proposed to the Colorado Campaign Finance system. We believe many of these rules strike a serious blow to the transparency requirements that Colorado has supported and operated under in the past. Specifically, we are strongly opposed to Proposed Campaign Finance Regulation 1.12 which establishes a 30% spending threshold for whether a group qualifies as an “issue committee” under Colorado law.

Planned Parenthood of the Rocky Mountains, founded in 1916, provides high quality, affordable healthcare services to over 80,000 Coloradans as well as education and advocacy on behalf of our clients help them make responsible life choices and to help to protect access to necessary services. Because we provide access to the full range of reproductive health care services, including legal, safe abortion care, we are frequently targets of ballot measures that seek to restrict access of our clients to the essential reproductive health care that we provide. For example, Amendment 48 in 2008 and Amendment 62 in 2010, both so-called “personhood” measures sought to ban access to all abortion care even in cases of rape, incest, and when the life of the woman was at risk, and prevent access to many common forms birth control and fertility treatments. On behalf of our clients and in broad coalition with other organizations, we participated in the defeat of both of these dangerous measures.

We believe that a fully transparent process for ballot initiatives which includes disclosure of the funds behind the measure is critical for unfettered voter education. In fact, when the money that funds ballot campaigns cannot be traced, it is difficult for the average voter to understand who or what is pushing their agenda in Colorado. This is particularly true when ballot measures are vague and have far-reaching consequences that are unexplained in the initiative language.

We believe that there is no legal basis for the 30% spending threshold rule for issue committees. The Colorado Constitution is silent on this matter, as are the statutes dealing with campaign finance matters. The rules do not provide any foundation in the law to create such a threshold nor do we believe your office has the authority to create such an arbitrary and misguided threshold that could be extremely detrimental to voters’ ability to ascertain the intentions behind ballot measures. In fact, the Denver District Court made this point in a recent lawsuit over your \$5,000 issue committee contribution/expenditure test. The 30% threshold for what constitutes a “major purpose” is no different.

We believe that the consequences of the rule you are proposing subvert transparent election processes and allow for corporate or ideological interests to dominate the Colorado ballot initiative process. Entities that would otherwise qualify as issue committees would be exempt from registering and then reporting their activity unless it hit the 30% figure. Trade associations and corporations can qualify as issue committees now. They would be able to spend up to 30% of their total revenue without ever identifying that they were the source of that spending to any public authority. You can imagine the abuses that are possible for a corporation with \$1 million in annual expenses. Since that isn't even a very large company these days, the abuses by non-Colorado and non-U.S. companies, trying to influence our ballot issue elections without any accountability for what they are doing, is unacceptable. And, as long as they conduct their efforts independently from the authorized, reporting issue committees, the details of this spending will all stay outside of public view.

For these reasons, we strongly urge you not to enact Rule 1.12 with any spending threshold. We also strongly encourage you to retract the full set of proposed rules in the interest of protecting fair, open, and transparent elections in Colorado.

Sincerely,



Cathy Alderman
Vice President of Public Affairs
Planned Parenthood of the Rocky Mountains