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From: Robert Bowen [REDACTED]
Sent: Tuesday, April 07, 2015 9:59 PM
To: SoS Rulemaking
Subject: Comments to help shape Colorado's CPF Rules

Secretary of State:

I am concerned about the proposed new language on page 2 of your proposed rule changes, namely the definition of a contribution. I believe it expands the definition set forth in the Constitution Article XXVII Section 2 (5) (B), which states:

"Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate, candidate committee, political committee, small donor committee, issue committee, or political party; a transfer by a membership organization of a portion of a member's dues to a small donor committee or political committee sponsored by such membership organization; or payments by a corporation or labor organization for the costs of establishing, administering, and soliciting funds from its own employees or members for a political committee or small donor committee."

The definition in the Constitution appears to say that the work of a volunteer (in a campaign or for a committee) is not a contribution unless they are paid or otherwise compensated for their efforts.

Unless I am reading your definition wrong, you are expanding that definition to mean that work performed by an employee of any organization, including a corporation, on behalf of a candidate or committee is not a contribution from that employee unless that person received compensation. This expansion seems to be unnecessary, and may create a loophole.

What concerns me is that an employer could either ask, or allow, a salaried employee to work on a campaign etc. during normal working hours and that would not be deemed to be a contribution unless the person was given extra compensation. Or, an employer could pay an hourly employee his or her usual pay even if part of the week the employee was "volunteering" for a campaign or committee during normal working hours.

This could actually be a technically legal way for a corporation or individual to provide labor for a campaign without any disclosure, and without compliance with contribution limits. That is not the intent of the Constitution.

It seems that an employer could get around campaign his or her contribution limits, or the candidate or committee could skirt disclosure requirements by "allowing" an employee to do work for a candidate while on the job during normal working hours by simply not paying them extra. This looks like a problematic loophole that is not consistent with my reading of the definition in the Constitution. I believe this goes beyond the definition in the Constitution which seems to be speaking about uncompensated work done to create the committee, not work in support of a candidate. It would seem that if the employee wishes to volunteer and have that not constitute a contribution, the Rule should indicate that it must be outside normal and usual working hours to avoid the appearance of impropriety, if not impropriety itself.

I hope you will consider amending this definition to close that loophole before adoption.

Robert Bowen
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