

Initiative #173 Campaign Contributions

1 **Amendment ? proposes amending the Colorado Constitution to:**

- 2 ◆ increase campaign contribution limits when a candidate loans or contributes at
3 least \$1.0 million to his or her own campaign, by allowing all candidates in the
4 same election to collect five times the level of individual contributions currently
5 authorized in the state constitution.

6 **Summary and Analysis**

7 **Background.** While campaign finance is regulated by federal law for candidates in
8 federal races, Colorado law regulates campaign finance for state and local candidates.
9 Federal and state courts have determined that limits on the amount of money that
10 candidates can collect from individuals are a permissible restriction of free speech to
11 prevent corruption or the appearance of corruption.

12 Under Amendment ?, candidates in a race may accept contributions from individuals
13 that are five times the rate authorized in the state constitution if at least one candidate in
14 the race:

- 15 • contributes or loans funds totaling more than \$1.0 million to his or her own
16 campaign;
17 • contributes or loans funds totaling more than \$1.0 million to a committee to
18 support or oppose any candidate in the same election; or
19 • coordinates third-party contributions totaling more than \$1.0 million to any
20 committee to influence the candidate’s own election.

21 **Contribution limits.** Campaign contribution limits are established in the state
22 constitution and adjusted for inflation every four years. These limits restrict the amount
23 of money a person can donate to a candidate in a specific election cycle, which includes
24 the primary and general elections, as indicated in Table 1. The current limits reflect
25 adjustments made in 2015.

26 **Table 1. Campaign Contribution Limits per Election Cycle**

Election	Individual and Political Committee Contribution Limit
Governor/Lt. Governor	\$1,150
Secretary of State	\$1,150
Attorney General	\$1,150
State Treasurer	\$1,150
State Senate	\$400
State House of Representatives	\$400
State Board of Education	\$400
CU Regent	\$400
District Attorney	\$400

Source: Colorado Secretary of State.

1 In addition to collecting contributions from others, a candidate may make unlimited
2 contributions from personal funds to his or her own campaign. Further, certain types of
3 committees, including independent expenditure committees, may accept unlimited funds
4 to support the election or defeat of a candidate, as long as they do not coordinate their
5 activities or expenditures with any candidate. Since January 1, 2010, four candidates in
6 statewide races have contributed or loaned over \$1.0 million to their own campaigns.

*For information on those issue committees that support or oppose the measures on the ballot at the **November 6, 2018**, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:*

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

7 **Argument For**

8 1) Wealthy candidates have an unfair advantage in elections because current
9 campaign finance laws allow them to contribute vast sums of their personal
10 resources to their own campaigns. Colorado's current limits on individual
11 contributions are among the lowest in the country, and candidates who rely on
12 individual contributions are at a significant disadvantage in communicating their
13 message to voters. Amendment ? offers an effective way to encourage
14 competitive elections.

15 **Argument Against**

16 1) Colorado's campaign finance system is broken, and this measure further
17 complicates the system without truly addressing financial disparities among
18 candidates. This increase in campaign contribution limits will allow all
19 candidates, including wealthy candidates, to collect more money, further inflating
20 election spending. Opening the door to more money is not the way to fix
21 Colorado's campaign finance system.

22 **Estimate of Fiscal Impact**

23 **State expenditures.** Amendment ? will result in a one-time cost of \$15,000 in
24 FY 2018-19 in the Department of State to make modifications to the state's campaign
25 finance tracking system.

Last Draft as Mailed to Interested Parties

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24 FY 2018-19 in the Department of State to make modifications to the state's campaign
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Last Draft Comments from Interested Parties

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Legislative Council Staff received no comments on the last draft mailed to interested persons.

**Initiative #173
Campaign Contributions
Contact List**

Jeremiah Barry
Office of Legislative Legal Services
jerry.barry @ state.co.us

Senator Greg Brophy
senatorbrophy@gmail.com

Richard Brown
dickscuba@gmail.com

Kelly Byrne
American Votes
kbyrne@americavotes.org

Sherry Ellebracht
Regional Transportation District
sherry.ellebracht@rtd-denver.com

Tim Griesmer
Colorado Department of State
tim.griesmer@sos.state.co.us

Lauren Lambert
Governor's Office
lauren.lambert@state.co.us

Kurtis Morrison
Governor's Office
kurtis.morrison@state.co.us

Representative B.J. Nikkel
bjnikkel@gmail.com

Tim Pollard
trpollard@eissolutions.com

Suzanne Staiert
Secretary of State
suzanne.staiert@sos.state.co.us

Gwen Benevento
Holland and Hart
gabenevento@hollandhart.com

Nate Brown
Colorado House of Representatives
nate.brown.cohouse@gmail.com

Douglas Bruce
taxcutter@msn.com

Aaron Cohen
3PG Consulting
AaronMarkCohen@gmail.com

Senator Stephen Fenberg
stephen.fenberg.senate@state.co.us

Mark G. Grueskin
Recht Kornfeld - Attorneys at Law
mark@rklawpc.com

Representative Frank McNulty
frank@frankmcnulty.com
frank@squarestatellc.com

Nicole Myers
Office of Legislative Legal Services
nicole.myers@state.co.us

Natalie O'Donnell Wood
The Bell Policy Center
wood@bellpolicy.org

Jan Rose
motor.mouth.jan@gmail.com

Lee Stroud
leestroud2@msn.com

Initiative 173
Campaign Contributions

1 **Ballot Title:** Shall there be an amendment to the Colorado constitution providing that if
2 any candidate in a primary or general election for state office directs more than one million dollars
3 in support of his or her own election, then every candidate for that office in the same election may
4 accept five times the amount of campaign contributions normally allowed?

5 *Be it Enacted by the People of the State of Colorado:*

6 **Article XXVIII, SECTION 3** in the constitution of the state of Colorado, is amended by
7 addition of subsection (14) as follows:

8 (14) Notwithstanding any conflicting provision in statute or the constitution, in order to
9 prevent undue influence of a large contribution in a state election, if a candidate subject to the
10 contribution limits set forth in subsection (1) of this section directs more than one million dollars
11 to support his or her election, then all candidates in the same election shall be entitled to accept
12 aggregate contributions for a primary and general election at five times the rate authorized by
13 subsection (1) of this section. For purposes of this subsection, "directs more than one million
14 dollars to support his or her election" includes: (a) A candidate contributing or loaning more than
15 one million dollars to his or her candidate committee; (b) A candidate contributing or loaning more
16 than one million dollars to a committee or other entity for the purpose of supporting or opposing
17 any candidate in the same election; and (c) A candidate facilitating or coordinating third party
18 contributions amounting to more than one million dollars to any committee or organization for the
19 purpose of influencing the candidate's own election. Nothing in this subsection shall be construed
20 as authorizing any corporate contributions of any kind. If any provision in this subsection is
21 invalidated, the remaining provisions of this subsection shall remain effective.