

# Spring 2014



## Citizens United Comes to Colorado

The group that successfully argued in front of the US Supreme Court in *Citizens United v FEC* that it should be allowed to independently spend unlimited amounts of money to support a candidate (Hillary Clinton in that case) for public office is coming to Colorado to do even more damage.

They want to come in to Colorado and influence the contentious races we have on the ballot this fall. Not only do they want to bring in their out-of-state money, they want permission not to disclose it. In a campaign finance climate where we're already being hammered by Dark Money groups using the 501(c)4 tax status to skirt disclosure laws, Citizens United wants permission from our Secretary of State to use the press exemption to keep their spending secret from us - the voters. There is a public hearing on June 3 at the Secretary of State's office. To get more information about how to be involved in fighting back, visit [www.commoncause.org/CO/NoCitizensUnitedInCO](http://www.commoncause.org/CO/NoCitizensUnitedInCO) (just made this up; we can change it)



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## Legislative Wrap-Up

Another Colorado General Assembly session came to a close May 7. Like most years it was been a bumpy ride as we worked to defend our good laws, tried to beat back attempts to create bad laws, and did our best to advance good democracy policy in Colorado. Take a look at some highlights here and explore the other bills at [www.commoncause.org/CO/2014Session](http://www.commoncause.org/CO/2014Session).

### Open Government

**HB14-1193 Research and Retrieval Fees for Public Records Requests.** The bill puts a cap on the amount of money a government agency can charge a member of the public for research and retrieval of public records to \$30 an hour, including at least the first hour free. Records custodians are also required to publish their fees before charging them.

**HB14-1303 Public Testimony from Remote Locations.** The bill allows for remote legislative testimony, including a requirement that at least one location be on the Western Slope. The bill encourages collaboration with universities and their facilities.

**HB14-1390 Legal Standing of the Public in Open Meetings Laws.** This new law clarifies that any member of the public has legal standing to defend our open meetings laws when they are broken by public bodies.

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## Letter from the Chair

Nan Morehead

Chair, Colorado Common Cause Board of Directors

Spring is upon us, and we're spending a lot of it up at the State Capitol. Successfully fighting attacks on our voting rights and attempts to weaken our ethics laws, as well as advancing a bill that caps fees for open records requests. We are also working hard to make sure your telephone bills don't go up, and for consumer protections for the new internet based voice service quickly replacing telephones for many of us.

We are also recovering from the devastating loss of Common Cause President Bob Edgar's death from a heart attack last year. The staff and board members all over the country pulled together and kept the ship moving forward these last several months. But after a challenging year we are delighted to have new leadership with incoming Common Cause President and CEO Miles Rappaport. He brings a diverse set of experience and skills. He ran Connecticut's elections as Connecticut Secretary of State, served as a state legislator, founded and led several citizen organizations working on political reform, consumer protection, racial equality, and economic justice issues and spent the last 13 years heading the public interest group Demos. He took Demos from a small startup to a major research organization advancing economic and democratic justice.

We hope you will join us in welcoming this fantastic new leader.

Sincerely,

Nan Morehead



## Groups Come Together in Colorado Springs

A coalition of community groups held a series of public discussions on how to improve local elections. The coalition identified possible areas of change in the city election code that could increase voter turnout and make the election process easier for citizens. The goal is greater representation and citizen engagement. At the meetings, they discussed: Holding city elections in Novembers of odd-numbered years instead of April; Changing the number of council districts; Majority vs. plurality elections; Redistricting on the census cycle. The participating groups are analyzing the information from these sessions now and plan to move forward with suggested reforms in the coming months.



## Planned Giving

Through a bequest, you can create a permanent legacy supporting open, honest, and accountable government. You can make a gift to Colorado Common Cause by simply including the following language in your will: "I devise to Colorado Common Cause [insert amount of bequest or estate distribution percentage] to be used for the furtherance of its mission." For more information, please contact Elena Nunez at 303-292-2163.

## 4 Ways to Plug In

E-Activism: Sign up at [CommonCause.org/CauseNet](http://CommonCause.org/CauseNet)

Facebook: [Facebook.com/ColoradoCommonCause](http://Facebook.com/ColoradoCommonCause)

Twitter: [Twitter.com/CommonCauseCO](http://Twitter.com/CommonCauseCO)

Blog: [CommonBlog.com/in-the-states/Colorado](http://CommonBlog.com/in-the-states/Colorado)

### Contact Us

Elena Nunez, Executive Director  
[ENunez@CommonCause.org](mailto:ENunez@CommonCause.org)  
Katie Fleming Dahl Associate Director  
[KDahl@CommonCause.org](mailto:KDahl@CommonCause.org)  
Elizabeth Steele, Just Vote Manager  
[ESTeele@CommonCause.org](mailto:ESTeele@CommonCause.org)  
(303) 292-2163  
1536 Wynkoop Street  
Suite 300  
Denver, CO 80202

## CCC in the Courts

**Safeguarding election results.** The town of Center, Colorado became ground zero for an elections fight that will have broader implications for elections all over Colorado. A Colorado voting group tried to sue to have Center's recall election voided, because the local ballot counting process left an opening for our secret ballot rights to be violated. After looking at all the evidence, Colorado Common Cause filed an amicus brief to support protecting the election results. Although Center's counting process was flawed, there was no indication that ballot secrecy had in fact been violated. Elections should not be used as tools for other agendas. If all rights were preserved in an election, the integrity of the election demands the results are upheld. The Colorado Supreme Court agreed, and preserved the results, and voting rights, of the residents of Center.

**Protecting Independent Ethics Commission authority.** After an Independent Ethics Commission (IEC) ruling that Secretary of State Scott Gessler improperly use public funds for political activities and for personal gain, the Secretary filed suit against the IEC itself. He argued the IEC did not have jurisdiction over an ethics matter like his, among other things. Colorado Common Cause filed an amicus brief with the Court in defense of the IEC. "Not content simply to ask this Court to overrule the decision of the Independent Ethics Commission ("IEC") on the merits, the Secretary argues that the IEC lacked jurisdiction to even consider the complaint against him because the complaint did not assert a violation of Amendment 41's gift ban. . . . Adoption of this argument would have a profoundly negative impact on the ability of the IEC to serve its purpose to ensure that government officials conduct the people's business with the utmost transparency and integrity." A Denver District Court agreed with us, citing the clear language of our ethics laws that give the Independent Ethics Commission jurisdiction over ethics matters.

**Fighting for transparency in elections spending.** In a case CCC has been fighting for years now, Secretary of State Scott Gessler tried to increase the amount of dark money in our elections by writing rules that run counter to the State Constitution. Not only does he not have the authority make pieces of Constitution void, after continuous losses in court the Secretary appealed all the way to the Colorado Supreme Court. CCC argued our case in front the seven member court early in March.

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## Legislative Wrap-Up (continued)

### Initiative Process

HCR14-1002 Signature Requirement for Constitutional Initiatives. HCR 1002 would have placed a referred measure on the fall ballot to double the number of signatures required for constitutional amendments proposed by initiative process, thereby making the process more difficult for ordinary Coloradans and leaving it in place for the wealthiest interests. The bill also required a geographic distribution of signatures that would have allowed one part of the state to act as gatekeeper when the rest of the state wants to see something on the ballot.

### Ethics in Government

HB14-1258 Independent Ethics Commission Restrictions. The bill attempted to hold Commissioners personally liable for actions of the IEC. If passed the Commissioners themselves, in their personal capacities, would have had to pay any damages to a public official if the official prevailed in a complaint alleging that his or her rights were infringed upon. No other officials are held to such a standard. It would have had a chilling effect on the work of these volunteer Commissioners.



1536 Wynkoop Street  
#302  
Denver, CO 80202  
303-292-2163

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