

# Wiley Rein Files *Amicus* Brief in Colorado Campaign Finance Challenge

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Wiley Rein recently filed a brief of *amici curiae* in the Colorado Supreme Court in a case that will determine whether pro bono and discounted legal services constitute a “contribution” within the meaning of Colorado’s campaign finance law. The brief, filed on behalf of three individuals with firsthand experience attempting to navigate the state’s campaign finance regime, argues that treating legal services as contributions will burden political speakers throughout the state.

The underlying case is *Coloradans for a Better Future v. Campaign Integrity Watchdog*, in which the petitioner is challenging a Colorado Court of Appeals ruling that it violated Colorado’s campaign finance laws by not disclosing the value of pro bono legal services as a “contribution.” The lower court’s decision could have far-reaching effects for political speakers in Colorado, many of whom are subject to contribution limits and donor disclosure obligations.

The three *amici* are present or former Colorado residents who became entangled in campaign finance lawsuits over the past decade after speaking publicly on matters of importance to them. Because of the complexity and broad reach of Colorado’s campaign finance laws, they were either uncertain or wholly unaware that their actions were regulated by campaign finance laws. For example, one of the *amici* participated with several of her neighbors in an informal effort to oppose their neighborhood’s annexation to a larger town. This group of neighbors was blindsided when the proponents of the annexation filed a campaign finance lawsuit against them – as permitted under Colorado’s private enforcement system – for failing to register and report with the state as an “issue committee.”

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## Practice Areas

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Through their experiences with Colorado's campaign finance regime, the *amici* illustrate the burdens and practical challenges ordinary citizens face when attempting to navigate the state's campaign finance laws. They also demonstrate the necessity of access to affordable legal counsel, both to assist in complying with the law and to defend against lawsuits brought under the state's private enforcement system. At some point in the *amici's* respective cases, each relied on pro bono counsel to protect and vindicate her First Amendment rights.

The case is ongoing, and we expect to provide updates in future issues. If you have any questions about campaign finance activities in Colorado or around the country, we are available to discuss them with you.