

PRESS RELEASE

# Wiley Rein Files *Amicus* Brief in Colorado Supreme Court Supporting First Amendment Rights of Individuals Burdened by Complex Campaign Finance Laws

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*Washington, DC*—Wiley Rein has filed an *amicus* brief in the Colorado Supreme Court on behalf of petitioner Coloradans for a Better Future. The brief describes the three *amicus*'s firsthand experiences attempting to navigate Colorado's burdensome campaign finance framework.

In *Coloradans for a Better Future v. Campaign Integrity Watchdog*, the petitioner seeks to overturn a Colorado Court of Appeals ruling that pro bono and discounted legal services are "contributions" within the meaning of Colorado's campaign finance law. Wiley Rein's brief argues that the ruling will burden political speakers throughout the state by making it more difficult to obtain legal counsel to assist them in complying with Colorado's campaign finance system and in defending against litigation that occurs under the state's private enforcement system.

The case relates to two radio advertisements that the petitioner ran during the 2012 Republican primary for the Colorado Board of Regents. The loser of the race and principal officer of Campaign Integrity Watchdog, Matthew Arnold, filed suit against Coloradans for a Better Future claiming the group violated Colorado's campaign finance laws by not disclosing the value of pro bono legal services as

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## Practice Areas

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Election Law & Government Ethics

a “contribution.” The Colorado Court of Appeals agreed with his position, ruling that pro bono and discounted legal services constitute a contribution under Colorado law. Coloradans for a Better Future petitioned the Colorado Supreme Court to review this decision, and the Court granted certiorari on September 8, 2016.

The three *amici*, Diana Brickell, Tammy Holland, and Karen Sampson, are present or former Colorado residents who have become entangled in similar 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, these three women were either uncertain or wholly unaware that their actions were regulated by campaign finance laws. Two of the three *amici* were subjected to lawsuits by opponents who disagreed with their opinions, under a private enforcement system in which there is no review of a complaint’s merits before it triggers a full-blown enforcement proceeding.

In its conclusion, Wiley Rein’s brief stated: “The *amici* have experienced firsthand the Colorado campaign finance regime’s chilling effect on the speech of ordinary citizens. The body of law is complicated and not easily understood, and it is so far-reaching that speakers may be unaware that their activities are covered. Under the private enforcement system, even activity wholly outside the scope of the campaign finance law can subject a speaker to a private lawsuit.”

Robert L. Walker, of counsel in Wiley Rein’s Election Law & Government Ethics Practice, and associate A. Louisa Brooks prepared and filed the *amicus* brief with the Colorado Supreme Court on October 20, 2016.

To read a copy of the brief, please [click here](#).