COLORADO SUPREME COURT 2 East 14th Avenue Denver, Colorado 80203	DATE FILED October 29, 2025 10:09 PM FILING ID: AADB89A7A958B CASE NUMBER: 2024SC540
COLORADO COURT OF APPEALS Case No. 2022CA2245 Opinion by Honorable Jerry J. Jones. Honorable Robert Hawthorne, concurring Honorable Timothy Schutz, dissenting	
DISTRICT COURT, CITY & COUNTY OF DENVER Case No. 2021CV33166 Honorable Marie Avery Moses	
Petitioners: CHRISTOPHER BEALL, in his official capacity as Colorado Deputy Secretary of State; and JENA GRISWOLD, in her official capacity as Colorado Secretary of State., **v.** **Respondent:** NO ON EE – A BAD DEAL FOR COLORADO, issue committee.	**▲COURT USE ONLY▲**
Attorneys for Amicus Curiae Colorado Common Cause: Kendra N. Beckwith, #40154 Cassidy Francies, #62182 Claire P. Tate, #62231 WOMBLE BOND DICKINSON (US) LLP 1601 19th Street, Suite 1000 Denver, Colorado 80202 303.623.9000 kendra.beckwith@wbd-us.com cassidy.francies@wbd-us.com claire.tate@wbd-us.com	Case No. 2024SC540

AMICUS BRIEF OF COLORADO COMMON CAUSE IN SUPPORT OF PETITIONERS

CERTIFICATE OF COMPLIANCE

I hereby certify this brief complies with all the requirements of C.A.R. 29 and C.A.R. 32, including all formatting requirements listed in these rules. Specifically, the undersigned certifies that:

The brief complies with the applicable 4,750-word limit because it contains 3,893 words. The amicus brief complies with the content requirement and form in C.A.R. 29(c). I acknowledge my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 29 and C.A.R. 32.

October 29, 2025

s/ Kendra N. Beckwith

TABLE OF CONTENTS

CERTIFICATE OF COMPLIANCE i
TABLE OF CONTENTS ii
TABLE OF AUTHORITIES iv
INTRODUCTION 1
STATEMENT OF IDENTITY AND INTEREST 3
A. Colorado Common Cause is a non-profit citizens' advocacy group working for open, honest, and accountable government. . 3
B. Colorado Common Cause has an interest in preserving and protecting Colorado's campaign finance disclosure statutes and the neutrality of Colorado's judicial system. 4
ARGUMENT 5
I. This Court should clarify and protect the standard to bring a facial challenge. 5
A. Clarity is needed to ensure a sufficient record is developed from which the parties may vigorously argue. 6
B. Courts should not overtake a party's responsibility to present vigorous argument. 9
II. This Court should also reverse the division's decision to prevent erosion of Colorado's campaign finance reforms. 11
A. The Majority's narrow interpretation of what constitutes a "substantial relation" merits this Court's scrutiny. 13
i. Disclosure requirements advance Colorado's interest by supplying voters with information that directly influences their electoral decision-making. 15
ii. The actual burden on First Amendment rights is negligible and the administrative burden imposed by the requirement is low. 16

iii. Listing a registered agent bolsters accountability by providing voters with a person with whom to communicate. 17

B. This Court should reverse the division's decision to ensure Colorado's campaign finance reform statutes continue to meaningfully connect voters to human beings to obtain information. 19

CONCLUSION 20

CERTIFICATE OF SERVICE 22

TABLE OF AUTHORITIES

Cases

Ams. For Prosperity Found. v. Bonta,
594 U.S. 595 (2021) 7, 13

Aurora Pub. Schs. v. A.S.,
2023 CO 39 8

Castro v. United States,
540 U.S. 375 (2003) 5, 9

Citizens United v. Fed. Elec. Comm'n,
558 U.S. 310, 366–67 (2010) 13

City of Greenwood Vill. v. Petitioners for Proposed City of Centennial,
3 P.3d 427, 440 (Colo. 2000) 6

Dee Enters. v. Indus. Claim Appeals Off. of State of Colo.,
89 P.3d 430 (Colo. App. 2003) 10

Doe v. Reed,
561 U.S. 186 (2010) 13

Lucero v. People,
2017 CO 49 2

Masterpiece Cakeshop, Inc. v. Scardina,
2024 CO 67 9

Moody v. NetChoice, LLC,
603 U.S. 707 (2024) ..... passim

People v. Graves,
2016 CO 15 6

People v. Moreno,
2022 CO 15 ..... 7, 11

People v. Rediger,
2018 CO 32 10

United States v. Rahimi,
602 U.S. 680 (2024) 7

United States v. Stevens,
559 U.S. 460 (2010) 8

Warne v. Hall,
2016 CO 50 8

Statutes

§ 1-45-107.5(5), C.R.S. (2025) 1

§ 1-45-108(3), C.R.S. (2025) 16

§ 1-45-108.3(3), C.R.S. (2025) 1

Rules

C.A.R. 49 11

Regulations

8 Colo. Code Regs. 1505-6:1.28 17

Constitutional Provisions

Colo. Const. art. XXVIII 11

Colo. Const. art. XXVIII § 1 12

Colo. Const. art. XXVIII § 7. 12

Legislative History

H.B. 1370, 67th Gen. Assemb., 2d Reg. Sess., 2010 Colo. Sess. Laws 1240 12

Other Authorities

Abby K. Wood, *"Dark Money" and the Informational Benefit of Campaign Finance Disclosure* 17–10
(Uni. S. Cal. L. Sch., Working Paper No. 254, 2017) 14, 16

Abby K. Wood, *Learning from Campaign Finance Information*,
70 Emory L.J. 1091 (2021) 15, 16, 17

Christian R. Grose & Abby K. Wood, *Campaign Finance Transparency Affects Legislators' Election Outcomes and Behavior*,
66 Am. J. Pol. Sci. 516 (2021) 19

Gwen Patton, *Challenging the Campaign Finance System as a Voting Rights Barrier: A Legal Strategy*,
43 How. L.J. 65, 82 (1999) 19

Logan M. Davis, *The Redprint: How Advance Colorado and Anonymous Donors Shape the Political Landscape*,
Colorado Times Recorder, Aug. 2025 15

TRACER,
https://tracer.sos.colorado.gov/publicsite/searchpages/committeesearch.aspx
..... 18

INTRODUCTION

This case presents two questions of importance in Colorado law. The first is whether, when a party absolutely fails to make an argument, much less a record, on an issue, a court may still on its own initiative address the issue. The second is whether—given the compelling public interests Colorado's registered agent requirement serves and provides to Coloradans—the Majority below erred in invalidating it as facially unconstitutional. Colorado Common Cause respectfully submits to this Court that the answers are no and yes, respectively.

Colorado campaign finance law requires issue committees to identify on their campaign communications their registered agent's name. § 1-45-108.3(1), C.R.S. (2025); § 1-45-107.5(5), C.R.S. (2025). The Majority below declared this requirement facially unconstitutional under the First Amendment because it lacked a "substantial relationship between the compelled disclosure requirement and a sufficiently important government interest." Op. ¶ 34.

The Majority reached this issue even though Respondent No on EE – A Bad Deal for Colorado, Issue Committee ("No on EE") (1) never made a claim in the district court that the statute was facially invalid; (2) never argued the legal standards applicable to a facial challenge on appeal (or identified where in the

record below it was raised); and (3) never bothered to file a reply brief supporting the claim's preservation after the Secretary of State Petitioners argued it was unpreserved. A less ideal set of circumstances in which to facially invalidate a statute—a claim the United States Supreme Court instructs should be hard to win—is difficult to imagine.

The Majority's decision to continue forward and do so causes Colorado Common Cause great concern on three fronts. First, it is well-recognized that "'facial challenges threaten to short circuit the democratic process' by preventing duly enacted laws from being implemented in constitutional ways." *Moody v. NetChoice, LLC*, 603 U.S. 707, 723 (2024) (quoting *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 450–51 (2008)). Courts should not do so when preservation is questionable and the record is undeveloped.

Second, the Majority's decision eschews the party presentation doctrine, a well-established legal principle in Colorado law that ensures that parties, rather than courts, frame the issues for decision. *See Lucero v. People*, 2017 CO 49, ¶ 26. This, in turn, preserves the court's role as a neutral arbiter of matters parties bring before it. *Greenlaw v. United States*, 554 U.S. 237, 243 (2008). Ensuring the neutrality and sanctity of the judiciary has never been more important, and

Colorado Common Cause urges this Court to faithfully adhere to the party presentation doctrine to preserve these important values.

Finally, yet equally troubling, the Majority reads into the standard for succeeding on a facial challenge a requirement that the disclosed information directly convey substantive information on which a voter will rely. *See* Op. ¶¶ 31–32. This narrow reading does violence to U.S. Supreme Court jurisprudence and creates further unnecessary hurdles to campaign finance reform laws in Colorado.

This Court should reverse the decision to clarify the standard for bringing a claim to facially invalidate a statute and to correct this erroneous analysis.

STATEMENT OF IDENTITY AND INTEREST

A. Colorado Common Cause is a non-profit citizens' advocacy group working for open, honest, and accountable government.

Amicus curiae Colorado Common Cause is a state chapter of Common Cause, a national non-profit citizens' advocacy group that works to ensure open, honest, and accountable government at the national, state, and local levels. Founded in 1970, Common Cause has over 1.5 million members and supporters nationwide and approximately 10,000 members and supporters in Colorado. Common Cause long has been a supporter and proponent of campaign finance reforms across the nation. Citizens, lawmakers, and journalists rely on Colorado

Common Cause for credible, non-partisan information about the corrupting influence of money in politics and the need for increased disclosure and transparency in candidate and issue campaigns.

B. Colorado Common Cause has an interest in preserving and protecting Colorado's campaign finance disclosure statutes and the neutrality of Colorado's judicial system.

Colorado Common Cause is interested in this case for three reasons.

First, Colorado law should be clear as to the standard for bringing facial challenges to campaign finance reform statutes like section 1-45-108.3. The lack of this clarity presently allows courts to invalidate duly enacted statutes without the benefit of a record fully developed by the parties. This threatens the separation of powers and relaxes the standards to prove a claim that already "often rest[s] on speculation." *Moody*, 603 U.S. at 723 (quoting *Wash. State Grange*, 552 U.S. at 450).

Second, the registered agent requirement provides Colorado voters with essential information concerning issue committees—a reality the Dissent recognized. Op. ¶¶ 40–90 (Schutz, J., dissenting). Colorado Common Cause is interested in contextualizing for this Court why the registered agent requirement is

important to Colorado voters and ensuring this vital part of Colorado's campaign finance laws remains intact.

Finally, allowing the Majority's opinion to stand threatens the neutral principles at the core of Colorado's judiciary. It is well-established that "[o]ur adversary system is designed around the premise that the parties know what is best for them, and are responsible for advancing the facts and arguments entitling them to relief." *Castro v. United States*, 540 U.S. 375, 386 (2003) (Scalia, J., concurring in part and concurring in judgment). Allowing courts to sua sponte address principles unaddressed or raised by the parties threatens these values and creates a limitless principle by which courts, rather than parties, decide what issues will be raised. Protecting a structure in which this usurpation of the parties' role is allowed greatly concerns Colorado Common Cause.

ARGUMENT

I. This Court should clarify and protect the standard to bring a facial challenge.

This issue arose from the district court's good-faith effort to ascertain the basis for No on EE's challenge to the statutes below. Because the district court believed it to be unclear "whether No on EE was making an as applied or facial

First Amendment challenge to the disclaimer requirement," it analyzed both. Nov. 8, 2022 Order at 7.

On appeal, the Dissent noted No on EE did "not even attempt to meet" its preservation obligation regarding the facial challenge and failed to even file a reply brief in response to Petitioners' argument that the issue was unpreserved. Op. ¶ 60. While the facial challenge was "effectively preserved" by the district court's order, the Dissent observed "No on EE wholly failed to develop" the challenge, both in the district and appellate courts. *Id.* ¶ 61. The Majority, however, embraced the facial challenge issue and addressed it on the merits. *Id.* ¶¶ 21–34.

It is atypical of amici to wade into preservation issues like this. However, given the gravity of the statutes at issue, the risk to the separation of powers this case presents, and the potential public policy implications that could result, Colorado Common Cause feels compelled to do so.

A. Clarity is needed to ensure a sufficient record is developed from which the parties may vigorously argue.

This Court has long acknowledged "declaring a statute unconstitutional is one of the gravest duties impressed on the courts." *People v. Graves*, 2016 CO 15, ¶ 9 (quoting *City of Greenwood Vill. v. Petitioners for Proposed City of Centennial*, 3 P.3d 427, 440 (Colo. 2000)). Facial challenges are disfavored. *Moody,* 603 U.S. at 723

(acknowledging the Supreme Court has made facial challenges "hard to win"); *see also United States v. Rahimi*, 602 U.S. 680, 693 (2024) (characterizing facial challenges as the "most difficult challenge to mount successfully").

The reason is simple: facial challenges "'threaten to short circuit the democratic process' by preventing duly enacted laws from being implemented in constitutional ways." *Moody*, 603 U.S. at 723 (quoting *Wash. State Grange*, 552 U.S. at 451). For this reason, Colorado law requires the party challenging the statute to prove it is unconstitutional beyond a reasonable doubt. *People v. Moreno*, 2022 CO 15, ¶ 9.

Colorado Common Cause urges this Court to clarify the level of proof necessary to sustain a facial challenge to a statute on First Amendment grounds. A court must still understand "the law's full set of applications" before entering facial relief. *Moody*, 603 U.S. at 718. A lower court's ruling on a facial challenge must identify the categories of regulated activity and actors—thereby providing the full set of applications *Moody* envisions. *Id.* at 724. To succeed, the challenging party must demonstrate "a substantial number of [the law's] applications are unconstitutional, judged in relation to the statute's plainly legitimate sweep." *Ams. For Prosperity Found. v. Bonta*, 594 U.S. 595, 615 (2021) (quoting *United States v.*

Stevens, 559 U.S. 460, 473 (2010)). In other words, "the law's unconstitutional applications [must] substantially outweigh its constitutional ones." *Moody*, 603 U.S. at 724.

A silent complaint, undeveloped and ambiguous argument in the district court, and mere citation to cases addressing facial challenges on appeal is not—and cannot be—sufficient to bring this type of challenge. It does not produce the record necessary to meet this test. At minimum, this paltry record does not give defendants like Petitioners sufficient notice of the claim so they may defend the law by showing in briefing the magnitude of constitutional applications that may exist. *See Warne v. Hall*, 2016 CO 50, ¶ 24 (rejecting notice pleading standard in favor of plausibility standard); *see also Aurora Pub. Schs. v. A.S.*, 2023 CO 39, ¶ 36 (holding constitutionality is question of law).

If the Majority's opinion remains, it will encourage litigants to erode the rigor of the standard the United States Supreme Court has dictated must apply to First Amendment facial challenges. *Moody*, 603 U.S. at 723. Precedent will exist allowing ambiguity and silence in pleadings to force district courts to prophylactically address facial challenges to avoid reversal on undeveloped records. This, in turn, results in statutes like those at issue here being declared facially

invalid without the fulsome record and vigorous advocacy that should exist before doing so.

B. Courts should not overtake a party's responsibility to present vigorous argument.

For related reasons, Colorado Common Cause urges this Court to reverse the decision of the Court of Appeals to ensure party presentation principles remain viable in Colorado jurisprudence—particularly in cases affecting important societal issues, like this one.

Under this principle, courts should "rely on the parties to frame the issues for decision and assign to courts the role of neutral arbiter of matters the parties present." *Greenlaw*, 554 U.S. at 243–44. This is because "parties know what is best for them, and are responsible for **advancing the facts and arguments** entitling them to relief." *Id.* at 244 (emphasis added) (quoting *Castro*, 540 U.S. at 386); *see Masterpiece Cakeshop, Inc. v. Scardina*, 2024 CO 67, ¶¶ 85–87 (Gabriel, J., dissenting and citing *Greenlaw*). The principle further ensures judicial restraint and neutrality in deciding cases, as well as affording a party "notice and a full and fair opportunity to be heard before a court decides an issue adversely to that party." *Id.* at ¶ 87.

When a litigant acts as No on EE did here—not even trying to "meet its obligation to provide a citation to the record where it preserved its facial challenge," Op. ¶ 60, addressing the question on its merits requires the court to assume the advocate's role. This places the constitutionality of statutes in a tenuous position, allowing courts to step into an advocate's shoes in an area of law indisputably intended to be demanding and "hard to win." *Moody*, 603 U.S. at 723.

It is also directly contrary to bedrock principles of Colorado appellate procedure. Affording a plaintiff making a facial challenge to a statute the "benefit of the doubt" on preservation develops a limitless principle, leaving preservation in the eye of the beholder.[1] Colorado law rejects this principle. Op. ¶¶ 63–64.

This discretion, in turn, invites a violation of the separation of powers. Indeed, it allows the court to exercise power "that is essential to another department's exercise of its constitutionally defined functions." *Dee Enters. v. Indus. Claim Appeals Off. of State of Colo.*, 89 P.3d 430, 433 (Colo. App. 2003) (citing *Colo. Gen. Assembly v. Lamm*, 700 P.2d 508 (Colo. 1985)). Invalidating a

[1] Indeed, given the frequency of facial challenges in criminal cases, adopting the Majority's analysis by default will only further muddy the already murky waters of *Rediger*'s waiver versus forfeiture analysis. *See People v. Rediger*, 2018 CO 32, ¶ 40.

statute on a clear facial challenge is one thing; exercising discretion to do so when the record is unclear whether the challenge was even made is another.

Moreover, to adopt such a lenient standard would effectively lessen the burden to prove unconstitutionality beyond a reasonable doubt. *Moreno*, ¶ 9. A litigant could, as it appears No on EE did here, merely utter a phrase or two during litigation, only to have courts pick up the argument to carry it over the finishing line.

Whether to invalidate a statute on its face should not be a thought exercise on an undeveloped record. Parties must be required to develop their record and vigorously argue their positions. For these reasons, Colorado Common Cause encourages this Court to reverse the decision of the appellate court on Petitioners' first issue. *See* C.A.R. 49(a), (b).

II. This Court should also reverse the division's decision to prevent erosion of Colorado's campaign finance reforms.

Coloradans have prioritized campaign finance reform for nearly thirty years. In 1996, a comprehensive campaign finance regulatory scheme was adopted by initiative. *See* Title I, Art. 45, C.R.S. (2025). In 2001, Coloradans amended Colorado's Constitution to make permanent their commitment to campaign and political finance reform. Colo. Const. art. XXVIII, § 1 *et seq.* These amendments

recognized "the interests of the public are best served by … strong enforcement of campaign finance requirements." *Id.* § 1. Among these are disclosure requirements, requiring candidate, political, and issue committees along with political parties to disclose certain information about their donors. *Id.* § 7.

These requirements were supplemented in 2010, when the General Assembly enacted several statutes in direct response to *Citizens United*. The General Assembly did so with the express intention of curing the "perception of purposefully anonymous interests attempting to influence the outcome" of elections. H.B. 1370, 67th Gen. Assemb., 2d Reg. Sess., 2010 Colo. Sess. Laws 1240, § 1. Colorado Common Cause strongly supported these, and other, campaign finance reforms when they were enacted. Among these was section 1-45-108.3, which requires disclosure of the issue committee's registered agent in the campaign communications. § 1-45-108.3(1), C. R. S. (2025); § 1-45-107.5(5)(a), C.R.S (2025).

The Majority concludes this requirement is unconstitutional because there is no substantial relationship between a registered agent and information that will help Colorado voters. Op. ¶¶ 29–32. Colorado Common Cause is deeply troubled by this conclusion because it contradicts decades of experience showing that voters

rely on disclosure information—both intuitively and empirically—to assess credibility, bias, and intent behind campaign messaging.

A. The Majority's narrow interpretation of what constitutes a "substantial relation" merits this Court's scrutiny.

The disclosure requirements pass a First Amendment challenge only if they survive "exacting scrutiny" and are "narrowly tailored" to the government's asserted interest in requiring the disclosure. *Bonta*, 594 U.S. at 607–12 (Roberts, C.J., joined by Kavanaugh and Barrett, JJ, in exacting scrutiny discussion and Thomas, Alito, Gorsuch, Kavanaugh and Barrett, JJ., in narrow tailoring discussion).

"Exacting scrutiny" requires a "'substantial relation' between the disclosure requirement and a 'sufficiently important' governmental interest." *Doe v. Reed*, 561 U.S. 186, 196 (2010) (quoting *Citizens United v. Fed. Elec. Comm'n*, 558 U.S. 310, 366–67 (2010)). The former requires that "the strength of the governmental interest must reflect the seriousness of the actual burden on First Amendment rights." *Id.* (citation modified).

Disclosure requirements advance the sufficiently important government interest of voter education and accountability through effective campaign finance transparency. The burden of the registered agent requirement is minimal, and the

requirement directly advances the state's objective for voter education and accountability.

Implicit in the Majority's analysis is the assumption that to satisfy the substantial relation analysis, disclosed information must directly convey substantive information a voter will rely on in casting their ballot or else the "exacting scrutiny" test becomes meaningless. Op. ¶¶ 31–32 (holding the registered agent's "identity may not tell the voter anything about where political money comes from"). However, research demonstrates the importance of disclosure and suggests that a registered agent's identity will enhance voters' ability to both evaluate who is behind political communications and assess the credibility of the message. *See* Abby K. Wood, *"Dark Money" and the Informational Benefit of Campaign Finance Disclosure* 17–10, 12 (Uni. S. Cal. L. Sch., Working Paper No. 254, 2017) (hereinafter *Dark Money*).[2] This misunderstanding necessitates this Court's reversal.

At base, the Majority's conclusion is that an issue committee's registered agent is meaningless and therefore cannot convey anything meaningful if disclosed. This is wrong and requires correction from this Court.

[2] https://law.bepress.com/cgi/viewcontent.cgi?article=1389&context=usclwps-lss

i. Disclosure requirements advance Colorado's interest by supplying voters with information that directly influences their electoral decision-making.

For some voters, the registered agent's name by itself is enough to convey meaning. Aside from conveying the existence of a real human, an increasingly larger demographic is astute enough to recognize registered agents as affiliated with a specific political party. For example, Colorado voters familiar with Michael Fields (the Fox31 Denver Political Analyst) would affiliate his name as a registered agent for an issue committee with right-leaning or Republican views. *See generally* Logan M. Davis, *The Redprint: How Advance Colorado and Anonymous Donors Shape the Political Landscape*, Colorado Times Recorder, Aug. 2025. Thus, when Alliance for Citizens' Tax Cut engages in a campaign communication to which his name is affixed, engaged Colorado voters can recognize the ideological perspectives of the committee.

In addition to providing voters with ideological cues, modern disclosure regimes provide voters with accountability and character signals. Abby K. Wood, *Learning from Campaign Finance Information*, 70 Emory L.J. 1091, 1113–16 (2021)

(hereinafter *Learning from Campaign Finance Information*).[3] The existence of a registered agent allows voters to discern who stands behind a message and whether the speaker complies with transparency rules. *Id.* Research demonstrates that voters penalize candidates who receive support from undisclosed donors even when they agree with the candidate's policy positions. *Dark Money*, *supra*, at 21–22 On the other hand, voluntary disclosure from candidates signals honesty and builds voter trust. *Id.* Listing a registered agent, therefore, will not only enhance voters' ability to evaluate who is behind the message but will also allow voters to address the credibility of the message. Research shows that listing a registered agent has a direct impact on how voters behave at the ballot box. *See Learning from Campaign Finance Information*, *supra*, at 1106–16.

ii. The actual burden on First Amendment rights is negligible and the administrative burden imposed by the requirement is low.

As the Dissent emphasizes, No on EE does **not** challenge the registered agent requirement. Op. ¶ 81. No on EE already filed with the Secretary of State its contact information, affiliated candidates and committees, and principal place of business, and registered agent's identity. *See* § 1-45-108(3), C.R.S. (2025). Any

[3] https://heinonline.org/HOL/Page?handle=hein.journals/emlj70&div=33&g_sent=1&casa_token=&collection=journals

argument that disclosing the same information on political communications is burdensome holds no weight and cannot be a basis to invalidate the statute.

The same rationale applies for any argument that requiring the name of a designated agent is too administratively burdensome. Disclosing the same information filed with the secretary of state on some political communications requires negligible administrative effort. Requiring the name of a registered agent on campaign communications is constitutional, administratively simple, and empirically validated method to ensure that voters can identify the source of their political messages. *See generally Learning from Campaign Finance Information*, *supra*, at 1107–16 .

iii. Listing a registered agent bolsters accountability by providing voters with a person with whom to communicate.

The Majority's restrictive definition of "substantial relation" ignores that listing a registered agent gives a voter a person with whom to communicate questions about the communication. The disclosure requirement tells voters who is responsible for the message and provides voters with an avenue for accountability and communication if campaign laws are violated. Colorado regulations explain that "Registered Agent" is a natural person "designated to receive mailings, to address concerns and questions regarding a committee, and is responsible for

timely filing campaign finance reports." 8 Colo. Code Regs. 1505-6:1.28. This regulation emphasizes the registered agent's role as a point of contact to address concerns and questions regarding a committee. Therefore, in addition to providing voters with an avenue for accountability, the disclosure requirement provides an avenue for a registered agent to perform their defined duty of answering questions from voters.

Further, "Registered Agent" is a searchable term in TRACER, the Secretary of State's campaign finance disclosure database.[4] This means a voter can use the information disclosed to locate further information about the issue committee itself—including all the information housed within that database. Moreover, searching by registered agent (rather than the issue committee's name) permits a voter to learn of all the organizations in which that person serves as a registered agent—another piece of helpful information.

In view of the foregoing, a "substantial relation" is proven and disclosing a registered agent's name provides information for Colorado voters.

[4] *See* TRACER, https://tracer.sos.colorado.gov/publicsite/searchpages/committeesearch.aspx (last accessed Oct. 29, 2025).

B. This Court should reverse the division's decision to ensure Colorado's campaign finance reform statutes continue to meaningfully connect voters to human beings to obtain information.

It is notable to Colorado Common Cause that, at its core, the dispute between the Majority and Dissent concerns whether disclosure of a "human being" is meaningful to Colorado Voters. Op. ¶¶ 32, 82. Disclosure of a human being affiliated with an issue committee is consistent with statute's intent to prevent anonymity in politics. Moreover, research supports that this "human being" connection is meaningful.

Campaign finance reform is intended to level the playing field for issues by limiting every organization the same way. Implementing restrictions like these, "can really increase the premium of ballot power because it will help to re-energize and re-engage those registered voters who have consistently failed to vote, and they have consistently failed to vote because there is no change at the polls." Gwen Patton, *Challenging the Campaign Finance System as a Voting Rights Barrier: A Legal Strategy*, 43 How. L.J. 65, 82 (1999). Further, transparency and compliance information materially affect electoral accountability: when audits or reporting reveal violations, legislators face lower vote margins and higher turnover. Christian

R. Grose & Abby K. Wood, *Campaign Finance Transparency Affects Legislators' Election Outcomes and Behavior*, 66 Am. J. Pol. Sci. 516, 531 (2021).[5]

The question of whether a "human being" matters in campaign finance reform is novel. To conclude as the Majority did—that disclosure of the registered agent is irrelevant to the voting public's decisions at the polls—ignores not only the rigorous and data-driven support for disclosure requirements, but also ignores the fundamental human connections on which the United States' political system is based. Knowing who is willing to stand behind a position and put their name on it matters.

CONCLUSION

Colorado Common Cause respectfully and earnestly joins Petitioners in requesting that this Court reverse the decision below, thereby ensuring judicial neutrality and preservation of Colorado's campaign finance reform laws.

[5] https://onlinelibrary.wiley.com/doi/pdfdirect/10.1111/ajps.12676

October 29, 2025

WOMBLE BOND DICKINSON (US) LLP

/s Kendra N. Beckwith
Kendra N. Beckwith, #40154

/s Cassidy Francies
Cassidy Francies, #62182

/s Claire P. Tate
Claire Tate, #62231

CERTIFICATE OF SERVICE

I certify I filed the foregoing with the Colorado Supreme Court on October 29, 2025 and served on all counsel of record through Colorado Courts E-file.

/s Kendra N. Beckwith