

STATE OF COLORADO
Department of State

1700 Broadway
Suite 250
Denver, CO 80290



Scott Gessler
Secretary of State

Suzanne Staiert
Deputy Secretary of State

October 16, 2014

Mr. David N. Bossie
President
Citizens United
1006 Pennsylvania Avenue SE
Washington, DC 20003

Re: Request for Advisory Opinion

Dear Mr. Bossie:

I have received your letter requesting clarification of Colorado's campaign finance law as it relates to advertisements for your upcoming film *Rocky Mountain Heist*. I have also received and viewed the advertisements that Citizens United plans to place in advance of the film's upcoming release date.

Though we disagree with the order issued by the U.S. Court of Appeals for the Tenth Circuit in *Citizens United v. Gessler*, the order requires me to treat you the same as a broadcast facility or a publisher of a print periodical for purposes of the exemptions from the reporting and disclosure requirements of article XXVIII of the Colorado Constitution.

Historically, Colorado broadcast facilities and publishers making exempt electioneering communications or expenditures have not disclosed the money raised for or spent on associated advertising because the activity falls within the regular scope and course of business. After reviewing your ads, it seems the same exemption would apply to Citizens United.

But just as it is my duty to provide you with guidance and reasonable interpretations of Colorado's campaign finance law, it is also my duty to notify you that this office does not provide legal advice, nor do we enforce Colorado's campaign finance laws. Rather, the Colorado Constitution allows any person to file a campaign finance complaint and requires me to forward that complaint to an Administrative Law Judge. Thus, though it seems to me that the advertisements are not subject to regulation, this letter doesn't prevent another party from taking action against you for not disclosing and reporting in accordance with Article XXVIII of the Colorado Constitution.

Finally, to the extent that you believe the Tenth Circuit's October 14 order requires additional clarification, I suggest that you seek, and my office would not oppose, clarification from the Tenth Circuit on this issue.

Sincerely,



Suzanne Staiert
Deputy Secretary of State