

SB 163 – Campaign Communication Disclosures

Senate Bill 163 attempts to address the issue of campaign communications in campaigns for state or local office that apparently have failed to provide sufficient clarity on who paid for the communication and whether a candidate authorized such communication. The issue of campaign finance reform has been a consistent theme in Washington, DC and federal court decisions have shown that any type of limitation on the First Amendment right to engage in political speech will receive tough scrutiny. See *Citizens United v. Federal Election Commission*, 558 U.S. 50 (2010). Such tough scrutiny would be especially likely where a violation of limitations on political speech would constitute a crime - as this legislation provides. It is my assessment that, while the legislation is well intended, the potential vagueness in what constitutes "general public political advertising or literature" and "any colorable imitation of the name of an existing person or organization" would constitute significant First Amendment concerns. Furthermore, as has been the case at the federal level, this legislation would likely add significant operational burdens to producing and distributing campaign messages in the variety of mediums that candidates and citizens now use to engage in political speech. Accordingly, **I VETO SB 163.**