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Options for Continued Reform of Money in Politics: Citizens United Is Not the End

By Nicole A. Gordon

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I. INTRODUCTION: WHAT LEGAL REFORMS REMAIN VIABLE POST-*CITIZENS UNITED*?

For those concerned with the pressing matter of the influence of money on politics, the 5-4 *Citizens United* decision¹ was a grave disappointment.² *Citizens United* approved corporations' rights to make independent political expenditures as a matter of First Amendment law.³ Before *Citizens United*, corporations were not permitted, at the federal level and in about half the states, to finance electioneering communications.⁴ Corporations could make limited political expenditures or fund "issue ads"—which could not overtly advocate the election or defeat of a specific candidate, but made it clear to the listener which candidate was supported—only through political action committees ("PAC's").⁵ *Citizens United*, however, permits corporations to make unlimited independent political expenditures explicitly in support of, or in opposition to, individual candidates.

Citizens United and similar cases⁶ have led to unfortunate law as well as to psychological impetus resulting in extraordinary spending, especially by individuals. Much of the actual increase in spending after the *Citizens United* cases has not been from publicly-traded for-profit corporations or their PAC's, as many feared would happen. Instead, much of it has been from individuals, often through various routes that hide their identity, even though they had (cumbersome) ways of making their contributions in the past.⁷ The much-increased spending by

¹ *Citizens United v. FEC*, 558 U.S. 310 (2010).

² A good bibliography of papers and books on campaign finance can be found at Campaign Finance Institute: http://cfinst.org/MoneyandPolitics_Bibliography.aspx.

³ Although *Citizens United* involved only a corporate entity, its reasoning is widely understood to have approved unions' rights to make independent expenditures as well.

⁴ See *infra* note 54.

⁵ Individuals could give up to \$5,000 to a PAC and, of course, could spend unlimited amounts "independently." See FEC, Contribution Limits for 2015-2016 Federal Elections, at <http://www.fec.gov/info/contriblimitschart1516.pdf>.

⁶ Other significant cases have addressed campaign finance issues in recent years and posed difficulties for the reform community, such as *McCutcheon v. FEC*, 134 S. Ct. 1434 (2014) (voiding federal limits on an individual's aggregate contributions to candidates, party committees, and PAC's); *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, 131 S. Ct. 2806 (2011) (holding that public funding programs may not attempt to equalize candidates' opportunities by providing additional public funds to publicly-financed candidates in direct response to the campaign activities of non-publicly financed candidates); *Davis v. FEC*, 554 U.S. 724 (2008) (holding unconstitutional the so-called "Millionaire's Provision," which relaxed contribution limits for candidates whose opponents spent more than a certain amount of personal funds on their own campaigns); and *SpeechNow.org v. FEC*, 599 F.3d 686 (D.C. Cir. 2010) (holding that limiting corporate contributions to political committees or non-profit organizations that make only independent expenditures violates the First Amendment). This article will use the phrase "*Citizens United* cases," to refer to these and other major cases related to campaign finance reform.

⁷ Michael J. Malbin, Robert G. Boatright, & Brendan Glavin, *Independent Expenditures in Congressional Primaries after Citizens United: Implications for Interest Groups, Incumbents, and Political Parties* (accepted for publication in *Interest Groups & Advocacy*) (2016), available at: http://cfinst.org/pdf/papers/Boatright-Malbin-Glavin_IEx-in-Primaries-after-CU.pdf.

individuals was undoubtedly spurred by a belief or sense that the *Citizens United* cases reflect the Supreme Court's endorsement of a virtual free-for-all for those of great means.

In the post-*Citizens United* campaign finance world, several major problems have been posed and exacerbated. Wealthy donors are able to exert greater influence in elections, which creates a greater potential for corruption. The rise of "dark money" also makes accountability impossible.⁸ Additionally, even in the absence of corruption, it is now even more difficult for average citizens to be heard or to run for office, allowing the interests of wealthy donors to distort policy priorities.⁹

The *Citizens United* cases, however, are not the end of campaign finance reform in the United States.¹⁰ In fact, nearly all aspects of campaign finance reform remain, technically speaking, unaffected by the *Citizens United* cases, notwithstanding the many deficiencies in the current state of campaign finance law.¹¹ This includes the failure of the Congress, the FEC, and the IRS to enact laws and rules (and police them) on disclosing permissible spending by 501(c)(4)'s and coordinated spending.¹²

This report describes campaign finance reforms that remain viable after *Citizens United*,

⁸ "Dark money" refers to the practice of avoiding disclosure requirements by making political expenditures through nonprofit organizations that are not required to disclose their donors. *See infra* section II.B.2.

⁹ A related point is that corporations are apparently exerting more pressure than in the past on employees to support their favored political candidates. *See* Paul Blumenthal, Huffington Post, Thanks to Citizens United, Your Boss Can Bring Politics into the Workplace (Feb. 16, 2016), available at: http://www.huffingtonpost.com/entry/citizens-united-workplace_us_56be5383e4b08ffac1255c74.

¹⁰ The 2015 presidential primaries have even demonstrated the limitations of the much-feared "super PAC's," whose influence has not turned out to be nearly as great as some had feared. Candidates such as Donald Trump and Bernie Sanders have proven themselves able to rise in the polls without the support of their own super PAC's. *See* Newsday, Editorial, America, Don't Despair: Democracy is Working (Feb. 10, 2016) ("Sanders and Trump together have undermined Citizens United and the power of the super PACs."), available at: <http://www.newsday.com/opinion/editorial/donald-trump-and-bernie-sanders-aren-t-the-end-of-america-1.11457432>; Emily Atkin, Think Progress, New Hampshire's Biggest Loser: The Super PAC (Feb. 11, 2016) ("voters came out in droves to cast ballots for two candidates who don't have super PACs"), available at: <http://thinkprogress.org/politics/2016/02/11/3748342/super-pac-new-hampshire/>. In the case of Mr. Trump, he is a self-funded candidate who has said he does not want or need Super PAC funding and has called them "scams." Paul Blumenthal, Huffington Post, *Donald Trump Takes Aim at Rivals' Super PAC Support* (Oct. 26, 2015), available at: http://www.huffingtonpost.com/entry/trump-super-pac-2016_562e6694e4b00aa54a4a8544. In the case of Senator Sanders, he has rejected Super PAC's on ideological grounds and has been able to sustain a campaign based primarily on small contributions from individuals. *See* Philip Bump, Washington Post, Donald Trump and Bernie Sanders Strike Huge Blows Against the System—But with One Key Difference (Feb. 10, 2016), available at: <https://www.washingtonpost.com/news/the-fix/wp/2016/02/10/donald-trump-and-bernie-sanders-strike-huge-blows-for-populism-but-with-one-very-key-difference/>.

¹¹ In particular, the Supreme Court's stated commitment to limiting spending that is not truly "independent" offers reformers significant opportunities to rein in coordinated spending. *See Citizens United*, 558 U.S. at 360.

¹² *See infra* section II.B. *See also* Ira Glasser & William Josephson, New York Times, Letters: Shedding Light on Dark Money (Feb. 5, 2016), available at: http://www.nytimes.com/2016/02/07/books/review/letters-shedding-light-on-dark-money.html?emc=eta1&_r=0, for a discussion of the failures of the IRS specifically.

including (1) public financing; (2) preventing “coordinated” expenditures; (3) disclosure and “dark money;” (4) contribution limits; and (5) effective enforcement. Reform in each of these areas can help ensure that average citizens’ voices are not drowned out by monied interests that fund political campaigns. This article concludes that, among the reforms, reformers should prioritize establishing public funding programs—with the caveat that those programs must include effective enforcement mechanisms, which are vital to the success of any reform effort. At this time, reformers should also focus their efforts at the state and local levels, where opportunities for reform appear to be more promising than at the federal level. Additionally, while reform efforts in all branches of government are desperately needed, concentrating on judicial elections in states that have them will be the strategy most likely to win reforms in the short term.¹³

II. MOST EFFECTIVE REFORMS TO PURSUE

A. PUBLIC FUNDING PROGRAMS TO INCREASE DONOR INFLUENCE—UNAFFECTED BY *CITIZENS UNITED*¹⁴

- All levels of government should establish public funding programs;
- Public funding should be contingent on the recipient’s agreement to stipulated conditions, such as participation in public debates or limits on contributions from other sources; and
- Laws should protect campaign finance agencies’ budgets as well as the public funding available to candidates.

1. Types of Public Funding

Among the most important words for reformers in the field of money and politics that have been uttered by the current U.S. Supreme Court are those of Justice Roberts in *Arizona Free Enterprise* (which post-dated *Citizens United*), explaining that “governments ‘may engage in public financing of election campaigns’ and that doing so can further ‘significant governmental interest[s],’ such as the state interest in ‘preventing corruption.’”¹⁵ *Arizona Free Enterprise* thus clearly affirms the constitutionality of matching funds and other public funding programs,

¹³ It should be understood that some of the reform efforts suggested here may be highly unlikely to be achieved. That is not to say, however, that they cannot be achieved or that no benefit is to be gained from the effort itself. As discussed below, challenging reform efforts have been successful in the past, and even those efforts that are ultimately not successful bring public attention to the issues and help to lay the foundation for future efforts. See *infra* Appendix A.

¹⁴ *But see* *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 131 S. Ct. 2806 (2011).

¹⁵ *Arizona Free Enterprise v. Bennett*, 131 S. Ct. 2806 (2011) (quoting *Buckley v. Valeo*, 424 US. 1, 57, n. 65, 92-93, 96 (1976)) (emphasis added). *But see* Richard L. Hasen, Reuters, *Opening the Political Money Chutes* (Apr. 7, 2014) (arguing that the Supreme Court has made it increasingly difficult to enact reform measures by narrowing the justifications for such regulation so that the justifications must essentially aim to prevent actual bribery), available at: <http://blogs.reuters.com/great-debate/2014/04/07/opening-the-political-money-chutes/>.

arguably the most important aspect of campaign finance reform. There are several forms of public funding programs, including: (a) matching funds; (b) “clean elections;” (c) tax rebates and credits; and (d) vouchers.¹⁶

a. Matching Funds

The matching funds model is a system by which the government provides matching funds for small private contributions that candidates collect. Candidates voluntarily opt into these systems. In some jurisdictions as much as \$6 in public money matches \$1 in private donations.¹⁷ In order to demonstrate that the candidate has some public support, candidates must first collect a certain amount in private funds from small contributions before they are eligible to receive public funding.

There are several reasons to prefer the matching model, including a record of high participation in matching programs by candidates and incentives for small donors to make contributions throughout the campaign period. Small donors thus have an opportunity for meaningful participation. There is also evidence that has analyzed how the war chests of candidates in comparable districts compare when there is a matching system available and when there is not. When a candidate participates in a matching system, the small contributions in combination with the public matching funds he or she receives can generate a very substantial proportion of his or her overall funding, and thus are extremely meaningful to the candidate. These participating candidates are less dependent on large contributions from wealthy donors. Where no such matching system exists for otherwise equivalent campaigns, the result is a war chest that relies heavily on high-end donors to the exclusion of “average” voters.¹⁸ Making it easier for citizens with limited means to contribute to political campaigns may also encourage other civic behavior, including voting.¹⁹

¹⁶ Hybrid models may also be employed by combining two or more of the above approaches. See Mark Schmitt, Small-Donor Empowerment: A New Menu of Options to Strengthen the Voice of Citizens, *New America* (April 29, 2015), <http://www.newamerica.org/political-reform/small-donor-empowerment/> (identifying “areas for possible research and experimentation, including hybrid systems”).

¹⁷ See, e.g., N.Y.C. Admin. Code § 3-705(2)(a).

¹⁸ See Michael J. Malbin, Brendan Glavin, & Peter W. Bruscoe, *Small Donors, Big Democracy: New York City’s Matching Funds as a Model for the Nation and States*, 11 *ELECTION L.J.* 3 (2012), available at <http://online.liebertpub.com/doi/pdfplus/10.1089/elj.2010.0099>.

¹⁹ A study is underway by the New York City Campaign Finance Board with the CUNY Graduate Center that seeks to establish whether there is a connection between small donor contributions and other civic engagement. The preliminary findings are impressive—in the 2013 Democratic primary contributors were three times more likely to vote than those who did not. See New York City Campaign Finance Board, Blog, *Public Financing: What’s the Return on Investment at the Voting Booth* (Aug. 26, 2015), available at: <http://www.nycffb.info/media/blog/public-financing-ROI-voting-booth>.

Programs that match private citizens' contributions have been experimented with by numerous states and local governments. For example, New York City,²⁰ Los Angeles,²¹ and Tucson, Arizona²² each have matching funds programs in place. A new federal matching funds program, known as the Government By the People Act, has been proposed in Congress.²³ That bill is supported by many civic groups²⁴ and has 60 co-sponsors in the House including one Republican co-sponsor.²⁵

b. Clean Elections

"Clean elections" programs provide a flat grant that represents all or most of the funding that is permitted, for election spending for the candidates who choose to join these programs. Like matching programs, candidates typically must demonstrate the candidate's public support by collecting a certain number of small donations in order to qualify for public funding. Maine was one of the first states to implement a clean elections program.²⁶ Other states, such as Connecticut²⁷ and Arizona,²⁸ have followed Maine's example. Although the *Arizona Free Enterprise* case significantly weakened Maine's regime (and others like it) by undermining the states' ability to provide escalating public funds for candidates who are opposed by high-spending candidates,²⁹ Maine voters recently approved measures to reinvigorate its program by

²⁰ NEW YORK, N.Y., ADMIN. CODE tit. 3, ch. 7.

²¹ LOS ANGELES, CAL., MUNICIPAL CODE ch. IV, art. 9.7.

²² TUCSON, ARIZ., CODE OF ORDINANCES § 12-93.

²³ H.R. 20, 113th Cong. (2014) (also known as the Sarbanes Bill). The status of the bill may be tracked on govtrack.us, <https://www.govtrack.us/congress/bills/113/hr20>.

²⁴ See, e.g., Adam Lioz, *The Government by the People Act*, DEMOS (Feb. 5 2014), <http://www.demos.org/publication/government-people-act> (Demos); Lee Drutman, *The Government by the People Act Would Give 'Citizens United' a Run for Its Money*, MOYERS & COMPANY (Feb. 19, 2015), <http://billmoyers.com/2015/02/19/seizing-political-opportunity-can-give-citizens-united-run-money/> (Every Voice and Bill Moyers, written by Lee Drutman of New America); *Sign On: Government by the People Act*, BOLDPROGRESSIVES.ORG, http://act.boldprogressives.org/survey/survey_gov_ofbyus/ (last visited Jan. 16, 2016) (Progressive Campaign Change Committee). See also *Government by the People Act Supporters*, OFBY.US, <http://ofby.us/supporters/> (last visited Jan. 16, 2016) (providing a list of organizations who endorse the Act).

²⁵ North Carolina Republican representative Walter B. Jones, Jr., was an original co-sponsor. See *Government by the People Act Supporters*, OFBY.US, <http://ofby.us/supporters/> (last visited Jan. 16, 2016).

²⁶ See The Maine Clean Election Act, 21-A ME. REV. STAT. ch. 14 (2015). See also Paul Blumenthal, The Huffington Post, Maine Voters Hope to Restore Their Revolutionary Election System (Sept. 4, 2015), available at: http://www.huffingtonpost.com/entry/maine-campaign-finance-reform_55e8bf3be4b093be51bafa2e.

²⁷ Conn. Gen. Stat. §§ 9-700 to -751.

²⁸ Ariz. Rev. Stat. §§ 16-940 to -961.

²⁹ *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, 131 S. Ct. 2806 (2011); Adam Liptak, *Justices Strike Down Arizona Campaign Finance Law*, NEW YORK TIMES (June 27, 2011), available at: <http://www.nytimes.com/2011/06/28/us/politics/28campaign.html>. Participation in the Maine program has been

increasing the amount of public funding available and raising spending limits for publicly funded candidates.³⁰

c. Tax Rebates and Credits

Tax rebates or credits for small contributions can be made available to donors who apply to the relevant agency for a refund. Tax credits and tax refunds for campaign contributions have been used in several states, including Arkansas³¹ and Minnesota.³² For example, in Minnesota a taxpayer may claim a tax refund of up to \$50 for qualified contributions.³³ Republican John Pudner of Alabama, whose “Take Back the Republic” supports campaign finance reform from a conservative viewpoint, favors tax credits.³⁴ Former Wisconsin Republican Congressman Tom Petri favors tax credits and tax deductions.³⁵

Tax credits, however, may favor only those individuals who earn enough to pay income taxes, unless they are properly structured. If a credit may only be used to offset a taxpayers’ existing tax liability, taxpayers who do not earn enough to be subject to income taxation will receive no benefit from the credit. To avoid this inequity, tax credits should be refundable to the extent the credit exceeds the taxpayer’s tax liability.

d. Vouchers

Vouchers may be given by the government for citizens to contribute to a candidate or party. In late 2015, Seattle voters approved a new voucher initiative that will make Seattle “the first U.S. city to give public money to citizens to encourage civic participation in campaign financing.”³⁶

declining since, and there was record low participation during the last election cycle. *See* Mario Moretto, *Barely Half of Maine’s Legislative Candidates Tap Public Campaign Fund, a Record Low Since Clean Election Act Passed*, BDN MAINE (Oct. 24, 2014, 12:36 PM), available at: <http://bangordailynews.com/2014/10/01/the-point/barely-half-of-maines-legislative-candidates-will-tap-public-campaign-fund-a-record-low-since-clean-election-act-passed>.

³⁰ A.J. Higgins, MPBN News, *Maine Votes to Strengthen Clean Elections Laws* (Nov. 4, 2015), available at: <http://news.mpbnet.net/post/maine-votes-strengthen-clean-elections-laws>. The initiative also imposes new disclosure requirements and increases the penalties for violations of the state’s campaign finance laws.

³¹ Ark. Code § 7-6-222.

³² Minnesota’s political contribution refund program has been suspended for contributions made between July 1, 2015 and June 30, 2017. *See* Minnesota Revenue website, available at: http://www.revenue.state.mn.us/individuals/individ_income/Pages/whats-new-PCR.aspx.

³³ Minn. Stat. 290.06, subd. 23.

³⁴ *See* Take Back Our Republic, *Taxes and Political Contributions* (last visited Jan. 16, 2016), available at: <http://www.takeback.org/content/page/Educational-Papers#taxes>.

³⁵ Andy Kroll, Mother Jones, *Republicans—Yes Republicans—Are Joining the Battle Against Big Money Politics* (Nov. 25, 2013), available at: <http://www.motherjones.com/mojo/2013/11/house-republicans-public-financing-campaign-finance-reform>.

³⁶ David Kroman, Crosscut, *Seattle Just Changed the Way We Pay For Local Political Campaigns* (Nov. 4, 2015),

Beginning in 2017, Seattle voters will receive four \$25 vouchers to give to candidates of their choice. Candidates must agree to comply with certain restrictions in order to be eligible to use the vouchers.³⁷

One benefit of voucher systems (in contrast to matching systems) is that they make it possible for voters to express their political views, even if they do not have the financial resources to make any contribution at all.³⁸ Voucher systems can create very complex scenarios that might undermine their usefulness, however. One concern about this model is that it could lead to citizens “selling” their vouchers to other people. These others could then use the vouchers for candidates they favor even if the original owner of the vouchers might have chosen a different candidate, but is willing to give up his/her voucher for payment or otherwise.

2. Establishing Public Funding Programs

Since *Citizens United* has made it more difficult to cap excessive political spending, reformers should instead focus on establishing public funding programs, such as those mentioned above, to move more of the locus of funding resources from a high end “donor class” to a larger number of small donors. The importance of providing public funds through any of these models cannot be overstated.³⁹ First, they can in fact give small donors’ contributions a much greater presence in candidates’ war chests, thus enhancing the influence of small donors. As stated above, small donor matching funds also attract participants into the political process who are otherwise less likely to be active.⁴⁰ Second, they can liberate candidates to a significant degree

available at: <http://crosscut.com/2015/11/the-lowdown-on-seattles-campaign-finance-experiment/>.

³⁷ [[Seattle, Wash., Municipal Code ch. 2.04.600. (not yet codified)]]

³⁸ See, e.g., Gene Johnson, U.S. News & World Report, Seattle Aims to Get Average Joes Into Elections with \$100 in Vouchers They Can Give Candidates (Nov. 18, 2015), available at: <http://www.usnews.com/news/politics/articles/2015/11/18/seattle-gives-cash-to-turn-average-joe-into-political-player>.

³⁹ See MICHAEL J. MALBIN, CAMPAIGN FINANCE INSTITUTE, CITIZEN FUNDING FOR ELECTIONS: WHAT DO WE KNOW? WHAT ARE THE EFFECTS? WHAT ARE THE OPTIONS? (2015), available at http://www.cfinst.org/pdf/books-reports/CFI_CitizenFundingforElections.pdf.

⁴⁰ See Michael J. Malbin, Brendan Glavin, & Peter W. Bruscoe, *Small Donors, Big Democracy: New York City’s Matching Funds as a Model for the Nation and States*, 11 ELECTION L.J. 3 (2012), available at <http://online.liebertpub.com/doi/pdfplus/10.1089/elj.2010.0099> (discussing the use of “incentives to increase the number and importance of low-dollar donors” and providing empirical evidence that matching funds can not only increase the number and proportional role of small donors, but also “help shift the *demographic and class profile* of those who give”). See also ELISABETH GENN ET AL., CAMPAIGN FIN. INST. & BRENNAN CTR. FOR JUSTICE, DONOR DIVERSITY THROUGH PUBLIC MATCHING FUNDS 27 (2012) (comparing donor behavior in New York City Council districts, which have a matching program, to State Assembly districts in New York City, which do not, and concluding, among other things, that “[s]mall donors to 2009 City Council candidates came from a much broader array of city neighborhoods than did the city’s small donors to 2010 Assembly candidates” and that the data “support the claim that small donor matching funds help bring participants into the political process who traditionally are less likely to be active”), available at <http://www.cfinst.org/pdf/state/NY/DonorDiversity.pdf>.

from the job of raising money, allowing candidates to concentrate on policy and on engaging with their constituents. Third, they assist candidates who do take office in carrying out their responsibilities as office-holders by reducing the importance of pleasing large donors.⁴¹

In addition, it has been suggested that when small donors contribute, they may also exhibit other kinds of citizen engagement—other than making campaign contributions—that is healthy for democracy, such as volunteering, involvement in campaigns (in addition to giving contributions), and voting.⁴² These are tremendous achievements for campaign finance reform. And in light of the Supreme Court’s explicit recognition of public funding for the purpose (at the least) of curbing corruption, this is a ripe area for reform. Public funding programs may also impose certain conditions on a candidate’s acceptance of public funding, including contribution limits, expenditure limits, or participation in mandatory debates.

Today, thirteen state governments⁴³ have public funding programs in place. Although ultimately unsuccessful, vibrant efforts to enact reform measures in New York State in 2014 suggest continuing action in the foreseeable future. Public funding programs have also been established by local governments. In 2014, Montgomery County passed the first matching fund program since *Citizens United*.⁴⁴ It is also notable that Maryland’s statewide public funding program has been revitalized and the current Republican governor, Larry Hogan, was significantly assisted by his participation in it during the Fall 2014 elections.⁴⁵ A Chicago municipal advisory referendum overwhelmingly approved a public matching funds proposal for a vote.⁴⁶

However difficult it is to pass public financing through legislatures, one thing must be remembered: the cost of these programs is minuscule notwithstanding many claims to the contrary, and the benefits are incalculable. New York City’s Republican Mayor Rudolph Giuliani stated in 1991 that: “The amount of money [distributed through the public financing program] is, in the budget of New York City . . . infinitesimal. You can’t find it. It’s a

⁴¹ See J. MIJIN CHA & MILES RAPOPORT, DEMOS, FRESH START: THE IMPACT OF PUBLIC CAMPAIGN FINANCING IN CONNECTICUT (2013), available at http://www.demos.org/sites/default/files/publications/FreshStart_PublicFinancingCT_0.pdf.

⁴² See supra note 19.

⁴³ See National Conference of State Legislatures, State Public Financing Options: 2015-2016 Election Cycle, available at: <http://www.ncsl.org/Portals/1/documents/legismgt/elect/StatePublicFinancingOptionsChart2015.pdf>.

⁴⁴ See COMMON CAUSE, <http://www.commoncause.org/states/maryland/issues/money-in-politics/clean-elections/> (last visited Jan. 16, 2016).

⁴⁵ See Matthew Cella & Kellan Howell, Washington Times, *Larry Hogan Gets Unprecedented Win In Governor’s Race On Public Financing* (Nov. 5, 2014), available at: <http://www.washingtontimes.com/news/2014/nov/5/larry-hogan-vows-a-bipartisan-administration-in-mar/?page=all>.

⁴⁶ Gregg Levine, *Chicago Voters Overwhelmingly Endorse Campaign Finance Reform*, THE SCRUTINEER (Feb. 25, 2015, 12:52 PM), available at: <http://america.aljazeera.com/blogs/scrutineer/2015/2/25/chicago-voters-overwhelmingly-endorse-campaign-finance-reform.html>.

percentage of a percentage of a percentage of a percentage.”⁴⁷

In New York State, a small-donor matching system of public financing might cost about \$41 million per year over the course of four years, or \$2.12 per New Yorker per year. Even at a cost of \$41 million, that would only be 0.003% of the state budget. Administrative and enforcement costs would add another \$17 to \$21 million per year, for a total annual cost of about \$60 million.⁴⁸ Maine’s campaign financing system draws only \$2 million from the state’s general fund each year, and has been estimated to cost residents about \$2 a year.⁴⁹ In Arizona, the Citizens’ Clean Elections Commission paid out over \$5.3 million to candidates in 2014, without drawing from the state’s general fund at all.⁵⁰ In the 2014 election, gubernatorial candidates received \$753,616 for the primary election, and candidates for the position of corporate commissioner received \$97,620 for the primary election and \$146,430 for the general election.⁵¹ Legislative candidates received \$15,253 for the primary election and \$22,880 for the general election.

The funding for Arizona’s program comes mainly from a 10% surcharge on civil penalties and criminal fines.⁵² Funding for public funding programs also typically comes from tax check-offs, tax add-ons, and general funds. Reformers, however, should push to ensure that campaign finance programs have more secure funding. In New York City, for example, the public funds for candidates and for funding the agency are protected under the New York City Charter.⁵³

⁴⁷ NEW YORK CITY CAMPAIGN FINANCE BOARD, 1 A DECADE OF REFORM 1988–1998 61 (1998), *available at* https://www.nyccfb.info/PDF/per/98_PER-Vol.I.pdf, (quoting *Campaign Finance Board 1991 Hearings*, vol. 1, at 86 (testimony of Rudolf Giuliani)).

⁴⁸ Press Release, Campaign Finance Institute, CFI’s Malbin Presents Testimony to NY’s Moreland Commission on Public Corruption (Oct. 28, 2013), *available at*: http://www.cfinst.org/Press/PReleases/13-10-28/CFI%E2%80%99s_Malbin_Presents_Testimony_to_NY%E2%80%99s_Moreland_Commission_on_Public_Corruption.aspx; Steven M. Levin, Center for Governmental Studies, Keeping It Clean: Public Financing in American Elections 13 (2006) (“The cost of even the largest public financing programs (like those in Arizona and New York City) represent only a small fraction of the jurisdiction’s [sic] budget. Between 1998 and 2001, for example, New York City disbursed \$42.7 million in public funds out of a budget of \$146.6 billion—only 0.003 percent of the total budget.”), *available at* http://users.polisci.wisc.edu/kmayer/466/Keeping_It_Clean.pdf.

⁴⁹ MAINE CITIZENS FOR CLEAN ELECTIONS, FREQUENTLY ASKED QUESTIONS ABOUT THE MAINE CLEAN ELECTIONS ACT (2010), *available at* https://www.mainecelelections.org/sites/default/files/fact_sheets/2010_08_Frequently_Asked_Questions.pdf.

⁵⁰ Citizens’ Clean Elections Commission, Annual Report p. 10 (2014), *available at*: http://www.azcleelections.gov/docs/default-source/publications/2014annualreport_final.pdf?sfvrsn=0.

⁵¹ Citizens’ Clean Elections Commission, Annual Report p. 13, 22 (2014), *available at*: http://www.azcleelections.gov/docs/default-source/publications/2014annualreport_final.pdf?sfvrsn=0.

⁵² Citizens’ Clean Elections Commission, Annual Report p. 10 (2014), *available at*: http://www.azcleelections.gov/docs/default-source/publications/2014annualreport_final.pdf?sfvrsn=0.

⁵³ See *infra* Appendix G.

B. REGULATION OF POLITICAL EXPENDITURES BY CORPORATIONS—LARGELY UNAFFECTED BY *CITIZENS UNITED*

- The independence of political expenditures should be policed to determine legality of fundraising activities;
- The burden should be on candidates and PAC's to prove that spending is not "coordinated" whenever certain factors are present (e.g., a PAC uses identical language to candidates' materials or photos from the candidate's campaign materials);
- Individuals who have close family or working relationships with a candidate should be precluded from making independent expenditures on behalf of that candidate for a specified period of time (similar to revolving door ethics rules in Congress); and
- The FEC should tighten the definition of "foreign corporation" so that non-citizens do not have influence over American elections.

1. Coordination

Pre-*Citizens United*, as briefly mentioned above, corporations were not permitted, at the federal level and in about half the states, to finance independent expenditures or certain other electioneering communications.⁵⁴ Currently, it would seem that the action of the Court, combined with the inaction of the FEC, has rendered these expenditures entirely unlimited. It is important to remember, however, that, as emphasized by the Supreme Court, expenditures must in fact be "independent," or "uncoordinated," and that is an area that remains to be fully exploited.

Thus, the definition of what is "independent" or "coordinated" spending is crucial to effective campaign finance regulation.⁵⁵ Explaining the meaning of its regulations on "coordination," the FEC has stated:

When an individual or political committee pays for a communication that is coordinated with a candidate or party committee, the communication is considered an in-kind contribution to that candidate or party committee and is subject to the limits, prohibitions and reporting requirements of the federal campaign finance law.

In general, a payment for a communication is "coordinated" if it is made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee or their agents, or a political party committee or its agents.⁵⁶

⁵⁴ Federal Election Commission, *The Federal Election Campaign Laws: A Short History* (1998), available at: <http://www.fec.gov/info/appfour.htm>.

⁵⁵ See *Citizens United*, 558 U.S. at 360.

⁵⁶ FEC, *Coordinated Communications and Independent Expenditures*,

Notwithstanding the above, the FEC has failed to enforce its regulations on independent spending. No matter what regime is in place, regulation of independent expenditures to prevent coordination is meaningless without a strong enforcement mechanism. And the definition of “independent” and “coordinated” seems to become, in practice, murkier every day.⁵⁷

Part of the problem is that the FEC regulations cover expenditures, but not fundraising. For example, the FEC regulations permit a candidate to appear at an event held by an “independent” entity and solicit funding at that event as long as the candidate abides by the federal solicitation limit and personally makes no “ask” for contributions.⁵⁸ Some states and localities, however, have better addressed the issue of preventing coordination through fundraising. The Brennan Center testified on the (ultimately successful) Philadelphia initiative that:

Philadelphia would not be the first jurisdiction to enact a rule taking into account candidate fundraising for an outside group to determine whether that group’s expenditures in the candidate’s race are coordinated. Recently, for example, Minnesota’s Campaign Finance and Public Disclosure Board determined that ‘fundraising for, or promotion of, an [independent expenditure committee] constitutes cooperation that destroys the independence of any subsequent expenditures made . . . to affect the Candidate’s election.’ Similarly, under Connecticut law as interpreted by its State Elections Enforcement Commission, candidate fundraising for an outside group can be evidence of coordination.⁵⁹

Another approach to help prevent coordinated spending, used in New York City, is to define “coordination” so that when certain criteria are met, political spending is presumed to be coordinated with a campaign.⁶⁰ Of course the campaign has the opportunity to rebut the rules’ presumption.

Another difficulty in preventing coordinated spending is that many Super PAC’s are run by individuals closely related to the candidate. Super PAC’s for Republicans, such as Ben Carson and Jeb Bush, are advised by friends and allies who “intimately know their candidate’s

<http://www.fec.gov/pages/brochures/indexp.shtml#CC> (explaining 11 C.F.R. § 109.21).

⁵⁷ Steve Benen, MSNBC, *Nothing Like This Has Been Done Before* (Apr. 23, 2015), available at: <http://www.msnbc.com/rachel-maddow-show/nothing-has-been-done>.

⁵⁸ FEC Advisory Opinion, 2011-12 (June 30, 2011), available at: <http://saos.fec.gov/aodocs/AO%202011-12.pdf>.

⁵⁹ Testimony of Daniel I. Weiner to the Philadelphia Board of Ethics (Sept. 17, 2014), available at: <https://www.brennancenter.org/sites/default/files/analysis/Brennan%20Center%20Testimony%20--%20Philadelphia%20BOE%20for%209%2017%2014%20Hearing%20%282%29.pdf> (footnotes omitted).

⁶⁰ See N.Y.C. Campaign Fin. Bd. Rule 1-08(f); N.Y.C. Campaign Fin. Bd. Advisory Opinion 2009-7 (Aug. 6, 2009), available at: <http://www.nycfb.info/law/advisory-opinions/2009-7-guidance-law-relating-third-party-expenditures>; N.Y.C. Campaign Fin. Bd. Advisory Opinion 2013-1 (Jan. 10, 2013), available at: <http://www.nycfb.info/law/advisory-opinions/2013-1-clarification-independent-activity-and-kind-contributions>.

thinking.”⁶¹ Similarly, a number of close friends and supporters of Hillary Clinton are deeply involved in running a Super PAC supporting her presidential nomination.⁶² This difficulty could be lessened to an extent by precluding individuals who have close family or working relationships with the candidate from making independent expenditures on behalf of the candidate for a specified period of time (similar to revolving door ethics rules in Congress).

One of the most comprehensive proposals to combat coordinated spending has been Democracy 21’s “Model Bill.” The Model Bill would deem a Super PAC to be “coordinated” with a candidate if the candidate, the candidate’s agents, advisers, or family has been involved in establishing, managing, advising, or fundraising for the Super PAC.⁶³

2. Foreign Interests

Another concern is that corporations controlled by foreign interests could be making political expenditures. Ways must be found to ensure that existing prohibitions on contributions from foreign nationals are not undermined by corporate campaign spending. This is an issue of particular concern to Take Back Our Republic, an organization that seeks to reform campaign finances consistent with conservative principles.⁶⁴ This could be addressed by having the FEC define a “foreign corporation” (which is already forbidden by law to make political expenditures) as one the majority of whose board members are non-citizens or which has non-citizen shareholders who have a controlling interest in the corporation. As a result, corporations would be prohibited by FEC regulation from engaging in political spending.⁶⁵

C. ENHANCED DISCLOSURE AND REGULATION OF ALL POLITICAL SPENDING—UNAFFECTED BY *CITIZENS UNITED*

- The IRS should conform its regulation on 501(c)(4) organization political spending to the law, to prevent opportunities for “dark money” spending;

⁶¹ <http://www.latimes.com/nation/la-na-politics-superpacs-impact-20151005-story.html>.

⁶² <http://www.nytimes.com/politics/first-draft/2015/07/02/super-pac-raises-15-6-million-for-hillary-clinton-campaign/>.

⁶³ Democracy 21, Summary of Democracy 21 Model Bill to Shut Down Individual-Candidate

Super PACs and Prevent Coordination Between Outside Spending Groups and Candidates (Mar. 19, 2015), available at: <http://www.democracy21.org/wp-content/uploads/2015/03/SUMMARY-DEMOCRACY-21-MODEL-BILL-TO-SHUT-DOWN-INDIVIDUAL-CANDIDATE-SUPER-PACS-3-19-15.pdf>.

⁶⁴ See Take Back Our Republic, *National Security/No Foreign Contributions* (last visited Jan. 16, 2016), available at: <http://www.takeback.org/content/page/Educational-Papers>.

⁶⁵ In an ideal world, corporations would also be required to file confirmation that a majority of their board members and any shareholders holding a controlling interest are not foreign nationals and therefore prohibited from political spending in the United States.

- Disclosure systems should encompass all political spending activity, including “independent” expenditures;
- Congress and the states should require campaign advertisements to be “approved” and attributed to the donor on the face of the advertisements;
- Comprehensive public disclosure should be adopted that would allow all citizens to see the actual sources of private funding for elections, regardless of the legal form of the spender;
- The SEC should require detailed information on corporate political spending; and
- If not accomplished by law, non-governmental entities should work to persuade corporations to disclose their political spending and to set up accountability structures for their political expenditures.

1. Dark Money

Disclosure is an essential (but insufficient) condition of meaningful campaign finance reform. Disclosure assists reform, but is not itself a solution to the issues. As Professor Lawrence Lessig has said, comparing disclosure to the video stream of the BP oil spill, “[t]he point is to stop the guck from pouring into the Gulf, not to see it more clearly.”⁶⁶ Nevertheless, disclosure enhances enforcement of campaign finance laws and regulations by exposing to the public who gives what to whom, and permitting researchers, including those at enforcement agencies, to study important matters of concern to a democracy, such as the relationships among donors and recipients of funding (including across jurisdictions); relationships between funding and the steps toward passage or rejection of legislation; and connections between money spent and voting.

In general, the focus on disclosure has been on direct contributions to campaigns. At the federal level, disclosure is required for contributions of \$200 or more.⁶⁷ After *Citizens United*, however, the focus on disclosure must also be directed toward “independent” expenditures that are now permitted to be made in unlimited amounts by corporations.⁶⁸ Independent spending, in particular, should be regulated to avoid misuse of tax-deductible funds.

Tremendous—but reparable—loopholes permit tax exempt 501(c)(4) entities to make political expenditures and circumvent federal disclosure requirements. This is a result of IRS

⁶⁶ James Warren, NY Daily News, *His Mouth Where His Money Is: Larry Lessig's Righteous Crusade* (Nov. 16, 2014), available at: <http://www.nydailynews.com/opinion/mouth-money-article-1.2011596>.

⁶⁷ See FEC, *The FEC and the Federal Finance Law* (updated Jan. 2015), available at: <http://www.fec.gov/pages/brochures/fecfeca.shtml#Disclosure>. Some argue that the amount is too low, has not kept up with inflation, and should be raised to \$500 to protect free speech and privacy rights. See, e.g., Take Back Our Republic at <http://www.takeback.org/content/page/Educational-Papers#sthash.6zFECEWf.dpuf>

⁶⁸ As noted above, individuals could always make unlimited independent expenditures.

administration of the Internal Revenue Code. This error, which concerns 501(c)(4) non-profit organizations or “civic leagues,” has arisen because a critical IRS regulation is not faithful to the statute to which it pertains. The Internal Revenue Code permits “civic leagues” that are “operated *exclusively* for promotion of social welfare” and whose net earnings “are devoted *exclusively* to charitable, educational, or recreational purposes” to function as tax-exempt organizations.⁶⁹ These tax-exempt organizations are not required to disclose the names of donors who give them money, and there is no limit on the amount that a donor can give.

One would think that charitable, educational, and recreational organizations would have nothing to do with political campaigns. The regulations promulgated by the IRS, however, significantly depart from the statute, providing that “[a]n organization is operated *exclusively* for the promotion of social welfare if it is *primarily* engaged in promoting in some way the common good and general welfare of the people of the community.”⁷⁰ And groups that have obtained 501(c)(4) status have interpreted the “primary activity” requirement to refer to 51% of their activity, leaving them free to spend 49% of their total expenditures on political campaign activities without losing tax-exempt status.⁷¹ The IRS has not challenged this practice.

From time to time the IRS has considered changing the regulation to bring it into line with the statute, but it has never done so. The results are staggering. In the 2012 election cycle, unaccountable 501(c)(4) tax-exempt organizations spent over \$257 million on political campaigns.⁷² The IRS currently has a petition before it for a change in the rule.⁷³ Only strong citizen activism on this subject can bring about correction of this absurd misuse of language.

Meanwhile, from a different angle, the Bright Lines Project of Public Citizen has proposed guidance in an IRS rulemaking underway for 501(c)(4) and other tax-exempt organizations on political spending. The Project proposes that the IRS give detailed guidance to define political activity (or “political intervention”) that will clarify comprehensively what is and is not legitimate to do under the existing IRS regulations. As the Project says, it is attempting to state “a method for judging cases of potential political intervention, accompanied by definitions that can capture more or less activity, depending on how one wants to draw lines that encourage free

⁶⁹ 26 U.S.C. § 501(c)(4)(A) (emphasis added).

⁷⁰ 26 C.F.R. § 1.501(c)(4)-1(a)(2)(i) (emphasis added).

⁷¹ Without that status, the unrestricted and undisclosed donations they receive would be significantly taxed.

⁷² See Center For Responsive Politics, *Outside Spending*, http://www.opensecrets.org/outsidespending/fes_summ.php?cycle=2012 (last visited Jan. 16, 2016).

⁷³ See Adam Rappaport, CREW, *The Dark Money Debate* (Jan. 2014), available at: http://crew.3cdn.net/02b75a2bf943386815_9bm6b5shs.pdf; see also CREW, *CREW Calls on IRS to Amend Rule Allowing Social Welfare Groups to Engage in Political Activity*, <http://www.citizensforethics.org/legal-filings/entry/crew-irs-rulemaking-petition-social-welfare-groups-political-activity> (last visited Jan. 16, 2016).

speech while discouraging tax abuse.”⁷⁴ The rulemaking—and the Project’s submission—may at least lead to reasonable rules governing political activity by tax-exempt organizations.

The federal government also currently requires that campaign advertisements include “adequate notice of the identity of the person or political committee that paid for and, where required, that authorized the communication.”⁷⁵ The attribution is often, however, simply the name of an innocuous-sounding organization, like “Americans for Apple Pie,” while the actual donors remain anonymous. Avoiding attribution is easily accomplished by the use of shell corporations or non-profit organizations as intermediaries to shield individual donors’ identities by having shell corporations make political donations on their behalf. Under current law, if a donor contributes to a shell corporation, which then donates that money to a Super PAC, the Super PAC must disclose only the name of the shell corporation—allowing the original donor to remain anonymous.⁷⁶

Disclosure of innocuous-sounding organizational spending tells the public nothing. Meaningful disclosure would reveal who is behind the spending. The DISCLOSE Act of 2014 is an example of a comprehensive bill that has been proposed at the federal level to establish additional disclosure requirements.⁷⁷ If passed, the DISCLOSE Act would reveal the actual sources of political spending by requiring organizations that transfer more than \$50,000 to other organizations to disclose their donors to the recipients, who in turn would be required to disclose those donors in their own disclosure reports.⁷⁸ California,⁷⁹ Maryland,⁸⁰ and Connecticut⁸¹ are currently among national leaders in requiring disclosure of the ultimate donors to organizations that spend on political activities. In April, 2015, Montana passed

⁷⁴ See Public Citizen, *The Bright Lines Project* (Nov. 15, 2014), available at: <http://www.citizen.org/documents/2014-11-15%20draft%20Regs%20and%20Cover%20FINAL.pdf>.

⁷⁵ 11 C.F.R. § 110.11; 52 U.S.C. § 30120.

⁷⁶ See Richard Briffault, *Updating Disclosure for the New Era of Independent Spending*, 27 J.L. & Pol. 683 (2012).

⁷⁷ Information about the bill is available at <https://www.opencongress.org/bill/hr5175-111/show>.

⁷⁸ David Earley, The Hill, *DISCLOSE Act Crucial to Transparency of Federal Election Spending* (July 23, 2014), available at: <http://thehill.com/blogs/congress-blog/politics/213005-disclose-act-crucial-to-transparency-of-federal-election>. New York City currently has a similar pass-through provision in place. See New York City Campaign Finance Board, NYC Says No To “Dark Money” Elections (Dec. 9, 2014), available at: <http://www.nyccfb.info/media/blog/nyc-says-no-dark-money-elections>.

⁷⁹ See Ron Jacobs & Larry Norton, Venable LLP, *New California Disclosure Rules for 501(c) Organizations that Make Independent Expenditures* (June 8, 2012), available at: <http://www.politicallawbriefing.com/2012/06/new-california-disclosure-rules-for-501c-organizations-that-make-independent-expenditures/>.

⁸⁰ See MD Code, Election Law § 13-306(e).

⁸¹ See Kim Hynes, Common Cause Connecticut, *Outside Spending and Influence in the Connecticut 2012 Election* (Apr. 14, 2014), available at: <http://www.commoncause.org/states/connecticut/issues/money-in-politics/citizens-united/outside-spending-2012.pdf>.

sweeping disclosure laws, which will address independent expenditures and dark money.⁸² It remains to be seen how successfully the laws will be implemented. New York City has comprehensive independent expenditure disclosure laws, which require organizations that make independent expenditures to disclose the names of their owners and CEO's, and any contributors who give more than \$50,000—including the names of owners, executive officers, and board members of any contributor organization.⁸³

2. Other Disclosure Issues

The SEC is another body with the power to increase political spending disclosure. The Brennan Center for Justice, among many others, has advocated for SEC regulations “requiring public corporations to disclose all of their political expenditures on a periodic basis.”⁸⁴ Noting that the SEC “has received more than one million public comments, the most in agency history, petitioning for a rule to require publicly traded corporations to disclose their political spending,” Demos states that the SEC “has the authority and the responsibility to promulgate this rule for the protection of investors and in the public interest in response [to] the newly allowed corporate political spending resulting from *Citizens United*.”⁸⁵ According to the Corporate Reform Coalition, “holding management accountable and ensuring that political spending decisions are made transparently and in pursuit of sound business is important for both the market and for democracy.”⁸⁶

An SEC regulation would have the additional benefit of replacing ad hoc aggregations of information obtained through inconsistent state and federal disclosure regimes—which may be difficult, or even impossible, to compare—with a uniform standard for disclosure that would be readily available on a dependable, national database.⁸⁷ Expenditure amounts are currently

⁸² Paul Blumenthal, Huffington Post, *Montana Republicans And Democrats Unite To Ban Dark Money* (Apr. 16, 2015), available at: http://www.huffingtonpost.com/2015/04/15/montana-dark-money_n_7074084.html.

⁸³ New York City Campaign Finance Board, *Independent Spender Guide* (last visited Jan. 16, 2016), available at: <http://www.nyccfb.info/independent-expenditures/guidance>.

⁸⁴ See David Earley & Ian Vandewalker, Brennan Center For Justice, *Transparency for Corporate Political Spending: a Federal Solution* (2012), available at: <http://www.brennancenter.org/sites/default/files/legacy/publications/Corporate%20Disclosure%20White%20Paper%20FINAL.pdf>. See also Ciara Torres-Spelliscy, Brennan Center For Justice, *Not Because It's Easy, SEC* (Dec. 4, 2013), available at: <https://www.brennancenter.org/blog/not-because-it-easy-sec>.

⁸⁵ Liz Kennedy, Demos, *Top 5 Ways Citizens United Harms Democracy & Top 5 Ways We're Fighting To Take Democracy Back* (Jan. 15, 2015) (internal citations omitted), available at: http://www.demos.org/sites/default/files/publications/Citizens%20United%20Top%205_0.pdf. The status of the petition can be viewed at <https://www.sec.gov/comments/4-637/4-637.shtml>.

⁸⁶ Corporate Reform Coalition, <http://corporatereformcoalition.org/> (last visited Jan. 16, 2016).

⁸⁷ See David Earley & Ian Vandewalker, Brennan Center For Justice, *Transparency for Corporate Political*

obscure to the public because of the many disclosure regimes that do not interact and are not interconnected. Different state and federal agencies that receive disclosed information each have different disclosure regimes, different accessibility, and, perhaps most important, different levels of substantive information. In addition, notwithstanding our technological ability to make disclosure virtually instantaneous, much of the disclosure becomes available so long after the fact that it renders the information almost useless to the public.⁸⁸ An SEC regulation could alleviate some of these issues by creating a uniform standard for disclosure and providing a single database from which the public can get access to any available information.

Non-governmental approaches are also available to encourage disclosure of corporate political expenditures. The Center for Public Accountability, for example, has been successful in persuading a number of corporations to disclose their political spending and to put an accountability structure in place that must pass on any political spending considered by the corporation.⁸⁹ The CPA publishes information provided by the corporations, describes corporations that are leaders in disclosure and accountability, and rates corporations by various criteria, including what their policies and accountability structures are, what they disclose, and how accessible the information is to the public. The CPA-Zicklin Index measures the extent to which companies adopt political disclosure policies, examining the 300 largest companies in the S&P 500. The 2015 index found that the trend among much of this group is toward increased disclosure. While there is still a long way to go—some companies' records are abysmal—the progress being made is encouraging.⁹⁰

The best asset we currently have for detailed, complete disclosure at the federal level is the Center for Responsive Politics' OpenSecrets.org. It acts as “a clearinghouse for data and analysis on multiple aspects of money in politics—including the independent interest groups, such as super PAC's and political nonprofits, flooding politics with outside spending, federal lobbying, Washington's ‘revolving door’ and the personal finances of members of Congress, the

Spending: a Federal Solution p. 12 (2012), available at: <http://www.brennancenter.org/sites/default/files/legacy/publications/Corporate%20Disclosure%20White%20Paper%20FINAL.pdf>.

⁸⁸ The information is often also incredibly difficult to obtain. See Robert MacGuire, Center For Responsive Politics, *14 Months of Runaround: More on How to Obtain (or Not) Public Documents From the IRS* (Jan. 28, 2015), available at: <http://www.opensecrets.org/news/2015/01/14-months-of-runaround-more-on-how-to-obtain-or-not-public-documents-from-the-irs/>; Robert MacGuire, Center For Responsive Politics, *This 2,143-Page IRS Document Could Be Yours for Just \$428.60 (Plus Shipping)* (July 21, 2014), available at: <http://www.opensecrets.org/news/2014/07/this-2143-page-irs-document-could-be-yours-for-just-428-60-plus-shipping/>. Given the prevalence of e-filing in so many other contexts, it is extraordinary that there remain jurisdictions (including the U.S. Senate) that do not even file on-line.

⁸⁹ See Center For Political Accountability, <http://politicalaccountability.net/impact> (last visited Jan. 16, 2016).

⁹⁰ See CPA-Zicklin, *The 2015 CPA-Zicklin Index of Corporate Political Disclosure and Accountability* (2015), available at: http://files.politicalaccountability.net/index/CPA-Zicklin_Index_Final_with_links.pdf.

president and other officials.”⁹¹

The best source for detailed, complete disclosure at the state level—also not a government agency—is the National Institute For Money in Politics’ FollowTheMoney.org. It compiles comprehensive donor information from all 50 state disclosure agencies, entering that data into one unique database with industry codes and unique donor identifiers, and providing unparalleled access to that data to journalists, scholars, advocates, and the public. For more than a decade, the Institute has worked with local agencies to upgrade their disclosure systems. It has also worked with journalists to deepen their investigative reporting on money and politics, as well as with scholars and lawyers involved in analyses and court battles over campaign finance reform and disclosure. Comparing political donations across state boundaries and election cycles can provide powerful insights into how policy agendas are set, how donors court incumbents and winners to ensure that they have a seat at the policy table, and even into how legislation is shepherded through legislative committees. The Institute is leading the way with 21st century transparency standards that will transform how citizens hold elected officials accountable.

Other not-for-profits like Maplight in California and Wisconsin⁹² also make state-level disclosure information more accessible to the public. Maplight attempts to operate not only as a centralized disclosure resource, but also links campaign contributions to lobbying and even legislators’ votes.⁹³ The Sunlight Foundation, another strong contribution to public information on campaign finance, provides useful guidance about best practices for data collection.⁹⁴

D. CONTRIBUTION LIMITS—UNAFFECTED BY *CITIZENS UNITED*

- Public funding programs should restrict contributions so that the predominant amount received by a publicly funded candidate is from within the jurisdiction in which the candidate is running;

⁹¹ <https://www.opensecrets.org/about/tour.php>.

⁹² See Maplight (last visited Jan. 16, 2016), available at: <http://maplight.org/california> & <http://maplight.org/wisconsin>.

⁹³ Some have argued that there may be limitations on the approach of connecting contributions with votes, because so much activity occurs outside this kind of proxy. Tracking the legislative process to expose where the real influence lies and the connection between contributions and votes goes beyond the vote on particular legislation. Influence can be exercised long before any vote is (or is not) taken. Agenda-setting, committee or leadership decisions about what comes to the floor of the legislature, who sit on the relevant committees, and party affiliation are all relevant avenues of inquiry. See, e.g., Lynda W. Powell, *The Influence of Campaign Contributions on Legislative Policy*, 11 Forum 339 (2013); Report To The Democracy Fund, Michael J. Malbin & John C. Fortier, *An Agenda for Future Research on Money in Politics in the United States* (Aug. 2013), available at: http://www.cfinst.org/pdf/books-reports/scholarworkinggroup/CFI-BPC_Research-Agenda_Report_Webversion.pdf

⁹⁴ Sunlight Foundation, <https://sunlightfoundation.com/> (last visited Jan. 16, 2016).

- There should be a requirement in any public funding program that public funds match only contributions made from donors who are residents of the candidate's state; and
- Stricter contribution limits should be established to limit what candidates may accept from donors.

1. Aggregate Contributions by Individuals

McCutcheon allows virtually unlimited influence for high-end donors by undermining the government's ability to limit individuals' aggregate political contributions.⁹⁵ By voiding federal limits on an individual's aggregate contributions to candidates, party committees, and PAC's, *McCutcheon* gave large donors unfettered ability to spread their contributions across the nation to help elect their favored candidates and influence government policy in a way that most Americans cannot.

McCutcheon allows an out-of-state contributor to make donations to multiple candidates for multiple offices. This could result in alignments of elected officials with donors who do not reside in their jurisdiction.⁹⁶ To mitigate that concern, states should restrict the contributions that candidates may accept so that the predominant amount received by the candidate is from within the state in which the candidate is running for local office.⁹⁷ Although the Supreme Court has not directly addressed whether the government "has a compelling interest in preventing foreign individuals or associations from influencing" its political process,⁹⁸ the Court has affirmed an opinion by the D.C. Circuit permitting federal bans on soft money campaign contributions by non-U.S. citizens.⁹⁹ It is yet to be seen whether a state could permissibly prohibit a non-resident U.S. citizen from making contributions to a state or local campaign. But certainly, states and local governments can limit or proscribe publicly financed candidates' receipt of contributions from outside of their jurisdictions. Connecticut, for example, requires publicly financed candidates, who must raise a threshold amount of private funding in order to qualify for the program, to raise 90% of that funding from within the state.¹⁰⁰ New York City

⁹⁵ See *McCutcheon v. FEC*, 134 S. Ct. 1434 (2014). The Court, however, did not void limits on contributions to individual candidates.

⁹⁶ For an in-depth discussion of the implications of permitting out-of-state contributions to candidates, see Richard Briffault, *Of Constituents and Contributors*, 2015 U. Chi. Legal F. 29 (2015).

⁹⁷ Doing this may favor wealthy districts over poorer districts. The costs of running a campaign do not always vary by district, but the ability to raise money often does.

⁹⁸ *Citizens United V. FEC*, 558 U.S. 310, 362 (2010).

⁹⁹ *Bluman v. FEC*, 800 F.Supp.2d 281 (D.C. Cir. 2011), *aff'd*, 132 S. Ct. 1087 (2012).

¹⁰⁰ See Mark Pazniokas, *A Primer on Public Financing of Campaigns in Connecticut*, THE CT MIRROR (July 2, 2014), available at: <http://ctmirror.org/2014/07/02/a-primer-on-public-financing-of-campaigns-in-connecticut>.

has similar requirements.¹⁰¹ Matching programs should also limit eligibility so that only contributions made from within the candidate's state are matched with public funds.

2. Contributions to an Individual Candidate

McCutcheon does not preclude limits on the amount of contributions that individual candidates may accept, as long as they are not unconstitutionally low.¹⁰² Many would argue that current federal contribution limits are quite high. Individual limits are \$2,700 per candidate/committee per election, and \$33,400 per national party committee per calendar year.¹⁰³ And, as stated above, there are now no aggregate limits on how much in, or how many, contributions donors may make throughout the country.¹⁰⁴ Passage of federal legislation known as CRomnibus has effectively raised the limits on individual contributions to national party committees to \$334,400. In addition to the original \$33,400 limit for contributions to national party committees, CRomnibus permits individuals to make contributions of \$100,200 to each of three segregated accounts that the party committees may establish to support (1) conventions, (2) facilities, and (3) legal matters such as recounts.¹⁰⁵ For context, the median *yearly* average family income in 2014 was \$53,657.¹⁰⁶

Some states and localities also have overly generous contribution limits, exceeding those at the federal level. For example, California has a limit of \$28,200 for gubernatorial candidates per election.¹⁰⁷ Of New York State's various too-high limits, the most extreme is the \$44,000 that

¹⁰¹ See New York City Campaign Finance Board, *How It Works* (last visited Jan. 16, 2016), www.nyccfb.info/program/how-it-works, (candidates must “[c]ollect a minimum number of contributions (of \$10 or more) from the area they seek to represent”).

¹⁰² Vermont state laws prohibiting candidates from accepting contributions of over \$100 for an individual and prohibiting state political parties from contributing more than \$400 to their gubernatorial candidates, were held to be unconstitutionally low by the U.S. Supreme Court. *Randall v. Sorrell*, 548 U.S. 230 (2006).

¹⁰³ See FEC, Contribution Limits for 2015-2016 Federal Elections, at <http://www.fec.gov/info/contriblimitschart1516.pdf>.

¹⁰⁴ These donor must still observe the individual contribution limits to candidates that are effect in any given jurisdiction.

¹⁰⁵ 52 U.S.C. 30116. See Sam Garrett, Congressional Research Service, *Increased Campaign Contribution Limits in the FY2015 Omnibus Appropriations Law: Frequently Asked Questions*, Tbl. 1 (Mar. 17, 2015), available at: <http://www.fas.org/sgp/crs/misc/R43825.pdf>.

¹⁰⁶ Carmen DeNavas-Walt & Bernadette D. Proctor, U.S. Census Bureau, *Income and Poverty in the United States: 2014*, Tbl. 1 (Sept. 2015), available at: <http://www.census.gov/content/dam/Census/library/publications/2015/demo/p60-252.pdf>.

¹⁰⁷ California Fair Political Practices Commission, *State Contribution Limits and Voluntary Expenditure Ceilings* (last visited Jan. 16, 2016), www.fppc.ca.gov/learn/campaign-rules/state-contribution-limits.html.

statewide candidates may receive for the general election.¹⁰⁸ What's more, Democratic and Republican statewide candidates in New York State may receive more money for the primary election alone than their counterparts in many other states may receive in an election cycle. Ohio allows individual contributions of up to \$12,532.34 in the primary and general elections.¹⁰⁹ In a change that took effect just in 2015, Maryland raised its contribution limits from \$4,000 to \$6,000 per election.¹¹⁰ Alabama, Iowa, Missouri, Nebraska, North Dakota, Oregon, Texas, Utah, and Virginia have no contribution limits at all.

Other states have corporate limits, but have no limits for individuals.¹¹¹ For example, Indiana and Mississippi have limits for corporate contributions, but not for individuals or PAC's. Pennsylvania prohibits corporate contributions, but for PAC's and individuals there are no limits. South Dakota prohibits corporate contributions and has individual limits, but has no limits on PAC's.

Perhaps most bizarre of all is a quirk in Illinois law nullifying contribution limits for all candidates once a candidate donates \$250,000 or more to his or her own campaign. Critics have compared the ensuing free-for-all to the “wild west” era of unregulated political contributions, when money was thrown around like confetti.”¹¹² Candidates have taken advantage of this loophole in two recent high-profile elections. In the 2014 cycle, Republican gubernatorial candidate Bruce Rauner, independently wealthy from his years in private equity, donated more than \$6.5 million to his own campaign. By blowing past the \$250,000 trigger, he also cleared the way for a staggering \$2.5 million donation from Illinois' richest man. Rauner heavily outspent defeated incumbent Pat Quinn to win the governorship. In Chicago's 2015 mayoral election, another candidate crossed a similar threshold of \$100,000 for local elections. William J. Kelly, who was never a serious contender, loaned the money to his own campaign—and in doing so, lifted donation limits for all the other candidates in the race. This allowed incumbent Rahm Emanuel to tap his large network of wealthy donors. After a bruising runoff election, Emanuel secured another term earlier this year.¹¹³

¹⁰⁸ New York State Board of Elections, *Contribution Limits* (last visited Jan. 16, 2016), www.elections.ny.gov/CFCContributionLimits.html#LimitFormula.

¹⁰⁹ Ohio Secretary of State, *Ohio Campaign Contribution Limits: Effective February 25, 2015 through February 24, 2017*, available at: www.sos.state.oh.us/sos/upload/candidates/2013limitchart.pdf.

¹¹⁰ Wiley Rein LLP, *Arizona, Florida and Maryland Increase Contribution Limits, Revise Other Campaign Finance Laws* (May 2013), available at: <http://www.wileyrein.com/newsroom-newsletters-item-4593.html>.

¹¹¹ See http://ncsl.org/Portals/1/documents/legismgt/Limits_to_Candidates_2012-2014.pdf

¹¹² Ben Joravsky, Chicago Reader, *How Bruce Rauner used a legal loophole to get a \$2.5 million campaign donation* (June 18, 2014), available at: <http://www.chicagoreader.com/chicago/illinois-republican-governor-candidate-contributions-limits-loophole/Content?oid=13962856>.

¹¹³ John Byrne, Chicago Tribune, *Campaign contribution limits off in Chicago mayor's race* (Oct. 14, 2014), available at: <http://www.chicagotribune.com/news/local/politics/chi-campaign-contribution-limits-off-in-chicago->

Some jurisdictions have allowed particular types of entities to make greater contributions than others. For example, small donor PAC's are a specific type of political committee that accepts only small contributions—e.g., a maximum of \$50—from natural persons.¹¹⁴ These PAC's have been conceived to encourage small donors to pool their funding and thus have a greater say in elections.¹¹⁵ In order to achieve that goal, small donor PAC's are permitted to donate more money to candidates and parties than individuals or other types of PAC's.¹¹⁶ Colorado has had success in establishing such a regime.¹¹⁷ Arkansas, however, has seen its small donor PAC law struck down by the 8th Circuit as a violation of the equal protection clause.¹¹⁸ It is not yet clear whether the 8th Circuit's decision will be followed in other circuits.

3. Government Contracts

Conflicts of interest should not be permitted to determine public policy or practice arising from “doing business” contributions from contractors and contributions from lobbyists. Federal conflict of interest laws¹¹⁹ limit gifts and activities paid for by those with business before the government. Limits on “pay to play,” or “doing business,” contributions are currently inadequate at the federal level.¹²⁰ The FEC is currently considering regulation changes on this subject.¹²¹ Positive change could also be made with an Executive Order from the President, prohibiting contributions to federal campaigns by those who have contracts with the government and have managed to evade existing restrictions and require full disclosure by these

mayors-race-20141014-story.html.

¹¹⁴ See <http://www.du.edu/issues/media/documents/11-9-12-coloradocandidatefinancingexample.pdf>.

¹¹⁵ Spencer Overton, *The Participant Interest*, 100 Georgetown L.J. 1259 (2012), available at: <http://georgetownlawjournal.org/files/2012/04/Overton.pdf>.

¹¹⁶ For example, a small donor PAC may contribute up to \$6,125 to a gubernatorial candidate, while individuals and other PAC's may only contribute \$575. See Colorado Secretary of State, *Colorado Campaign and Political Finance Manual* (July 2015), available at: <https://www.sos.state.co.us/pubs/elections/CampaignFinance/files/CPFManual.pdf>.

¹¹⁷ See, e.g., <http://aiacolorado.org/advocacy/sdc-donation-form/>.

¹¹⁸ *Russell v Burris*, 146 F.3d 563, 572 (8th Cir. 1998).

¹¹⁹ 18 USC §§ 201–219, and 5 U.S.C. app. §§ 101–505.

¹²⁰ One defect in the regulatory framework is how federal bans apply to individual contractors, like consulting professors, but not to executives and corporations that can create PAC's. Federal Acquisition Regulation 37.104 (“Personal Service Contracts”) – restrictive of contracting for personal services.

¹²¹ See FEC Record, at 9 (Apr. 2015), available at: <http://www.fec.gov/pdf/record/2015/apr2015.pdf>. A petition for certiorari involving the constitutionality of such a regulation was recently denied by the Supreme Court. See *Miller v. FEC*, 136 S.Ct. 895 (2016).

entities of all their political spending.¹²² States should bring their lobbying regulations up to similar standards.

E. EFFECTIVE, NON-PARTISAN ENFORCEMENT OF EXISTING (AND FUTURE) LAWS—
UNAFFECTED BY *CITIZENS UNITED*

- State and local enforcement agencies should be non-partisan, and the President should nominate distinguished FEC Commissioners from each party who are not beholden to their respective parties and are committed to enforcing the law;
- Adequate funding for enforcement agencies must be provided, as well as a system to protect public funding; and
- Agencies at all levels should have the power to audit and impose strict penalties on campaigns and contributors who violate the law and regulations.

Enforcement is an essential aspect of a successful campaign finance regime.¹²³ To ensure that elections are fair, candidates, office-holders, and their campaigns must be held accountable when the rules are broken. Effective enforcement of campaign finance regulation requires: (1) a non-partisan enforcement agency; (2) an adequate and protected budget and sufficient funds for qualifying candidates; (3) meaningful enforcement powers; (4) an aggressive enforcement policy; (5) meaningful disclosure; and (6) periodic program evaluations.

1. Non-Partisan Campaign Finance Enforcement Agency

The culture of an agency should reflect even-handed enforcement of the law without regard to partisan affiliation. This means having a tie-breaking mechanism, and thus an uneven number of members, who should serve staggered terms and have a mandate to operate in a non-partisan manner. Third-party voters must also be a part of the system. Rather than a bi-partisan agency, in which the model is for Republicans and Democrats to police each other, the best model has proven to be a non-partisan enforcement agency. New York City, for example, has a long history of non-partisan decision-making—nearly always unanimous—that ensures that the public is protected while providing public funds to reduce candidates’ reliance on large donors.¹²⁴ In November 2015, Wisconsin—once a model for campaign finance agencies—

¹²² President Obama is currently considering an executive order that would require federal contractors to disclose their political contributions. See Julie Hirschfeld Davis, New York Times, President Obama May Require Federal Contractors to List Campaign Gifts (Jan. 19, 2016), available at: <http://www.nytimes.com/2016/01/20/us/president-obama-may-require-federal-contractors-to-list-campaign-gifts.html>.

¹²³ Nicole A. Gordon, “The New York City Model: Essentials for Effective Campaign Finance Regulation,” 6 JOURNAL OF LAW AND POLICY 79 (1997).

¹²⁴ N.Y.C. CAMPAIGN FIN. BD., BY THE PEOPLE: THE NEW YORK CITY CAMPAIGN FINANCE PROGRAM IN THE 2013 ELECTIONS, pp. 41-51 (2014) available at: http://www.nyccfb.info/PDF/per/2013_PER/2013_PER.pdf; Michael J. Malbin et al., *Small Donors, Big Democracy: New York City’s Matching Funds as a Model for the Nation and States*, 11 ELECTION L.J. 3 (2012).

further weakened its already diminished system by changing its non-partisan board into a partisan one.¹²⁵

The FEC has suffered from partisan deadlock and, even more important, plain inaction, leading to minimal penalties for campaign finance violations. The FEC is evenly divided between Republicans and Democrats, which allows each party to protect itself from enforcement. Both parties seem to believe that they benefit from a lack of oversight. FEC commissioner and former chairwoman, Ann Ravel, has criticized Republican commissioners for refusing “to enforce the law, except in the most obvious cases.”¹²⁶ According to one FEC expert with the Campaign Legal Center, it is especially difficult for the FEC to enforce the law because the three Republican commissioners tend to believe that campaign finance laws are largely unconstitutional and frequently vote against enforcement actions.¹²⁷

As matters stand, the President nominates all six commissioners, subject to confirmation by the Senate. There has always been an understanding that the leaders of the Democratic and Republican parties would each supply their three candidates to be nominated by the President in deference to the party leaders and then rubber-stamped by the Senate.

Of the reforms in this report, only one at the federal level has the dual distinction of being both the easiest to put in motion and, of having the most potential for immediate effect. At present, five of the six FEC commissioners are serving past their terms. There is nothing to stop the President from putting forward the names of four highly respected Democrats and Republicans, without consultation with the parties, who have served in positions of responsibility with great distinction and who are not beholden to their respective parties on campaign finance issues.¹²⁸ The Senate would then have to decide whether to embarrass itself by refusing to confirm clearly qualified and well-known figures or to go forward, as it should, with confirmations of people who will in fact enforce existing law.¹²⁹

¹²⁵ Legislation was passed, changing the enforcement board of nonpartisan judges, to a board of six partisan appointees and two retired judges. See <http://watchdog.org/246177/gab-campaign-finance-senate/>.

¹²⁶ Eric Lichtblau, *F.E.C. Can't Curb 2016 Election Abuse, Commission Chief Says*, NEW YORK TIMES (May 2, 2015), available at: <http://www.nytimes.com/2015/05/03/us/politics/fec-cant-curb-2016-election-abuse-commission-chief-says.html?mwrs=Email>.

¹²⁷ Jeremy Wallace, Herald-Tribune, *Critics Say FEC Fails To Enforce Campaign Finance Law* (July 21, 2011) (quoting Paul Ryan). See also Andy Kroll, National Journal, *The Chairwoman Who's at War With Her Own Agency: Ann Ravel Says the Federal Election Commission is Badly Broken. But is Her Very Public Crusade the Way to Fix It?* (Oct. 13, 2015), available at: <http://www.nationaljournal.com/s/84089/chairwoman-whos-war-with-her-own-agency>.

¹²⁸ For example, people such as Colin Powell, Benjamin Bernanke, Warren Buffet, Condoleeza Rice, or former judges, could be nominated.

¹²⁹ President Obama's recent Supreme Court nomination of Merrick Garland, however, has demonstrated, once again, the Senate's apparent willingness to refuse to consider clearly qualified nominees when power and politics

2. Adequate and Protected Budget

Enforcement agencies must also have sufficient funding to sustain adequate financing for candidates and to guarantee the resources that agencies need to ensure compliance with applicable rules. Many agencies suffer from lack of resources. Programs such as those in Minnesota¹³⁰ and Wisconsin,¹³¹ have suffered from being unfunded or defunded. Underfunding has also been a major factor in discouraging participation in the federal presidential public financing system.¹³² Although for many years the Presidential public financing had been a huge success, used by both Democrats and Republicans (including President Reagan), the amount of funding available to candidates is now inadequate.¹³³ The funding comes from a tax check-off system that requires taxpayers to choose to allocate three dollars of their taxes for public campaign financing. This has proven to be an inadequate framework for at least five reasons. First, taxpayers do not realize that the check-off does not increase their tax liability, so they are less inclined to check off the box. Second, taxpayers are typically uninformed about the significant but complex value of public funding programs. Third, it is unusual to permit taxpayers to micro-manage government expenditures by using tax check-offs for funding individual public programs. Fourth, the check-off has the effect of a quasi referendum on campaign finance reform every year. Fifth, the taxpayer check-off system has never sufficed to fund any campaign finance program in its entirety.

Public funding programs should be securely backed up by the government's general fund.¹³⁴

are at stake. *See* L.A. Times, Editorial, Senate Republicans' Refusal to Consider Merrick Garland's Supreme Court Nomination is Dangerous Obstructionism (Mar. 16, 2016), *available at*: <http://www.latimes.com/opinion/editorials/la-ed-garland-scotus-20160317-story.html>. An arguably parallel refusal by the Senate to confirm appointees occurred in the case of the FEC during the Carter administration, when the President nominated candidates to the Commission without consulting party leadership. *See* <https://www.aei.org/publication/reflections-on-the-election-commission-an-interview-with-neil-o-staebler/print/>.

¹³⁰ *See* Mark Schmitt, New America, *Small-Donor Empowerment: A Menu of Options to Strengthen the Voice of Citizens* (Apr. 29, 2015), *available at*: <https://www.newamerica.org/political-reform/small-donor-empowerment/> ("Minnesota's tax credit has not been as politically resilient as other state's programs, as it was defunded by a Republican governor and relaunched only when a Democrat was elected).

¹³¹ Bill Lueders, WisconsinWatch.org, *Campaign Financing Dead in Wisconsin* (July 1, 2011), *available at*: wisconsinwatch.org/2011/06/campaign-financing-dead-in-wisconsin/.

¹³² *See supra* note 133.

¹³³ Joe Trippi, the former campaign manager for John Edwards, has acknowledged that "[n]o [presidential] campaign that is serious can win taking that money" pointing out that the system "hasn't been updated or modernized in two generations." *See* Rebecca Ballhaus, Wall Street Journal, Martin O'Malley to Accept Public Campaign Financing—and Limits (Nov. 19, 2015).

¹³⁴ State public funding programs have also failed as a direct result of inadequate sources of funding. The Massachusetts public funding program passed in 1998, for example, was abandoned after the state legislature refused to release funds that had previously been appropriate to fund the program. *See* Jason B. Frasco, Note, Full Public Funding: An Effective and Legally Viable Model for Campaign Finance Reform in the States, 92 Cornell L.

Tying an agency's budget to the budget of another agency that tends to be well-funded is one way to ensure adequate resources. In addition, local charters and laws can provide protection to these agencies and the public funding available to candidates who qualify for it. For example, the budget of the New York City Campaign Finance Board is provided for by the New York City Charter.¹³⁵

3. Meaningful Enforcement Powers

An agency's lack of adequate power is another obstacle to effective enforcement. Without subpoena power, the power to audit campaigns, the power to assess meaningful penalties, and the power to go to court to enforce them, a campaign finance agency cannot assure the public that it is receiving accurate disclosure, that contribution limits are being adhered to, or that public money is being spent in accordance with the law. With these powers and a competent audit staff, a campaign agency can prove to be an effective enforcer. One example of a weak enforcement agency is the FEC, which restricted from performing random audits.¹³⁶ Such audits are absolutely necessary in order to ensure compliance with campaign finance laws, including disclosure laws.

4. Aggressive Enforcement Policy

A policy of aggressive enforcement is also vital. The FEC's record for enforcement has deteriorated over time and, as of this writing, it hardly enforces existing law at all.¹³⁷ The FEC has assessed far fewer penalties in recent years.¹³⁸ This ensures that candidates can generally break the rules with impunity, including coordinating with "independent" spenders. It is particularly disappointing that the FEC has so often chosen either not to come to decisions on the legal interpretation of its own regulations or has interpreted them excessively narrowly. For example, the FEC has read the "independent spending" disclosure rules to require disclosure only when the spending has essentially been earmarked for a particular independent expenditure

Rev. 733, 785-86 (2007).

¹³⁵ See *infra* Appendix G.

¹³⁶ 2 U.S.C. § 30111(b).

¹³⁷ Former FEC chairwoman Ann Ravel has stated, "The likelihood of the laws being enforced is slim People think the F.E.C. is dysfunctional. It's worse than dysfunctional." Eric Lichtblau, *F.E.C. Can't Curb 2016 Election Abuse, Commission Chief Says*, NEW YORK TIMES (May 2, 2015), available at: <http://www.nytimes.com/2015/05/03/us/politics/fec-cant-curb-2016-election-abuse-commission-chief-says.html?mwrsm=Email>; See also Ann M. Ravel, Op-Ed., *How Not to Enforce Campaign Laws*, NEW YORK TIMES (April 2, 2014), available at: http://www.nytimes.com/2014/04/03/opinion/how-not-to-enforce-campaign-laws.html?_r=1. In rare but extreme cases, the FEC has recently acted. See Steve Benen, *House Republican Faces Resignation Chatter After FEC Fine*, MSNBC (May 18, 2015, 4:35 PM), http://www.msnbc.com/rachel-maddow-show/house-republican-faces-resignation-chatter-after-fec-fine?cid=eml_mra_20150518.

¹³⁸ See, e.g., Federal Election Commission, Agency Financial Report: Fiscal Year 2015 at p. 16, 55, available at: http://www.fec.gov/pages/budget/fy2015/FY2015_AFR.pdf.

or electioneering communication.¹³⁹

Congressional committees can hardly claim a better record in looking into campaign finance or ethical violations.¹⁴⁰ In contrast, the Department of Justice has taken some meaningful action on campaign finance violations.¹⁴¹

Real-time enforcement—especially in respect to the disbursement of public funds—is also extremely important. Agencies should not shy away from finding violations even during the heat of a campaign. Once the campaign is over, it is often the case that an “empty” organization is left standing with no funds to reimburse the public if monies are owed or penalties are to be assessed. New York City performs real-time auditing, before, during, and after elections and gives virtually instant computerized, searchable public disclosure of campaigns’ filings. It also assesses meaningful real-time penalties, including during the campaign period.

5. Meaningful Disclosure

Disclosure is another prerequisite to adequate enforcement of campaign finance laws. Without a detailed, complete disclosure regime that makes disclosed information available in a timely manner, laws are far less likely to have the desired effect for reformers. Ideally, information should be made available on the Internet via a single repository. When a candidate’s opponents, the press, and the public are able to examine campaign finance disclosure documents closely, it is more likely that they may bring inconsistencies to the enforcement agency’s attention. In this way, the effectiveness of a campaign finance disclosure scheme helps support the agency’s enforcement efforts.

6. Ongoing Program Evaluations

Finally, after each election, the agency should be required to review how well the program it administers worked and should report to the public and to the elected officials on successes, failures, and needs for administrative changes and law reform. Otherwise, as we know well from experience, a culture will grow among the regulated community that learns how to find loopholes and exploit them, and the law and regulations will not remain effective.

¹³⁹ Matter of Freedom’s Watch, Inc., Fed. Elec. Comm’n MUR 6002 (2010), available at: <http://eqs.fec.gov/eqsdocsMUR/10044274536.pdf>.

¹⁴⁰ For examples and criticism, see Clint Richardson, Reality Blog, *The Fallacy of Congressional Ethics* (Sept. 12, 2014), available at: <https://realityblogger.wordpress.com/2014/09/12/the-fallacy-of-congressional-ethics/>.

¹⁴¹ See, e.g., Press Release, U.S. Attorney for the S.D.N.Y., *Former College President Indicted In Manhattan Federal Court For Campaign Finance Fraud* (Jan. 23, 2014), available at: <http://www.justice.gov/usao/nys/pressreleases/January14/DineshDSouzaCharges.php>; Josh Gerstein, Politico, *D’Souza Enters Guilty Plea* (May 20, 2014), available at: <http://www.politico.com/story/2014/05/dinesh-dsouza-pleads-guilty-illegal-campaign-contribution-106882.html>.

III. TOP STRATEGIC OPTIONS

A. CONCENTRATE ON PUBLIC FUNDING

Adopting public financing in campaigns at every level of government is the most effective way to give the least wealthy and least heard citizens an important avenue through which to exert their own influence. Particularly, matching funds programs, backed by meaningful enforcement of campaign finance laws, is very likely the single most important reform that can be enacted. Better disclosure and contribution limits should also be pursued, but, realistically, they do not alone shift the balance of power away from corporations and the wealthy in the campaign finance arena. Disclosure gives people information, but it does not give them any confidence in government, or greater political power. Contribution limits are laudable as a way of “leveling the playing field”, but they are easily circumvented and even the most rigorous changes may easily fail to stem the tide of money that flows in ways that influence our decision-makers. Public funding, however, has been shown to empower smaller contributors, and can easily shift the political mix at relatively small cost to the government.

Matching small donations has the greatest potential to enhance the value of small contributions, and hence to give average voters a meaningful presence in candidates’ war chests. Matching funds for small donations, in turn, provides incentives for candidates to take into account the needs and opinions of those who cannot make the largest contributions, thus democratizing the campaign process and, consequently, the governing process as well. Public funding programs also, because they are voluntary, may include restrictions on campaign behavior that cannot otherwise be imposed by government. For example, public funding can be conditioned on participation in public debates, as is the case for citywide participating candidates in New York City and Los Angeles.

But, here again, there are caveats: funding must be adequate and must be accompanied by effective enforcement mechanisms that will ensure that public funds are spent properly and received only by those who are entitled to them under applicable law. Legislative reform must mean something, and without follow-up funding, implementation, and rigorous enforcement, campaign finance reforms may be virtually worthless. Coordination rules must also be strictly enforced so that taxpayers are not merely subsidizing big “outside” fundraising.

Establishing public funding programs is always difficult, but it does carry support across the political spectrum. In fact, public funding programs have helped Democrats, Republicans, and third-party candidates be heard and elected. Although often misunderstood as a “Democrats” issue, many Republicans have been elected with the help of public funding, including the recently-elected Governor of Maryland and elected officials in Arizona. New York City, a predominantly Democratic jurisdiction, has experienced the election and re-election of a Republican mayor who participated in the City’s Public Finance Program as well as an increase in the number of Republican city council members who also participated in public campaign

financing.

B. CONCENTRATE ON STATE (RATHER THAN FEDERAL) EFFORTS

At a time when Congress is routinely deadlocked on whether the federal government should be shut down or its debt service paid, Congress is unlikely to turn its attention to the subject of campaign finance reform any time soon. Even if Congress were functioning normally, there is no indication that leadership has an interest in addressing the subject. The Federal Election Commission is not enforcing existing laws, much less supporting improvement. Additionally, the Supreme Court is, by any reasonable measure, antagonistic to campaign finance reform. While a Constitutional Amendment that would overturn *Citizens United* would be welcome, this is a difficult, long-term effort for those who can manage much-delayed gratification and, if successful, would still require enacting and implementing reform laws.

That said, “fortune favors the prepared.” It is therefore important to have draft legislation in hand, as well as the research and thinking that goes behind it. As has been shown in many cases, reform generally comes about as a result of scandal, as when critical reform elements were established through amendments of the Federal Election Campaign Act, spurred by the Nixon campaign’s unacceptable campaign practices. Yet, recent Supreme Court rulings have dismissed many rationales for reform, paving the way for corporations, as well as wealthy individuals, to have even more influence on the political scene than they had previously. In this way, the public may come to see the *Citizens United* cases themselves as a kind of scandal. Thus, continued work on drafting federal reform legislation is appropriate so that when the moment does come for change, reformers are prepared.

Despite poor prospects for reform at the federal level, the *Citizens United* cases provide a “teachable moment” for states and localities, where, for now, there are the most possibilities for reform. In response to *Citizens United*, states have demonstrated a willingness to reform local campaign finance laws. California, Delaware, Massachusetts, Maryland, Hawaii, Vermont, and North Carolina each passed new disclosure laws since *Citizens United* was decided. In addition, voters in Maine have passed a bill to increase the role of “clean” public funding, and North Carolina is organizing to fight back against cuts to its own public financing program. New York State, which ought to be a leader in the nation in reforming campaign finance, came close in 2014 to passing a popular Fair Elections Bill, largely modeled on the successful New York City program.¹⁴²

The issues for counties and cities are quite similar to those of the states. The main difference is that counties and cities must be mindful of “Home Rule” laws that can limit what these

¹⁴² Liz Kennedy, Demos, *Top 5 Ways Citizens United Harms Democracy & Top 5 Ways We’re Fighting to Take it Back*, at 85-89: available at <http://www.demos.org/publication/top-5-ways-citizens-united-harms-democracy-top-5-ways-we%E2%80%99re-fighting-take-democracy-back> (citing Karen Scharff, Fair Elections for New York, *The Fight for Fair Elections Isn’t Over* (Apr. 1, 2014), available at: <http://fairelectionsny.org/posts/fight-fair-elections-isnt/5397>).

localities can do if the state has already pre-empted the field of campaign finance. In other words, if the state has public funding, contribution limits, and other campaign finance laws in effect, localities must evaluate whether their own proposals would be legal under state law.¹⁴³ In general, any voluntary program that a locality enacts is likely to be legal because there is no mandate being forced on campaigns or candidates that directly conflicts with state laws.¹⁴⁴ For involuntary programs, each locality must evaluate whether the program in question is likely to be upheld given the laws of the individual state. Additionally, after acceptance of reforms, such as publicly funded campaigns, becomes a reality at the state and local level, the effort to fund federal legislative and executive office races should become easier by virtue of the “experiment in democracy” offered by successful state reform.

C. CONCENTRATE ON JUDICIAL ELECTIONS

Judicial elections should be made a priority for public financing of campaigns. It is a wonder that the cause even needs an advocate, yet unfortunately, judicial elections have been largely under the radar screen.¹⁴⁵ Justice is impossible if the arbiter is under a donor’s influence. Especially in an area of government in which public perception is so vital, it is imperative to keep judicial elections clean and fair—and seen to be so. The Supreme Court has acknowledged that judicial elections deserve special protection, explaining that “a State’s interest in preserving public confidence in the integrity of its judiciary extends beyond its interest in preventing the appearance of corruption in legislative and executive elections.”¹⁴⁶ In *Williams-Yulee* the Court upheld a Florida ban against judicial candidates personally soliciting contributions, noting the state’s compelling interest in protecting the public’s faith in the impartiality of its judiciary.¹⁴⁷

Millions of dollars are now being spent in this arena that were not being spent even 10 years ago.¹⁴⁸ In 2014, judicial candidates spent over \$9 million on television ads alone.¹⁴⁹

¹⁴³ For more information about “Home Rule,” see Richard Briffault, *Home Rule and Local Political Innovation*, 22 J. Law & Pol. 1 (2006).

¹⁴⁴ Cf. *Johnson v. Bradley*, 4 Cal.4th 389 (1992) (holding that a state law expressly prohibiting candidates from accepting public funds could not preclude Los Angeles’ city charter from establishing a public funding program).

¹⁴⁵ But see Justice At Stake, *Money and Elections*, http://www.justiceatstake.org/issues/state_court_issues/money-and-elections/ (last visited Jan. 16, 2016).

¹⁴⁶ *Williams-Yulee v. Florida Bar*, 135 S.Ct. 1656, 1667 (2015). In another case, the Supreme Court held that it violated due process for a state justice to deny a recusal motion when the opposing party had contributed \$3 million to the justice’s election campaign. *Caperton v. A.T. Massey Coal Co., Inc.*, 129 S.Ct. 2252 (2009). *Williams-Yulee* and *Caperton* might be stepping back the the view, suggested by *Republican Party of Minnesota v. White*, 122 S.Ct. 2528 (2002), where the Court held that a state could not prohibit judicial candidates from announcing their views on disputed legal or political issues.

¹⁴⁷ See *ibid.*

¹⁴⁸ See Mother Jones, *How Dark Money is Taking Over Judicial Elections*, <http://www.motherjones.com/politics/2014/10/judicial-elections-dark-money> (last visited Jan. 16, 2016).

Contributions are pouring into these elections all over the country, and in the 2013-14 judicial election cycle, interested donors—such as business interests, lawyers, and lobbyists—were collectively responsible for 63 percent of all donations.¹⁵⁰

It is not difficult to see how such an influx of money into judicial elections can lead to a distorted judicial system and a negative public perception of that system. For example, one West Virginia justice invoked public scrutiny for voting to overturn a \$50 million verdict against a company whose CEO had spent \$3 million to help the judge get elected.¹⁵¹ Another justice faced public criticism for writing an opinion that saved Enron about \$15 million after having accepted campaign contributions from the company.¹⁵² In Iowa, three Supreme Court justices who participated in a ruling to permit same-sex marriage were voted off the court after choosing not to raise money to campaign in the face of an aggressive ouster campaign financed largely by out-of-state organizations.¹⁵³ The State of California's first female chief justice lost a retention election because of her opposition to the death penalty. The big money interests poured more than \$5.6 million into the campaign to unseat her.¹⁵⁴

Every party appearing before a judge should feel confident that the judge has had no business dealings with or contributions from any lawyer or party to a matter before that judge because no party appearing before a judge should ever have to wonder whether a campaign contribution might sway a judge's thinking.¹⁵⁵ In an October 2011 poll of voters, business leaders, and judges themselves, 83 percent expressed the opinion that campaign contributions influenced

¹⁴⁹ Brennan Center For Justice, *TV Ad Spending in Judicial Races Surpasses \$9.1 Million* (Oct. 24, 2014), available at: <http://www.brennancenter.org/press-release/tv-ad-spending-judicial-elections-surpasses-91-million>.

¹⁵⁰ Brennan Center For Justice, *Outside Spending by Special Interests Floods Judicial Elections at Record Percentage, Report Finds* (Oct. 29, 2015), available at: <http://www.brennancenter.org/press-release/outside-spending-special-interests-floods-judicial-elections-record-percentage-report>.

¹⁵¹ Blake Fleetwood, Huffington Post, *The Best Judge \$3 Million Can Buy* (July 13, 2009), available at: http://www.huffingtonpost.com/blake-fleetwood/the-best-judge-3-million_b_214639.html.

¹⁵² See Jim Yardley, New York Times, *Enron's Collapse: Texas Judge; Enron Ruling by Nominee to U.S. Court is Being Noticed* (Jan. 22, 2002), available at: <http://www.nytimes.com/2002/01/22/business/enron-s-collapse-texas-judge-enron-ruling-nominee-us-court-being-noticed.html>.

¹⁵³ See A.G. Sulzberger, New York Times, *In Iowa, Voters Oust Judges Over Marriage Issue* (Nov. 3, 2010), available at: <http://www.nytimes.com/2010/11/03/us/politics/03judges.html>.

¹⁵⁴ Andy Knoll, Mother Jones, *Is Your Judge For Sale?* (Dec. 2014), available at: <http://www.motherjones.com/politics/2014/10/judicial-elections-citizens-united-karl-rove>. For other information on gifts to judges from monied interests, free vacations at which judges are “educated,” and the influence of money on judicial campaigns, see New York Times, Editorial, *Justice and Junkets* (Jan. 27, 2006), available at: http://www.nytimes.com/2006/01/27/opinion/27fri4.html?_r=0. See also, generally, justiceatstake.org.

¹⁵⁵ See Monica Davey, New York Times, *Campaign Money Tests Wisconsin Justices' Impartiality* (Mar. 27, 2015), available at: http://www.nytimes.com/2015/03/28/us/in-wisconsin-campaign-money-tests-justices-impartiality.html?_r=0.

judges' decisions.¹⁵⁶ Reformers should look to local judicial elections as an urgent area for change.¹⁵⁷ In fact, two states—West Virginia and New Mexico—have public funding for judicial elections. Wisconsin and North Carolina had such programs in the past, and, indeed, North Carolina's system was considered a model, but nonetheless both programs were abandoned.¹⁵⁸

Public funding programs might be used to prohibit conduct by judicial candidates that undermines the perceived integrity of the judicial system by the public, such as the use of attack ads,¹⁵⁹ by making funding conditional on certain requirements. Public funding may also be easier to pass locally for judicial elections by legislators who fear such programs as applied to themselves.¹⁶⁰ Once the success of judicial campaign-funding programs is established, it might then create a better chance for extending such programs to executive and legislative elections as well.

IV. CONCLUSION

However difficult the goal of campaign finance reform may appear to be in the wake of the *Citizens United* cases, current efforts are absolutely vital. For example, pressing for a constitutional amendment that would overturn the *Citizen United* cases, as mentioned above, is a time-consuming and extremely difficult process, but also brings public attention to the issues.¹⁶¹ The public is woefully ignorant about campaign finance reform and publicly financed campaigns. Reformers must continue to find the right arguments to demonstrate that elected

¹⁵⁶ Justice at Stake, Polling Excerpts, available at:

http://www.justiceatstake.org/resources/in_depth_issues_guides/caperton_resource_page/polling_excerpts.cfm (last visited Jan. 16, 2016).

¹⁵⁷ The Supreme Court has recently upheld modest restrictions on judges' political fund-raising activity. See Adam Liptak, New York Times, *Supreme Court Upholds Limit on Judicial Fund-Raising* (Apr. 29, 2015), available at: http://www.nytimes.com/2015/04/30/us/supreme-court-rules-in-williams-yulee-florida-judicial-fund-raising-case.html?_r=0. But see Gail Collins, New York Times, Op-Ed, *When Good News Is No News* (Apr. 29, 2015), available at: <http://www.nytimes.com/2015/04/30/opinion/gail-collins-when-good-news-is-no-news.html>.

¹⁵⁸ See http://www.justiceatstake.org/issues/state_court_issues/public-financing/.

¹⁵⁹ See Christie Thompson, Marshall Project, *Will Pennsylvania Do Away With Elections for Supreme Court?* (Nov. 3, 2015), available at: https://www.themarshallproject.org/2015/10/29/will-pennsylvania-do-away-with-elections-for-supreme-court?utm_medium=email&utm_campaign=newsletter&utm_source=opening-statement&utm_term=newsletter-20151030-305#.RXI3BGLFF.

¹⁶⁰ Bill Corriher & Sean Wright, Center For American Progress, *Dirty Money, Dirty Water* (Nov. 17, 2014), available at: <https://www.americanprogress.org/issues/civil-liberties/report/2014/11/17/100889/dirty-money-dirty-water/>.

¹⁶¹ Under Article 5 of the U.S. Constitution, there are two routes to amendment of the Constitution: one via a state ratification process, and the other through a Constitutional convention. It is conceivable that the Congress could choose to convene a Constitutional Convention rather than use a state ratification process. In that case, there is the danger that a Constitutional Convention, which would open the door to discussion of the entire document, will be a nightmare of conflicting views and very possibly retrogressive changes. See U.S. Const. art. V.

officials are often too consumed with special interests and with raising money to address the issues important to average citizens.

From the grass roots, Granny D. and the New Hampshire Rebellion have used walks and parades to bring national attention to the problem of money in politics.¹⁶² In April 2015, a “gyrocopter” landed on the White House Lawn, piloted by a citizen who wanted to bring attention to the issue.¹⁶³

“Grass tops” organizations have also been a part of the effort. Ben and Jerry’s “Stamp Stampede” involves “tens of thousands of Americans legally stamping messages on our Nation’s currency to #GetMoneyOut of Politics.”¹⁶⁴ The Pluribus Project hopes to stimulate more experimental research and is attempting interventions to increase the quantity and quality of public participation in civic and political life.¹⁶⁵ The Price We All Pay campaign, an effort of the California League of Conservation Voters, addresses reform through an environmentalist lens, by focusing on the effect of chemical companies and “dirty energy” on the environment.¹⁶⁶

Though perceived as a primarily “liberal” interest, campaign finance reform is not a partisan issue.¹⁶⁷ Presidential candidates on both sides of the aisle have recommended campaign finance reform.¹⁶⁸ Before dropping out of the 2016 race for the Democratic Presidential nomination, Professor Lawrence Lessig’s campaign focused on the need for campaign finance reform.¹⁶⁹ Both Bernie Sanders and Hillary Clinton have made campaign finance reform major priorities in their campaigns.¹⁷⁰ Republican frontrunner Donald Trump has referred to the use of Super

¹⁶² See NH Rebellion, <http://www.nhrebellion.org> (last visited Feb. 22, 2016).

¹⁶³ Alexandra Jaffe, CNN, *Man Taken Into Custody After Landing Single-Person Aircraft on Capitol Grounds* (Apr. 15, 2015), available at: <http://www.cnn.com/2015/04/15/politics/aircraft-lands-on-capitol-grounds/>.

¹⁶⁴ The Stampede, <http://www.stampstampede.org/>.

¹⁶⁵ The Pluribus Project, <http://pluribusproject.org/>.

¹⁶⁶ California League of Conservation Voters, *The Price We All Pay: FAQ* (last visited Jan. 16, 2016), available at: <http://www.ecovote.org/page/faq-price-we-all-pay>.

¹⁶⁷ One bi-partisan poll found that “voters favor a constitutional amendment by a 61-28 percent margin. Presented with arguments for and against an amendment, Republicans strongly favor the amendment—by a 54-36 percent margin. See Robert Carpenter, The Hill, *Republicans Should Join in Scuttling Citizens United* (January 2015), available at: <http://thehill.com/blogs/congress-blog/politics/229524-republicans-should-join-in-scuttling-citizens-united>. See also Karin Kamp, Moyers & Company, *Majority of Americans Want Money Out of Politics* (Nov. 21, 2014), available at: <http://billmoyers.com/2014/11/21/majority-americans-want-money-politics/>; Take Back Our Republic, <http://www.takeback.org/content/page/about>.

¹⁶⁸ See, e.g., David A. Graham, The Atlantic, *GOP Candidates Discover the Problems With Money in Politics* (April 29, 2015), available at: <http://www.theatlantic.com/politics/archive/2015/04/not-all-republicans/390912/>.

¹⁶⁹ See Lessig 2016, <https://lessig2016.us/the-plan/>.

¹⁷⁰ See Philip Bump, Washington Post, *Donald Trump and Bernie Sanders Strike Huge Blows Against the System—But with One Key Difference* (Feb. 10, 2016), available at: <https://www.washingtonpost.com/news/the->

PAC's as a "scam" and has called upon his fellow presidential candidates to disavow them.¹⁷¹ Many former candidates for the Republican Presidential nomination have also expressed support for reform. Governors Chris Christie and Mike Huckabee, for example, have advocated for complete and immediate disclosure, though they argue that contribution limits are unconstitutional. Even the Libertarian Rand Paul has supported some limited restrictions on spending.¹⁷²

As stated in an op-ed, written by Republican Robert Carpenter in support of a Constitutional amendment to overturn *Citizens United*, "[s]ixteen states, and more than 550 cities and towns have supported an amendment, either by resolution or ballot initiative. Millions of citizens have signed petitions for an amendment; tens of thousands of people have called congressional offices demanding an amendment; and hundreds of demonstrations have taken place throughout the country. President Barack Obama has voiced support for an amendment [This is] not a partisan issue for voters. For them, it is a commonsense solution."¹⁷³ Non-partisan business-oriented organizations, such as the Committee for Economic Development¹⁷⁴ and the American Sustainable Business Council,¹⁷⁵ have also recognized that enforcement of campaign finance regulation is not a partisan issue.

The above references to some of the remaining options for reform and efforts already underway should bring a sense of realistic optimism about the state of campaign finance in our country. Although not treated in depth in this article, additional important options for reform in fields of ethics and lobbying are unaffected by the *Citizens United* cases, and also deserve public

fix/wp/2016/02/10/donald-trump-and-bernie-sanders-strike-huge-blows-for-populism-but-with-one-very-key-difference/; Josh Vorhees, Slate, *The Irony Is Rich: Hillary Clinton Might Be Progressives' Best Hope At Campaign Finance Reform* (April 15, 2015), available at: http://www.slate.com/articles/news_and_politics/politics/2015/04/hillary_clinton_and_campaign_finance_reform_with_all_her_super_pac_money.html.

¹⁷¹ Paul Blumenthal, Huffington Post, *Donald Trump Takes Aim at Rivals' Super PAC Support* (Oct. 26, 2015), available at: http://www.huffingtonpost.com/entry/trump-super-pac-2016_562e6694e4b00aa54a4a8544.

¹⁷² See Matea Gold, Washington Post, *Big Money in Politics Emerges as a Rising Issue in 2016 Campaign* (April 19, 2015), available at http://www.washingtonpost.com/politics/big-money-in-politics-emerges-as-a-rising-issue-in-2016-campaign/2015/04/19/c695cbb8-e51c-11e4-905f-cc896d379a32_story.html.

¹⁷³ Robert Carpenter, The Hill, *Republicans should join in Scuttling Citizens United* (Jan. 2015), available at: <http://thehill.com/blogs/congress-blog/politics/229524-republicans-should-join-in-scuttling-citizens-united>.

¹⁷⁴ Committee for Economic Development, *CED's Longstanding, Nonpartisan Call to Action on Money in Politics* (Nov. 22 2013), available at: <https://www.ced.org/reports/single/ceds-longstanding-nonpartisan-call-to-action-on-money-in-politics>.

¹⁷⁵ See American Sustainable Business Council, *Election Integrity* (last visited Jan. 16, 2016) available at: <http://asbcouncil.org/issues/election-integrity#.VTk31ZMaOV0>.

attention.¹⁷⁶ Notwithstanding the *Citizens United* cases, numerous options for effective reform remain viable and should be pursued.

V. APPENDICES

APPENDIX A: RECENT EFFORTS UNDERWAY

1. Maryland—Public Funding Revived and “Dark Money” Exposed

Maryland has a public funding system that is funded with a tax “add-on.”¹⁷⁷ The Maryland system matches contributions at 1-1 up to \$250, although a candidate can accept up to \$4,000 from a single contributor. The program has only been used in 1974, 1994, and 2014, perhaps somewhat hindered by the lack of a reliable funding source. In 2014, however, enough funding was available for two primary candidates and for the general election. Republican gubernatorial nominee Larry Hogan elected to accept \$2.6 million from the state’s Fair Campaign Financing Fund, effectively preventing his own campaign from spending any more than that on the election. Hogan’s Democratic opponent, Lt. Gov. Anthony Brown, instead relied on the many Democratic donors in the state. In November, Hogan—the publicly funded candidate—eked out a win against all odds, despite having been significantly outspent by his opponent. Maryland has only rarely elected Republicans for Governor—and Hogan is the first gubernatorial candidate from either party to win there after accepting public funding.¹⁷⁸

Maryland is also a leader in disclosure of “dark money”—i.e., money which passes through 501(c)(4), 501(c)(6), and 527’s—and requires these entities to report their top five donors if they make political expenditures or independent expenditures.¹⁷⁹

2. Montgomery County, Md.—Matching Small Contributions

Maryland lawmakers had included a public-funding option for counties in its campaign finance bill passed in 2013.¹⁸⁰ In 2014, Maryland’s Montgomery County became the first county to utilize it. Montgomery established what one council member called “a 21st-century model for

¹⁷⁶ For example, Congress could adopt requirements such as those proposed in the American Anti-Corruption Act. See <http://anticorruptionact.org/full-text/>.

¹⁷⁷ See MD Code, Tax-General § 2-113.1.

¹⁷⁸ See John Wagner, Washington Post, *Republican Larry Hogan to use public funds in campaign for governor of Maryland* (July 9, 2014), available at: https://www.washingtonpost.com/local/md-politics/republican-larry-hogan-to-use-public-funds-in-fall-campaign-for-governor-of-maryland/2014/07/09/079576c6-0770-11e4-bbf1-cc51275e7f8f_story.html; Matthew Cella & Kellan Howell, Washington Times, *Larry Hogan gets unprecedented win in governor’s race on public financing* (Nov. 5, 2014), available at: <http://www.washingtontimes.com/news/2014/nov/5/lary-hogan-vows-a-bipartisan-administration-in-mar/?page=all>.

¹⁷⁹ See CBS Baltimore, *Maryland Emphasizes Disclosure in Campaign Finance* (Apr. 13, 2013), available at: <http://baltimore.cbslocal.com/2013/04/13/md-emphasizes-disclosure-in-campaign-finance/>.

¹⁸⁰ See MD Code, Election Law § 13-505.

public financing:” a contribution-matching program for donations up to \$150 for county executive and council candidates. It is possibly the first post-*Citizens United* law establishing a new public financing program. Candidates who choose to participate when the program is implemented in 2018 will not be permitted to accept contributions from PAC’s or corporations. The measure—well-received and unanimously passed by the council—will entitle participating candidates to between \$125,000 and \$750,000, depending on the office sought.¹⁸¹

3. Maine—Second Coming of Clean Elections Act

Maine, which in 1996 became the first state to pass a Clean Elections Act, recently approved a ballot measure to establish a new public financing system—funded by closing corporate tax loopholes—and increase the transparency of outside groups’ funding.¹⁸² Maine Citizens for Clean Elections, a nonpartisan organization, spearheaded the effort to get the initiative on the ballot.

The original 1996 law was weakened significantly by the U.S. Supreme Court’s 2011 decision in *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*,¹⁸³ which held that giving candidates “bonus” public funding when faced with a high-spending opponent would be infringing on the privately-funded candidates’ freedom of speech. Since that decision, the percentage of candidates running in “clean election” jurisdictions who participate in public financing has dropped from a peak of 81 percent to just 53 percent. The new initiative relies on a two-phase distribution: In order to receive the first round of funding, candidates must demonstrate community support through collecting a minimum number of checks or money orders of \$5 more made payable to the Maine Clean Election Fund. Then to receive the second round, candidates must collect a set number of additional small donations in order to demonstrate that they have community support.¹⁸⁴

¹⁸¹ Bill Turque, Washington Post, *Montgomery Council Approves Plan For Public Finance of Local Campaigns* (Sept. 30, 2014), available at: https://www.washingtonpost.com/local/md-politics/montgomery-council-approves-plan-for-public-finance-of-local-campaigns/2014/09/30/b3e2b15c-482d-11e4-b72e-d60a9229cc10_story.html. See also Bob Drummer, Montgomery County Council, *Public Campaign Financing Law: Montgomery County Style*, available at: <https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/MontgomeryCountyCodeArticleIVPublicCampaignFinancing.pdf> (last visited Jan. 16, 2016).

¹⁸² A.J. Higgins, MPBN News, *Maine Votes to Strengthen Clean Elections Laws* (Nov. 4, 2015), available at: <http://news.mpbn.net/post/maine-votes-strengthen-clean-elections-laws>. The initiative also imposes new disclosure requirements and increases the penalties for violations of the state’s campaign finance laws.

¹⁸³ 131 S. Ct. 2806 (2011).

¹⁸⁴ See Deborah McDermott, SeacoastOnline, *Maine Group Looks to Revive Campaign Finance Reform* (Nov. 27, 2015), available at: <http://www.seacoastonline.com/article/20150111/News/150119931>; Press Release, Maine Citizens for Clean Elections, *Clean Election Reform Set To Become Law Dec. 23* (Dec. 22, 2015), available at: https://www.mainecelelections.org/sites/default/files/press_releases/%5Bcurrent-date%3Acustom%3AY%5D/151222_press%20release%20CEI%20become%20law.pdf.

4. Chicago, Ill.—Advisory Ballot Initiative Endorsing Public Funding

Chicago voters passed a nonbinding ballot measure in 2015 in support of establishing a citywide system for public campaign financing. The measure, which asked residents of the Windy City whether they supported a system of small contributions and “a limited amount of public money,” sailed through, with 79 percent of voters in support and the support of all five mayoral candidates. Implementing public financing, advocates hope, could be a step toward reducing the influence on private money on Chicago’s political system.¹⁸⁵

5. Seattle, Wash.—Voucher Program

In 2013, Seattle seemed poised to become a leader in campaign finance reform. A “citizen-funded election system” measure was on the ballot—essentially a public donation-matching program modeled on the successful program implemented in New York City. The measure failed by only a small margin despite having faced significant opposition.¹⁸⁶

When it came time to consider putting the measure back on the ballot in 2014, supporters hit another snag. The motion to place it on the city council’s agenda failed, with members deadlocked at 4–4. The four members of the city council who opposed the legislation broke with established practice by barring it from being introduced at all.¹⁸⁷

Despite those initial setbacks, in 2015, voters approved a different public financing proposal. The initiative, effective in 2017, will give every voter in the city four \$25 vouchers to be donated to a candidate or candidates running for city office. It will also include a range of reforms designed to control campaign spending and increase transparency.¹⁸⁸

¹⁸⁵ Progress Illinois, *Chicago Mayoral Candidates Back Fair Elections Ballot Measure* (Feb. 12, 2015), available at: <http://progressillinois.com/news/content/2015/02/12/chicago-mayoral-candidates-back-fair-elections-ballot-measure/>; Common Cause, Press Release, *Common Cause Hails Chicago Vote to Rein In Big Money in Politics* (Feb. 24, 2015), available at: <http://www.commoncause.org/press/press-releases/common-cause-hails-chicago-vote.html>; Gregg Levine, *Chicago Voters Overwhelmingly Endorse Campaign Finance Reform*, THE SCRUTINEER (Feb. 25, 2015, 12:52 PM), available at: <http://america.aljazeera.com/blogs/scrutineer/2015/2/25/chicago-voters-overwhelmingly-endorse-campaign-finance-reform.html>.

¹⁸⁶ J.B. Wogan, Governing, *Seattle Voters Reject Public Financing of Council Campaigns* (Nov. 6, 2013), available at: <http://www.governing.com/news/headlines/gov-seattle-voters-reject-public-financing-of-council-campaigns.html>.

¹⁸⁷ Ansel Herz, The Stranger, *Campaign Finance Reform Rejected by Seattle City Council* (June 30, 2014), available at: <http://slog.thestranger.com/slog/archives/2014/06/30/campaign-finance-reform-rejected-by-seattle-city-council>.

¹⁸⁸ See Daniel Beekman, Seattle Times, *Seattle Initiative Drive Seeks Public Campaign Financing Reform* (Apr. 3, 2015), available at: <http://www.seattletimes.com/seattle-news/politics/seattle-initiative-drive-seeks-public-campaign-financing-reform/>; David Kroman, Crosscut, *Seattle Just Changed the Way We Pay For Local Political Campaigns* (Nov. 4, 2015), available at: <http://crosscut.com/2015/11/the-lowdown-on-seattles-campaign-finance-experiment/>.

6. Buffalo, N.Y.—Exploration of Public Financing

In 2014, Buffalo’s city council established a committee to explore the possibility of future public financing for city elections. While any action would not take place for some time, the council’s openness to reform is encouraging.¹⁸⁹

7. California—Dark Money Revealed

California, with its Fair Political Practices Commission, is a standout among the states for its commitments to transparency and disclosure in campaign finance, as well as its strong enforcement. Emblematic of this is the state legislation signed in 2014 that took aim at dark money. The bill mandates disclosure of donors for groups that spend more than \$50,000 on political expenditures, or that accrue at least \$100,000 over the course of four years.¹⁹⁰

8. Colorado—“People PAC’s”

Colorado allows the formation of “Small Donor Committees,” which aim to collect a high number of small donations. These committees are permitted to make larger donations than other types of committees, but benefactors must limit their donations to no more than \$50 per calendar year.¹⁹¹ There is a loophole, though: unions can ask their members to sign over a portion of their dues to a union small-donor committee, which is free from the restrictions placed on the unions themselves.¹⁹²

9. Tallahassee, Fla.—Charter Amendment and New Ethics Regulations

In 2014, Tallahassee voters approved a referendum, framed as an anti-corruption measure and designed to limit large contributions and encourage small ones. The initiative, which enjoyed the support of two-thirds of Tallahassee voters, combines new contribution limits and tax rebates.¹⁹³ The bill was originally conceived by an advocacy group called Represent.Us, which

¹⁸⁹ Jill Terreri, Buffalo News, *Council to Explore Public Campaign Financing* (May 28, 2014); Common Cause NY, Buffalo Public Financing, <http://www.commoncause.org/states/new-york/issues/money-in-politics/public-financing-buffalo/> (last visited Jan. 16, 2016).

¹⁹⁰ Patrick McGreevy, L.A. Times, *Gov. Brown Signs Bill to Shed Light on Political ‘Dark Money’* (May 14, 2014), available at: <http://www.latimes.com/local/political/la-me-pc-jerry-brown-signs-bill-dark-money-20140514-story.html>. The text of the bill is available at: http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0001-0050/sb_27_bill_20140514_chaptered.pdf.

¹⁹¹ See Colorado Campaign and Political Finance Manual, pp. 20-21 (July 2015), available at: <http://www.sos.state.co.us/pubs/elections/CampaignFinance/files/QuickReferenceChart.pdf>.

¹⁹² Karen E. Crummy, Denver Post, *Dem-Friendly Committees Reap \$1.5 Million in Anonymous Gifts* (Sept. 1, 2006), available at: http://www.denverpost.com/news/ci_4270787.

¹⁹³ Paul Blumenthal, Huffington Post, *Tallahassee Voters Said No To Big Money, Corruption In City Politics* (Nov. 4, 2014), available at: http://www.huffingtonpost.com/2014/11/04/tallahassee-anti-corruption_n_6104054.html.

advocates anti-corruption legislation such as the American Anti-Corruption Act,¹⁹⁴ and support for the effort came from both ends of the political spectrum, including Tea Party proponents and progressives; the influence of money in politics is, it seems, one of the few issues on which these groups can agree.¹⁹⁵

10. Philadelphia, Pa.—New Coordinated Spending Regulation

In response to widespread flouting of restrictions on coordinated spending, Philadelphia's Board of Ethics recently adopted a number of new regulations. The existing language had been sufficiently vague that it was common for candidates to find workarounds, effectively loosening restrictions on coordinated spending. The new language makes explicit that such spending is prohibited. In response, the Brennan Center for Justice, which consulted on the new rules, said the regulation was, "one of the most innovative in the country, for which the Board should be applauded. . . . States and municipalities should look to Philadelphia as an example of strong, effective campaign finance regulation."¹⁹⁶ Reform advocates should hope they do.

11. New Mexico—Public Opinion Unambiguously Favors Reform

A January 2015 poll commissioned by Common Cause NM found near-unanimous support in the state for rules requiring greater disclosure of political contributions: 9 in 10 of those surveyed were in favor of establishing such regulations. Voters also favored other reforms by significant margins: tightening of public financing rules, a two-year cooling-off period between leaving the legislature and becoming a lobbyist, and the establishment of independent ethics and redistricting commissions.¹⁹⁷ Business leaders, too, support these reforms. A poll the following month, commissioned by the Committee for Economic Development, found broad support among New Mexico business leaders for similar reforms. Especially notable is the 89% support for regulations requiring greater disclosure of political contributions.¹⁹⁸

¹⁹⁴ For information about Represent.Us, see <https://represent.us/about/> (last visited Jan. 16, 2016).

¹⁹⁵ Josh Silver, Huffington Post, *One Community Beat Big Money on Election Day. Here's How Did It*. (Nov. 6, 2014), available at: http://www.huffingtonpost.com/josh-silver/one-community-beat-big-money_b_6115044.html; Dan Christensen, Florida Bulldog, *An Election Result You Likely Missed: Anti-Corruption Referendum Wins Big In Tallahassee* (Nov. 18, 2014), available at: <http://www.floridabulldog.org/2014/11/an-election-result-you-likely-missed-anti-corruption-referendum-wins-big-in-tallahassee/>.

¹⁹⁶ Leigh Hartman, Brennan Center For Justice, *Philadelphia Regulation Attempts to Reign in Coordinated Spending* (Nov. 7, 2014), available at: <http://www.brennancenter.org/blog/philadelphia-regulation-attempts-reign-coordinated-spending>.

¹⁹⁷ Common Cause, Public Opinion Survey (Jan. 2015), available at: http://www.commoncause.org/states/new-mexico/research-and-reports/nm_020115_2015_polling.pdf.

¹⁹⁸ Committee on Economic Development, New Mexico Business Leader Survey: Perceptions Regarding Influence of Money in Politics (Feb. 2015), available at: https://www.ced.org/pdf/February_2015_Survey_-_New_Mexico_Business_Leaders.pdf.

12. New York, N.Y.—Increased Independent Spending Disclosure

In August 2014, New York City passed a more comprehensive set of independent expenditure disclosure requirements. Under the new law, all organizations that contribute to other entities that engage in independent expenditures must disclose their owners, officers, and board members. Organizations that contribute more than \$50,000 to these spenders must disclose where their own funding comes from—i.e., the contributors to major contributors. Finally, independent spenders must list their top three donors on campaign materials, and also display the Campaign Finance Board’s web address, where voters can get more information.¹⁹⁹

13. Connecticut—Ensuring Sustainability of Public Financing

Connecticut’s public financing program enjoys high participation: more than 80% of candidates took part during the 2014 cycle. In the wake of *Citizens United*, however, outside money has poured into the state, far outstripping the public funds that candidates themselves spend on their races. Reform leaders are considering proposals to counter the fast-increasing independent expenditures.²⁰⁰

¹⁹⁹ No. 41, Local Laws Of The City Of New York For The Year 2014. *See also* New York City Campaign Finance Board, NYC Says No To “Dark Money” Elections (Dec. 9, 2014), available at: <http://www.nyccfb.info/media/blog/nyc-says-no-dark-money-elections>; New York City Campaign Finance Board, Independent Spender Guide (last visited Jan. 16, 2016), available at: <http://www.nyccfb.info/independent-expenditures/guidance>.

²⁰⁰ Gregory B. Hilladky & Daniela Altimari, Hartford Courant, *Flood of Outside Money Prompts Calls for Campaign Finance Reform* (Jan. 11, 2015), available at: <http://www.courant.com/politics/hc-citizen-election-program-proposals-20150111-story.html>; Mark Pazniokas, CT Mirror, *Can Connecticut’s Campaign Finance Reforms Be Saved?* (Jan. 19, 2015), available at: <http://ctmirror.org/2015/01/19/can-connecticuts-campaign-finance-reforms-be-saved/>.

APPENDIX B: STATES WITH PUBLIC FUNDING PROGRAMS



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

State Public Financing Options 2015-2016 Election Cycle

State	Who qualifies?	Amount a Candidate Can Raise from a Single Source	Number of Contributions Needed to Qualify	Promise	Funding Level
Arizona 16 AZ ST Ch. 6, Art. 2	All statewide and legislative offices	\$5	200	No contributions from PACs, labor unions, corporations, or political parties	full
Connecticut C.G.S.A. § 9-157	All statewide and legislative offices	\$5-\$10	From 150 (state representative) to 900 (governor)	No contributions in excess of \$100 from any one source, give any excess contributions to the general fund	full
Florida West's F.S.A. §106.30	Governor and Cabinet members	\$250	600 (governor) to 400 (cabinet)	Limit expenditures to \$2/registered voter for governor and \$1/registered voter for cabinet, limit loans and contributions from political parties	partial
Hawaii HRS § 11-421	Governor, Mayor, Prosecutor, County Council, State legislative offices	\$100	From 15 (state representative) to 1,000 (governor)	Limit expenditures to numbers found in HRS § 11-423	partial
Maine 21-A M.R.S.A. § 1121	Governor, State Senate, State House	\$5	60-3,250 individuals	After choosing to participate, candidates cannot receive private contributions	full
Maryland MD Code, Election Law, § 15-103	Governor, Lieutenant Governor	\$250	Must raise 10 percent of the maximum campaign expenditure limit	Must not exceed the maximum campaign expenditure limit, repay funds not used	partial

Massachusetts M.G.L.A. 55C § 1	Statewide offices	\$250	500	Must agree to spending limits, not solicit outside contributions	partial
Michigan M.C.L.A. 169.261	Governor	\$100	750	Spend no more than \$2 million on the election, can only make qualified expenditures	partial
Minnesota M.S.A. § 10A.31	Statewide and legislative offices	\$50	From 30 (state representative) to 70 (governor)	Agree to spend no more than a specific amount, listed in Minn. Stat. § 290.06, subd. 23	partial
New Mexico N. M. S. A. 1978, §1-19A-10	Public Regulation Commissioner, Supreme Court Justices	\$100	For statewide, need contributions from 1/10 of 1 percent of voters in state, for public regulation, need contributions from 1/10 of 1 percent of voters in the district	Agree to spending requirements and not to raise money from other sources	Full
Rhode Island Gen. Laws 1956, §17-25-18	Statewide Offices	\$500	1,500	Agrees to only spend the money raised through public matching, and agrees to expenditure limits	partial
Vermont 17 V.S.A. § 2981	Governor/ Lieutenant Governor	\$50	750 (lieutenant governor) to 1,500 (governor)	Agrees to solicit no donations except qualifying contributions	partial
West Virginia W. Va. Code, §3-12-1	Supreme Court Justices	\$100	350-500	Agrees to contribution and expenditure requirements, must not have raised more than \$20,000 before applying for public financing	partial

Source: National Conference of State Legislatures

Last updated July 17, 2015

This data is presented for information purposes only and should not be considered legal advice.

APPENDIX C: INDEPENDENT EXPENDITURE REQUIREMENTS



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

States' Independent Expenditure Reporting 2014

State	Who is required to report?	Dollar Threshold	Required Reports
Alabama Statutes : § 17-5-8; Ala.Code 1975 § 17-5-5.	Political committees.	Over \$1,000 during a calendar year triggers registration.	<ul style="list-style-type: none"> • Annual reports: due by January 31. • Monthly reports: due by the second business day of each month, beginning 12 months before the date of any election. • Weekly reports: due on the Monday of the succeeding week for each of the four weeks preceding an election. • Daily reports: due on the eighth, seventh, sixth, fifth, fourth, third, and second day preceding an election if political action committee receives or spends in the aggregate of \$5,000 or more on any day.
Alaska Statutes : § 15.13.40(e); § 15.13.110 (f)(4),(h); § 15.13.135.	Individuals; corporations and other group entities; political committees.	Any independent expenditure.	<ul style="list-style-type: none"> • Independent Expenditure Report: due 10 days after independent expenditure is made. Independent expenditures exceeding \$250 made within nine days of an election must be reported within 24 hours. <p>Additional disclosure reports required if spender qualifies as “group” or non-group entity, due:</p> <ul style="list-style-type: none"> • 30 days before election. • One week before election. • February 15 for any contributions or expenditures otherwise unreported. • 24 hour reporting if contributions over \$250 are received within 9 days of an election.
Arizona Statutes : § 16-914.02; § 16-941; § 16-958.	Individuals; political committees; corporations and other group entities.	Alternative Reporting Exemption for Corporations, Unions, and LLCs: <ul style="list-style-type: none"> • Statewide races: Aggregate amount of \$5,000 or more in an election cycle. • Legislative races: Aggregate amount of \$2,500 or more in an election cycle. • Local 	<p>Alternative Reporting Exemption for Corporations, Unions, and LLCs: Registration and Notification required within 24 hours upon exceeding threshold.</p> <p>Committees and Other Spenders:</p> <ul style="list-style-type: none"> • Original report due upon exceeding threshold; supplemental reports due each time independent expenditures over \$1,000 are made. • Monthly Disclosure Reports: due through June if threshold exceeded during covered period • Weekly Disclosure Reports: due every Tuesday during Primary Election Period if threshold exceeded during covered period • Daily Disclosure Reports: due starting two weeks before primary if threshold exceeded during period • Weekly Disclosure Reports: due every Tuesday during General Election Period if

		<p>Elections Aggregate amount of: \$1,000 or more in an election cycle.</p> <p>Committees and other entities: Cumulative amount over \$700 in an election cycle.</p>	<p>threshold exceeded during period</p> <ul style="list-style-type: none"> • Daily Disclosure Reports: due starting two weeks before general election if threshold exceeded .
<p>Arkansas Statutes: § 7-6-220; § 7-6-207; § 7-6-227.</p>	Individuals; corporations and other group entities; independent expenditure committees.	An aggregate amount over \$500 in a calendar year.	<ul style="list-style-type: none"> • Pre-Election Reports: due 30 and 7 days before primary and general elections, covering period ending 35 days and 10 days prior to an election, respectively • Final Report: due no later than 30 days after the last day of the month the election is held.
<p>California Statutes: Gov. Code §85500; Cal.Gov.Code § 84203.5; Cal.Gov.Code § 84204; Cal.Gov.Code § 82036.5.</p>	Individuals; corporations and other group entities; political committees.	An aggregate amount of \$1,000 or more during a calendar year.	<ul style="list-style-type: none"> • Independent Expenditure Report: due at time committees file regularly scheduled campaign statements, except independent expenditure report is due within 24 hours of making independent expenditure over \$1,000 within 90 days of election. • Independent Expenditure Verification: due within 10 days of making independent expenditure. • Supplemental Independent Expenditure Reports: due October 5, covering July 1 through September 30, and October 23 covering October 1 through October 18.
<p>Colorado Statutes: Const. Art. XXVIII, §5; C.R.S.A. § 1-45-107.5.</p>	Individuals; corporations and other group entities; political committees.	Aggregate amount of over \$1,000 raised or spent in a calendar year.	<ul style="list-style-type: none"> • Quarterly Reports in non-election years: due by the fifteenth calendar day following the end of the applicable quarter. • Primary Bi-Weekly Reports: due on the first Monday in May and on each Monday every two weeks thereafter before the primary election. • Monthly Reports: due on the first day of each month beginning six months before the major election; except that no monthly report shall be required on the first day of the month in which the major election is held. • Major Election Bi-Weekly Reports: due on the first Monday in September and on each Monday every two weeks thereafter before the major election; • Post-Election Report: due 30 days after a major election. • Special Election Reports: due 14 days before and 30 days after a special legislative election held in an off-election year. • 48 Hour Report of Independent Expenditure: If independent expenditure over \$1,000 is made within 30 days of a primary or general election, report must be filed within 48 hours of obligating expenses.
<p>Connecticut Statutes: §9-601d;</p>	Individuals; corporations and other group entities;	Aggregate amount over \$1,000.	<p>Non-Committees</p> <ul style="list-style-type: none"> • Long Form Reports: due at time of next periodic filing (see below) if not made during

§ 9-608.	political committees.		<p>“primary or general election campaign” period;²⁰¹ if IE is made during “primary or general election campaign” period, report is due within 24 hours of initially exceeding threshold.</p> <ul style="list-style-type: none"> • Short Form Reports: due at time of next periodic filing (see below) if not made during “primary or general election campaign” period; if made during “primary or general election campaign” period, report is due within 24 hours of making subsequent IEs that aggregately exceed \$1,000 after entity has filed Long Form report. <p>Committees</p> <ul style="list-style-type: none"> • Reports due January 10, April 10, July 10, and October 10. • Report due 7 days before primary or referendum if committee has made IE connected to such election or referendum. • Report due 7 days before general election. • Report due 45 days after the general election when the general election is not held in November. • 24 hour reporting during “primary or general election campaign” period if committee makes IE that in the aggregate exceeds \$1000 during that period.
Delaware Statutes: 15 Del.C. § 8031; 15 Del.C. § 8005.	Individuals; corporations and other group entities; political committees.	Over \$500 during an election period.	<ul style="list-style-type: none"> • Third Party Advertising Report: If expenditure is made within 30 days of a primary or special election, or within 60 days of a general election, then report must be filed within 24 hours after expenditure is made. If independent expenditure is made more than 30 days before primary or 60 days before general election, report is due within 48 hours.
Florida Statutes: F.S.A. §106.071; F.S.A. § 106.07.	Individuals; corporations and other group entities; political committees; party units.	Non-Committees: Aggregate amount of \$5,000 or more. Committees: any independent expenditure.	<ul style="list-style-type: none"> • Monthly Reports: due on the 10th day of each month. • Weekly Reports: due on the 60th day immediately preceding the primary election, and each week thereafter, with the last weekly report being filed on the 4th day before the general election. • Daily Reports: due on the 10th day immediately preceding the general election, and each day thereafter, with the last daily report being filed the 5th day immediately preceding

²⁰¹ ““General election campaign’ means (A) in the case of a candidate nominated at a primary, the period beginning on the day following the primary and ending on the date the treasurer files the final statement for such campaign pursuant to section 9-608, or (B) in the case of a candidate nominated without a primary, the period beginning on the day following the day on which the candidate is nominated and ending on the date the treasurer files the final statement for such campaign pursuant to section 9-608.” C.G.S.A. § 9-700(7) (2013); ““Primary campaign’ means the period beginning on the day following the close of (A) a convention held pursuant to section 9-382 for the purpose of endorsing a candidate for nomination to the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, State Treasurer or Secretary of the State or the district office of state senator or state representative, or (B) a caucus, convention or town committee meeting held pursuant to section 9-390 for the purpose of endorsing a candidate for the municipal office of state senator or state representative, whichever is applicable, and ending on the day of a primary held for the purpose of nominating a candidate for such office.” C.G.S.A. § 9-700(11) (2013).

			the general election.
Georgia Statutes : Ga. Code Ann., § 21-5-34(f).	Corporations and other group entities; political committees.	Any independent expenditure.	<ul style="list-style-type: none"> • Monthly Disclosure reports: due on the first day of each of the two calendar months preceding any election. • Disclosure reports: due two weeks prior to the date of such election; • Two Day Business Report: within the two-week period prior to the date of an election, an independent committee must report within 2 business days any contributions or expenditure of more than \$1,000.00. • Final report: due prior to December 31 of the election year. • Supplemental Reports: due on June 30 and December 31 of each year that entity continues to accept contributions or make expenditures.
Hawaii Statutes : § 11-335; § 11-336; § 11-338; § 11-339.	Corporations and other group entities; political committees.	Over \$1,000.	<ul style="list-style-type: none"> • Preliminary Reports: due 10 calendar days prior to a primary or general election, current through five days before report is due. • Final Primary Report: due 20 days after the primary election, current through the day of the election. • Final Election Period Report: due 30 calendar days after a general election, current through day of election. • Supplemental Reports (non-election years): due January 31st, and July 31st after an election year, current through December 31 for the report filed on January 31 and current through June 30 for the report filed on July 31 • Late Expenditure Reports: due 3 days before an election if IEs of more than \$500 are made within 14 and four days of election.
Idaho Statutes : I.C. § 67-6611.	Individuals; corporations and other group entities; political committees.	An aggregate amount over \$100.	<ul style="list-style-type: none"> • Statement: due no later than 7 days before a primary or general election, and no later than 30 days after a primary or general election. • For independent expenditures over \$1,000 made within 15 days of election, statement due within 48 hours.
Illinois Statutes : 5/9-8.6; 5/9-10; 5/9-11.	Individuals; corporations and other group entities; political committees.	Natural Persons : \$3,000 or more during any 12-month period. Committees and other group entities : \$5000 or more during any 12 month period.	Natural persons : <ul style="list-style-type: none"> • Written disclosure due within two days of making independent expenditure that meets or exceeds statutory threshold. Additional disclosures required for further expenditures in \$1,000 increments through election's conclusion. • A natural person that makes an independent expenditure supporting or opposing a candidate that alone or in combination with other expenditures equals an aggregate value of more than \$250,000 for statewide office or \$100,000 for all other elective offices, must file a written disclosure within 2 business days after making any expenditure that results in exceeding the applicable threshold. Political committees and other entities : <ul style="list-style-type: none"> • Quarterly reports: due within 15 days of end of every quarter, covering the period January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31 of each year.

			<ul style="list-style-type: none"> • A political committee that makes independent expenditures of \$1,000 or more during the period 30 days or fewer before an election must file a report within 5 business days after making the independent expenditure. • A political committee that makes an independent expenditure supporting or opposing a candidate that alone or in combination with other expenditures equals an aggregate value of more than \$250,000 for statewide office or \$100,000 for all other elective offices, must file a written disclosure within 2 business days after making any expenditure that results in the independent expenditure committee exceeding the applicable threshold.
Indiana: No independent expenditure reporting.	n/a	n/a	n/a
Iowa <u>Statutes:</u> §68A.404; § 68A.402; § 68A.402A.	Individuals; corporations and other group entities that are not registered political committees; political committees (unless out of state or federal committee).	Non-Committees: An aggregate amount over \$750 for a single communication. Committees: An aggregate amount over \$750 in a calendar year.	Non-Committees: <ul style="list-style-type: none"> • IE Statement: due within 48 hours of making or disseminating independent expenditure, whichever is earlier; supplemental reports are due on same dates as next committee report is due (see below) if over \$1,000 is raised or spent. Committees: <ul style="list-style-type: none"> • Election Year Reports: due May 19 (covering Jan. 1 through May 14); July 19 (covering May 15 through July 14); October 19 (covering July 15 through October 14); January 19 (covering October 15 through December 31). • Non-Election Year Reports: due July 19 (covering Jan 1 through June 30), and January 19 (covering July 1 through December 31).
Kansas <u>Statutes:</u> §25-4150; § 25-4148c.	Individuals; corporations and other group entities; political and party committees.	Non-Committees: an aggregate amount of \$100 or more in a calendar year. Committees: Any independent expenditure.	<ul style="list-style-type: none"> • Pre-Primary Report: due 8 days before the primary, covering period beginning on January 1 of the election year and ending 12 days before the primary election. • Pre-General Election Report: due 8 days before general election, covering period beginning 11 days before the primary election and ending 12 days before the general election. • Post-Election Report: due January 10th of year following an election, covering period beginning 11 days before the general election and ending on December 31. • Non-Election Year Annual Report: due January 10th, covering previous year. • Daily Report: due the Thursday, Friday, Saturday, Sunday and Monday immediately before the election if over \$300 spent on IEs.
Kentucky <u>Statutes:</u> §121.150 ; 32 KAR 1:080 .	Individuals; corporations and other group entities; political committees.	An aggregate amount over \$500 for any one election.	IE report: due upon making independent expenditures that exceed \$500 in the aggregate.
Louisiana	Individuals;	An aggregate amount	<ul style="list-style-type: none"> • Reports: due 180 days prior to the primary

<p><u>Statutes:</u> §18:1501.1; §18:1491.6; §18:1491.7.</p>	<p>corporations and other group entities; political committees.</p>	<p>over \$500 during “aggregating period.”²⁰²</p>	<p>election, complete through the one hundred ninetyeth day prior to the primary election; 90 days prior to the primary election, complete through the one hundredth day prior to the primary election; 30 days prior to the primary election, complete through the fortieth day prior to the primary election; 10 days prior to the primary, complete through the twentieth day prior to the primary.</p> <ul style="list-style-type: none"> • Report: due 10 days after primary if expenditures made on day of primary. • Report: due 10 days before general election, complete through the 20th day prior to the election. • Report: due 10 days after general election if expenditures made on Election Day. • Report: due 40 days after general election, complete through the 30th day after general election. • Annual Reports: due no later than February 15 of each year and complete through December 31 of preceding year. • Special Reports: due within 48 hours of making expenditure or accepting contribution within 20 days of an election.
<p>Maine Statutes: 21-A MRSA §1019-B; 21-94-270 CMR Chapter 1, Section 10.</p>	<p>Individuals; corporations and other group entities; political committees; party units.</p>	<p>Over \$100 during any one candidate’s election.</p>	<ul style="list-style-type: none"> • 60 Day Pre-Election Report: due 60 days before election, and complete through the 61st day before the election. • 11 Day Pre-Election Report: : for IEs that aggregate more than \$100 but no more than \$250 per candidate from the 60th day to the 14th day before an election; due 11 days before an election, and complete up through the 14th day before an election. • Independent expenditures aggregating over \$250 per candidate made within 60 days of an election must be reported within two days of the expenditure. • Independent expenditures aggregating in excess of \$100 per candidate made within 14 days of an election must be reported within one day of the expenditures
<p>Maryland²⁰³ <u>Statutes:</u> § 13-306; § 13-309.</p>	<p>Individuals; corporations and other group entities; political</p>	<p>Non-Committees: An aggregate amount of \$10,000 or more in a four year election cycle.</p>	<ul style="list-style-type: none"> • Non-Committees: once non-committee entity exceeds the \$10,000 threshold, or spends \$10,000 since last reported independent expenditures, an independent expenditure

²⁰² “‘Aggregating period’ means:

(a) For a political committee, except a political committee which supports only one candidate, the period from January first of the calendar year through December thirty-first of the same calendar year.

(b) For a candidate, the period from the date on which he became a candidate as defined herein through the closing date for the current report.

(c) For a committee which supports only one candidate, the period from the time when the committee first participates in the election through the closing date for the current report.” LSA-R.S. 18:1483 (2).

²⁰³ New legislation effective in 2015: HB-1499.

	committees.	Committees: Any independent expenditure.	<p>report must be filed by the next upcoming deadline for political committees to file campaign finance reports (see below).</p> <ul style="list-style-type: none"> • Committees: Campaign Finance Reports: due on or before the third Tuesday in April, if the campaign finance entity did not file the annual campaign finance report; on or before the fourth Tuesday immediately before primary election; on or before the second Friday immediately preceding a primary election; on or before the last Tuesday in August immediately preceding a general election; on or before the second Friday immediately preceding a general election; and on or before the third Tuesday after a general election.
Massachusetts § ²⁰⁴ Statutes : Ch. 55 §18A; Ch. 55 §18; 970 CMR 2.17 .	Individuals; corporations and other group entities; political committees.	Over \$250 during a calendar year.	<p>Non-Committees:</p> <ul style="list-style-type: none"> • Independent Expenditure Report: due within 7 business days after the independent expenditure was made. If IE over \$250 is made within 10 days of election, an IE report must be made within 24 hours. <p>Committees:</p> <ul style="list-style-type: none"> • Reports due on the eighth day preceding a primary, the eighth day preceding a biennial state election and a final report on January 20th of the following year complete through December 31 of the prior year.
Michigan Statutes : §169.233; §169.251; §169.226.	Individuals; corporation and other group entities; political committees.	Non-committees: Over \$100 in a calendar year. Committees: any independent expenditure.	<p>Non-committee: report due Within 10 days of making expenditure.</p> <p>Committees:</p> <ul style="list-style-type: none"> • Campaign statements: due February 18th, covering up to Feb. 10th; April 25, complete up to April 20; July 25th, complete up to July 20; October 27th, complete up to October 20. • Special Election Independent Expenditure Report: If an independent expenditure is made within 45 days of a special election by a political committee, a report of the expenditure must be filed within 48 hours.
Minnesota Statutes : § 10A.20.; § 10A.14.	Individuals; corporations and other group entities; political committees; party units.	IE-only Committees: \$1,500 in a calendar year. Other Committees/ Party Units: Any independent expenditure.	<ul style="list-style-type: none"> • First-quarter report: due April 14, covering the calendar year through March 31. • A report due June 14 covering the calendar year through May 31. • Pre-primary-election report: due 15 days before a primary election. • Pre-general-election report: due 42 days before the general election. • Pre-general-election report: due 10 days before a general election. • Year End Report: due January 31 of following year.
Mississippi Statutes : §23-15-809; § 23-15-807.	Individuals; corporations and other group entities; political committees.	Over \$200 in a calendar year.	<ul style="list-style-type: none"> • Pre-Election report: due 7 days before any election, complete as of the 10th day before such election. • Periodic reports during Election Year: due no later than the 10th day after April 30, May 31, June 30, September 30 and December 31,

²⁰⁴ Pending Legislation would affect independent expenditure committees.

			<p>and complete as of the last day of each period.</p> <ul style="list-style-type: none"> • Annual Reports in Non-Election Years: due no later than January 31, covering previous calendar year.
<p>Missouri Statutes: §130.047; §130.046; §130.041.</p>	<p>Individuals; corporations and other group entities; political committees (except federal committees).</p>	<p>An aggregate amount of \$500 or more.</p>	<p>Non-Committee:</p> <ul style="list-style-type: none"> • Non-Committee Expenditure Report: due within 14 days of making independent expenditure exceeding threshold. Additional reports due within 14 days of making additional expenditures. If expenditure is made within 14 days of election, then report must be filed within 48 hours. <p>Committees</p> <ul style="list-style-type: none"> • Pre-Election Disclosure Reports: due 40 days before an election, covering period up to 45 days before election; and due 8 days before an election, covering period up to 12 days before election. • Post-Election Disclosure Report: due 30 days after an election, covering period closing on the 25th day before an election. • Quarterly Reports: due on the 15th day of January, April, July and October for periods closing on the 31st day of December, the 31st day of March, the 30th day of June and the 30th day of September. • 24 Hour Reporting: if aggregate expenditures of \$250 or more are made within 11 days of election.
<p>Montana Statutes: §13-37-226; §13-37-201; Mont. Admin. R. 44.10.531.</p>	<p>Corporations and other group entities; political committees.</p>	<p>Any independent expenditure above “de minimis amount.”²⁰⁵</p>	<p>Entity must file for certification within 5 days of making any independent expenditure then file the following reports:</p> <ul style="list-style-type: none"> • Pre-election Report: due 12 days before an election for which entity has made IE. • Post-election Report: due 20 days after an election for which entity has made IE. • 24 hour reporting if entity makes expenditure or incurs debt of \$500 or more between the 17th day prior to election and the date of the election. • Closing Report: due at close of each calendar year.
<p>Nebraska Statutes: §49-1467; § 49-1459; § 49-1469; § 49-1478.01; § 49-1455.</p>	<p>Individuals; corporations and other group entities; committees.</p>	<p>Non-committees: \$250 or more. Committees: \$5000 in a calendar year.</p>	<p>Non-Committees:</p> <ul style="list-style-type: none"> • IE Report: due within 10 days after end of calendar month in which independent expenditure was made. <p>Committees:</p> <ul style="list-style-type: none"> • Pre-election Campaign Statements: due the 30th day and the 10th day before the election. • Post-election Campaign Statement: due the 40th day following the primary election and the 70th day following the general election. • Two day Reporting: Late independent expenditures of \$1,000 or more by committees must be reported within two days of expenditure.
<p>Nevada</p>	<p>Individuals;</p>	<p>Over \$1,000 in a</p>	<ul style="list-style-type: none"> • Pre-Primary Reports: due 21 days before the

²⁰⁵ For discussion on the meaning of “de minimis,” see Baker v. KEY, COPP-2011-CFP-32.

Statutes : §294A.140; §294A.210.	corporations and other group entities; political committees.	reporting period.	<p>primary election, covering the period from the January 1 immediately preceding the primary election through 25 days before the primary election, and 4 days before the primary election, covering the period from 24 days before the primary election through 5 days before the primary election.</p> <ul style="list-style-type: none"> • Pre-General Election Reports: due 21 days before the general election, covering the period from 4 days before the primary election through 25 days before the general election; and 4 days before the general election, covering the period from 24 days before the general election through 5 days before the general election. • Annual reports: due by January 15 of each year, covering the period from January 1 of the previous year through December 31 of the previous year.
New Hampshire ²⁰⁶ Statutes : N.H. Rev. Stat. § 664:6.	Political committees.	An aggregate amount over \$500.	Statement : due within 24 hours after threshold is exceeded. Additional reports due each time \$500 threshold is exceeded.
New Jersey Statutes : §19:25-12.8; §19:25-8.2.	Individuals; corporations and other group entities.	Over \$1,400 during an election.	<ul style="list-style-type: none"> • Independent Expenditure Report: depending on when IE is made, due either 29 or 11 days before an election; 20-days after the election; or on a quarterly report. • 48 Hour Expenditure Notice: due if independent expenditure over \$1,400 is made within 13 days of election.
New Mexico: No independent expenditure reporting. ²⁰⁷	n/a	n/a	n/a
New York Statutes : § 14-107.	Individuals; corporations and other group entities; political committees.	Any independent expenditure triggers requirement to register as “independent expenditure committee.”	<ul style="list-style-type: none"> • Periodic Reports: due July 15th, covering the period from Jan 12th to July 11th; and January 15th, covering the period from July 12th to January 11th. • Election Cycle Reports: 32 Day Pre-Primary Report; 11 Day Pre-Primary Report; 10 Day Post Primary Report; 32 Day Pre General Report; 11 Day Pre-General Report; 27 Day Post-General Report. • Weekly Disclosures: due once a week on Friday for any contribution to such person over \$1,000 or expenditures by such person over \$5,000 made prior to 30 days before any election. • 24 Hour Disclosure: due if committee receives a contribution over \$1,000 or makes an expenditure over \$5,000 within 30 days of election.
North Carolina Statutes : §163-	Individuals; corporations and other group entities;	Non-Committees : Over \$100. Committees : Any	<p>Non-Committees:</p> <ul style="list-style-type: none"> • Initial Report: due within 30 days of making the independent expenditure, or 10 days before

²⁰⁶ Pending Legislation: SB 120.

²⁰⁷ See New Mexico Republican Party v. King, 741 F.3d 1089 (10th Cir. 2013).

278.12; § 163-278.9.	political committees.	independent expenditure.	<p>an election, whichever is earlier.</p> <ul style="list-style-type: none"> • After making the initial report, an individual or entity making subsequent independent expenditures must comply with political committees' reporting schedule (see below). • If expenditure is over \$5,000 or donation received for the purpose of making an IE is over \$1000, and occurs after the end of the last reporting period before an election, then expenditure must be reported within 48 hours. <p>Committees:</p> <ul style="list-style-type: none"> • Quarterly Reports in Even-Numbered Years: First Quarter Report due April 28 2014 (covering period from last report thru April 19); Second Quarter Report due July 10, 2014 (covering period from last report thru June 30); Third Quarter Report due October 27, 2014 (covering period from last report thru October 18); Fourth Quarter Report due January 12, 2015 (covering period from last report thru December 31st). • Semi-Annual Reports: for Contributions received or expenditures made for which no reports are otherwise required, all such contributions and expenditures must be reported by the last Friday in July, covering the period through the last day of June, and must be reported by the last Friday in January, covering the period through the last day of December. • 48 Hour Reports: due within 48 hours of receiving a contribution of \$1,000 or more within 187 days of primary or general election.
North Dakota Statutes: §16.1-08.1-03.12; §16.1-08.1-03.5; §16.1-08.1-03.7.	Corporations and other group entities; political committees.	Any independent expenditure.	Disclosure Statements: due Within 48 hours of making an independent expenditure.
Ohio Statutes: §3517.105 ; §3517.10; OAC 111-3-03 .	Individuals; group entities organized as "political contributing entities;" ²⁰⁸ political committees.	Any independent expenditure.	<p>Non-Committees: Independent Expenditure Statement: due at time when next committee report is due (see below).</p> <p>Committees:</p> <ul style="list-style-type: none"> • Pre-Election Report: due 12 days before an election if person or entity spent or received \$1,000 or more between filing of last report and 20th day before election. • Post-Election Report: due 38 days after election if person or entity received any contributions or made any expenditure between time of last report and the 31st day after election. • Semiannual Report: due on the last business day of July covering the period since the last report through the last day in June if person or entity did not file report after the immediately preceding primary election. • Annual Report: due last business day of

²⁰⁸ See Ohio R.C. 3517.01(C) (25).

			January, covering period since last report and through the last day of December if person or entity did not file a report after the immediately preceding general election.
Oklahoma Statutes : T. 74, Ch. 62, App. 257:10-1-16; T. 74, Ch. 62, App. 257:10-1-14; T. 74, Ch. 62, App. 257:10-1-13.	Corporations and other group entities; political committees.	Non-Committees : An aggregate amount of \$5,000 or more. Committees : \$500 or more in a calendar year.	Non-Committees : <ul style="list-style-type: none"> • Pre-Election Reports: due no later than 8 days before an election, covering all transactions made since the end of the last reporting period through 15 days before election. • Next Day Reporting: If IE is made within 14 days of election, report must be made by the next day following the expenditure. Committees : <ul style="list-style-type: none"> • Quarterly Reports in Non-Election Years: due January 31, covering all contributions and expenditures made or received as of December 31; April 30, covering all contributions and expenditures made or received as of March 31; July 31, covering all contributions made or received as of June 30; October 31, covering all contributions and expenditures made or received as of September 30. • Pre-Election Reports: due no later than 8 days before an election, covering all transactions made since the end of the last reporting period through 15 days before election. • If IE is made within 14 days of election, report must be made by the next day following the expenditure.
Oregon Statutes : §260.044; § 260.083.	Individuals; corporations and other group entities; political committees.	Non-Committees : An aggregate amount over \$750 in a calendar year. Committees : any independent expenditure.	Non-Committees <ul style="list-style-type: none"> • Report due within 7 days of initially exceeding threshold amount. • Additional reports are generally due within 30 days of date of making a subsequent independent expenditure. Independent expenditures made prior to the 42nd day before an election that have not been reported by the 43rd day before an election are due by the 35th day before an election. • If IE is made within 42 days of primary or general election, the statement must be filed within 7 days. Committees <ul style="list-style-type: none"> • Report generally due within 30 days of date of independent expenditure. • Independent expenditures made between the 42nd day before the election and Election Day are due 7 calendar days after the date of the transaction. • Independent expenditures that occur prior to the 42nd day before the election and have not been reported by the 43rd day before the election are due by the 35th day before the election.
Pennsylvania Statutes : 25 P.S. § 3246; 25 P.S. § 3248.	Individuals; corporations and other group entities; political committees.	Non-committees : Aggregate amount over \$100 in a calendar year. Committees : over \$250.	Non-Committees : <ul style="list-style-type: none"> • Independent Expenditure Report: due at time of next political committee filing deadline (see below). Committees <ul style="list-style-type: none"> • Pre-Election Reports: due by the sixth Tuesday before an election, complete as of 50 days before election; and second Friday before

			<p>an election, complete as of 15 days before election.</p> <ul style="list-style-type: none"> • Post-Election Report: due 30 days after an election and complete as of 20 days after an election. • 24-hour Reporting: Late Independent expenditures of \$500 or more made within 14 days of election must be reported within 24 hours. • Annual Reports: due January 31, complete through December 31 of the previous year.
Rhode Island Statutes : § 17-25.3-1.	Individuals; corporations and other group entities (except 501(c)(4) non-profit organizations); political committees.	Over \$1,000 in a calendar year.	Report due within 7 days of making independent expenditure exceeding threshold. If an independent expenditure is made within 30 days of an election, then report is due within 24 hours. Additional reports are due each time an independent expenditure over \$1,000 is made.
South Carolina: No independent expenditure reporting ²⁰⁹	n/a	n/a	n/a
South Dakota Statutes : § 12-27-16; § 12-27-24; § 12-27-22.	Individuals; corporations and other group entities; political committees.	Non-Committees: \$100 or more. Committees: any independent expenditure.	<p>Non-Committees: Communication Statement: due within 48 hours of dissemination of communication funded by independent expenditure that exceeds threshold; additional Communication Statements due each time non-committee spends at least \$100 on an independent expenditure.</p> <p>Committees:</p> <ul style="list-style-type: none"> • Communication Statement due within 48 hours of dissemination of communication funded by independent expenditure that exceeds threshold; additional Communication Statement due each time committee spends at least \$100 on an independent expenditure. • Annual Campaign Finance Disclosure Statements: due February 1st, covering all contributions and expenditures from the preceding calendar year. • Pre-Primary and Pre-General Election Disclosure Statement: due the second Friday before a primary or general election, and complete through 15 days before election. • Supplemental Disclosure Statements: covering independent expenditures made within 14 days of election.
Tennessee Statutes : T. C. A. § 2-10-105.	Corporations and other group entities; political committees.	Any independent expenditure.	<ul style="list-style-type: none"> • Semi-Annual Reports during non-election years: due January 31, covering period from July 1st through January 15th; and July 15th, covering period from January 16 through June 30. • Quarterly Reports during Election Years: due within 10 days of quarters ending March 31, June 30, September 30, and January 15. • Pre-Primary Statement: due seven days before primary, covering last day included in

²⁰⁹ See South Carolina Citizens for Life v. Krawcheck, 759 F.Supp.2d 708 (D. S.C. 2010).

			<p>the July quarterly statement through the tenth day before the primary election.</p> <ul style="list-style-type: none"> • Pre-General Election Statement: due seven days before general election covering period from the last day in October quarterly report through the tenth day before the general election. • Next-Day reporting for certain late contributions made within 10 days of primary or general election.
<p>Texas Statutes: § 254.153; § 254.154; § 254.261; § 254.039; § 254.031; § 254.151.</p>	<p>Individuals; corporations and other group entities; political committees (except out-of-state and federal committees).</p>	<p>Non-Committee: Over \$100 in an election. Committee: any independent expenditure.</p>	<ul style="list-style-type: none"> • Semi Annual Reports: due July 15, covering January 1 through June 30; and January 15, covering July 1 through December 31. • Monthly Reports (alternative to semi Annual Reports for General Purpose Committees): covers period beginning the 26th day of one month (except for the first monthly report) and ending on the 25th day of the next month. The report for that period is due by the 5th day of the month after the month in which the reporting period ends. • Pre-Election Reports: due 30 days before an election, covering the period beginning the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report through the 40th day before an election; and 8 days before an election, covering the period from the 39th day before an election through the 10th day before an election. • Late Expenditure Reports: independent expenditures exceeding \$1,000 for a single candidate or \$15,000 for a group of candidates must be reported by end of the next business day if made within 9 days of election.
<p>Utah Statutes: § 20A-11-1704.</p>	<p>Individuals; corporations and other group entities; political committees.</p>	<p>An aggregate amount of \$1,000 or more during an election cycle.</p>	<p>Independent Expenditure Report: due within 30 days of making independent expenditure meeting or exceeding threshold. Committees must also report IEs on their regularly scheduled campaign reports.</p>
<p>Vermont Statutes: 17 V.S.A. § 2964; 17 V.S.A. § 2963; 17 V.S.A. § 2971.</p>	<p>Individuals; corporations and other group entities; political committees; candidates and parties.</p>	<p>Mass Media Report: \$500 or more. Committee Reports: Raising and spending \$1,000 or more.</p>	<p>Non-Committees:</p> <ul style="list-style-type: none"> • Mass Media Reports: required if independent expenditure of \$500 or more is made within 45 days of election; due within 24 hours of making independent expenditure. <p>Committees:</p> <ul style="list-style-type: none"> • Non-election year Campaign Reports: due on July 15. • Election-year Campaign Reports: due March 15, July 15, August 15, September 1, October 1, October 15, November 1, and two weeks after date of election. • Independent Expenditure PACs Mass Media Report: If Independent expenditure-only Committee spends \$5,000 or more on mass media within 45 days of an election, report is due within 24 hours.
<p>Virginia Statutes: VA Code Ann. § 24.2-945.2.</p>	<p>Individuals; corporations and other group entities; political</p>	<p>Statewide Elections: An aggregate amount of \$1000 or more during election cycle.</p>	<p>Independent Expenditure Disclosure Report: due within 24 hours of making expenditure or within 24 hours of IE being disseminated, whichever is earlier.</p>

	committees.	Any other Election: An aggregate amount of \$200 or more.	
Washington Statutes : §42.17A.255; § 42.17A.260.	Individuals; corporations and other group entities; political committees.	Committees: \$1,000 or more. Non-Committees: An aggregate amount of \$100 or more during an “election campaign.” ²¹⁰	<ul style="list-style-type: none"> • Initial report: due within 5 days of making expenditure meeting or exceeding threshold. • Additional reports: due on the 21st day and the 7th day preceding an election; on the 10th day of the first month after the election; on the tenth day of each month in which no other reports are required to be filed if the reporting person has made an independent expenditure since the date of the last report filed. • Special Report: 24 Hour Reporting for Independent Expenditure Ads with a fair market value of \$1,000 or more made within 21 days of an election.
West Virginia Statutes : §3-8-2; § 3-8-5.	Individuals; corporations and other group entities; political committees.	Aggregate amount over \$1000 in a calendar year.	<ul style="list-style-type: none"> • Initial Disclosure Statement: due upon making independent expenditure exceeding threshold; an additional report is due within 24 hours each time the person makes or contracts to make independent expenditures aggregating an additional \$500 with respect to the same election • Independent expenditures made after 15 days or 12 hours before election and exceeding \$1,000 for state/legislative candidate or \$500 for local candidate must report within 24 hours. • Independent expenditures of \$10,000 or more made up to 14 days before an election must be reported within 48 hours. • Independent expenditures aggregating \$1,000 or more, but less than \$10,000, more than 14 days before election must be reported when regular campaign finance report is due.
Wisconsin ²¹¹ Statutes : W.S.A. §11.06; W.S.A. §11.12 (6); Wis. Adm. Code s GAB. 1.91 .	Political committees.	Over \$300 in a calendar year .	<ul style="list-style-type: none"> • Pre-Primary Report: due 8 days before primary, complete through 15th day before primary. • Pre-Election Report: due 8 days before general election, complete through 15th day before general election. • 48 Hour Reporting for Late Disbursements made within 14 days of an election.
Wyoming Statutes : § 22-25-102; § 22-25-106	Corporations and other group entities; political committees.	Any independent expenditure.	<ul style="list-style-type: none"> • Statement of Expenditures: due 10 days after an election.

Source: *National Conference of State Legislatures*

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²¹⁰ ““Election campaign” means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.” RCWA 42.17A.005 (17).

²¹¹ *See Wisconsin Right to Life v. Barland*, 751 F. 3d 804 (7th Cir. 2014).

APPENDIX D: DISCLOSURE REQUIREMENTS



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

State Campaign Finance Disclosure Requirements

2015-2016 Election Cycle

State/Statute	Who Needs to Disclose	What Needs to be Disclosed	When is it Disclosed	Electronic Filing Required?
Alabama Ala. Code 1975 § 17-5-8	Candidates (Annually, Monthly, Weekly, Daily). PAC (annually)	Contributions, Expenditures, Debts	Monthly, starting a year before the election. Weekly, four weeks before the election. Daily, starting 8 days before the election	Yes
Alaska AS § 15.13.110	Candidates, Parties, PACs	Contributions, Expenditures, Debts	Month before Election, Week before Election, 105 days after special election, 24 Hours after receiving contribution of \$250 or more, Feb. 15 for everything not previously reported	Yes
Arizona A.R.S. § 16-913	Candidate, PAC	Contributions, Expenditures	June 30 (covering Jan. 1-May 31), 4 days before election, 30 days after election, Annually	Yes
Arkansas A.C.A. § 7-6-207	Candidate, PAC	Contributions, Expenditures	Quarterly, Monthly (Beginning year before the election), 7 days before the election, 30 days after election,	No
California West's Ann. Cal. Elec. Code § 20440	Candidates, PACs, Independent Expenditure Committees, Parties	Contributions, Expenditures	Semi-annually (Jan. 31, July 31), pre-election reports on March 22 and May 26, within 10 days of receiving a contribution of \$5,000 or more(only for electronic filing), and within 24 hours for every contribution of more than \$1,000 from a single source	Yes
Colorado C.R.S.A. § 1-45-108	Candidates, PACs, Issue Committees, Small Donor Committees, Parties	Contributions, Expenditures	Quarterly in non-election years, First Monday in May during Election year, then every two weeks before primary, Monthly six months before election, First Monday in September then every two weeks before general, 30 days after election, 14 days before and 30 days after special election	Yes
Connecticut C.G.S.A. § 9-608	Committees (Candidate and Issue)	Contributions, Expenditures, Expenses	January, April, July, October, Week before election, 30 days after primary,	No
Delaware 15 Del. C. §8030	Candidates	Contributions, Expenditures	Every year on Dec. 31, 30 days before election, 8 days before election	No

State/Statute	Who Needs to Disclose	What Needs to be Disclosed	When is it Disclosed	Electronic Filing Required?
Florida West's F.S.A. §106.07	Candidates, PACs	Contributions, Expenditures	Monthly, 60 days before primary then weekly, 10 days before general then daily	No
Georgia Ga. Code Ann., § 21-5-34	Candidate Committees	Contributions, Expenditures, Loans	Biannually in non-election year, Every other month in election year, 6 days before election, 24 hours if receiving \$1,000 or more, 15 days before special election	Yes
Hawaii HRS § 11-334	Candidates	Contributions, Expenditures, Loans	30 days before primary, 10 days before primary, 10 days before general, 20 days after primary, 30 days after general, January 31 after election year, July 31 after election year	Yes
Idaho I.C. § 67-6607	Candidates, PACs	Contributions, Expenditures	Week before primary, 30 days after primary, October 10 before general, week before general, 30 days after general	No
Illinois 10 ILCS 5/9-10	Political Committees	Contributions, Expenditures	Quarterly, within 5 days of receiving contribution of \$1,000 or more,	Yes
Indiana IC 3-9-5-6	Candidates, Parties, PACs	Contributions, Expenditures	Annually, 25 days before nomination, 25 days before general election	No
Iowa I.C.A. § 68A.401	Candidates, PACs, Issue committees	Contributions, Expenditures	May 19, July 19, October 19, January 19	No
Kansas K.S.A. 25-4148	Candidates	Contributions, Expenditures	8 days before primary, 8 days before general, January 10 after election, annually when candidate is not participating in an election	No
Kentucky KRS § 121.180	Candidate, Political Issue Committee	Contributions, Expenditures, Fundraising sales	Quarterly, 32 days before an election, 15 days before election, 30 days after election	No
Louisiana LSA-R.S. 18:1491.6	Candidates, PACs	Contributions, Expenditures, Loans	180, 90, 30, 10 days before primary, 10 days before general, 40 days after general	No
Maine 21-A M.R.S.A. § 1017	Candidates, PACs, Political Issues Committees, Parties	Contributions, Expenditures	Biannually in non election year when candidate raises \$500 or more, 11 days before election, daily if contribution is \$1,000 or more, 42 days before general election, 42 days after election	Yes
Maryland MD Code, Election Law, §13-304	Candidates	Contributions (Employer) and expenditures	Third Tuesday in April, Fifth Tuesday before primary, last Tuesday in August before general, second Friday before general, Second Tuesday after general	Yes
Massachusetts s M.G.L.A. 55 §18	Candidates, PACs	Contributions, Expenditures	8 days before primary, 8 days before general, January 20 after election	Yes
Michigan M.C.L.A. 169.216	Candidates, PACs, Parties, Ballot Initiative Committees	Contributions, Expenditures	Annually, Quarterly, 16 days before election, 20 days after election	Yes

State/Statute	Who Needs to Disclose	What Needs to be Disclosed	When is it Disclosed	Electronic Filing Required?
Minnesota M.S.A. §211A.02	Candidate, PAC	Contributions	Annually, 10 days before primary, 10 days before general, 30 days after general	No
Mississippi Miss. Code Ann. § 23-15-807	Candidates, PACs	Contributions, Expenditures	Annually, 7 days before election	Yes
Missouri V.A.M.S. 130.046	Candidates, PACs	Contributions, Expenditures	Quarterly, 40 days before election, 8 days before election, 30 days after election	Yes
Montana MCA 13-37-226	Candidates, PACs, Parties, Ballot Initiative Committees	Contributions, Expenditures	Quarterly, March 10, April 10, June 10, Aug. 10, September 10 and 15 and 5 days before election, within 24 hours of receiving \$200 or more, 20 days after election	Yes
Nebraska Neb. Rev. St. §49-1445	Candidates, PACs, Parties	Contributions, Expenditures	March 9 and 30, May 18 for the primary; April 27, June 15 for general	No
Nevada N.R.S. 294A.140	Candidate, PAC, Party, Ballot Initiative Committee	Contributions, Expenditures	21 days before primary, 4 days before primary, 21 days before general, 4 days before general	No
New Hampshire 664:6	Candidate, Political Issue Committee	Contributions, Expenditures	3 Wednesdays before election, Wednesday before election, 2nd Wednesday after election	No
New Jersey N.J.S.A. 19:44A-1	Candidates	Contributions, Expenditures	Quarterly, 29 days before election, 11 days before election, 20 days after election	Yes
New Mexico N. M. S. A. 1978, § 1-19-27	Candidates	Contributions, Expenditures	Biannually, 2nd Monday in April, 2nd Monday in May, 2nd Monday in September, 2nd Monday in October, Thursday before election, 30 days after election	Yes
New York McKinney's Election Law §14-102	Candidates, PACs	Contributions, Expenditures, Transfers	30 days before election, 11 days before election, biannually	Yes
North Carolina N.C.G.S.A. §163-278.9	Candidates, PACs	Contributions, Expenditures, Transfers	Within 48 hours if receiving contribution of \$1,000 or more, Quarterly, Semiannually	No
North Dakota § 16.1-08.1	Candidates, PACs, Parties	Contributions, Expenditures	May 9 before primary, Oct. 3 before general, Jan. 31 for preceding year, 48 hours if receiving contribution of \$500 or more	No
Ohio R.C. § 3517.10	Candidates, PACS, Parties	Contributions, Expenditures	12 days before election, 38 days after election, last business day of every January, last business day of every July	Yes
Oklahoma T. 74, Ch. 62, App. 257:10-1-13	Candidates	Contributions, Expenditures	Quarterly, 8 days before election	Yes

State/Statute	Who Needs to Disclose	What Needs to be Disclosed	When is it Disclosed	Electronic Filing Required?
Oregon O.R.S. § 260.083	Candidates	Contributions, Expenditures	Report every transaction as it comes in, with dates dependent on statute	Yes
Pennsylvania 25 P.S. § 3246	Candidates, PACs	Contributions, Expenditures	Sixth Tuesday and second Friday before election, 30 days after election	No
Rhode Island Gen. Laws 1956, §17-25-7	Candidates, PACs	Contributions, Expenditures	Annual, every 90 days after registering, 28th and 7th days before primary, 28 days before general, 28 days after election	Yes
South Carolina Code 1976 § 8-13-1308	Candidates, PACS	Contributions, Expenditures	Quarterly, 15 days before election	Yes
South Dakota SDCL §12-27-24	Candidates, PACS	Contributions, Expenditures	July 5, 15 days before election, 30 days after election	No
Tennessee T. C. A. §2-10-105	Candidates, PACS	Contributions, Expenditures	Quarterly, 7 days before election, Jan. 31 after election	Yes
Texas V.T.C.A., Election Code §254.031	Candidates	Contributions, Expenditures, Loans	July 15, Jan. 15, 30 days before election, 8th day before election	Yes
Utah U.C.A. 1953 §20A-11-301	Candidates, PACs, Party, Corporation	Contributions, Expenditures, In Kind Donations	April 15, Aug. 31 7 days before election, Every year on Jan. 10	No
Vermont 17 V.S.A. §2964	Candidates	Contributions, Expenditures	Year before election- July 15, Year of election: March 15, July 15, August 15, Sept. 1, Oct. 1, Oct. 15, Friday before election, two weeks after election	No
Virginia VA Code Ann. §24.2-945	Candidates, PACs, Parties	Contributions, Expenditures	For May Elections- 8 days before election, June 15 after election, July 15 after election; For November Elections- biannually in off election years, April 15, July 15, Sept. 15, 8 days before election, 30 days after election, Jan. 15 after election	Yes
Washington WAC 390-16-125	Candidates	Contributions	June 1, Monthly until May of election year, 21 days before election, 7 days before election, 10th of the month of month after election	Yes
West Virginia WV Code §3-8-5	Candidates, PACs, Parties	Contributions, Expenditures, Loans, Expenses	April 4, May 2, June 23, Sept. 26, October 24, December 15, Every April	No
Wisconsin W.S.A. 11.20	Candidates, PACs	Contributions, Expenditures	8 days before election, 30 days after election	Yes
Wyoming W.S.1977 §22-25-106	Candidates	Contributions, Expenditures	7 days before election, 10 days after election	Yes

*Source: National Conference of State Legislatures
Last updated July 17, 2015*

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APPENDIX E: RATINGS OF STATE DISCLOSURE REGIMES

Rating of States' Independent Expenditure Disclosure Regimes — National Institute for Money in Politics: <https://www.followthemoney.org/research/institute-reports/scorecard-essential-disclosure-requirements-for-independent-spending-2014/>

Essential Disclosure Requirements for Independent Spending, 2014

by Peter Quist | 2014-12-03

In this report, the Institute updated—and upgraded—its assessment of essential independent spending disclosure requirements that were in effect in the states as of September 2014. This 2014 Scorecard replaces the Institute's 2013 Scorecard.

Overall, scores improved in 2014 compared to 2013—even though 24 states still received an "F" for their lack of disclosure. The increase was most pronounced for electioneering communications—those messages that feature candidates during a defined election period while stopping short of explicitly urging voters to vote for or against a candidate. Currently, 31 states require the disclosure of this form of spending, up from 25 in 2013. Four states—Arizona, Kansas, Montana, and Nevada—saw the greatest change in their scores, generally because state agencies informed the Institute they were requiring these communications to be reported. . . .

Findings

This 2014 Scorecard's primary focus is the disclosure of independent spending that targets candidates for state-level office; that is, disclosure requirements for the spending itself (rather than the funding) were responsible for 83 percent of the possible score. Identifying how much independent spending occurs in state elections, which candidates are targeted, and whether the spending supported or opposed the candidates are fundamental questions of campaign finance data.

The most gaping hole in disclosure centers around electioneering communications. In 24 states, it is not possible to fully know how much was spent, and by whom, on electioneering communications, often due to two common disclosure flaws:

1. The state may not require clear disclosure of electioneering communications at all.
2. The state may require electioneering communications to be disclosed, but the reporting forms may not differentiate independent spending from other expenditures. For example, a committee might report a \$5,000 political consultant fee, but the form may not indicate if that was for independent spending or for another purpose (such as an in-kind contribution). In these cases, a relatively simple redesign of the reporting form would result in greater transparency. . . .

Table 1: State Scorecard of Essential Independent Spending Disclosure Requirements

State	Overall Score (max 120)	IE Disclosure (max 30)	IE Targets (max 10)	IE Positions (max 10)	EC Disclosure (max 30)	EC Targets (max 10)	EC Positions (max 10)	Donor Disclosure (max 20)
Alabama	0	0	0	0	0	0	0	0
Alaska	120	30	10	10	30	10	10	20
Arizona	110	30	10	10	30	10	10	10
Arkansas	40	30	0	0	0	0	0	10
California	110	30	10	10	30	10	0	20
Colorado	120	30	10	10	30	10	10	20
Connecticut	120	30	10	10	30	10	10	20
Delaware	120	30	10	10	30	10	10	20
Florida	100	30	5	5	30	5	5	20
Georgia	25	15	0	0	0	0	0	10
Hawaii	120	30	10	10	30	10	10	20
Idaho	120	30	10	10	30	10	10	20
Illinois	120	30	10	10	30	10	10	20
Indiana	0	0	0	0	0	0	0	0
Iowa	50	15	5	5	15	0	0	10
Kansas	110	30	10	5	30	10	5	20
Kentucky	60	30	10	10	0	0	0	10
Louisiana	60	30	10	10	0	0	0	10
Maine	120	30	10	10	30	10	10	20
Maryland	110	30	10	10	30	10	0	20

Massachusetts	110	30	10	10	30	10	0	20
Michigan	60	30	10	10	0	0	0	10
Minnesota	60	30	10	10	0	0	0	10
Mississippi	60	30	10	10	0	0	0	10
Missouri	60	30	10	10	0	0	0	10
Montana	110	30	10	5	30	10	5	20
Nebraska	55	30	10	5	0	0	0	10
Nevada	80	30	0	0	30	0	0	20
New Hampshire	85	30	10	10	15	5	5	10
New Jersey	40	30	0	0	0	0	0	10
New Mexico	0	0	0	0	0	0	0	0
New York	70	30	10	0	15	5	0	10
North Carolina	110	30	10	10	30	10	0	20
North Dakota	70	15	5	5	15	5	5	20
Ohio	100	30	10	10	30	10	0	10
Oklahoma	100	30	10	10	30	10	0	10
Oregon	110	30	10	10	30	10	10	10
Pennsylvania	25	15	5	5	0	0	0	0
Rhode Island	120	30	10	10	30	10	10	20
South Carolina	0	0	0	0	0	0	0	0
South Dakota	50	15	5	0	15	5	0	10
Tennessee	35	15	5	5	0	0	0	10
Texas	120	30	10	10	30	10	10	20

Utah	120	30	10	10	30	10	10	20
Vermont	40	0	0	0	30	10	0	0
Virginia	60	30	10	10	0	0	0	10
Washington	110	30	10	10	30	10	10	10
West Virginia	100	30	10	0	30	10	0	20
Wisconsin	35	15	5	5	0	0	0	10
Wyoming	50	30	10	0	0	0	0	10

Table 2: Improvements in Independent Spending Disclosure Scores, 2013 v. 2014

	Overall Score	IE Disclosure	IE Target s	IE Positions	EC Disclosure	EC Targets	EC Positions
2013 Scores	58%	81%	67%	59%	48%	43%	23%
2014 Scores	78%	83%	75%	65%	57%	53%	33%
Improvement 2013 to 2014	20%	2%	8%	6%	9%	10%	10%

APPENDIX F: CONTRIBUTION LIMITS

	Individual to Candidate Contributions	State Party to Candidate Contributions	PAC to Candidate Contributions	Corporate to Candidate Contributions	Union to Candidate Contributions
Alabama Ala. Code § 17-5-1 et seq.	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Alaska § 15.13.070 and 15.13.074(f)	\$500/candidate/year Aggregate amounts candidates may accept from non-residents: \$20,000/year/gub candidate \$5,000/year/Senate candidate \$3,000/year/House candidate	\$100,000/year/gub candidate \$15,000/year/Senate candidate \$10,000/year/House candidate \$5,000 municipal	\$1,000/office/year Contributions from out-of-state PACs prohibited	Prohibited ^d	Prohibited ^d
Arizona ^{b, c, 212} A.R.S. § 16-905 and 16-919	\$5,000/statewide or legislative candidate	Aggregate contributions accepted from all political parties and organizations cannot exceed: \$80,000 – statewide candidate \$8,000 – legislative candidate	“Super” PACs ²¹³ : \$10,000/statewide or legislative candidate/year Regular PACs: \$5,000/statewide or legislative candidate/year <i>Amounts are per election cycle</i>	Prohibited ^d	Prohibited ^d
Arkansas A.C.A. § 7-6-203	\$2,700/candidate/election ^a	\$2,700/candidate/election ^a	Same as individual limits	Same as individual limits	Same as individual limits
California ^c Gov. Code § 85300 et seq.	For elections held on or after Jan. 1, 2013: \$28,200/gubernatorial candidate \$7,000/other statewide candidate \$4,200/legislative candidate <i>Amounts are per election^a</i>	Unlimited	For elections held on or after Jan. 1, 2013: “Small Contributor” Cmtes ²¹⁴ : \$28,200/gubernatorial candidate \$14,100/statewide candidate \$8,500/legislative candidate Regular PACs: Same as individual limits <i>Amounts are per election^a</i>	Same as individual limits	Same as individual limits
Colorado ^c Constitution Art. XXVIII	Effective 3/15/11 - 2015: \$575/statewide candidate	Effective 3/15/11 - 2015: \$615,075/gub. candidate	Limits effective 3/15/11 - 2015:	Prohibited ²¹⁶	Can contribute through PAC’s established by

²¹² The Arizona Citizens Clean Elections Commission has filed suit in Maricopa County Superior Court to block the increased limits, claiming that the legislation establishing them (HB 2593, 2013) violated the Voter Protection Act, which bars the legislature from making changes to any voter-approved laws without a second popular vote or a 3/4ths vote of the legislature. This litigation could result in an injunction that prevents the new limits from going into effect. Candidates are responsible for accepting only up to the legal maximum pursuant to law and candidates should check with their election official as to the law’s status. The pre-HB 2593 limits would be \$912/statewide candidate and \$440/legislative candidate per election cycle.

²¹³ In Arizona, a PAC that has received contributions from 500 or more individuals in amounts of \$10 or more in a one-year period may qualify as a “Super PAC.” Qualification is valid for two years. (Ariz. Rev. Stat. §16-905(I)).

²¹⁴ In California, a “small contributor committee” is a committee which has been in existence for at least six months, receives contributions from 100 or more persons in amounts of not more than \$200 per person, and makes contributions to five or more candidates. (Cal. Govt. Code §85203).

	<p>\$200/legislative candidate</p> <p>Limits double for a candidate who accepts voluntary spending limits if his/her opponent has not accepted the limits <i>and</i> has raised more than 10% of the limit.</p> <p><i>Amounts per election^a</i></p>	<p>\$123,000/other statewide candidate</p> <p>\$22,125/Senate candidate</p> <p>\$15,975/House candidate</p> <p>Note: Contributions by a candidate to his/her own campaign, and unexpended contributions carried forward to a subsequent election cycle, are treated as contributions from a political party and are subject to the political party limits. Party limits cannot be doubled for candidates who accept voluntary limits.</p> <p><i>Amounts are per applicable election cycle.</i></p>	<p>“Small Donor” Committees:²¹⁵</p> <p>\$6,125/gub & statewide cand</p> <p>\$2,425/legis. candidate</p> <p>Regular PACs and Federal PACs:</p> <p>Same as individual limits</p>		the organization
<p>Connecticut^b</p> <p>Ct.Gen.Stat. § 9-611, 9-613 and 9-615</p> <p>Update July 2013</p>	<p>\$3,500/gubernatorial candidate</p> <p>\$2,000/other statewide candidate</p> <p>\$1,000/Senate candidate</p> <p>\$250/House candidate</p> <p>\$30,000 aggregate/individual to all candidates and committees per Ct. Gen. Stat. § 9-611(d).</p> <p><i>All amounts are per election^a</i></p>	<p>\$50,000/gubernatorial candidate</p> <p>\$35,000/other statewide candidate</p> <p>\$10,000/Senate candidate</p> <p>\$5,000/House candidate</p> <p><i>All amounts are per election^a</i></p>	<p>\$5,000/gubernatorial candidate</p> <p>\$3,000/other statewide candidate</p> <p>\$1,500/Senate candidate</p> <p>\$750/House candidate</p> <p>Aggregate limits on contributions by PACs to candidates:</p> <p>\$100,000/election by a PAC established by a business entity</p> <p>\$50,000/election by a PAC established by an organization</p> <p><i>All amounts are per election^a</i></p>	Prohibited ^d	Prohibited ^d
<p>Delaware</p> <p>15 Del. Code §8010 to 8013</p>	<p>\$1,200/statewide candidate</p> <p>\$600/other candidate</p> <p><i>All amounts per election cycle</i></p>	<p>\$75,000/gubernatorial candidate</p> <p>\$25,000/other statewide candidate</p> <p>\$5,000/Senate candidate</p> <p>\$3,000/House candidate</p> <p><i>All amounts per election cycle</i></p>	Same as individual limits	Same as individual limits	Same as individual limits
<p>Florida</p> <p>Fla. Stat. § 106.08</p>	<p>\$3,000/statewide candidate</p> <p>\$1,000/legislative</p> <p><i>Amounts are per election^a</i></p> <p>(Effective 11/1/2013)</p>	<p>A candidate for statewide office may not accept contributions from parties which in the aggregate exceed \$250,000, and no more than \$125,000 of that amount may be received during the 28 days preceding an election.</p>	Same as individual limits	Same as individual limits	Same as individual limits

²¹⁶ Corporations are prohibited from donating money from their treasury, but are permitted to establish independent expenditure committees or political committees with the same contribution limits as PACs.

²¹⁵ In Colorado, a “small donor committee” means any political committee that has accepted contributions only from natural persons who each contributed no more than \$50 in the aggregate per year.

		A legislative candidate can accept up to \$50,000 each from the national or state executive committee of a party, or up to \$50,000 from the county executive committee of a party.			
Georgia^c O.C.G.A. § 21-5-41 to 43	Limits last adjusted 12/2010 Regular primary or general: \$6,300/statewide candidate \$2,500/legislative candidate Run-off: \$3,700/statewide candidate \$1,300/legislative candidate <i>Amounts are per election^a</i>	Same as individual limits	Same as individual limits	Same as individual limits	Same as individual limits
Hawaii H.R.S. §2: 11-357, 11-359	\$6,000/statewide candidate \$4,000/Senate candidate \$2,000/House candidate Contributions from a candidate's immediate family are limited to \$50,000 in an election cycle, including loans. <i>All amounts are per election cycle</i>	Same as individual limits	Same as individual limits	Same as individual limits	Same as individual limits
Idaho § 67-6610A	\$5,000/statewide candidate \$1,000/leg candidate <i>Amounts are per election^a</i>	\$10,000/statewide candidate \$2,000/legislative candidate <i>Amounts are per election^a</i>	Same as individual limits	Same as individual limits	Same as individual limits
Illinois^c 10 ILCS 5/9-8.5	\$5,400/candidate/election cycle Any candidate who receives benefit or detriment from independent expenditures in excess of the amounts below is exempted from all contribution limits: \$250,000/statewide candidate \$100,000/candidate for any other office A candidate and their immediate family members (spouse, parent, or child) can make unlimited contributions to that candidate's campaign. Any candidate whose opponent is self-funded is exempted from contribution limits. A self-funded candidate is an individual who contributes \$250,000 to his or her own statewide campaign in an election cycle, or \$100,000 for all other elective offices.	Unlimited if candidate is not seeking nomination in a primary election. For candidates running in a primary: \$215,800/statewide candidate \$134,900/Senate candidate \$134,900 \$80,900/House candidate Unlimited from a political party during General or Consolidated Election Unlimited during Primary Election Cycle when candidate is not seeking nomination <i>Amounts are per election cycle.</i>	\$53,900 per election cycle Same limit applies to a contribution from one candidate committee to another	\$10,800per election cycle	\$10,800 per election cycle

	Contributions made to a candidate by immediate family members are also considered “self-funding.”				
Indiana Ind. Code § 3-9-2-4 et seq.	Unlimited	Unlimited	Unlimited	\$5,000 in the aggregate to statewide candidates \$2,000 in the aggregate to Senate candidates \$2,000 in the aggregate to House candidates <i>All amounts are per year</i>	Same as corporate limits
Iowa Iowa Code § 68A.503	Unlimited	Unlimited	Unlimited	Prohibited ^d	Unlimited
Kansas K.S.A. § 25-4153	\$2,000/statewide candidate \$1,000/Senate candidate \$500/House candidate <i>Amounts are per election^a</i>	For a contested primary election, same as individual limits. Unlimited in uncontested primaries and general elections	Same as individual limits	Same as individual limits	Same as individual limits
Kentucky K.R.S. § 121.025, 121.035, and 121.150	\$1,000/candidate/election ^a	Unlimited Aggregate Limits: No candidate can retain party contributions which in the aggregate exceed 50% of total contributions or \$10,000 (whichever is greater) in an election cycle.	Same as individual limits Aggregate Limits: No candidate can retain PAC contributions which in the aggregate exceed 50% of total contributions or \$10,000 (whichever is greater) in an election cycle. 121.150(23)(a)	Prohibited ^d	Same as individual limits
Louisiana La. R.S. § 18:1505.2	\$5,000/statewide candidate \$2,500/legislative candidate <i>Amounts are per election^a</i>	Unlimited	Regular PACs: Same as individual limits “Big” PACs ²¹⁷ : Double the amount of individual limits Candidates subject to following aggregate limits on all PAC contributions accepted for the primary and general elections combined: \$80,000/statewide candidate \$60,000/legislative candidate	Same as individual limits	Same as individual limits
Maine^{b,c} 21-A M.R.S.A. §1015	\$1,575/gubernatorial candidate \$375/legislative candidate ²¹⁸	Same as individual limits	Same as individual limits	Same as individual limits	Same as individual limits

²¹⁷ In Louisiana, a “Big PAC” is a PAC with over 250 members who contributed over \$50 to the PAC during the preceding calendar year and has been certified as meeting that membership requirement.

²¹⁸ In Maine, candidates who are enrolled in a political party may contributions of up to \$375 from an individual. Individual contributions to unenrolled candidates are unlimited for primary elections.

	<p>Individual contribution limits do not apply to contributions in support of a candidate by that candidate, or that candidate's spouse or domestic partner.</p> <p>Individuals limited to \$25,000 aggregate contributions to all campaign finance entities per calendar year. This limitation does not apply to contributions in support of a candidate by that candidate or that candidate's spouse or domestic partner.</p> <p><i>Amounts are per election^a</i></p>				
Maryland Md. Code § 13-226 and 13-227	<p>Effective Jan. 1, 2015 \$6,000/candidate \$24,000 aggregate to all candidates</p> <p><i>Amounts are per 4-year election cycle</i></p>	<p>Transfer limit: \$6,000/4-year election cycle</p> <p>In-Kind Contributions: Limited to an amount equal to \$1 for every two registered voters in the state, regardless of political affiliation, to a single candidate. Limit is per 4-year election cycle.</p>	\$6,000/candidate/4-year election cycle	Same as individual limits	Same as individual limits
Massachusetts G.L. Ch. 55, § 6, 6A, 7A and 8	<p>\$1000/candidate \$12,500/individual aggregate limit on contributions to all candidates</p> <p>Registered lobbyists may only contribute up to \$200/candidate</p> <p><i>Amounts are per calendar year.</i></p>	<p>\$3,000/candidate/year</p> <p>No limit on in-kind contributions</p>	<p>Regular PAC or People's Committee;²¹⁹ \$500/candidate</p> <p>Candidates cannot accept aggregate contributions from regular PACs that exceed the following amounts (People's Committees are exempt from the aggregate limits): \$150,000/gubernatorial candidate \$18,750/Senate candidate \$7,500/House candidate</p> <p><i>Amounts per calendar year.</i></p>	Prohibited ^d	Same as PAC limits
Michigan M.C.L. § 169.246, 169.252 and 169.254	<p>\$6,800/statewide candidate \$2,000/Senate candidate \$1,000/House candidate</p> <p><i>All amounts are per election cycle</i></p>	<p>\$750,000/governor or lieutenant governor slate with public funding \$136,000/governor or lieutenant governor slate without public funding \$136,000/other statewide candidate</p>	<p>Political Committees: Same as individual limits.</p> <p>Independent PACs²²⁰: \$68,000/statewide candidate \$20,000/Senate candidate</p>	Prohibited ^d	Prohibited ^d

²¹⁹ In Massachusetts, a "People's Committee" is a PAC that has been in existence for six months, has received contributions from individuals of \$156 (adjusted biennially; this amount is for 2013-2014) or less per year, and has contributed to five candidates.

²²⁰ In Michigan, an "independent committee" must have filed a statement of organization at least 6 months before the election in which the committee wishes to make contributions; must have supported or opposed 3 or more candidates for nomination or election; and must have received contributions from at least 25 persons.

		\$20,000/Senate candidate \$10,000/House candidate <i>All amounts are per election cycle</i>	\$10,000/House candidate <i>All amounts are per election cycle</i>		
Minnesota Minn. Stat. § 10A.27 and 211B.15	Election segment limits: ²²¹ \$4,000/governor – lieutenant governor slate \$2,500/AG candidate \$2,000/SOS or auditor candidate \$1,000/legislative candidate Non-election segment limits: \$2,000/governor-lieutenant governor slate \$1,500/Attorney General candidate \$1,000/Secretary of State or Auditor candidate \$1,000/Senate candidate n/a for House candidates Candidates who have signed a public subsidy agreement are also subject to a limit (equal to five times the election segment limits above) on the amount of personal funds they can contribute to their own campaign. <i>Amounts are per 2-year election segment.</i>	Party committees may contribute up to 10 times the limits imposed on individuals Candidates are subject to the following aggregate limits on contributions received in the 2013-14 election cycle from party committees and terminating principal campaign committees: \$40,000/governor-lieutenant governor slate \$25,000/Attorney General candidate \$20,000/Secretary of State or Auditor candidate \$10,000/legislative candidate	Same as individual limits Aggregate contributions from political committees or political funds, lobbyists, and individuals who contribute or loan more than ½ the yearly contribution limit cannot exceed the following amounts: \$700,000/governor-lieutenant governor slate \$120,000/Attorney General candidate \$80,000/Secretary of State or Auditor candidate \$6,000/Senate candidate \$12,000/House candidate	Prohibited ^d	Same as individual limits
Mississippi Miss. Code § 97-13-15	Unlimited	Unlimited	Unlimited	\$1,000/candidate/year	Unlimited
Missouri Mo. Rev. Stat. § 130.031	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Montana ^c M.C.A. § 13-35-227 and 13-37-216	\$650/gubernatorial slate \$320/other statewide cand. \$170/legislative candidate <i>Amounts are per election^a</i>	\$23,350/gubernatorial slate \$8,450/other statewide cand. \$3,350/senate candidate \$850/house candidate <i>All amounts are per election^a</i>	Same as individual limits Candidates limited to total contributions from all PACs: \$2,750 senate candidates \$1,650 house candidates <i>Amounts are per election^a</i>	Prohibited ^d	Same as individual limits
Nebraska N.R.S. § 32-1604 and 32-1608	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Nevada § 294A.100 and Const. Art. 2 §10	\$5,000/candidate/election ^a	Same as individual limits	Same as individual limits	Same as individual limits	Same as individual limits
New	To candidates not agreeing	To candidates not	Same as party limits	Same as	Prohibited ^d

²²¹ Minnesota's SF 991 (2013) divided election cycles into two-year periods, and made limits applicable to a two-year period rather than a single year. The limit is higher for the two-year period during which an election is held for the office, and lower during a non-election two-year period for candidates that serve a four- or six-year term.

Hampshire R.S.A. § 664:4	to abide by spending limits: \$1,000/election ^a To candidates agreeing to abide by spending limits: \$5,000/election ^a	agreeing to abide by spending limits: \$1,000/election ^a Unlimited to candidates who agree to expenditure limits		individual limits ²²²	
New Jersey ^c N.J.S.A. § 19:44A-11.3	\$3,800/gubernatorial candidate \$2,600/legislative candidate <i>Amounts are per election^a</i>	No limit on contributions by state, county, municipal and legislative leadership committees National party committee: \$8,200/election ^a	\$8,200/candidate/election ^a	Same as individual limits	Same as individual limits
New Mexico ^c N.M.S.A. § 1- 19-34.7	\$5,400/statewide candidate \$2,500/non-statewide candidate <i>Amounts are per election^a</i>	\$5,400/election ^a	Same as party limits	Same as individual limits	Same as individual limits
New York ^c Election Law, § 14-114 and 14-116	Regular Limits, Primary: \$6,500-\$19,700/statewide ²²³ \$6,500/Senate candidate \$4,100/Assembly candidate Family Limits, Primary ²²⁴ : \$523-\$137,978/statewide \$20,000-\$41,577/Senate candidate \$12,500-\$17,061/Assembly Regular Limits, General: \$41,100/statewide candidate \$10,300/Senate candidate \$4,100/Assembly candidate Family Limits, General: \$278,609/statewide candidate \$30,079-\$57,304/Senate candidate \$12,500-\$24,871/Assembly <i>Amounts are per election cycle.</i> Maximum contributions by an individual limited to \$150,000 in the aggregate per calendar year.	Prohibited in primary election Unlimited in general election	Same as individual limits	Same as individual limits, with exceptions (see below) Corporations are limited to \$5,000 per year in aggregate contributions to NY state candidates and committees. Candidates may accept corporate contributions of up to \$5,000 annually during each year of an election cycle, so long as the total contributions from the corporation do not exceed the election cycle's regular limits	Same as individual limits

²²² Corporations are no longer prohibited from making political contributions under New Hampshire law despite the language of NH RSA 664:4. That ban was declared unconstitutional by a federal district court in 1999. A June 6, 2000 letter from Deputy Attorney General Steven M. Houran indicates that the limits on individual contributions now apply to corporate contributions as well.

²²³ Limit is based on a formula: product of number of enrolled voters in candidate's party in state (excluding voters on inactive status) x \$.005, but not less than \$6,500 or more than \$19,700

²²⁴ Separate limits apply for contributions from all family members in the aggregate. Limit is based on a formula: total # of enrolled voters on active status in candidate's party in the state/district x \$0.025. "Family" is defined as a child, parent, grandparent, brother, sister, and the spouses of those persons. Contributions from the candidate and the candidate's spouse are not limited.

				on individual contributions, and the corporation does not exceed its aggregate limit of \$5,000/year to all candidates and committees.	
North Carolina N.C.G.S. § 163-278.13, 163-278.15 and 163-278.19	\$5,000/candidate/election ^a	Unlimited	Same as individual limits	Prohibited ^d	Prohibited ^d
North Dakota § 16.1-08.1	Unlimited	Unlimited	Unlimited	Prohibited ^d	Prohibited ^d
Ohio ^c O.R.C. § 3517.102, 3517.104 and 3599.03	\$12,532.52/candidate/election ^a	\$706,823.95/statewide candidate \$140,988.82/Senate candidate \$70,181.10/House candidate In-kind contributions unlimited <i>All amounts are per election^a</i>	Same as individual limits	Prohibited ^d	Prohibited ^d
Oklahoma 21 OS § 187.1 et seq. and Ethics Commission Rules §257:1-1-1 et seq. and §257:10-1-2 et seq.	\$2,700/candidate/campaign	\$50,000/gubernatorial candidate ²²⁵ \$25,000/other statewide candidate ^m \$1,000/legislative candidate <i>All amounts per calendar year</i>	\$5,000/candidate/campaign	Prohibited ^d	Prohibited ^d
Oregon O.R.S. § 260.160 to 174	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Pennsylvania 25 Pa. Stat. §3253	Unlimited	Unlimited	Unlimited	Prohibited ^d	Prohibited ^d
Rhode Island R.I.G.L. § 17-25-10.1	\$1,000/candidate/ year Individuals limited to \$10,000 in aggregate contributions to candidates, PACs and party committees per year	\$25,000/candidate/year In-kind contributions unlimited	\$1,000/candidate/ year Annual aggregate limit of \$25,000 to all recipients	Prohibited	Prohibited
South Carolina S.C. Code § 8-13-1300(10), 8-13-1314 and 8-13-1316	\$3,500/statewide candidate \$1,000/legislative candidate <i>Amounts are per election^a in each primary, runoff, or special election in which a candidate has opposition and for each general election; if a candidate remains unopposed during an election cycle, one contribution limit shall apply.</i>	\$50,000/statewide candidate \$5,000/other candidate <i>Amounts are per election^a subject to the same exceptions described at left.</i>	\$11,500/statewide candidate \$7,600/legislative candidate	Same as individual limits	Same as individual limits

²²⁵ While these limits are specified in Oklahoma's Ethics Rules, statutes have not been changed to reflect this limit. According to the statutes, any contribution in excess of \$5,000 would constitute a criminal violation.

South Dakota S.D.C.L. § 12-27-7	\$4,000/statewide candidate \$1,000/legislative candidate <i>Amounts are per calendar year</i>	Unlimited	Unlimited	Prohibited ^d	Prohibited ^d
Tennessee^e Tenn. Code § 2-10-302	\$3,800/statewide candidate \$1,500/legislative candidate <i>Both amounts are per election^a</i>	Candidates limited to aggregate amount from all political party committees: \$374,300/statewide candidate \$59,900/Senate candidate \$30,000/House candidate <i>All amounts are per election^a</i>	\$11,200/statewide candidate \$11,200/Senate candidate \$7,400/other candidates No more than 50% of a statewide candidate's or \$112,300 of a legislative candidate's total contributions may come from PACs <i>All amounts are per election^a</i>	Same as PAC limits If a corporation gives more than \$250 in the aggregate to candidates, it must register as a PAC and make all further contributions through the PAC. It may transfer unlimited amounts from its corporate treasury to the PAC.	Same as PAC limits A union must register as a PAC before making contributions to candidates.
Texas Election Code, § 253	Unlimited	Unlimited	Unlimited	Prohibited ^d	Prohibited ^d
Utah Utah Code § 20A-11-101	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Vermont^b 17 VSA §2805	\$4,000/statewide candidate \$1,500/State Senate \$1,000/State House	Unlimited	Same as individual limits	Same as individual limits	Same as individual limits
Virginia Va. Code § 24.2-945	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Washington^e RCW § 42.17.610 et seq. WAC § 390-05-400	\$1,900/gubernatorial candidate \$950/legislative candidate <i>Amounts are per election^a</i> During the 21 days before the general election, no contributor may donate more than \$50,000 in the aggregate to a statewide candidate or \$5,000 in the aggregate to any other candidate or a political committee, including political party committees. This includes a candidate's personal contributions to his/her campaign. The state committees of political parties are exempted from this limit.	Aggregate contributions from a state party central committee to a statewide or legislative candidate may not exceed \$.80 x number of registered voters in candidate's district. This limit applies to the entire election cycle.	Same as individual limits A PAC that has not received contributions of \$10 or more from 10 or more WA registered voters during the past 180 days is prohibited from making contributions.	Prohibited for corporations not doing business in Washington state. Same as individual limits for Washington corporations.	Prohibited for unions that have fewer than 10 members who reside in Washington. Same as individual limits for Washington unions.
West Virginia § 3-8-8 to 12	\$1,000/candidate/election ^a	Same as individual limits	Same as individual limits	Prohibited ^d	Same as individual limits
Wisconsin § 11.01 et seq.	\$10,000/statewide candidate \$1,000/Senate candidate \$500/Assembly candidate <i>Amounts are per election cycle</i> An individual may not	Aggregate limit on amount candidates may accept from all political party committees, including legislative campaign committees, in an election campaign :	\$43,128/gub. candidate \$1,000/Senate candidate \$500/Assembly candidate Aggregate limit on amount candidates may accept from PACs and	Prohibited	Prohibited

	contribute more than \$10,000 in a calendar year to any combination of Wisconsin candidates or political committees.	<p>\$700,830/gub. candidate \$22,425/Senate candidate \$11,213/House candidate</p> <p>Additionally, the maximum amount a legislative campaign committee can give without reducing committee contributions is: \$6,900/Senate candidate \$3,450/Assembly candidate</p> <p><i>Amounts are per election cycle</i></p>	<p>candidate committees (grants from the Wisconsin Election Campaign Fund also count against this limit):</p> <p>\$485,190/gub. candidate \$15,525/Senate candidate \$7,763/House candidate</p> <p><i>Amounts are per election cycle</i></p>		
Wyoming Wyo. Stat. § 22-25-102	<p>Effective 2013-2014: \$1,000/candidate/election^a</p> <p>Effective Jan. 1, 2015: \$2,500/statewide candidate \$1,500/other candidate <i>Amounts are per election^a</i></p> <p>No individual may make more than \$25,000 (increases to \$50,000 eff. Jan. 1, 2015) in total contributions during a two-year election cycle.</p>	Unlimited	<p>Effective 2013-2014: Unlimited</p> <p>Effective Jan. 1, 2015: \$7,500/statewide candidate \$3,000/other candidate <i>Amounts are per election^a</i></p>	Prohibited ^d	Prohibited ^d

Source: National Conference of State Legislatures

Last updated November 2015

This data is presented for information purposes only and should not be considered legal advice.

- (a) Primary and general are considered separate elections; stated amount may be contributed in each election.
- (b) Candidates participating in the public financing may not accept contributions after qualifying for public funds. Limits listed are for candidates not participating in public financing program.
- (d) Direct corporate and/or union contributions are prohibited and/or use of treasury funds and/or dues is prohibited. In these states, the law specifically says that nothing prevents the employees or officers of a corporation from making political contributions through a PAC, using funds from an account that is separate and segregated from corporate accounts. Such contributions are subject to the same limitations placed on other PACs.
- (e) Contribution limits are adjusted for inflation at the beginning of each campaign cycle.

APPENDIX G: NEW YORK CITY BUDGET PROTECTION PROVISIONS (AN EXAMPLE)

N.Y.C. Charter § 1052 (emphasis added).

* * *

(a)(10). . . *If at any time, the [campaign finance] board determines that the amount of money in any special fund or funds established by any such local law, establishing a voluntary system of campaign finance reform, to fund a system of optional public campaign financing for candidates abiding by the requirements of such law, is insufficient, or is likely to be insufficient, for payment to such participating candidates pursuant to such law for elections to be held in perpetuity, it shall report this determination to the commissioner of finance, along with its estimate of the additional amount which will be necessary to provide such participating candidates with financing pursuant to such law and a detailed statement of the assumptions and methodologies on which such estimate is based. Not more than four days after receiving such estimate and supporting materials, the commissioner of finance shall transfer an amount equal to such estimate from the general fund to such special fund or funds. All monies transferred to such special fund or funds shall not be considered revenues of the city and payments from such fund or funds shall be made without appropriation and shall not be included in the expense budget of the city. . . . The comptroller shall submit monthly reports to the board regarding the status of the fund or funds and more frequent reports when the board requires. Monies of the fund or funds shall be paid out by the comptroller only on warrant of the board.*

* * *

(c). The board shall, not later than March tenth of each year, approve and submit to the mayor detailed itemized estimates of the financial needs of the campaign finance board for the ensuing fiscal year. . . . The mayor shall include such estimates in the executive budget without revision, but with such recommendations as the mayor may deem proper. Upon inclusion in the executive budget, the budget submitted by the campaign finance board shall be adopted pursuant to such provisions of . . . this charter as are applicable to the operating budget of the council.

N.Y.C. Admin. Code § 3-709 (emphasis added).

1. There is hereby established a special fund, to be known as the New York city campaign finance fund. *The moneys in such fund may be expended by the campaign finance board only as payments for participating candidates in accordance with the provisions of this chapter.*

2. The fund shall be kept separate and shall be credited with all sums appropriated therefore, any donations received pursuant to subdivision nine of this section and all earnings accruing on such funds.

3. *[I]n time for inclusion in the executive expense budget . . . and at such other times as the board shall deem necessary, the board shall submit its estimate of the amount of public funds which will be necessary to provide candidates sufficient financing for elections in the next year in which elections are scheduled pursuant to the charter and for elections to fill vacancies to be held prior to such year, and a reserve for contingencies.* Such estimates shall be submitted in such manner and at such times as to assure that such amounts as shall be necessary may be appropriated in full by the beginning of the fiscal year prior to that in which elections are scheduled . . . and that additional amounts may be appropriated as necessary.

* * *

7. . . . Any payment from the fund in the possession of such a candidate . . . on the date of [a] final disqualification or invalidation may not thereafter be expended for any purpose except the payment of liabilities incurred in qualified campaign expenditures before such date and shall be promptly repaid to the fund.

8. *Prior to the first distribution of public funds to candidates in any election, the board shall make a determination whether the moneys in the fund are sufficient to provide all candidates the amounts they may receive pursuant to this chapter for all elections to be held during the calendar year for which such determination is made. Such determination shall be published in the City Record, together with information supporting such determination.*

9. The board shall be empowered to accept donations to be credited to the fund. The board may devise such methods of soliciting and collecting donations as it may deem feasible and appropriate.

