

July 22, 2015

Dear Senator,

Our organizations strongly urge you to support and co-sponsor the Stop Super PAC-Candidate Coordination Act introduced today by Senator Patrick Leahy. Similar legislation (H.R. 425) has been introduced in the House by Representatives David Price and Chris Van Hollen.

Our organizations include the Brennan Center for Justice, the Campaign Legal Center, Common Cause, Democracy 21, Issue One, League of Women Voters, People For the American Way, Public Citizen and U.S.PIRG

The Leahy bill would essentially shut down individual-candidate Super PACs, which are used to circumvent candidate contribution limits, and would strengthen the rules that prohibit candidates from coordinating with other outside spending groups.

The explosive growth of individual-candidate Super PACs is one of the most dangerous developments to result from the Supreme Court's destructive decision in *Citizens United*.

As a practical matter, these Super PACs function as an arm of the candidate's campaign they support. They raise and spend unlimited contributions and serve as vehicles for donors and the candidate they support to circumvent and eviscerate the candidate contribution limits enacted to prevent corruption and the appearance of corruption.

Individual-candidate Super PACs fundamentally undermine the integrity of the Nation's campaign finance laws. Almost every major party presidential candidate in the 2016 presidential election has an individual-candidate Super PAC that is raising and spending unlimited contributions to support their candidacy.

A *New York Times* editorial last year (February 15, 2014) endorsed a House bill, the Empowering Citizens Act, which included the same Super PAC provisions that are contained in the Leahy bill. The *Times* editorial stated:

This election year will be the moment when individual candidate super PACs – a form of legalized bribery – become a truly toxic force in American politics.

Once again, Congress will have to step in to stop the corruption, and fortunately a good reform vehicle exists: the Empowering Citizens Act, a bill introduced by two House Democrats, David Price and Chris Van Hollen, which would limit the spending of super PACs closely aligned to a campaign.

The Supreme Court left to Congress the responsibility to define what constitutes prohibited coordination between candidates and outside spending groups. The Leahy bill would define coordination between a candidate and a Super PAC to include the elements that establish the close ties that generally exist between a candidate and the individual-candidate Super PAC supporting the candidate.

These include Super PACs being established at the request or suggestion of the candidate or the candidate's agents, Super PACs being controlled, managed or advised by close associates of the candidate, candidates or their agents raising contributions for the Super PAC and candidates or their agents engaging in discussions about the campaign with the Super PAC.

Expenditures coordinated with a candidate are treated by existing law as also constituting contributions to the candidate. Thus, the new coordination rules, once applicable, would limit the amount an individual-candidate Super PAC could spend on behalf of the candidate to the amount a PAC can contribute to a candidate, or \$5,000 per year. This would have the effect of shutting down the individual-candidate Super PAC.

The Leahy bill also would strengthen the general rules prohibiting coordination between candidates and other outside spending groups. The legislation would define as coordinated expenditures any payments for campaign communications made by a person pursuant to any general or particular understanding with the candidate or the candidate's agents, or made by a person based on discussions with the candidate or the candidate's agents regarding the communications.

We strongly urge you to support and co-sponsor the Leahy bill and thereby support protecting the integrity of the federal anti-corruption candidate contribution limits.

Sincerely,

Brennan Center for Justice  
Campaign Legal Center  
Common Cause  
Democracy 21  
Issue One  
League of Women Voters  
People For the American Way  
Public Citizen  
U.S. PIRG