



Battle over dark money takes many forms on state level

by [Peter Olsen-Phillips](#)

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New Jersey voters going to the polls in November won't know who contributed the millions that the [Committee for Our Children's Future](#) spent to tout the record of Gov. Chris Christie, or who really picked up the tab for [One New Jersey's](#) barrage of ads attacking him. But a [bill pending](#) in the New Jersey legislature would require such groups, known as 501(c)4 nonprofit organizations after the section of the tax code that establishes them, to disclose their donors when they attempt to influence elections.

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It's one of dozens of laws pending or passed in state legislatures found using [Open States'](#) new .csv download function (see below for how-to tips and methodology). More than three years after the Supreme Court's 2010 [Citizens United decision](#) ruled it unconstitutional to bar corporate entities, including nonprofits and labor unions, from freely spending to influence elections, many state legislators are still coming to grips with the ruling and its ramifications for state elections.

The Sunlight Foundation's survey, which analyzed bills amending campaign finance laws that were introduced in 2012 and 2013, found that while few bills have made it into law so far, the legislation that has been introduced--like the New Jersey measure requiring politically active nonprofits to disclose their donors--suggests widespread interest in improving transparency at the state level.

We queried all bills in the Open States database, which tracks legislation from all 50 states, and compiled it in an abbreviated table below and more complete version [here](#). We noted whether the legislation would be better, worse or neutral for disclosure efforts and provided short summaries.

Responses to Citizens United have run the gamut from increasing individual contribution limits (which supporters see as a way of counterbalancing big donations for outside spending), closing loopholes or creating public campaign financing systems. Our summary is below. The findings are only as good as our search terms and it's possible that we've missed some measures that don't use obvious ones. Know about a bill that should be on the list but isn't? Email us [here](#).

Transparency Bills in State Legislatures

Bill	State	Effect	Last Action	Status
Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2012	D.C.	Better	1/30/12	PASSED



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An act to amend title 15 of the Delaware code relating to enhanced disclosure, reporting and disclaimer requirements in Delaware's campaign finance laws	Del.	Better	8/15/12	PASSED
Relating to campaign spending	Hawaii	Better	6/18/13	PASSED
Elec cd-campaign contributions	Ill.	Worse	7/6/12	PASSED
Campaign Finance Reform Act of 2013	Md.	Neutral	5/2/13	PASSED
An act relative to disclosure of political spending	Mass.	Better	7/26/12	Pending
An act to strengthen the campaign finance law	Mass.	Better	1/24/11	Pending
Campaign finance and public disclosure provisions modifications	Minn.	Better	5/28/13	PASSED
An act relating to elections -- disclosure of political contributions and expenditures	R.I.	Better	6/26/12	PASSED
Public records and meetings	Fla.	Better		PASSED
An act concerning disclosure of independent expenditures and changes to other campaign finance laws and election laws	Conn.	Neutral	6/18/13	PASSED
Ethics	Fla.	Neutral		PASSED
Campaign finance; intermediary disclosure	Ariz.	Better	1/31/13	Pending
Campaign finance limits; recall election	Ariz.	Neutral	3/21/13	Pending
Disclosures; campaign finance; lobbying; enforcement	Ariz.	Better	2/26/13	Pending
Campaign finance; in-kind contributions; disclosures	Ariz.	Neutral	4/30/13	Pending
Clean elections commission amendments	Ariz.	Neutral	2/12/13	Pending

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Campaign finance; committees; revisions	Ariz.	Neutral	3/12/13	Pending
An act concerning changes to campaign finance laws and other election laws	Conn.	Neutral	6/4/13	Pending
Campaign finance	Fla.	Neutral	4/24/13	Pending
Relating to campaign finance	Hawaii	Better	1/22/13	Pending
A bill for an act relating to campaign finance by establishing a voter-owned Iowa clean elections Act and fund...	Iowa	Better	1/22/13	Pending
A bill for an act establishing a voter-owned Iowa clean elections Act and fund...	Iowa	Better	3/6/13	Pending
Elections-contribution limits	Ill.	Neutral	3/22/13	Pending
Campaign finance - contributions - disclosure	Md.	Worse	2/6/13	Pending
Public funding and small donor act for general assembly elections	Md.	Neutral	2/6/13	Pending
Public funding and small donor act for general assembly elections	Md.	Neutral	2/26/13	Pending
Campaign finance reform act of 2013	Md.	Neutral	4/3/13	Pending
An Act To Increase Transparency in Reporting of Party Committees, Political Action Committees and Ballot Question Committees	Maine	Better	6/26/13	Pending
An Act To Amend Campaign Finance Laws	Maine	Neutral	6/10/13	Pending
Campaign finance and public disclosure law technical and conforming changes; public official definition expansion to fiscal analyst	Minn.	Neutral	5/16/13	Pending

Campaign finance and public disclosure law technical and

conforming changes; public official definition expansion to fiscal analyst	Minn.	Neutral	5/16/13	Pending
Campaign finance and public disclosure law changed, and definition of public official expanded.	Minn.	Neutral	5/16/13	Pending
This act charges the Attorney General with administering and enforcing ethics laws and imposes campaign contribution limits	Mo.	Better	2/14/13	Pending
Modifies numerous provisions relating to campaign finance	Mo.	Better	2/20/13	Pending
Creates a method for publicly financing election campaigns for legislative and statewide candidates and caps contributions to political party committees	Mo.	Better	2/20/13	Pending
Modifies the law relating to campaign finance	Mo.	Better	2/28/13	Pending
Modifies the law relating to campaign finance	Mo.	Better	3/13/13	Pending
Consolidate elections, ethics, lobbying	N.C.	Neutral	4/3/13	Pending
Relative to campaign contributions and expenditures	N.H.	Better	8/6/13	Pending
Requires disclosure of contributions received and expenditures... to support or oppose public questions	N.J.	Better	3/14/13	Pending
Requires disclosure of contributions received and expenditures ... to support or oppose public questions.	N.J.	Better	3/4/13	Pending
Requires issue advocacy organization disclosure; increases disclosure of campaign finance information...	N.J.	Neutral	5/9/13	Pending
State ethics commission act	N.M.	Better	3/7/13	Pending
Relates to defining permissible personal use of campaign contributions	N.Y.	Better	1/9/13	Pending

Requires additional disclosures from lobbyists	N.Y.	Better	1/9/13	Pending
Relates to defining permissible personal use of campaign contributions	N.Y.	Neutral	1/30/13	Pending
Enacts a program for public financing of statewide elections, and elections for state senator, assembly person and district attorney; repealer	N.Y.	Better	1/31/13	Pending
Requires additional disclosures from lobbyists	N.Y.	Better	1/31/13	Pending
Enacts the "2013 Fair Elections Act"	N.Y.	Better	5/7/13	Pending
Enacts the "2013 Campaign Finance Reform Act"	N.Y.	Better	3/4/13	Pending
Enacts the "2013 Fair Elections Act"	N.Y.	Better	5/3/13	Pending
Enacts the "integrity in elections act of 2013" to restrict the amounts and sources of campaign contributions"	N.Y.	Better	4/30/13	Pending
Enacts the 2013 Local Fair Elections act	N.Y.	Better	5/1/13	Pending
Enacts the 2013 Local Fair Elections act	N.Y.	Better	5/14/13	Pending
A bill to amend the code of laws of South Carolina... to establish the south carolina commission on ethics enforcement and disclosure,...	S.C.	Better	6/5/13	Pending
A bill to enact the "2013 Ethics Reform Act"	S.C.	Better	2/7/13	Pending
An act relating to campaign finance	Vt.	Neutral	3/12/13	Pending
An act relating to campaign finance law	Vt.	Better	5/10/13	Pending
An act relating to a revision of vermont's campaign finance laws	Vt.	Neutral	1/29/13	Pending

Modifying time frames applicable to certain public disclosure commission requirements.	Wash.	Neutral	5/13/13	Pending
Modifying time frames applicable to certain public disclosure commission requirements.	Wash.	Neutral	5/13/13	Pending
Prohibiting certain campaign contributions by lobbyists during regular session	W. Va.	Neutral	3/27/13	Pending
Enacts a program for public financing of statewide elections, and elections for state senator, assembly person and district attorney; repealer	N.Y.	Better	4/3/13	Pending
Requires campaign finance statement to be filed within two calendar days...	Ore.	Better		Pending
A study bill for an act establishing a voter-owned Iowa clean elections Act and fund...	Iowa	Better		Pending

Closing Loopholes

In Arizona, Maryland and Florida representatives took aim at dark money by targeting issues unique to their state.

Maryland: The [Campaign Finance Reform Act of 2013](#) closed Maryland's so-called "LLC loophole," which allowed corporations to bypass state contributions limits by routing the cash through intermediary limited liability corporations -- sometimes created solely for this purpose. This allowed individuals controlling such corporations to give [many times the amount](#) typically allowed by state law. The act also raised individual contribution limits and created stricter filing requirements for PACs making independent expenditures -- the so-called super PACs -- while contribution limits for traditional political committees were left untouched.

Although the law does not put any restrictions on the receipts or disbursements of super PACs, it marks the first time that such organizations have been acknowledged in the state's election law. Super PACs (or Independent Expenditure Entities in state parlance) will now have to register with the [State Board of Elections](#).

Florida: While a recently passed [Florida bill](#) will disallow the state's "Committees of Continuous Existence," (CCEs) when it goes into effect on Nov. 1, the state's "Political Committees" (read: Super PACs) -- analogous to CCEs in that they may also raise unlimited sums of money -- will remain unchanged. Supporters of the act trumpet it as a step in the right direction as all such money will have to be spent [directly on campaigns](#) by the committee that raised it. According to a report by the [Center for Public Integrity](#), state watchdog groups are generally in favor of the bill, which also raises individual contribution limits and requires that financial disclosure forms be made available in an online database.

Arizona: Democrats in the Arizona state Senate are trying to improve disclosure requirements with [SB 1265](#), which would "require an individual or organization contributing money that came from another source to disclose that source to the recipient, including whether that money passed through any intermediaries" according to [Sean Peick](#) of Cronkite News. Though it would be a relatively small step given the recent loosening of PAC contribution limits in the state. No action has taken place on the bill since January.

Increasing hard money limits

As first [reported](#) by Adam Wollner of the Center for Public Integrity, a common recent tactic of legislators attempting to dampen the power of outside groups has been to increase the amount of money individuals can contribute.

In April, Arizona's Republican governor, Jan Brewer, signed [HB 2593](#). The [measure](#) simultaneously

raised the caps on individual contributions and removed aggregate limits on PAC contributions. [Critics](#) of the legislation worry that instead of funneling money away from outside spending groups, the measure simply allows more "big money" in Arizona elections, spelling a death sentence for the state's public finance system. Arizona is one of [25 states](#) that provides public funds for state elections, and one of the few to offer full public funding for qualifying state candidates.

In a similar effort, [Connecticut Democrats recently](#) pushed [HB 6580](#) through the state legislature to be signed by Gov. Dannel Malloy. The act, which [some state Republicans](#) view as a step backwards in campaign transparency, simultaneously removes limits on contributions from state parties, requires greater disclosure from all campaign contributors and imposes larger fines on those who break contribution limits. [Supporters](#) of the bill argue that it would funnel money away from murkier special interest sources that have dominated state campaigns in the past.

A new era of public finance?

In Iowa a pro-reform group has championed a three-pronged approach that would set up the state's first-ever system of public financing for state elections -- largely in response to the state's recent [influx of outside spending](#). Together, [House Files 43 and 449](#) and [Senate Study Bill 1072](#) set contribution limits on people and PACs and provide for limited public funding for candidates who agree to take no PAC or super PAC money and no donations exceeding \$100.

Lawmakers in the Show Me State, led by Democrat Jason Hollman, are trying to create a system of public financing that would also limit contributions to political party committees to \$5,000. That would be a big change in Missouri, one of the four states that places no restrictions on the amount or source of political contributions. The others are Oregon, Utah and Virginia. In these states, independent expenditure committees (i.e. super PACs) hold few advantages, as individuals and corporations may give an unlimited amount of cash *directly* to candidate committees. The [Missouri Times](#) reports that one wealthy financier, Rex Sinquefeld, has singlehandedly contributed more than \$26 million to

Missouri candidates since 2008. [Senate Bill 385](#) would introduce contribution limits, while SB 290 would require greater disclosure of contributions. However, no substantial campaign reform has managed to clear both houses.

New York lawmakers, in response to recent [corruption](#) scandals, introduced [legislation](#) for partial public financing of state campaigns, though the measure was ultimately [killed](#) in the state Senate. The vote fell along partisan lines, with Democrats generally supporting and Republicans uniformly opposing the measure.

In an [op-ed piece](#) in the Albany Times Union, Senate Majority Leader Dean Skelos, a Republican, argues against public financing of campaigns, claiming election reform in NYC led to more corruption and that the system would be an unnecessary financial burden on taxpayers.

Federal court opens the floodgates

A recent court ruling throws a wrench in transparency efforts in the Mountain State, according to a report in the [Charleston Daily Mail](#): a federal district judge reversed West Virginia's practice of capping individual contributions to state level super PACs, citing the Citizens United case in his decision.

The Aug. 6 ruling means the state will have super PACs that operate like those at the federal level, and will be able to raise and spend unlimited amounts of cash influencing campaigns. Though these "unaffiliated committees" (West Virginia's term for super PACs, or groups that make independent expenditures in state elections) will still have to register with the West Virginia Secretary of State's [office](#).

The Mountain State still maintains the relatively low \$1,000 limit on individual contributions to candidates, which means that the mounds of super PAC cash will now have even more sway as the growing money from unaffiliated committees may vastly outstrip individual contributions.

Other efforts are underway to increase regulation of campaign contributions in West Virginia. [Senate Bill 88](#), for example, would prohibit some campaign contributions from active lobbyists.

Methodology

Sunlight's [Open States](#) tool, which tracks legislation at the state level, now features .csv downloads of bulk data. To download a .csv from Open States:

- [Query](#) the Open States data;
- Add “-csv” to the new url after the term “bills” and,
- Refresh the page.

A .csv file should automatically download in your browser.

Search methodology: All bills from 2012-2013 were searched using the terms “campaign,” + “finance” + "political" + "committee" + "disclosure." Bills that were clearly not relevant to campaign finance reforms were removed, as were bills that already were defeated or that had died because of legislative inaction.

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