



The State Campaign Finance Index 2022

Coalition for Integrity





About Us

The Coalition for Integrity is a non-profit, non-partisan 501(c)(3) organization. We work in coalition with a wide range of individuals and organizations to combat corruption and promote integrity in the public and private sectors. www.coalitionforintegrity.org

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I. Introduction

The State Campaign Finance Index 2022 analyzes the laws of 50 states and the District of Columbia relating to the scope, independence, and powers of state agencies which regulate campaign finance. This index examines whether these agencies have investigative and enforcement authority, as well as laws that contain prohibitions on campaign coordination, limits on campaign contribution and disclosure of those contributions, requirements for transparency of funding of independent expenditures and political advertisements, and the availability of campaign finance information. It is an objective analysis based on current state laws and regulations regarding campaign finance and transparency in state-wide executive branch races and state legislative races.

As financing political campaigns remains the best way to buy influence in policy decisions, the amount spent dramatically increases from year to year.¹ In the 2020 election cycle, contributions to gubernatorial and state legislative candidates set new records with contributions nearing \$1.9 billion, up from nearly \$1.6 billion in the 2016 race.¹ The trend continued in 2021. In Virginia, which has no limits on campaign contributions, the candidates for Governor raised over \$130 million – Terry McAuliffe (D) received just over \$54.2 million in contributions,² while Glen Youngkin (R) received roughly \$65.7 million.³ In New Jersey, where contributions by individuals, corporations, unions, and other associations and groups are limited to \$2,600 per election, Phil Murphy (D) received about \$24 million while the Republican candidate, Jack Ciattarelli, received almost \$22.2 million in total between the primary and general elections.⁴

As money continues to cascade into state races, contribution records will continue to be broken. In Georgia, Governor Brian Kemp received \$19.3 million in 2021,⁵ and in the same year Wisconsin Governor Tony Evers raised more than \$10 million, which is more than any other sitting governor in Wisconsin history.⁶ Governor Gretchen Whitmer of Michigan has raised almost \$20 million in

1 *Unprecedented donations poured into 2020 state and federal races*, OPEN SECRETS (Nov. 19, 2020, 2:28 PM) <https://www.opensecrets.org/news/2020/11/2020-state-and-federal-races-nimp>.

2 *McAuliffe for Governor Finance Summary*, VPAP, https://www.vpap.org/committees/156114/finance_summary/?start_year=2021&end_year=2021, (this figure does not include \$9,336,948 of in-kind contributions).

3 *Youngkin for Governor Finance Summary*, VPAP, https://www.vpap.org/committees/370328/finance_summary/, (this figure does not include \$4,391,352 of in-kind contributions).

4 *Summary Dashboard*, ELEC, <https://www.elec.state.nj.us/ELECReport/candidatemetrics.aspx>.

5 *GEORGIA GOV'T TRANSPARENCY AND CAMPAIGN FIN. COMM'N, CAMPAIGN CONTRIBUTION DISCLOSURE REPORT SUMMARY (2022)*, https://media.ethics.ga.gov/search/Campaign/CCDR_Report_Summary.aspx?NameID=478&FilerID=C2017000227&CDRID=163581&Name=Kemp,%20Brian%20Porter&Year=2022&Report=January%2031st%20-%20Election%20Year.

6 *Evers Campaign: Raises \$10 million in 2021; Reports Record-Breaking \$10.5 Million Cash on Hand*, WISPOLITICS, <https://www.wispolitics.com/2022/evers-campaign-raises-10-million-in-2021-reports-record-breaking-10-5-million-cash-on-hand/>.

campaign funds for her 2022 reelection campaign as of the beginning of 2022.⁷ Governor Steve Sisolak of Nevada raised \$4,455,220 in 2021 for his 2022 reelection campaign.⁸ This list could go on and on – and does not include money spent by independent spenders such as Super PACs, entities formed after the Supreme Court’s decision in *Citizens United v. Federal Elections Commission*,⁹ or non-profit organizations that do not disclose their donors.

Beginning in 2018, with the [S.W.A.M.P. Index](#),¹⁰ the Coalition for Integrity has focused on state-level ethics and transparency laws and their enforcement. After a tremendous response from state ethics agencies and the general public, we released a companion report in 2019 titled, [Enforcement of Ethics Rules by State Ethics Agencies: Unpacking the S.W.A.M.P. Index](#).¹¹ We continued our work on state ethics laws in 2020, publishing a revised [S.W.A.M.P. Index](#),¹² demonstrating that a number of states made progress by creating ethics agencies and reforming ethics and transparency laws in the two-year period between our Indexes.

We focused on the states because state executive branch officials and legislators make daily decisions and spend trillions of dollars on roads, health, education, welfare, and other programs. This has been particularly true in the past two years as the United States has spent \$3.5 trillion battling the coronavirus epidemic,¹³ much of which was distributed to the states to spend.¹⁴ How this massive amount of aid is spent may be influenced by contributions to politician’s campaigns.

On November 8, 2022, thirty-six states will elect their Governors,¹⁵ and eighty-eight of the country’s ninety-nine state legislative chambers will hold regularly scheduled elections.¹⁶ How these races are financed and how much transparency is required are key to curbing the influence of big money in our political system and enhancing trust that politicians are not representing only

7 SECRETARY OF STATE, MICHIGAN CAMPAIGN STATEMENT SUMMARY PAGE, <https://cfrsearch.nictusa.com/documents/519803/details/filing/summary?changes=0>. Whitmer Collects \$2.5M for Re-Election, Gives Michigan Democratic Party \$3.5M Raised for Recall Defense, MLIVE (Feb. 01, 2022, 7:51 AM), <https://www.mlive.com/public-interest/2022/01/whitmer-collects-25m-for-re-election-gives-michigan-democratic-party-35m-raised-for-recall-defense.html>. Governor Whitmer has accepted Michigan’s public financing and therefore could not keep \$3.5 million of excess contributions.

8 NEVADA SECRETARY OF STATE, AURORA CAMPAIGN FINANCE DISCLOSURE, <https://www.nvsos.gov/soscandidateservices/anonymousaccess/cefdsearchuu/search.aspx>.

9 *Citizens United v. Federal Election Commission*, OYEZ, <https://www.oyez.org/cases/2008/08-205>.

10 *The S.W.A.M.P. Index 2018*, COALITION FOR INTEGRITY (2018), <https://swamp.coalitionforintegrity.org/>.

11 *Enforcement of Ethics Rules by State Ethics Agencies: Unpacking the S.W.A.M.P. Index*, COALITION FOR INTEGRITY (2019), <http://unpacktheswamp.coalitionforintegrity.org/>.

12 *The S.W.A.M.P. Index 2020*, COALITION FOR INTEGRITY (2020), <https://www.coalitionforintegrity.org/swamp2020/>.

13 USASPENDING.GOV, <https://www.usaspending.gov/>.

14 U.S. DEP’T OF THE TREASURY, ASSISTANCE FOR STATE, LOCAL AND TRIBAL GOVERNMENTS, <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments>.

15 Gubernatorial Elections 2022, BALLOTEDIA, https://ballotpedia.org/Gubernatorial_elections_2022.

16 State Legislative Elections 2022, BALLOTEDIA, https://ballotpedia.org/State_legislative_elections_2022.

wealthy special interests. A state's score does not necessarily mean its politicians are more or less corrupt than another, but it does reflect the willingness of the state's politicians to promote transparency and lessen the appearance that politicians are beholden to donors who write the biggest checks.

Public financing of elections is an obvious way to provide candidates a path to elected office that frees them from relying on large contributions from wealthy contributors. To date, at least fourteen states provide some form of public financing for campaigns.¹⁷ However, candidates can decline to accept and the financing does not rein in independent spenders, entities that spent \$1,725,759,799 in the 2020 elections.¹⁸ So long as this kind of dark money exists, public financing for campaigns will not prevent individuals and organizations from using campaign contributions to influence public officials.

II. What Constitutes a Strong Legal Framework for Campaign Finance?

A strong legal framework for campaign finance must provide for vigorous enforcement and should include not only limits on and disclosure requirements for direct contributions but also strict rules on coordination of candidates and independent spenders and true transparency of the source of funds. Specifically, campaign finance laws should follow these Principles.

- ▶ All states should have an independent agency with jurisdiction over state and local elections. That agency needs wide powers to investigate and sanction violations of campaign finance laws. The officials in charge of that agency should be statutorily protected from removal without cause.
- ▶ States should prohibit coordinated expenditures between candidates, their political committees, political parties, and agents of each with independent spenders. The law should detail the types of conduct and spending that qualify as coordination so wealthy special interests are not able to skirt contribution limits.

17 Public Financing of Campaigns: Overview, NCSL, <https://www.ncsl.org/research/elections-and-campaigns/public-financing-of-campaigns-overview.aspx>.

18 Kenneth P. Vogel and Shane Goldmacher, *Democrats Decried Dark Money. Then They Won with It in 2020*, N.Y.TIMES (Jan. 29, 2022), <https://www.nytimes.com/2022/01/29/us/politics/democrats-dark-money-donors.html>.

- ▶ At the same time, states should require establishment of a firewall for vendors and third-party service providers between persons at those entities working for a candidate, political committee, political party, or their agents and those working for independent spenders.
- ▶ Contributions to state candidates and political parties by individuals and PACs, should be limited to the amounts allowed by federal law. Contributions to state candidates and political parties by corporations and unions should be barred, as they are under federal law.
- ▶ All states should require candidates and independent spenders to file campaign finance reports electronically that include all contributions of more than *de minimus* amounts, with the name, address, amount, and date of contribution.
- ▶ For candidates, contributions over \$1,000 should be reported within 24 or 48 hours of receipt during the period of 30 days before an election. Independent spenders should be required to disclose expenditures of \$5,000 or more within that same time frame.
- ▶ States should require candidates and independent spenders to file a post-election report within 30 days of an election.
- ▶ States should require reporting of contributors to independent spenders. In particular, states should take the lead in mandating disclosure of the beneficial owners of LLCs and donors to 501(c) organizations which contribute to independent spenders.
- ▶ There should be robust disclosure requirements about payors of political advertisements and electioneering communications on all media, including internet-based social networks.
- ▶ All campaign finance information should be easily accessible and sortable on the agency's website

III. What Questions Did We Ask?

Question 1: What agency is charged with administering the state’s campaign finance laws? Does it have the authority to conduct its own investigations, including public hearings and subpoena power?

The first set of questions address the fundamental framework for promoting and enforcing campaign finance rules – an independent body, which has a governing board protected from removal without cause, strong investigative powers, and the ability to sanction offenders. It does not matter whether there is one or two governing agencies. What matters is the independence of the entity from political interference.

The authority to investigate – on its own initiative or upon referral – is essential to enforcing the laws and enhancing compliance. The fact that this authority may be shared with an attorney general or other specialized body does not detract from the efficacy of an independent agency. To carry out an effective investigation, the agency must be able to compel testimony and the production of documents. The proceedings of these agencies should also be public to promote transparency and enhance public trust in their operations. Like criminal proceedings, information should be available once there is probable cause that a violation has occurred, and the hearings should be open to the public. The notion that campaign finance investigations are more sensitive than criminal proceedings or deserve more confidentiality is misplaced.

Question 2: Does the agency have the ability to sanction, including injunctions and fines?

Effective enforcement is crucial to not only deter wrongdoing, but to also provide a meaningful incentive for candidates to abide by the rules. Fines of \$25 a day for late filing are meaningless when campaigns are raising millions of dollars. Violations of other campaign finance laws such as misleading political advertising, acceptance of improper contributions, unlawfully funneling money from foreign interests to influence elections, false statements or certification or omission, and misrepresenting the true origin of a contribution must be subject to strong enforcement efforts. If the agency’s enforcement powers are limited, then its ability to compel adherence is undermined. If enforcement is “outsourced” exclusively to the Attorney General and the criminal justice system, prosecution is likely to be limited to the most egregious cases.

Question 3: Is the agency headed by an elected official? If not, are the members of the agency protected from removal without cause?

Effective enforcement is only possible if the agency is able to act without fear of retribution. If the head of the agency is an elected official such as the Secretary of State, then providing that they can only be removed by impeachment provides a large degree of protection. For agencies with appointed officials, statutory language prescribing the reasons for removal of these appointees protects them when they carry out their duties properly.

Question 4: Campaign Coordination**A. Are there rules defining the types of conduct and campaign spending that presumptively establish coordination between campaign and independent expenditure committees?****B. Does the state have a safe harbor rule and, if so, what does it allow?**

While there are limits in most states for direct contributions to a candidate, these limits can be circumvented by coordinated spending with Super PACs or other outside spenders. “Independent” spending has dramatically increased since 2010 with the Supreme Court’s ruling in *Citizens United*, which allowed corporations and unions to use their treasury funds to pay for independent expenditures and electioneering communications.¹⁹ Shortly after that decision, the U.S. Court of Appeals for the D.C. Circuit struck down the federal contribution limits for “independent expenditure committees.”²⁰ The court ruled that contributions to political action committees (PACs) that make only independent expenditures cannot be limited. Both of these rulings were based on the assumption that “[b]y definition, an independent expenditure is political speech presented to the electorate that is not coordinated with a candidate.”²¹

Coordination can take many forms that “go way beyond formal action.”²² As the Campaign Legal Center points out, “coordinated spending is just as valuable to candidates as direct contributions, coordination between outside spenders and their preferred candidates must be strictly policed to prevent big donors from indirectly bankrolling their preferred candidates while sidestepping

19 *Citizens United v. Federal Election Comm’n*, [558 U.S. 310](#) (2010).

20 *SpeechNow.org v. Federal Elections Comm’n*, [559 F.3d 686](#) (D.C. Cir. 2010).

21 See *Citizens United v. Federal Election Comm’n*, [558 U.S. 310, 41](#) (2010) (citing *Buckley v. Valeo*, 424 U.S. 1, 47 (1976)).

22 Trevor Potter, *The Failed Promise of Unlimited “Independent” Spending in Elections*, ABA (June 25, 2020), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/voting-in-2020/the-failed-promise-of-unlimited-independent-spending/.

contribution limits.”²³ Coordination can occur by sharing information or by hiring persons who have worked for the candidate. It can also occur through coordinating with someone acting on behalf of the candidate or with the political party of that candidate, resulting in an equally harmful effect. The first part of this question asks whether a state clearly defines coordination in an unambiguous manner. The second part of the question asks about safe harbors, which are rules which specify that no prohibited coordination exists if persons in the same firm work for a candidate and an independent spender, but there is a policy preventing communications between those persons.

While we believe that strong regulation of coordination is essential, we note that candidates have begun to evade even the best regulation by announcing publicly their needs. According to a study in the New York Times, candidates work around the prohibition on directly coordinating with Super PACs, by posting instructions, such as steering advertising spending to particular cities or counties, asking for different types of advertising and suggesting target audiences, inside red boxes on public pages that Super PACs continuously monitor.²⁴

Question 5: Campaign Contributions

A. Does the state limit the amount of contributions to political candidates for state level offices per election by individuals, corporations, or other entities (PACs, 501(c)(4)s)?

B. Does the state limit the amount of contributions to state political parties per year?

This two-part question is the most obvious and demonstrates the great differences among states. On the Federal level, contributions to candidates by individuals for the 2021-2022 election cycle are capped at \$2,900 per election; contributions by individuals to national political parties are capped at \$36,500 per year; contributions by multi-candidate PACs are capped at \$5,000 per election; and contributions by corporations and labor unions are prohibited.²⁵ State limitations on individual contributions to candidates range widely. For example, Colorado limits individual contributions to candidates for state legislative races to \$200 and state-wide races to \$625, while New York allows individual contributions of \$4,700 to candidates for state assembly member

23 Coordination Laws, CAMPAIGN LEGAL CENTER, <https://campaignlegal.org/democracyu/accountability/coordination-laws>.

24 Shane Goldmacher, *The Little Red Boxes Making a Mockery of Campaign Finance Laws*, N.Y. Times (May 16, 2022), <https://www.nytimes.com/2022/05/16/us/politics/red-boxes-campaign-finance-democrats.html>

25 Contribution Limits, FEC, <https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/contribution-limits/>. We are not endorsing the Federal campaign finance limits but believe they provide a benchmark against which to measure state limits.

races and \$47,100 for a gubernatorial candidate – in all cases per election. These states have no contribution limitations – Alabama, Nebraska, Oregon, Utah, and Virginia.

It is important to note that corporations and labor unions are able to establish PACs funded by voluntary contributions of employees that can then make contributions to candidates and political parties or donate to Super PACs. In the 2020 Presidential election, business interests gave nearly \$4.6 billion, up from \$3.4 billion in the 2016 election cycle.²⁶ Unlimited corporate independent spending, particularly in the face of weak coordination laws, severely undermines prohibitions on direct corporate contributions.

With respect to political parties, the Federal limit on individual contributions is currently \$36,500 to each of the party committees, while a multi-candidate PAC is limited to \$15,000 per year.²⁷ The majority of states have no limits on contributions to state political parties or limits which exceed the Federal amounts.

CAMPAIGN DISCLOSURE REQUIREMENTS

Question 6: What is the dollar amount for disclosure of campaign contributions to candidates?

Public availability of campaign contributions makes it possible for citizens to judge who is trying to influence elections and how much they are spending. For Federal elections, candidates are required to disclose the donor's name, address, and date of contribution for aggregate contributions from a single contributor in excess of \$50 and additional information (occupation and name of employer) for aggregate contributions in excess of \$200.²⁸

Question 7: Does the state require reporting of contributors to independent expenditure committees, including second level disclosure of members of contributing LLCs and donors to contributing 501(c)(4)s or similar entities?

This question gets to the heart of “money in politics.” Independent expenditure committees (referred to as Super PACs) now play an outsize role in all elections. According to Open Secrets,

26 2020 Election to Cost \$14 Billion, *Blowing Away Spending Records*, OPEN SECRETS (Oct. 20, 2020, 1:51 PM), <https://www.opensecrets.org/news/2020/10/cost-of-2020-election-14billion-update/>.

27 Contribution Limits, *supra* note 23. Each party has a national committee, a House of Representatives Campaign Committee and a Senate Campaign Committee so actually the limit is \$109,500. Additional contributions of \$109,500 are permitted for specific purposes by an individual and \$45,000 a year from a multicandidate PAC.

28 52 U.S.C. § 30102 (2018), [https://uscode.house.gov/view.xhtml?req=\(title:52%20section:30102%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:52%20section:30102%20edition:prelim);); 11 C.F.R § 102.8 (2021), <https://www.fec.gov/regulations/102-8/2021-annual-102#102-8>.

for Federal races, “[a]s of March 10, 2022, 2,006 groups organized as super PACs have reported total receipts of \$777,203,352 and total independent expenditures of \$82,902,140 in the 2021-2022 cycle.”²⁹ In addition to raising money from individuals and corporations, Super PACs may accept money from entities such as limited liability companies (LLCs), or social welfare organizations, trade associations, labor unions and other types of non-profit entities subject to provisions of Section 501(c) of the Internal Revenue Code.

In addition to Super PACs, social welfare non-profit entities, granted tax exempt status under Section 501(c)(4) of the IRS Code, now spend billions of dollars on political advertisements. Ostensibly, these social welfare groups are supposed to “operate primarily in promoting in some way the common good and general welfare of the people of the community.”³⁰ Yet, they can engage in political activity as long as it is not their primary purpose.³¹ According to a study by the New York Times, these non-profit entities spent a total of \$2,698,261,225³² in the 2020 election.³³

Federal disclosure requirements have two huge loopholes. First, ads that promote or attack a candidate but fall short of expressly advocating for that candidate’s election or defeat—such as by avoiding explicitly saying “vote for” or “vote against”—can escape disclosure requirements, unless they qualify as an electioneering communication.³⁴ Second, LLCs which contribute to Super PACs do not have to disclose their beneficial owners and, similarly, 501(c) organizations also do not have to publicly disclose their donors.³⁵ While these entities are disclosed as donors to Super PACs, the ultimate source of funding remains hidden.

A few states have begun to address these shortcomings as demonstrated in the Index. However, disclosure remains a dim prospect in most elections, making it impossible to assess the credibility of the campaign advertisements financed by independent spenders, as well as judge the candidates themselves.

29 Super PACs, OPEN SECRETS, <https://www.opensecrets.org/political-action-committees-pacs/super-pacs/2022>.

30 Raymond Chick and Amy Henchey, *Political Organizations and IRC 501(c)(4)* (1995), <https://www.irs.gov/pub/irs-tege/eotopicm95.pdf>.

31 Social Welfare Organizations, IRS, <https://www.irs.gov/charities-non-profits/other-non-profits/social-welfare-organizations>.

32 This figure is likely incomplete due to lax disclosure rules and groups’ intentional lack of transparency making a comprehensive assessment of secret money difficult. Additionally, some nonprofit groups file tax returns on schedules that do not align with the calendar year. Therefore, analysis did include some tax returns that covered part of 2019 and part of 2020.

33 Kenneth P. Vogel and Shane Goldmacher, *Democrats Decried Dark Money. Then They Won with It in 2020*, N.Y. TIMES (Jan. 29, 2022), <https://www.nytimes.com/2022/01/29/us/politics/democrats-dark-money-donors.html>.

34 An electioneering communication is defined as a communication (i) referring to a clearly identified candidate for Federal office; (ii) made within a certain time period before an election;; and (iii) is targeted to the relevant electorate (except for President or Vice President). [52 U.S.C. § 30104\(f\)\(3\)\(A\)\(i\)](#).

35 At the recent court ruling in *Citizens for Resp. and Ethics in Washington v. FEC and Crossroads Grassroots Policy Strategies*, [No. 16-259](#), slip op. (D.C. Cir. Aug. 3, 2018), should lead to additional disclosure of donors by 501(c)(4)s which contribute to Super PACs. On Sept. 18, 2018, the [Supreme Court refused to stay](#) the entry into force of the D.C. District Court ruling invalidating certain Federal donor disclosure rules.

The first part of the question asks if independent spenders must reveal the identities of their contributors while the second part assesses more narrowly the disclosure requirements of the underlying sources of the money.

Question 8: Does the state require disclosure of the payors of political advertisements or other electioneering communications to appear directly on the communication made through print media, broadcast media (TV, radio, etc.), and Internet-based media (Facebook, Twitter, Google, other online platforms)?

This question is important for several reasons. First, Federal law regarding advertisement transparency is outdated, governed by the Federal Election Campaign Act, which has not been meaningfully updated since the 1970s. The law covers advertisements in traditional print and broadcast media and some but not all ads on the Internet. This is a glaring blind spot in transparency laws, which some large tech companies have attempted to address with self-policing measures. Facebook requires funders of ads to supply their identity (though not that of their donors);³⁶ Google bans political advertisers from microtargeting;³⁷ and Twitter bans political advertising.³⁸ However, the lack of a standard, coherent approach combined with the tenuous nature of corporate policies, as opposed to statutory requirements, necessitate state action on political advertisement transparency.

Additionally, this is an issue of election integrity. Without disclosure requirements, foreign adversaries can easily purchase advertisements with those seeing them being none the wiser. Some of this was seen with the Russian government in the 2016 presidential election.³⁹

For the past few years, Congress has tried to address this issue. The Honest Ads Act, intended to improve the transparency of online political advertisements, was most recently passed by the House as part of the For the People Act (HR 1).⁴⁰ It has never been adopted by the Senate. It would treat digital political advertising as another form of media and would require some disclosure of payors.⁴¹ Unlike Congress, many states have amended their laws to broaden their political advertisement rules to include social media and other internet-based content. There are

36 *About Ads About Social Issues, Elections or Politics*, FACEBOOK, <https://www.facebook.com/business/help/1838453822893854>.

37 *An Update about Our Political Ads Policy*, GOOGLE (Nov. 20, 2019), <https://blog.google/technology/ads/update-our-political-ads-policy/>.

38 *Political Content*, TWITTER, <https://business.twitter.com/en/help/ads-policies/ads-content-policies/political-content.html>.

39 Nicholas Thompson and Issie Lapowsky, *How Russian Trolls Used Meme Warfare to Divide America*, WIRED (December 17, 2018, 8:27 AM), <https://www.wired.com/story/russia-ira-propaganda-senate-report/>.

40 HR 1 passed the House in March 2021. For the People Act, H.R. 1, 117th Cong. § 4201 (as received by Senate, March 11, 2021), <https://www.congress.gov/bill/117th-congress/house-bill/1/text>.

41 S. 1356, 116th Cong. (introduced in 2019), <https://www.congress.gov/bill/116th-congress/senate-bill/1356>; H.R. 2592, 116th Congress (introduced in 2019), <https://www.govtrack.us/congress/bills/116/hr2592>.

thousands of state and local elections and digital media is more and more important as part of campaigns. While Federal law should be changed, changing state law is equally imperative – and why we have provided a comprehensive review of state laws on political advertisement disclosure.

Question 9: Campaign Finance Filing Requirements

- A. Is there a requirement for candidates to report contributions of \$1,000 or more received within 30 days prior to an election and, if so, what is the filing deadline?**
- B. Is there a requirement for independent spenders to report expenditures of \$5,000 or more that are made during the 30 days prior to an election and, if so, what is the filing deadline? Also do these reports include information on contributions received, as well as expenditures made?**
- C. Is there a requirement for candidates and independent spenders to file a post-election report within 30 days of an election and, if so, what is the filing deadline?**

Question 10: Accessibility of Campaign Finance Reports

- A. Can the reports be filed through an online portal provided by the agency?**
- B. Are reports available on an easily searchable and sortable website?**

These questions all address the transparency of political contributions and expenditures, timeliness in reporting, and accessibility of information to the electorate. Timely information about contributions and expenditures is key to assessing a candidate's positions, understanding the forces propelling the candidacy, and lessening the corrupting influence of big donors. According to analysis of Supreme Court decisions by the Campaign Legal Center, transparency achieves a number of objectives.⁴²

- ▶ Disclosure provides the electorate with a more comprehensive understanding of the candidate's ideological orientation, allowing voters to use a particular interest group's or well-known individual's monetary support for or against a candidate as a signal of endorsement or rejection.

42 Austin Graham, *Transparency and the First Amendment: How Disclosure Laws Advance the Constitution's Promise of Self-Government*, CAMPAIGN LEGAL CENTER (Nov. 29, 2018), https://campaignlegal.org/sites/default/files/2018-11/Transparency%20and%20the%20First%20Amendment_0.pdf.

- ▶ Disclosure reveals the “constituencies” that a candidate, if elected, is likely to favor due to their political patronage. Knowing sources of electoral spending against a candidate can allow voters to predict the interests toward which a successful candidate likely will feel gratitude.
- ▶ Even in the absence of quid pro quo corruption, information about political contributions and expenditures serves to inform the public’s assessment of an elected leader’s performance and to alert voters to instances when an official is prioritizing the wants of campaign supporters above other constituencies.

Most states require quarterly reports of contributions and expenditures, and in most cases, the threshold for disclosure is minimal. Quarterly reporting, however, is inadequate because millions of dollars are raised and spent in the days running up to an election. In some cases, independent spenders are created in the weeks before an election and are not required to file a quarterly campaign finance report prior to the relevant election. For example, individual contributions for the 2020 Missouri gubernatorial election surpassed \$1.4 million for the first 22 days in October.⁴³ Therefore, it is important for state law to provide reporting in the weeks and days prior to an election of contributions to candidates and expenditures by independent spenders so the information is available prior to the relevant election.

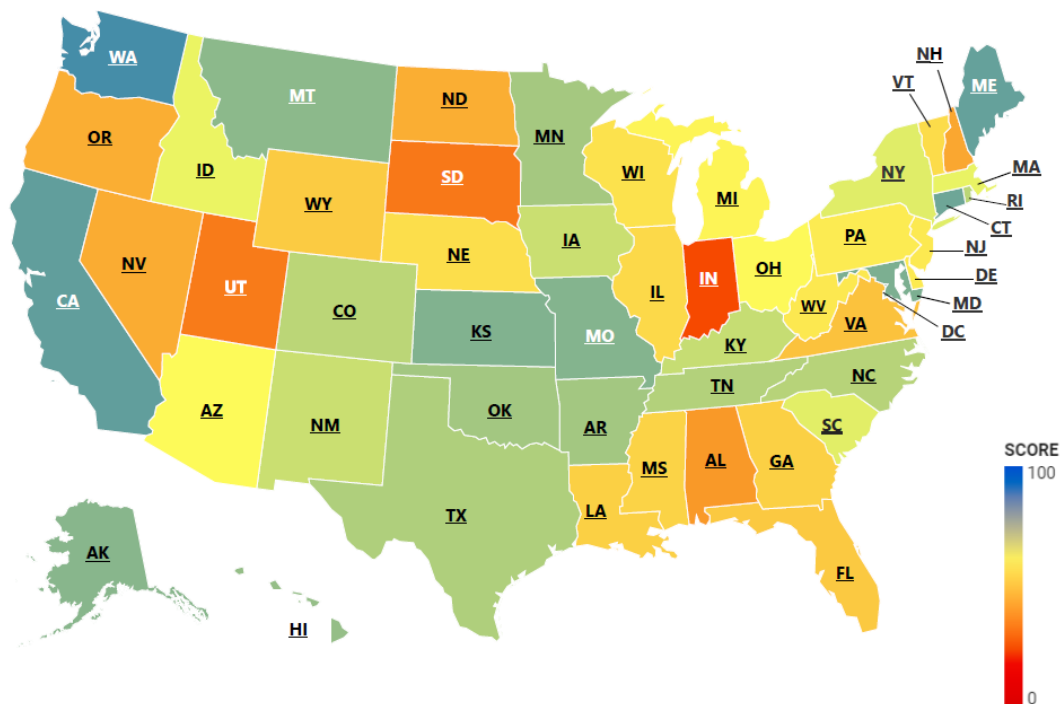
For the data in all campaign finance reports to be useful to the electorate, the reports must be easily accessible on an official website and searchable by fundamental criteria. The searches have to be available for both candidates and independent spenders. Since most states require campaign finance reports to be filed electronically, it is a small step to making the data in those reports available.

⁴³ This amount excludes any individual contributions made within 8 days prior to the General Election. Campaign Finance Searches, Mo. ETHICS COMM’N, https://www.mec.mo.gov/MEC/Campaign_Finance/CF12_SearchElection.aspx.

IV. Our Findings

THE STATE CAMPAIGN FINANCE INDEX 2022 SCORING MAP

The State Campaign Finance Index 2022 analyzes the laws of 50 states and the District of Columbia relating to the scope, independence, and powers of state agencies which regulate campaign finance, as well as each state's laws on campaign coordination, campaign contributions, disclosure of those contributions, requirements for transparency of funding of independent expenditures and political advertisements, and the availability of campaign finance information. The Index focuses on laws pertaining to state executive and legislative races.



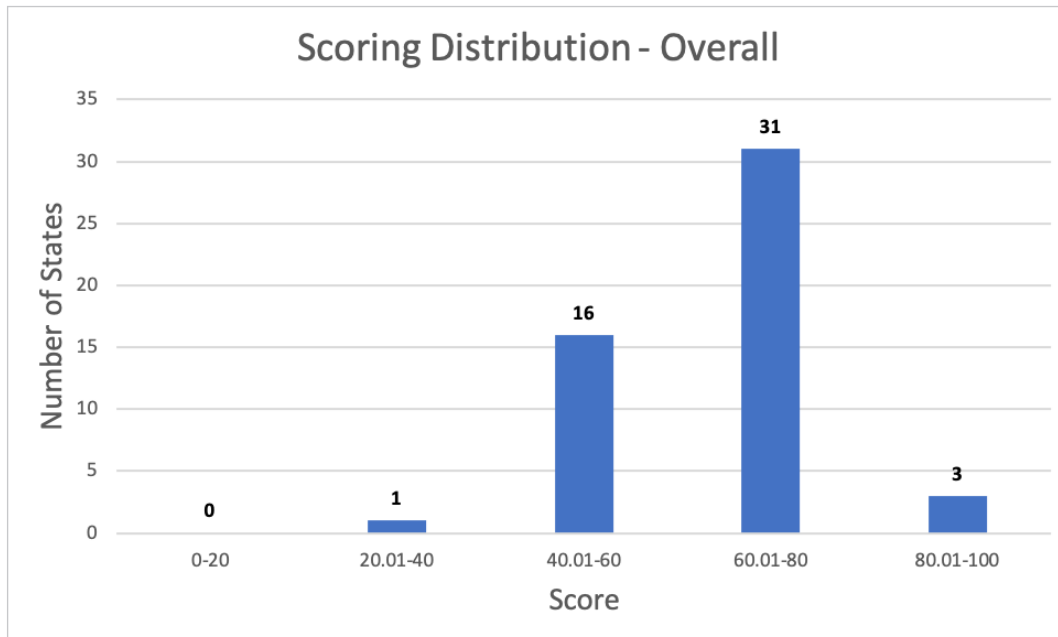
2022 STATE SCORES

Rank	State	Score	13	Arkansas	73.81	26	Idaho	66.07	39	Georgia	57.56
1	Washington	83.99	14	Minnesota	73.69	27	Arizona	63.39	39	Louisiana	57.56
2	California	80.95	15	Texas	72.56	28	Ohio	63.33	41	Wyoming	56.73
3	Maine	80.48	16	Tennessee	72.14	29	Michigan	62.56	42	Florida	56.49
4	Connecticut	79.52	17	North Carolina	71.73	30	Pennsylvania	61.31	43	Virginia	55.48
5	District of Columbia	78.27	18	Colorado	71.25	31	Delaware	61.19	44	North Dakota	52.74
6	Maryland	78.04	18	Rhode Island	71.25	32	New Jersey	61.07	44	Oregon	52.74
7	Kansas	77.56	20	Kentucky	70.06	33	West Virginia	60.89	46	Nevada	52.32
8	Missouri	77.14	21	Iowa	69.64	34	Wisconsin	60.06	47	New Hampshire	51.73
9	Alaska	76.79	21	New Mexico	69.64	35	Nebraska	59.52	48	Alabama	49.64
10	Montana	76.31	23	New York	67.32	36	Vermont	59.23	49	Utah	45.48
11	Hawaii	75.36	24	South Carolina	67.08	37	Illinois	58.81	50	South Dakota	45.06
12	Oklahoma	73.87	25	Massachusetts	66.31	38	Mississippi	57.98	51	Indiana	38.33

OVERALL SCORING DISTRIBUTION

The Index scores the 50 states and the District of Columbia based on answers to the questions described above. The answers to each question are graded on a scale from 0 to 10. The overall Index uses a scale of 0 to 100, where 100 is a perfect score. Each question is worth 10 points, and there are 10 questions. There is wide variation in state laws and regulations governing campaign finance depending on whether the campaign is for state-wide office, the state legislature, judicial, or local office. The Index looks only at laws governing state-wide executive branch races and state legislative races. The chart below illustrates the number of states in the five scoring ranges: 0-20, 20.01-40, 40.01-60, 60.01-80, and 80.01-100.

OVERALL SCORE CHART



- ▶ No state achieved a perfect score, but Washington scored 83.99, California scored 80.95, Maine scored 80.48, and Connecticut scored 79.52. Washington achieved the highest score for almost all the questions, but can improve possible with respect to some coordination rules, contributions by labor unions and corporations, and better disclosure of ultimate donors to independent spenders.
- ▶ 17 states scored below 60.

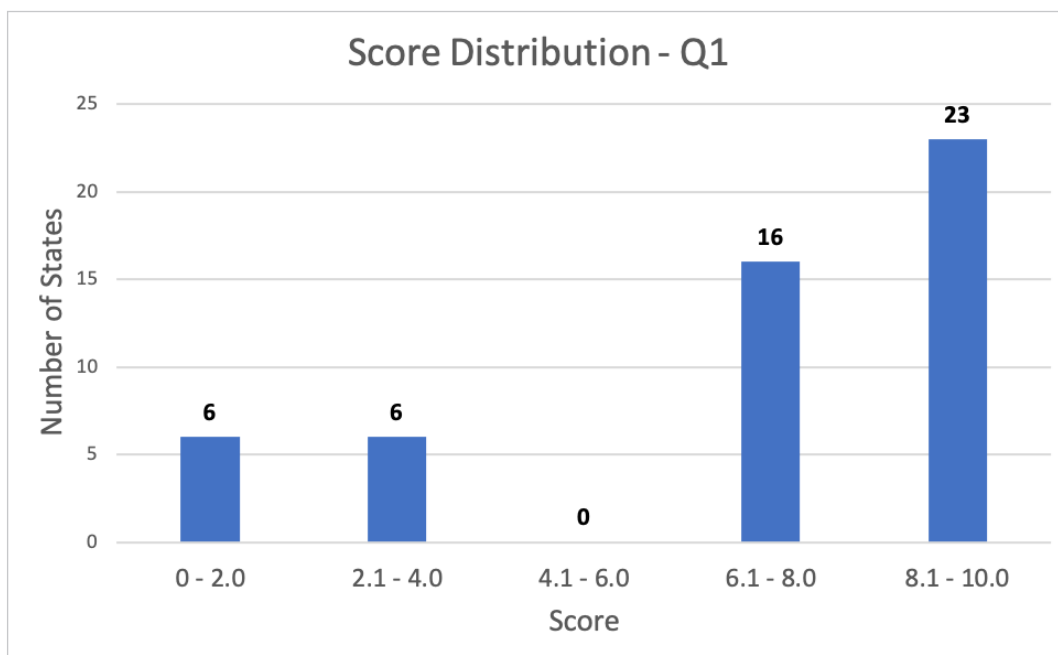
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- ▶ South Dakota (45.06), Utah (45.48), and Indiana (38.33) scored at the bottom. Indiana's Campaign Finance Commission has limited powers, lacks rules on many of the areas of concern, and has relatively high limits on campaign contributions.

The following pages break down the scoring distribution and summarize our findings for each question.

SCORE DISTRIBUTION PER QUESTION

Governing Agencies

Question 1: What agency is charged with administering the state's campaign finance laws? Does it have authority to conduct its own investigations, including public hearings and subpoena power?



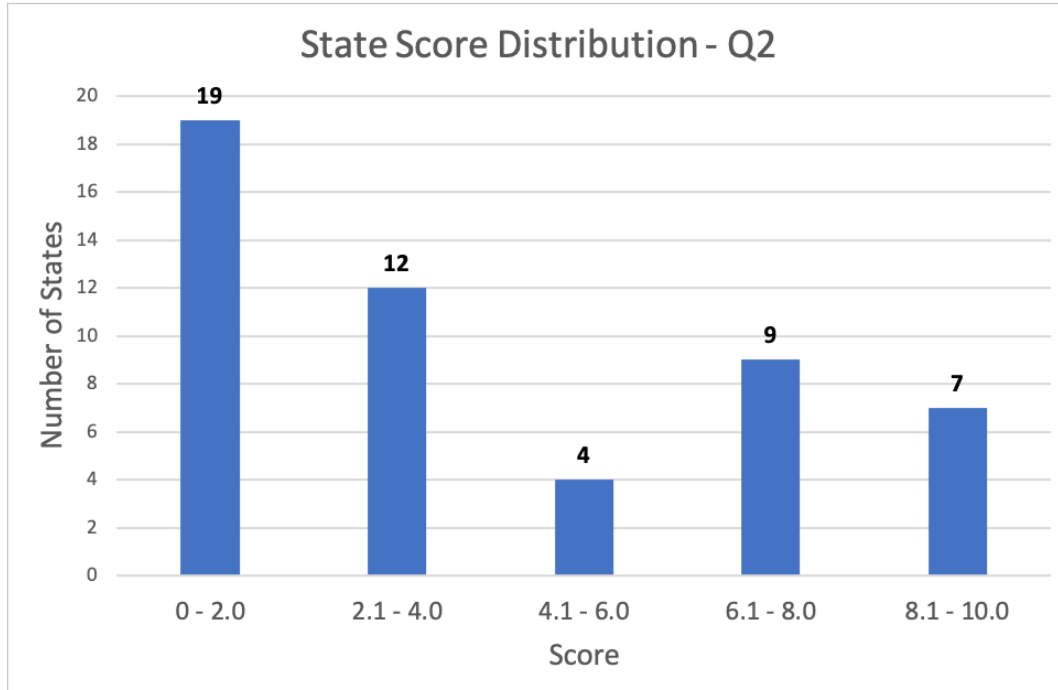
- ▶ 21 states received full credit on Question 1. They have one or more agencies with jurisdiction over campaign finance. In addition, these agencies have the powers necessary to conduct independent investigations, and to compel testimony and documents through subpoenas.

Authority to Conduct Investigations, Hold Public Hearings, and Subpoena

- ▶ 42 states can initiate and conduct their own investigations.

- ▶ 26 are required to hold public hearings.
- ▶ 38 have subpoena power.

Question 2: Does the agency have the ability to sanction, including injunctions and fines?



States that received full credit for this question have the power to compel performance and issue fines of significant amounts for late filing of campaign reports and violations of other substantive campaign finance laws.

- ▶ Only California and Georgia received full credit with the ability to issue injunctions and substantive fines for late filing and other violations of campaign finance laws.
- ▶ Another five states (Kansas, Kentucky, Oklahoma, Texas, and Washington) have robust powers, with the ability to issue injunctions but more limited ability to fine.
- ▶ Nine states (Arizona, Massachusetts, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Vermont, and West Virginia) received no credit because their agencies lack the ability to issue injunctions or impose fines.

A. Ability to Issue Injunctions

- ▶ Agencies in 35 states lack independent authority to enjoin, in any way, violators of campaign finance laws.

B. Ability to Issue Fines

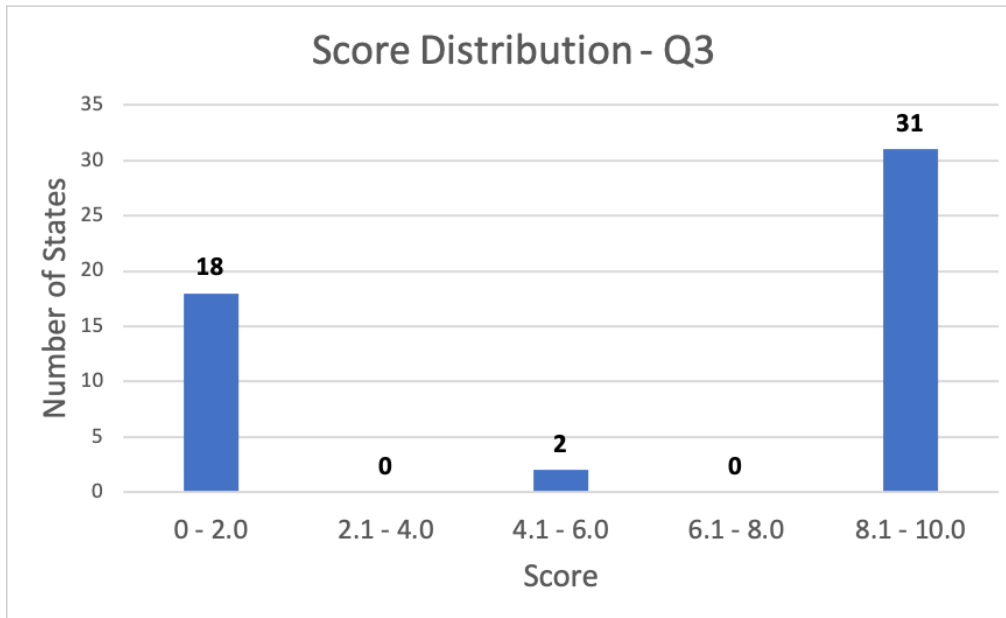
B. 1 Late Filing Fines

- ▶ 13 states only have authority to issue minimal fines of \$25 a day or less for late filing of campaign reports. Hence, they received no credit for question B.1.

B. 2 Other Fines for Substantive Violations (Failure to Include Information on a Political Advertisement; Accepting Prohibited Contributions or Making Prohibited Independent Expenditures; False Statement or Certification or Omission; Misrepresenting the True Origin of a Contribution)

- ▶ California, Connecticut, Georgia, Kansas, Maine, New Jersey, Ohio, Tennessee, Texas, and Washington have the authority to impose a fine of more than \$5,000 for most of the violations listed above or the ability to penalize violators at least twice the amount of prohibited contributions or expenditures.
- ▶ 14 states have the authority to impose a fine between \$1,000 and \$5,000 for most of the violations listed above.
- ▶ 27 states can only impose a fine of \$1,000 or less for the violations listed above; or the agency has no authority to impose fines; or has authority to impose fines for only one or two of the violations listed above.

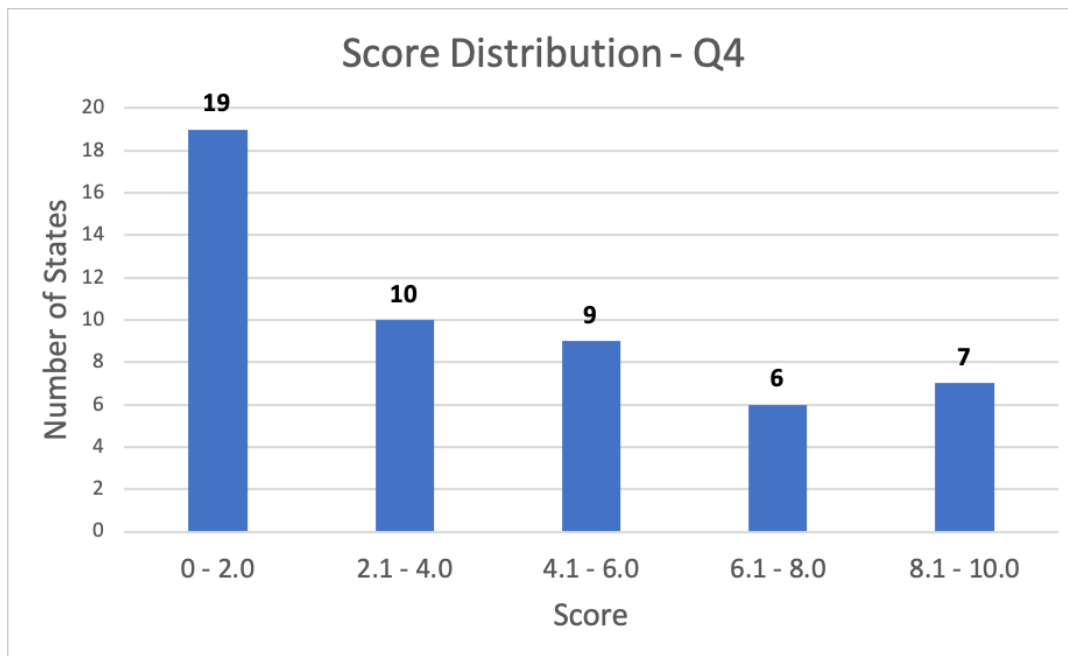
Question 3: Is the agency headed by an elected official? If not, are members of the agency protected from removal from cause?



To receive full credit for this question, the members of the agency must be protected from removal without cause through statutory language or are elected officials who are removable only by impeachment.

- ▶ Alabama only protects members of one agency and received partial credit. The Secretary of State is subject to impeachment, but the statute is silent in regard to removal of members of the Ethics Commission, which also has jurisdiction over campaign finance. Wisconsin only protects two members of the election commission who are appointed by the Governor from removal without cause.
- ▶ 18 states do not have statutory protections for removal without cause for members of the election commission or the Secretary of State.
- ▶ 31 states received full credit.

Question 4: Are there rules defining the types of conduct and campaign spending that presumptively establish coordination between campaigns and independent expenditure committees? Does the state have a safe harbor rule and, if so, what does it allow?



This chart represents the overall score for Question 4, which asks if states unambiguously define conduct that establishes coordination between campaigns and independent expenditure committees and if states have safe harbor rules.

- ▶ Seven states (Colorado, Connecticut, Massachusetts, Maryland, Montana, New York, and West Virginia) received a score of 10 for defining the types of conduct that establish coordination between campaigns and independent expenditure committees and for establishing safe harbor rules.
- ▶ Nine states received a score of 5. Eight states (Alaska, Florida, New Jersey, Ohio, Oregon, Rhode Island, South Carolina, and Washington) define conduct that establishes coordination but do not establish any safe harbor rules. Michigan also scored 5 for recognizing coordination in its definition of independent expenditure, but the laws lack detail on conduct and has no safe harbor rules.
- ▶ 10 states scored a 2.5 for recognizing coordination but do not specify the conduct that may qualify as coordination and do not establish safe harbor rules.

- ▶ 12 states do not address coordination in statutes. Out of these, Alabama also does not have any limits on campaign contributions, thus rendering the need for rules on coordination moot.⁴⁴

A. Are there rules defining the types of conduct and campaign spending that presumptively establish coordination between campaign and independent expenditure committees?

Expenditures by independent spenders to influence the outcome of elections have overtaken those of the candidates themselves. Thus, the question of whether these expenditures count as contributions to the candidates or are independent depends on how a state defines “coordination.” Very few states do so in any meaningful way, allowing millions of unregulated dollars to influence campaigns.

- ▶ 19 states received full credit for this question because they have detailed rules defining the types of conduct and campaign spending that count as “coordination.” The rules cover coordination with candidates, candidates’ committees, political parties, and their respective agents and refer specifically to hiring former employees of candidates or companies providing candidate services, such as polling or social media efforts.
- ▶ 13 states recognize “coordination” between independent spenders and candidates; however, the states do not specify conduct that may qualify as coordination.
- ▶ 7 states do not clearly define coordination, except through a vague definition of independent expenditures.
- ▶ 12 states do not address coordination at all (Alabama, Idaho, Indiana, Kansas, Louisiana, Mississippi, Missouri, Nevada, New Hampshire, Texas, Vermont, Wyoming).⁴⁵

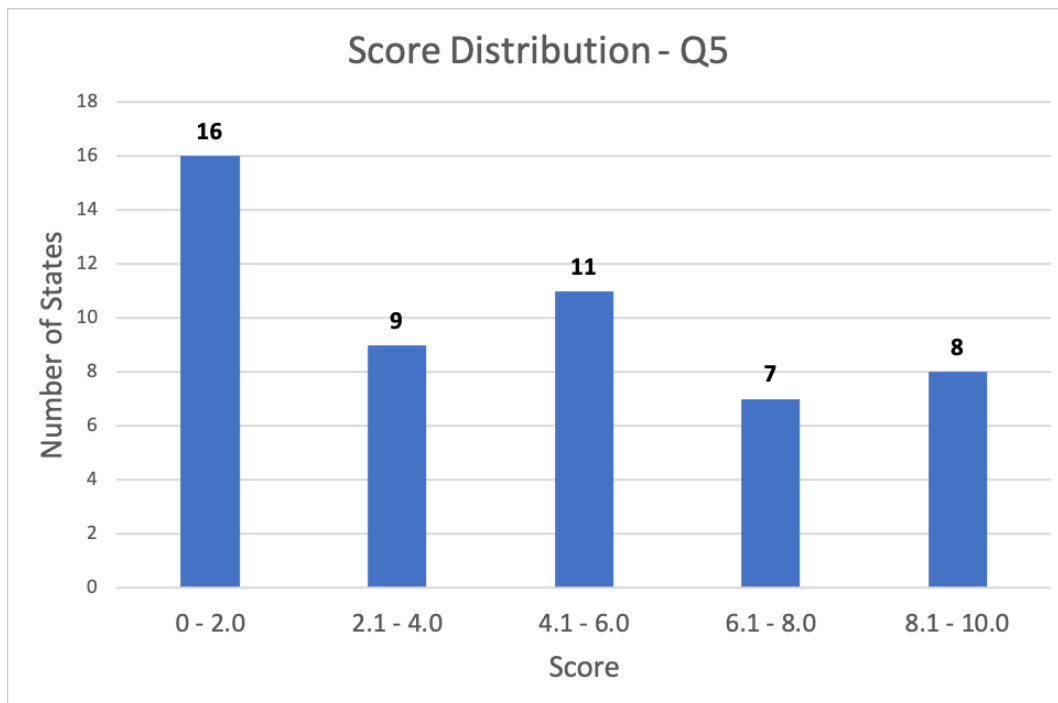
B. Does the state have a safe harbor rule and, if so, what does it allow?

- ▶ Nine states got full credit having established safe harbor rules, specifying that coordination does not occur if the actors are separated by a firewall policy or confidentiality requirements. This is the most direct way to prevent coordination from occurring.

⁴⁴ The 12 states that do not address coordination in statute are Arkansas, Delaware, Georgia, Nebraska, North Carolina, North Dakota, Virginia, Alabama, Idaho, Indiana, Kansas, Louisiana, Mississippi, Montana, Nevada, New Hampshire, Texas, Vermont, and Wyoming.

⁴⁵ We note that the Missouri Ethics Commission has advisory opinions that address coordination but in relatively vague terms. See Mo. Ethics Comm’n, Opinion Letter (July 12, 1996), [MEC AO 1996.06.135](#).

Question 5: Does the state limit the amount of contributions to political candidates for state level offices per election by individuals, corporations, other entities (PACs, 501(c)(4)s)? Does the state limit the amount of contributions to state political parties per year?



This score distribution chart represents the overall scores for Question 5, which asks whether states have contribution limits for political candidates and political parties from individuals, corporations, and other entities.

- ▶ Colorado and Kentucky scored a 10 for limiting the amount of contributions to both political candidates and political parties from individuals, corporations, and other entities (PACs, 501(c)(4)s).
- ▶ West Virginia and Rhode Island both scored a 9.17 because they limit contributions to candidates and political parties from individuals, corporations, and other entities, but allow a higher contribution limit for corporations and unions to state political parties. Oklahoma also scored 9.17 because it limits contributions to candidates and state political parties from individuals and prohibits contributions from labor unions and corporations but it allows a higher contribution limit from PACs to candidates.
- ▶ Montana and Arkansas both scored a 5 because they limit contributions to individual candidates but fail to limit contributions to state political parties. New Jersey also scored 5 because it limits the amounts of contribution to candidates from individuals but does not prohibit contributions by labor unions and corporations. It also allows a higher contribution

limit on contributions to candidates from PACs and a higher contribution limit on contributions to state political parties. North Carolina scored 5 because it prohibits contributions from corporations and labor organizations to candidates and state political parties, but it allows unlimited contributions from individuals and PACs to state political parties and has higher than federal limits for contributions from individuals and PACs to candidates.

- ▶ Iowa and Tennessee both scored 0.83 for minimally limiting campaign contributions; Iowa limits contributions to candidates from corporations and unions, and Tennessee limits contributions to candidates from individuals.
- ▶ Oregon, Alabama, Nebraska, Utah, and Virginia lack contribution limits and scored 0.
- ▶ California also scored 0 because while they have contribution limits, their limits are very high.

A. Does the state limit the amount of contributions to political candidates for state level offices per election by individuals, corporations, other entities (PACs, 501(c)(4)s)?

On the Federal level, contributions to candidates by individuals and single candidate PACs for the 2021-2022 election cycle are capped at \$2,900 per election; contributions by individuals and single candidate PACs to national political parties are capped at \$36,500 per calendar year; and contributions by corporations and labor unions are prohibited.⁴⁶

- ▶ Five states (Virginia, Alabama, Oregon, Utah, and Nebraska) have no limits on any contributions to candidates by any individual, corporation, union, PAC, or other entity. North Dakota limits the amount of contributions from corporations to candidates but effectively has no limits as corporations can form PACs and make unlimited contributions and there are no contribution limits for individuals or other persons.

A. 1 Individual Contributions to Candidates

- ▶ 16 states have no limit on individual contributions or permit such contributions in excess of \$10,000 per election.⁴⁷ California allows individuals to contribute up to \$32,400 to candidates for Governor; New York permits contributions to candidates for Governor in the general election up to \$47,100; Wisconsin permits

⁴⁶ Campaign Contributions, FEC, <https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/contribution-limits/>. As noted above, C4I does not endorse these limits but use them as a benchmark against which to measure state limits.

⁴⁷ The 16 states are Alabama, Alaska, California, Indiana, Iowa, Mississippi, Nebraska, New York, North Dakota, Ohio, Oregon, Pennsylvania, Texas, Utah, Virginia, and Wisconsin.

individual contributions up to \$20,000 for Governor; and Ohio permits individual contributions up to \$13,704.41.

- ▶ 17 states mirror the Federal limits on contributions from individuals.
- ▶ 18 states permit individual contributions between \$2,900 and \$10,000.

A.2 PAC Contributions to Candidates

- ▶ 13 states have no limits for PAC contributions to candidates.⁴⁸
- ▶ A number of states permit PAC contributions in excess of \$10,000:
 - ▶ Illinois permits PACs contributions up to \$59,900.
 - ▶ Massachusetts permits PAC contributions up to \$150,000 for gubernatorial races.
 - ▶ Michigan permits PAC contributions up to \$60,800 for state-wide candidates.
 - ▶ Tennessee permits PAC contributions up to \$12,700.
 - ▶ Wisconsin permits PAC contributions up to \$86,000.
 - ▶ Ohio permits PAC contributions up to \$13,704.41.
 - ▶ California permits PAC contributions up to \$32,400.
 - ▶ New York permits PAC contributions for the Governor and Lt. Governor to \$47,100.
- ▶ 16 states limit PAC contributions to an amount greater than \$2,900 but less than or equal to \$10,000.
- ▶ 14 states limit PAC contributions to \$2,900 or prohibit contributions by out-of-state PACs.

A.3 Labor Unions/Corporate Contributions to Candidates

- ▶ Eight states have no limits for contributions from corporations or unions or permit corporate/union contributions in excess of \$10,000 (Tennessee permits contributions of \$12,700 per election for candidates for statewide office including Governor and state representatives and \$25,400 per election for Senate candidates; Illinois permits contributions up to \$12,000; California permits

48 These states are Wyoming, South Dakota, Alabama, Indiana, Iowa, Mississippi, Nebraska, North Dakota, Oregon, Pennsylvania, Texas, Virginia, and Utah.

contributions up to \$32,400 for candidates for Governor). Alabama, Nebraska, Oregon, Utah, and Virginia have no contribution limits.

- ▶ 19 states prohibit contributions to candidates from corporations/unions.

B. Does the state limit the amount of contributions to state political parties per year?

B. 1 Individual Contributions to State Political Parties

- ▶ The majority of states (28) have no limitations on individual contributions to a state political party or permit individuals to contribute in excess of \$36,500 per year.
- ▶ 13 states permit individuals to contribute up to \$10,000 to state political parties.

B. 2 PAC Contributions to State Political Parties

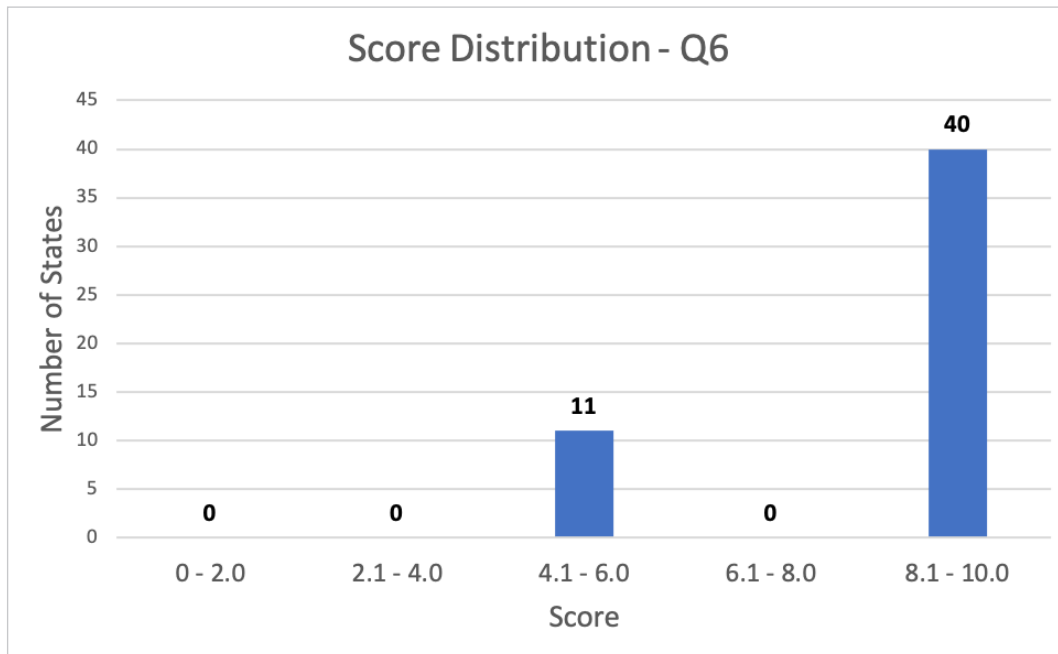
- ▶ The majority of states (30) have no limitations on PAC contributions to state political parties or permit PAC contributions in excess of \$36,500.
- ▶ 13 states permit PACs to contribute up to \$10,000 to state political parties.

B. 3 Labor Unions/Corporate Contributions to State Political Parties

- ▶ The majority of states (33) have no limits on the amounts that corporations/unions can contribute to state political parties or permit corporate/union contributions in excess of \$10,000.
- ▶ Six states prohibit any contributions from corporations, unions, or other entities, and 12 limit the amount of contributions to \$10,000 or below.

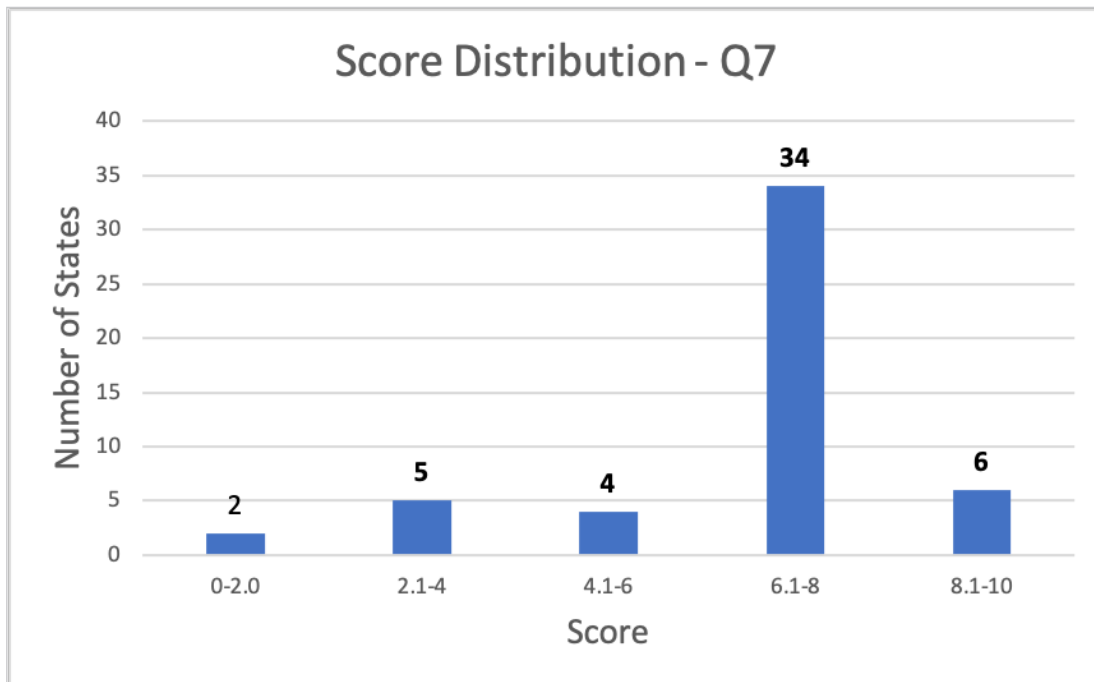
CAMPAIGN DISCLOSURE REQUIREMENTS

Question 6: What is the dollar amount for disclosure of campaign contributions to candidates?



- ▶ Most states (40 states got full credit) require candidates to disclose contributions exceeding \$50 from individuals, even less in a few cases. This information most often consists of name, address, date, and amount of contribution, and for some contributions, require occupation and employer.
- ▶ Only 11 states limit disclosure to contributions in excess of \$200 or require disclosure only of minimal information.

Question 7: Does the state require reporting of contributors to independent expenditure committees, including second level disclosure of members of contributing LLCs and donors to contributing 501(c)(4)s or similar entities?



This score distribution chart represents the overall scores for Question 7.

This question has two levels of inquiry. The first part **(7A)** asks if “independent spenders” must reveal the identity of contributors who donated to them. These spenders may be individuals, corporations, PACs, LLCs, SuperPACs, or 501(c) organizations. Most states follow the federal disclosure rules, though with varying thresholds for contributions. The second level asks more narrowly about “dark money” behind the independent expenditure: if a 501(c) group or an LLC contributes to the entity making independent expenditures, must the 501(c) group’s funders be disclosed as well, or the beneficial owners of the LLC? Or if the 501(c) group is making the independent expenditure, does it need to disclose its donors? On this level, we have found very few states with piercing disclosure requirements.

- ▶ Only Rhode Island received full credit because it requires disclosure of ultimate donors to contributing LLCs and 501(c)(4)s or similar entities if certain dollar thresholds are met.
- ▶ South Carolina and Indiana scored zero because they do not require independent spenders to report any information about their contributors.

-
- ▶ Five states (Alaska, California, Idaho, North Dakota, and Washington) have some requirements for disclosure of ultimate donors.

B. Reporting of Beneficial Owners of LLCs

- ▶ Rhode Island and Colorado received full credit.
 - ▶ In Rhode Island, the law provides for second level disclosure by requiring contributing LLCs to file separate campaign finance reports listing their contributors if certain dollar thresholds are met.
 - ▶ In Colorado, corporations which contribute to independent spenders are required to provide each beneficial owner's name and current residence or business address and, if a listed beneficial owner exercises control over the entity through another legal entity, such as a corporation, partnership, limited liability company, or trust, each such other legal entity and each such beneficial owner who will use that other entity to exercise control over the entity.
- ▶ Eight other states have limited reporting requirements:
 - ▶ The District of Columbia Office of Campaign Finance can require a business contributor, including an LLC, to provide information about its individual owners, the identity of affiliated entities, the individual owners of affiliated entities, the contributions or expenditures made by such entities, and any other information deemed relevant to enforcing campaign finance rules.
 - ▶ In California, certain LLCs which contribute to independent spenders have to disclose the individual responsible for approving political activities or individuals who have a membership interest in the LLC equal to or greater than 10% of the total outstanding membership interest; or who made a cumulative capital contribution of \$10,000 or more to the LLC.
 - ▶ Oklahoma requires LLCs to disclose the names of members but not their ultimate underlying beneficial owners.
 - ▶ Ohio requires PACs to report the name and address of each contributor and contributor's employer. PACs that receive contributions from a partnership or other "unincorporated business" must itemize each contribution by listing the name of the entity and the name of each partner, owner, or member for which the entity issued the contribution.
 - ▶ Alaska requires disclosure of the contribution's "true source" by any person or group. "Non-group Entities" must disclose their contributors if a contribution was made to influence the outcome of an election.

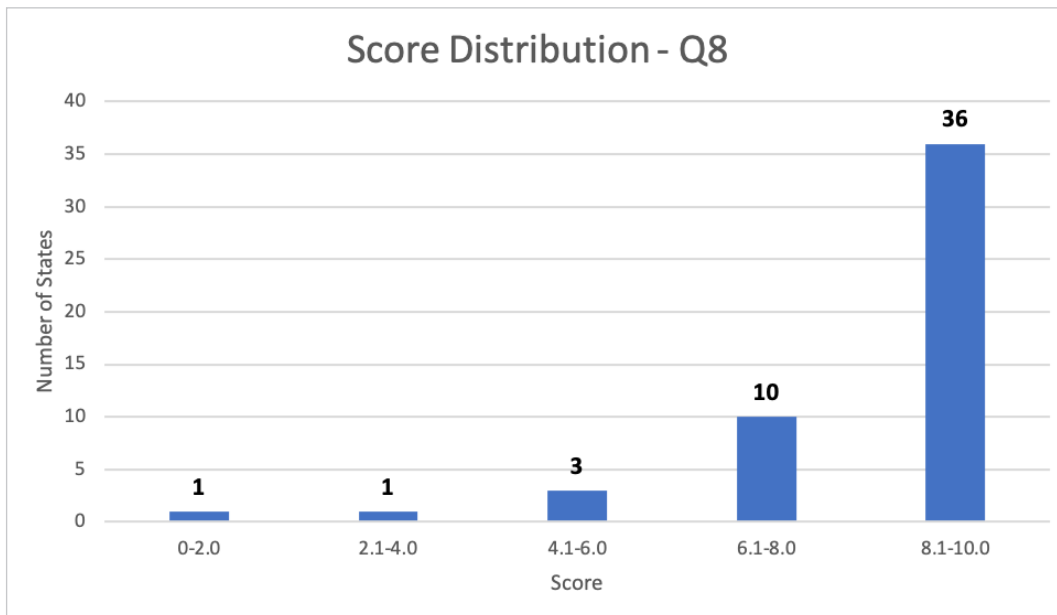
- ▶ North Dakota requires political committees that make independent expenditures to disclose the “ultimate and true source” of funds listed by the contributor and sub-contributors but only if those funds were given “knowingly” and “solely” for the purpose of influencing an election.
- ▶ Delaware and Washington do not require disclosure of beneficial owners but contributions by individuals, whether directly or through an LLC, must be aggregated for determining contribution limits.

C. Reporting of donors to 501(c) groups

- ▶ Alaska, California, Idaho, and Rhode Island received full credit for reporting requirements for funders of 501(c) groups. Entities making independent expenditures must disclose the funders of the 501(c) organization which made contributions to the independent spender, or 501(c)s are prohibited from making contributions to such spenders.
- ▶ California requires 501(c) organizations that contribute to “SuperPACs” to file disclosure reports. Those reports must contain the name of any person who has made over \$1000 in donations to the 501(c) unless it was specifically earmarked not to be a part of political contributions or expenditures.
- ▶ Alaska requires 501(c) organizations to disclose their contributors if they engage in activity to influence an election, including making contributions.
- ▶ Idaho requires 501(c) organizations which spend more than \$1,000 to support or oppose a candidate or measure to disclose the names and addresses of their principal officer or directors and the name and address of each person whose actual contributions has exceeded \$500 during either of the prior two years or whose pledged contributions exceed \$500 during the current year.
- ▶ The Rhode Island law provides for second level disclosure by requiring 501(c)(4)s or similar entities to file separate campaign finance reports listing their contributors if certain dollar thresholds are met.
- ▶ Connecticut, Hawaii, Maryland, Minnesota, Nebraska, North Dakota, Ohio and Washington have partial reporting requirements for donors to 501(c) organizations that contribute to independent spenders. In these states, funders of 501(c)s are required to be disclosed under limited circumstances, such as if the 501(c) has fewer than 100 contributors, or if a single contributor has given more than a statutorily prescribed percentage of the total amount received by the organization. Ohio exempts corporations from the disclosure requirement.
- ▶ North Dakota requires disclosure of the “true source” of funds received by independent spenders but only if those funds were given “knowingly” and “solely” for the purpose of

influencing an election. As a result, LLCs and 501(c)(4)s can easily evade the disclosure requirement.

Question 8: Does the state require the disclosure of the payors of political advertisements or other electioneering communications to appear directly on the communication made through print media, broadcast media (TV, radio etc.), and Internet-based media (Facebook, Twitter, Google, and other online platforms)?



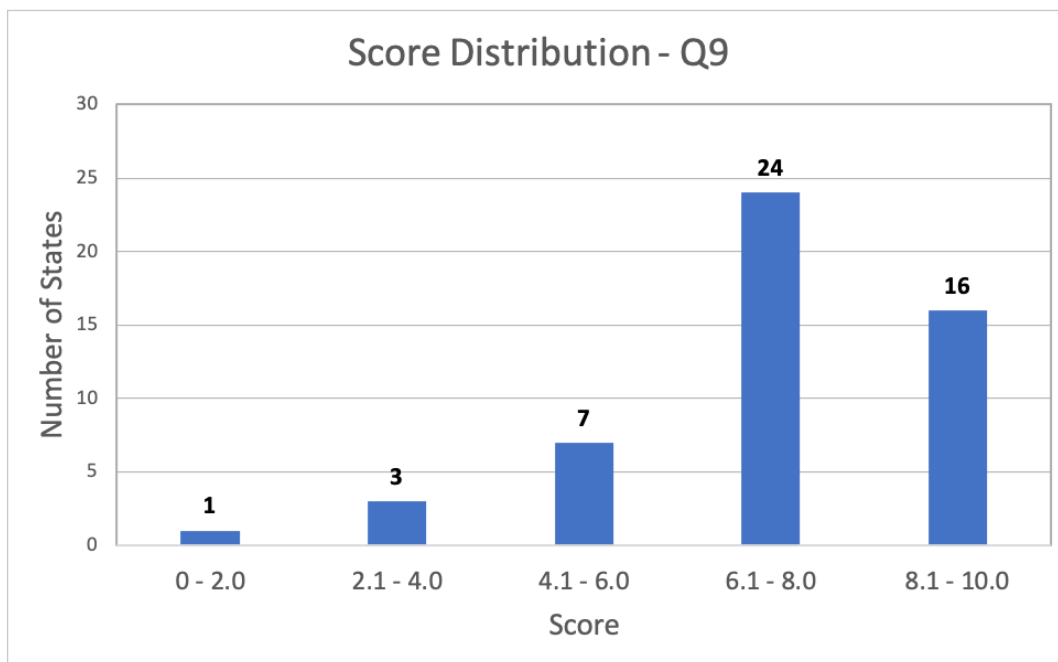
In order to receive full credit, states must require the disclosure of payors of political advertisements or other electioneering communications on certain media types, with *de minimus* dollar exceptions of \$500 or less. For each category of media, full points are given to states that require the disclosure of the name of the payor on the advertisement, states that require the disclosure of the name, address, and phone number of the payor on the advertisement, states that require the disclosure of the identity of the payor and the “Top Contributors” to the payor to be listed on the advertisement, and to states that have even more robust disclosure requirements.

- ▶ 34 states received full credit for each category of media.
- ▶ Georgia is the only state that does not require the disclosure of payors of political advertisements or other electioneering communications on any type of media.
- ▶ 12 states received full credit for requiring disclosure on print and broadcast media but have no or limited disclosure requirements for political advertisement or other electioneering communications on Internet-based media.

CAMPAIGN FINANCE FILING REQUIREMENTS AND ACCESSIBILITY OF REPORTS

These questions all address the transparency of political contribution and expenditures, timeliness in reporting, and accessibility to the electorate.

Question 9: Is there a requirement for candidates to report contributions of \$1,000 or more received within 30 days prior to an election and, if so, what is the filing deadline? Is there a requirement for independent spenders to report expenditures of \$5,000 or more that are made during the 30 days prior to an election and, if so, what is the filing deadline? Also do these reports include information on contributions received, as well as expenditures made? Is there a requirement for candidates and independent spenders to file a post-election report within 30 days of an election and, if so, what is the filing deadline?



- Seven states received full credit (Colorado, Louisiana, Missouri, New Hampshire, New Jersey, Pennsylvania and Wyoming). These states require candidates to file a pre-election report of contributions of \$1,000 or more received during the period of 30 days before an election, within 24 or 48 hours of receipt of a contribution. They also require all independent spenders to file a pre-election report of all expenditures of \$5,000 or more made during the 30 days prior to an election within 48 hours of the expenditure. The report includes information on

contributions received as well as expenditures. Both candidates and independent spenders are required to file a post-election report within 30 days after an election.

- ▶ Nevada scored 0 as it does not require any pre-election or post-election reporting.
- ▶ Indiana, South Dakota, and Utah scored 3.33.
 - ▶ Indiana and South Dakota do not require pre-election disclosure for independent spenders, and there are no post-election disclosure requirements for candidates or independent spenders.
 - ▶ While Utah requires independent spenders to file pre-election reports, there is no requirement to do so within 48 hours of the expenditure. In addition, Utah has no post-election filing requirements.

A. Is there a requirement for candidates to report contributions of \$1,000 or more received within 30 days prior to an election and, if so, what is the filing deadline?

- ▶ 47 states received full credit as they require candidates to report contributions of \$1,000 or more received within 30 days of an election. Those reports must be filed within 24 to 48 hours of receipt in every state except Vermont, Massachusetts, and Arkansas.
- ▶ Nevada has no pre-election reporting requirements.

B. Is there a requirement for independent spenders to report expenditures of \$5,000 or more that are made during the 20 days prior to an election and, if so, what is the filing deadline? Also do these reports include information on contributions received, as well as expenditures made?

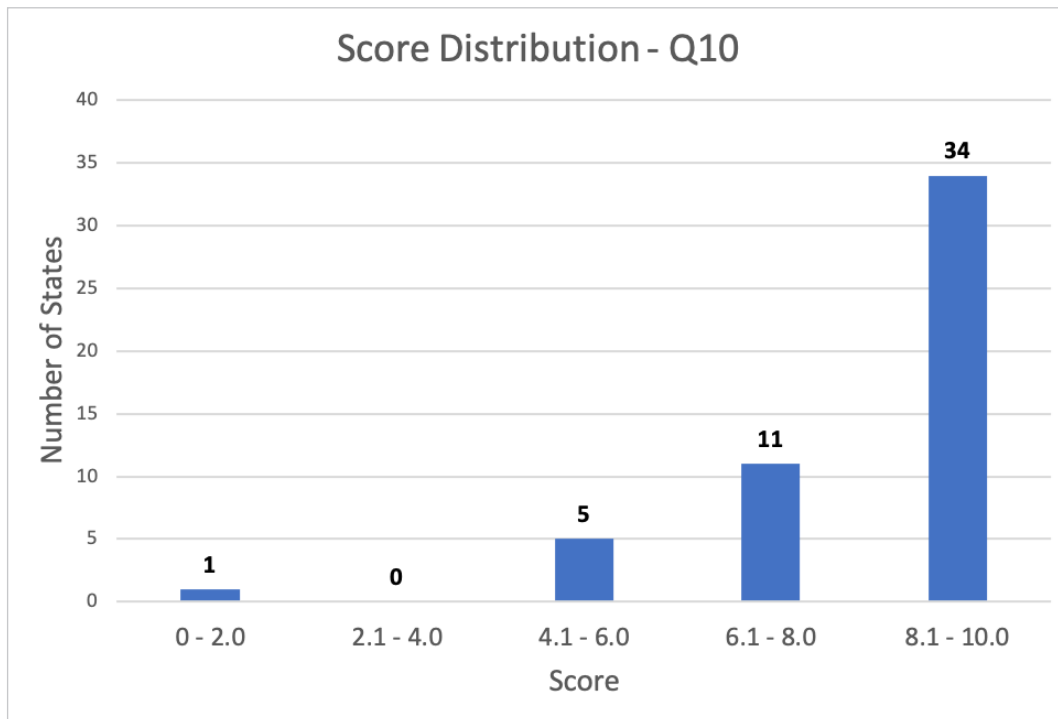
- ▶ The majority of states (34) require reporting of expenditures of \$5,000 or more within 30 days of an election within 24 to 48 hours of receipt and also include contribution information.
- ▶ 12 states require reporting of expenditures received within 30 days of an election but only for amounts over \$5,000 or not on a timely basis or without contribution information.
- ▶ Five states (Indiana, Kentucky, Nevada, South Dakota, and Utah) do not require pre-election reports from independent spenders.

C. Is there a requirement for candidates and independent spenders to file a post-election report within 30 days of an election and, if so, what is the filing deadline?

- ▶ 13 states (received full credit on this sub question) require post-election reports from candidates and independent spenders within 30 days after an election.

- ▶ Seven states require a post-election report from candidates but not independent spenders.
- ▶ The majority of states (31) do not require post-election reports from either candidates or independent spenders.

**Question 10: Can the reports be filed through an online portal provided by the agency?
Are reports available on an easily searchable and sortable website?**



- ▶ 34 states received full credit because they require all reports to be filed electronically through an online portal and the reports are available on a website that allows users to search and sort campaign finance reports by at least seven out of the nine listed variables.
 - ▶ For candidates – by name, year, office, date and amount of contribution or expenditure, contributor.
 - ▶ For independent spenders – year, amount of expenditure, and candidate supported or opposed.
- ▶ South Dakota is the only state that received zero credit because it does not mandate that reports be filed electronically. In addition, reports are not easily searchable or sortable on the Campaign Finance Reporting Systems.

A. Can the reports be filed through an online portal provided by the agency?

- ▶ All states, with the exception of Pennsylvania and South Dakota, require reports to be filed electronically through an agency portal.

B. Are reports available on an easily searchable and sortable website?

- ▶ With the exception of Virginia, Utah, South Dakota, Oregon, and Nebraska, all states have websites which can be searched and sorted with at least four variables
 - ▶ For candidates – by name, year, office, date and amount of contribution or expenditure, contributor.
 - ▶ For independent spenders – year, amount of expenditure, and candidate supported or opposed.

V. Summary of Findings

Overall Findings: This Index demonstrates the wide disparity among state campaign finance laws and the significant deficiencies in regulating the millions of dollars flowing to state level campaigns.

- ▶ No state achieved a perfect score, but Washington scored 83.99, California scored 80.95, Maine scored 80.48, and Connecticut scored 79.52.
- ▶ 17 states scored below 60.
- ▶ South Dakota (45.06), Utah (45.48) and Indiana (38.33) scored at the bottom

Principle 1. All states should have an independent agency with jurisdiction over campaign finance with wide powers to investigate and sanction violations of campaign finance laws.

- ▶ 21 states have one or more agency with jurisdiction over campaign finance, with the powers necessary to conduct independent investigations and compel testimony and documents through subpoenas.
- ▶ Nine states (Arizona, Massachusetts, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Vermont, and West Virginia) have no power to sanction violations.

Principle 2. Sanctions should be meaningful in order to deter violations of campaign finance laws and not left to criminal proceedings.

- ▶ Agencies in 35 states lack independent authority to enjoin, in any way, violators of campaign finance laws.
- ▶ 13 states only have the authority to issue minimal fines of \$25 a day or less for late filing of campaign reports.
- ▶ For fines with respect to other substantive violations, 27 states either have no authority to impose fines, can only impose fines for one or two kinds of violations or can impose only minimal fines.
- ▶ Only California and Georgia received full credit with the ability to issue injunctions and substantive fines for late filing and other violations of campaign finance laws.

Principle 3. Members of the agency should be statutorily protected from removal without cause.

- ▶ 18 states do not statutorily protect the members of their agency or the Secretary of State from removal without cause.

Principle 4. States should limit contributions to political candidates by individuals and PACs to the Federal limit of \$2,900 per election and prohibit corporations and unions from making contributions.

- ▶ 16 states have no limits on contributions or allow individuals to contribute more than \$10,000 per election.
- ▶ 21 states have no limits on PAC contributions to candidates or permit PAC contributions in excess of \$10,000.
- ▶ Eight states have no limits on contributions by corporations/unions or permit contributions in excess of \$10,000.
- ▶ 17 states follow Federal limits for individual contributions, 14 follow Federal limits for PAC contributions, and 19 follow Federal limits for corporations/unions.

Principle 5. States should limit contributions to political parties by individuals and PACs to the Federal limit of \$36,500 and \$15,000, per year respectively, and prohibit corporations and unions from making such contributions.

- ▶ The majority of states (28) have no limits on individual or PAC contributions to a state political party or permit individuals and PACs to contribute in excess of \$36,500.

Principle 6. States should clearly delineate conduct and types of spending that constitute coordination between campaigns and independent spenders and require the establishment of firewalls between campaigns and independent spenders to ensure that such spending is truly “independent.”

- ▶ 19 states have detailed rules defining the types of conduct and campaign spending that count as “coordination.”
- ▶ Only nine states authorize the creation of firewalls as a means to prevent coordination.

Principle 7. States should mandate comprehensive disclosure about donors to independent political spenders, as well as information about the beneficial owners of LLCs and donors to 501(c) organizations which contribute to those independent spenders.

- ▶ Currently, only Rhode Island requires reporting 1) name, address, date, and amount of contributions above a reasonable level by all contributors to independent spenders and 2) the underlying sources of funding for these contributions made by LLCs and 501(c) organizations.
- ▶ Alaska, California, and Idaho received full credit for their reporting requirements for funders of 501(c) groups; Colorado received full credit for reporting the beneficial owners of contributing LLCs.

- ▶ South Carolina and Indiana do not require independent spenders to report any information about their contributors.

Principle 8. Political advertisements across all forms of media – print, television/radio, and Internet – should be transparent about their underlying funding.

- ▶ The majority of states (34) received full credit for each category of media.
- ▶ Georgia is the only state that does not require the disclosure of payors of political advertisements across any media.
- ▶ 12 states received full credit for requiring disclosure on print and broadcast media but have no or limited disclosure requirements for political advertisement or other electioneering communications on Internet-based media.

Principle 9. States should require candidates and independent spenders to report contributions received and expenditures made within the last 30 days before an election in a timely manner so that voters can judge candidates and independent spenders more accurately.

- ▶ Almost all states (47) require candidates to report contributions of \$1,000 or more received within 30 days of an election. Those reports have to be filed within 24 to 48 hours of receipt in every state except Vermont, Massachusetts, Arizona, and Arkansas. Only Nevada has no pre-election reporting requirement at all.
- ▶ The majority of states (34) require reporting of expenditures by independent spenders of \$5,000 or more within 30 days of an election within 24 to 48 hours of receipt and include contribution information. Five states (Indiana, Kentucky, Nevada, South Dakota, and Utah) do not require pre-election reports from independent spenders.

Principle 10. All campaign finance information should be filed electronically and be easily accessible and sortable on the agency's website.

- ▶ Pennsylvania and South Dakota still allow campaign finance reports to be filed on paper. Every other state requires campaign finance information to be filed electronically.
- ▶ With the exception of Virginia, Utah, South Dakota, Oregon, and Nebraska, all states have websites which can be searched and sorted with at least four of the variables below.
 - ▶ For candidates – by name, year, office, date and amount of contribution or expenditure, contributor.
 - ▶ For independent spenders – year, amount of expenditure, and candidate supported or opposed.

VI. Conclusions

This Index demonstrates the wide disparity among state campaign finance laws and the significant deficiencies in regulating the millions of dollars flowing to state level campaigns. Our conclusions address the most pressing issues in this area.

- ▶ Constituents should demand commitments to address the shortcomings in their state campaign finance legal framework identified in this report.
- ▶ In states without an independent agency governing campaign finance or ones with limited jurisdiction or power, citizens should advocate for constitutional or legislative changes to create or expand the authority of the regulator and protect the members from removal without cause.
- ▶ No state should allow unlimited contributions to political campaigns and parties by any person. States should follow the lead of those states identified in the Index which limit contributions by individuals and PACs to candidates and political parties.
- ▶ Every state needs to be explicit about what constitutes coordination between campaigns and independent spenders and enact strict firewall provisions to ensure compliance.
- ▶ States should bring “dark money” into the light by requiring disclosure of contributors to 501(c) organizations and beneficial owners of LLCs that engage in election spending.
- ▶ All states should provide disclosure requirements for political ads, regardless of whether they are in print, on television or radio, or online and specifically include ads on social media.

VII. Appendix 1

STATE CAMPAIGN FINANCE INDEX RANKINGS

Rank	State	Score
1	Washington	83.99
2	California	80.95
3	Maine	80.48
4	Connecticut	79.52
5	District of Columbia	78.27
6	Maryland	78.04
7	Kansas	77.56
8	Missouri	77.14
9	Alaska	76.79
10	Montana	76.31
11	Hawaii	75.36
12	Oklahoma	73.87
13	Arkansas	73.81
14	Minnesota	73.69
15	Texas	72.56
16	Tennessee	72.14
17	North Carolina	71.73
18	Colorado	71.25
18	Rhode Island	71.25
20	Kentucky	70.06
21	Iowa	69.64
21	New Mexico	69.64
23	New York	67.32
24	South Carolina	67.08
25	Massachusetts	66.31
26	Idaho	66.07
27	Arizona	63.39

Rank	State	Score
28	Ohio	63.33
29	Michigan	62.56
30	Pennsylvania	61.31
31	Delaware	61.19
32	New Jersey	61.07
33	West Virginia	60.89
34	Wisconsin	60.06
35	Nebraska	59.52
36	Vermont	59.23
37	Illinois	58.81
38	Mississippi	57.98
39	Georgia	57.56
39	Louisiana	57.56
41	Wyoming	56.73
42	Florida	56.49
43	Virginia	55.48
44	North Dakota	52.74
44	Oregon	52.74
46	Nevada	52.32
47	New Hampshire	51.73
48	Alabama	49.64
49	Utah	45.48
50	South Dakota	45.06
51	Indiana	38.33

*Note: Our final scores are rounded to the nearest two decimal points.

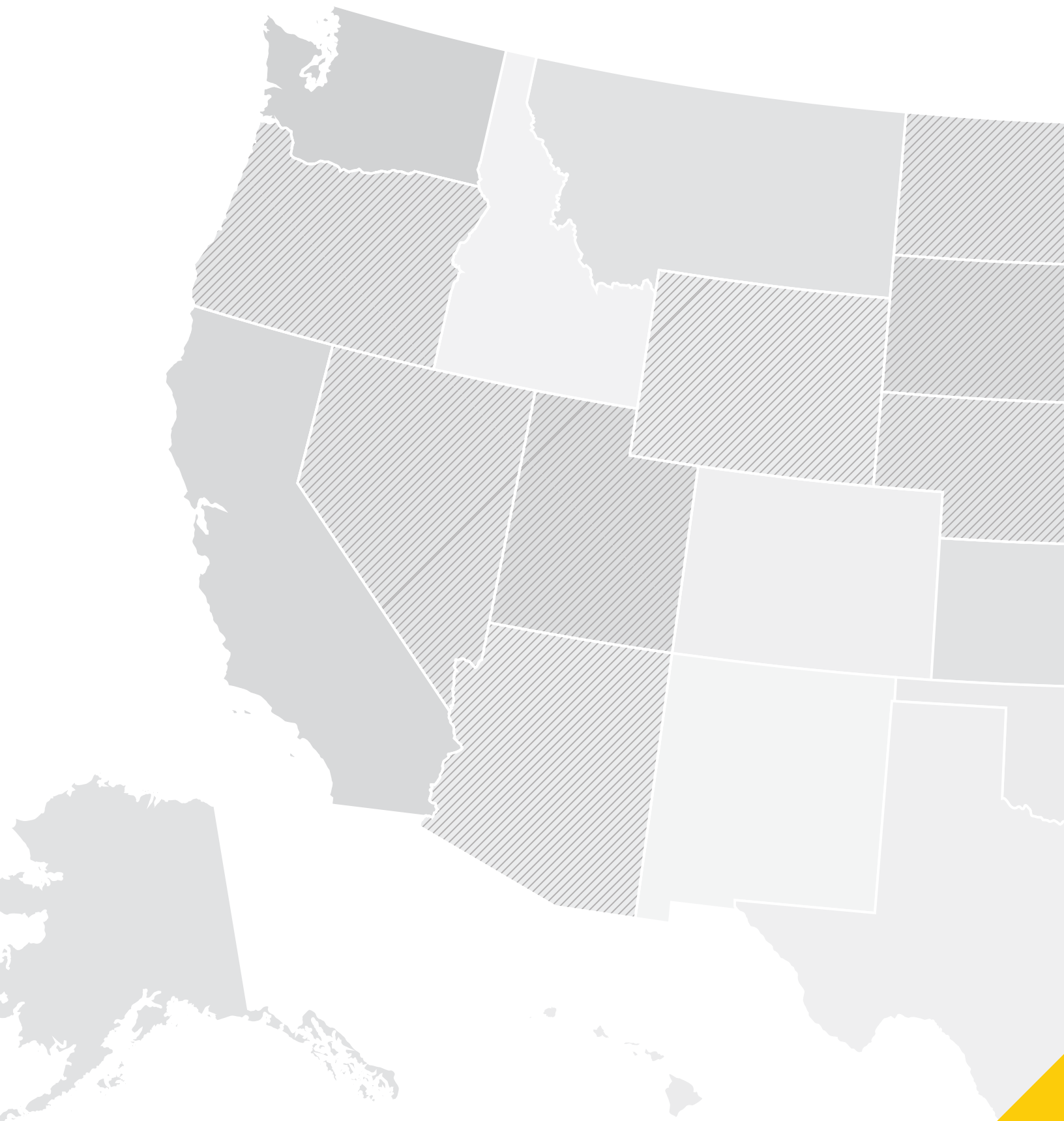
Acknowledgments

This report was prepared by Coalition for Integrity. Shruti Shah, President and CEO of the Coalition for Integrity managed the project and edited the report. Laurie Sherman, Policy Advisor at the Coalition of Integrity, led the research team and wrote the report. The research team consisted of Taylor Cerwinski, Rachel Coffey, Chloe Graham, Emily Grant, Glen Hisani, Morgan Klein, Taylor McDaniels, and Emma Ross. Thank you to Ahmed Al Tamimi and Stephanie Camhi for supporting Coalition for Integrity with the finalization of the report.

We would also like to recognize and thank the following individuals and organization for their support and insights:

- ▶ Kevin Davis, Beller Family Professor of Business Law, New York University School of Law, & Member of Coalition for Integrity Board of Directors
- ▶ Patrick Llewellyn, Director, State Campaign Finance, Campaign Legal Center

While Coalition for Integrity benefited greatly from the research and advice provided by the foregoing persons, this report, including its conclusions and recommendations, represents the views of the Coalition for Integrity and does not necessarily reflect the views of those who provided advice, time, and services to the report.



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