CLC
ADVANCING DEMOCRACY THROUGH LAW

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CAMPAIGN FINANCE REFORM IN A POST-*CITIZENS UNITED* WORLD

Ten years ago this month, the U.S. Supreme Court ushered in a new era of big money in politics with the misguided decision *Citizens United v. FEC*.[1] Following that decision, a small handful of wealthy donors—many of them anonymous—have gained overwhelming power over our political system through their ability and willingness to spend large amounts of money influencing elections.

But even after *Citizens United*, Congress and state legislatures can still enact many important money-in-politics reforms that would protect the voices of voters in our democracy.

For example, while the Supreme Court has limited the reach of some campaign finance laws, it has strongly embraced transparency of election spending, and has maintained that independent expenditures by groups like super PACs must be truly independent of candidates. The Court also has upheld strict prohibitions on foreign interference in elections and has left largely untouched voluntary public financing programs.

This report briefly describes the six most important and impactful reforms that, if carefully crafted, would survive constitutional challenges even after *Citizens United*. Those reforms would:

1) Eliminate dark money;
2) Require transparency for digital electioneering;
3) Ensure that "independent" spenders are actually independent;
4) Strengthen the ban on foreign influence on elections;
5) Restore the voices of ordinary Americans through public financing; and
6) Reform the Federal Election Commission ("FEC").

Many of these reforms are included in H.R. 1, the "For the People Act," which was passed by the House of Representatives in 2019, but has yet to receive a hearing in the Senate.

1) ELIMINATE DARK MONEY

Voters have a right to know who is spending money to influence our vote—and to influence our elected officials.

To ensure that our democracy lives up to the promise of self-government, voters must have information necessary to evaluate candidates for public office and to hold public officials accountable once they're elected. Yet under existing law, as interpreted by the FEC, major election spenders can remain anonymous by funneling their money through corporate organizations (usually LLCs or 501(c)(4) nonprofits) that typically do not disclose their donors.

Although the Supreme Court helped create this "dark money" phenomenon by allowing corporations to spend unlimited money in elections, the Court has consistently upheld the constitutionality of transparency requirements. Eight Justices on the *Citizens United* Court—six of whom still serve—endorsed mandatory financial disclosure of the corporate spending enabled by that opinion.[2] The federal courts of appeals have almost universally upheld such disclosure requirements as well.[3]

Legislation like the DISCLOSE Act (which is included in H.R. 1) would largely eliminate dark money and, if properly tailored, would be highly likely to survive judicial review.[4] This legislation addresses the dark money problem by requiring funds passed between multiple entities to be traced back to their original source. Specifically, organizations spending substantial amounts on election activity would be required to track and publicly report all large political contributions. So if an LLC or 501(c)(4) organization makes a large contribution to a super PAC, the LLC or 501(c)(4) would be required to report information about where it obtained the funds to make that contribution.

In addition, some dark money groups evade disclosure requirements by falsely claiming that their political spending is focused on issues, not elections. To prevent such evasion, effective legislation would mandate disclosure when a group spends substantial amounts on communications or related activity—such as polling, research, or data analytics—that promotes, supports, attacks, or opposes a candidate (regardless of whether it *expressly advocates* the election or defeat of a candidate). The Supreme Court has expressed approval of this "promote or attack" standard,[5] and many lower courts have upheld its constitutionality.[6]

Transparency would promote First Amendment interests by improving the functioning of Congress and its responsiveness to the public. When donors remain secret, the public might never know whether politicians later take action to advance those donors' interests. As the Supreme Court has acknowledged, disclosure not only allows the public to track the undue influence of large contributions on elected officials,[7] but it can also deter officials from improperly acting on behalf of donors rather than voters.[8]

2) REQUIRE TRANSPARENCY FOR DIGITAL ELECTIONEERING

As political spending increasingly migrates online, it has become apparent that campaign finance laws have an internet blind spot.

Under existing federal law, a TV ad that identifies a candidate and runs shortly before an election is subject to FEC and Federal Communications Commission ("FCC") reporting requirements and must include an on-ad disclaimer stating who paid for it; however, an identical ad run online can escape those same transparency requirements. Additionally, digital ads, unlike most TV or radio ads, can be narrowly targeted to specific groups and viewable only by the individuals to whom they are targeted.

This type of secrecy can allow false information to circulate uncorrected, and it hinders law enforcement efforts aiming to ensure compliance with campaign finance laws.

Russia famously exploited these digital transparency gaps to interfere in the 2016 elections. Domestic political operatives used similar tactics to sway races in 2017 and 2018.[9] Self-regulatory efforts by platforms like Facebook have been a step in the right direction, but are easily evaded, are legally unenforceable, and can change at any time.

Policy solutions are evolving as jurisdictions experiment with different approaches. A bipartisan federal bill, the Honest Ads Act, was introduced in 2017,[10] integrated into H.R. 1 in 2019,[11] and reintroduced as a standalone bill in 2019.[12] Legislation has also been enacted in states including New York, Maryland, and California (each of which has important distinctions). These bills and laws vary in the responsibilities they impose on advertisers, platforms, and election agencies, but all meaningful digital ad disclosure legislation includes three major components:

- **Digital political ads must identify their true sponsors on the ads themselves.** Given the ease with which political actors can create fake Facebook pages or Twitter accounts, it is critical that recipients know who is actually paying for digital political messages. Legislation must properly incentivize advertisers and/or platforms to ensure the accuracy of on-ad disclaimers.
- **Digital political advertisers must be subject to the same donor disclosure laws as traditional media advertisers.** Outdated federal (and some state) laws require disclosure of donors only to groups that engage in television and radio advertising. Legislation should close this loophole by applying the same requirements to digital advertising.
- **Digital political ads must be made available for public review.** In 2018, Facebook, Twitter and Google each (grudgingly) agreed to address the phenomenon of "dark ads"—i.e., digital ads that are not seen by anyone except small groups of targeted users—by creating public archives of political ads. But smaller platforms may lack the capacity to institute similar archives. Digital ad legislation should define the appropriate category of ads

that must be made public in an archive, specify who is responsible for transmitting the ads to the archive, and specify that the ad archive is to be maintained by a government agency (like New York's law does), rather than by the platforms (like Maryland's law does). Government-hosted ad archives ensure preservation of access to records regardless of the lifespan of a particular online platform and enhance the ability of law enforcement officials and watchdog groups to identify violations by centralizing information about digital political ads in a single publicly-owned location. Government-hosted archives also avoid the constitutional concerns recently raised by one federal court of appeals, which blocked aspects of Maryland's new digital disclosure law that required third-party platforms, including newspaper websites, to collect and post on their own websites information about digital political ads.[13]

More broadly, reporting and disclaimer requirements for ads in traditional media have been upheld by courts across the country, including by the Supreme Court in *Citizens United*. While court challenges can be expected if these requirements are expanded to digital media, such challenges will likely involve only the margins of the new rules, such as the definitions of which ads must be placed in an ad archive. The core requirements that digital ads (properly defined) include on-ad disclaimers, be publicly archived, and be subject to financial disclosure are entirely consistent with *Citizens United* and the Supreme Court's other campaign finance decisions.

3) ENSURE THAT "INDEPENDENT" SPENDERS ARE ACTUALLY INDEPENDENT

The Supreme Court in *Buckley* and *Citizens United* established a constitutional framework for campaign finance legislation that permits limits on contributions to candidates and parties, but not on spending by American individuals and corporations for election activity that is independent of candidates and parties. This constitutional distinction between contributions and independent expenditures, however, rests on an explicit presumption that the spenders are "totally independent[]."[14]

As a result, super PACs and dark money groups may raise unlimited amounts and make unlimited expenditures in support of candidates only if they are operating independently of those candidates—but very often, this "independence" is a fiction. Many super PACs maintain close contact with the candidates they support, and some are operated by those candidates' former staff or political allies.

In these ways, wealthy special interests are able to skirt contribution limits by funneling millions to groups claiming to spend independently of candidates, but that secretly operate as an arm of the campaign.

When this type of activity is conducted by less transparent outside groups, such as 501(c)(4) groups that do not reveal their donors, the coordinated spending — or at least the interests financing the spending — can go entirely undetected. This gives rise to a

particularly pernicious form of "dark money": undisclosed coordinated expenditures that function like campaign contributions but are hidden from the public.

Our existing laws lack the tools to prevent such coordination between candidates and outside spenders.

Legislation to strengthen coordination law, like the "Stop Super PAC-Candidate Coordination Act" (included in H.R. 1) would close two categories of loopholes.[15]

First, it would make clear that a group is not legally "independent" if it has certain types of contacts with a candidate or party that it supports. These contacts would cover scenarios where, for example, a candidate, a candidate's immediate family member, or a candidate's former employee creates, manages, or fundraises for a supposedly "independent" organization.

Second, the legislation would expand the kinds of campaign spending covered by the coordination law to include all ads that reference a candidate within the several months before an election, as well as related expenditures such as partisan voter registration and polling. Because "independence" is central to the constitutional distinction between contributions and expenditures, tightened coordination definitions are likely to survive constitutional scrutiny.[16]

Restricting coordination between candidates and super PACs or dark money groups reduces the outsized influence of the handful of wealthy donors who fund those groups. This frees officeholders from the idiosyncratic policy preferences of wealthy special interests and allows them to represent the interests of their constituents.

4) STRENGTHEN THE BAN ON FOREIGN INFLUENCE ON ELECTIONS

Longstanding U.S. law prohibits any foreign national from directly or indirectly spending money in connection with U.S. elections at any level of government.[17] Even as courts have struck down other limits on money in elections, they have upheld the foreign national ban. In 2012, two years after the Supreme Court's *Citizens United* decision, that same Court summarily affirmed a decision authored by then-Judge Brett Kavanaugh upholding the broad foreign national prohibition.[18]

Despite this unquestioned constitutional authority, Congress and the FEC have done nothing to prevent foreign corporations from exploiting opportunities for corporate spending that *Citizens United* created. Most notably, under FEC interpretations of current law, foreign corporations can sidestep the foreign national ban by making contributions through domestic subsidiaries.

Federal legislation like the REFUSE Act and DISCLOSE Act (elements of which are included in H.R. 1) would close this gap by subjecting a corporation to the foreign national ban if it is 20% owned by foreign nationals (or 5% owned by a foreign government).[19] Additionally, Congress could, consistent with existing case law, further

expand the reach of the law to prohibit foreign nationals from spending money on a broader range of campaign advertisements—for example, all ads that mention candidates—and on ballot measures.

5) RESTORE THE VOICES OF ORDINARY AMERICANS THROUGH PUBLIC FINANCING

The reforms described above can mitigate the effects of decisions like *Citizens United*. Public financing, however, will go the furthest towards creating a government that looks like, and is responsive to, the country as a whole.

Public financing broadens the donor base by inviting average Americans back into the political process. A well-crafted public financing system can reduce the amount of time candidates spend fundraising and promote more effective policymaking, making elected officials more responsive to the broad base of community members funding their campaigns, rather than a small handful of wealthy special interests.

Courts have largely affirmed the constitutionality of voluntary public financing programs. In *Buckley*, the Supreme Court upheld the presidential public financing program as a constitutional means "to reduce the deleterious influence of large contributions on our political process, to facilitate communication by candidates with the electorate, and to free candidates from the rigors of fundraising."[20]

In the years since, courts have continued to uphold public financing as a means of preventing corruption and promoting political participation.[21] A 2011 Supreme Court decision struck down Arizona's "trigger" mechanism that released additional public funds in response to private spending against participating candidates, but the Court reaffirmed the general constitutionality of public financing programs.[22]

These programs can take a variety of forms: matching funds, democracy vouchers, and flat grants.

In **matching funds** programs, a jurisdiction will match small private contributions (e.g., $250 or less) received by a participating candidate with public funds at a set rate. New York City's program is a model for jurisdictions around the country. It first implemented its matching funds program in 1988 with a one-to-one match; in 1998, the city raised the rate to four-to-one; in 2007, it raised the rate to six-to-one; and in 2018, voters passed a ballot measure raising the matching rate to eight-to-one and lowering the contribution limit.[23] The program has encouraged candidates to connect with a broader population of donors, with studies showing that small donors to New York City candidates come from a much more diverse range of neighborhoods than the city's donors to State Assembly candidates.[24] As the *New York Times* documented, the city's public financing system means that 2021 mayoral candidates are laying the groundwork for their campaigns with small-dollar fundraising events in living rooms, rather than with high-dollar fundraisers in Wall Street boardrooms.[25]

A **"democracy voucher"** system is a newer innovation, where eligible citizens are given a

credit of public funds (i.e., "vouchers") to assign to participating candidates of their choosing. In contrast with matching funds, vouchers do not require a contributor to use his or her own funds and then obtain a reimbursement and, therefore, can allow economically disadvantaged people to make small contributions to campaigns.

Seattle was the first U.S. jurisdiction to implement a voucher program. Seattle residents receive four $25 vouchers, worth $100 in total, each election year. Seattle residents may assign their vouchers to different candidates, or donate them all to the same campaign; participating candidates then redeem the vouchers they receive for public funds to use in their campaign. The first election after the program took effect precipitated a record number of city residents contributing to local candidates.[26] Participation in the voucher program corresponded with higher voter turnout.[27]

As with matching funds, voucher systems still obligate participating candidates to fundraise, but candidates need only ask for vouchers, rather than private dollars, which eases the fundraising burden. The Supreme Court of Washington upheld Seattle's democracy voucher program,[28] but these promising innovations but have not been fully considered by other courts.

A flat grant system fully or partially funds a qualifying candidate who voluntarily participates in the program and agrees to certain limitations on their fundraising or spending. Arizona and Connecticut, among other jurisdictions, have "full grant" programs, where participating candidates may only make campaign expenditures with public funds and may not raise private contributions after receipt of the grant. In partial grant systems, participating candidates receive lump-sum payments of public funds but may also raise some private contributions to use in conjunction with their grant funds. The popularity of grant programs has declined, as the growing volume of independent spending in elections has lessened candidates' willingness to limit private fundraising.

Any of these types of public financing can be combined into a hybrid system. The presidential public financing system is one example of a hybrid system, offering participating candidates matching funds during the primaries and lump-sum grants for the general election. Under Washington, D.C.'s recently enacted program, participating candidates will receive a lump-sum payment followed by a five-to-one match for contributions from District residents.

H.R. 1's public financing provisions together create a hybrid system. The bill would offer a 6-to-1 match on small dollar contributions up to $150; candidates who agree to further restrictions—such as a $1,000 individual contribution limit—will see the match increased by 50%. H.R. 1 would further incentivize small donations by offering a tax credit of up to $50 for contributions to House candidates. It would also create democracy voucher pilot programs in three states; voters in those states would be given $50 vouchers to allocate to federal candidates in $5 increments.

If a full public financing program is not politically feasible, another option is to enact targeted public financing programs for specific purposes. For example, Congress could

offer public funds for cybersecurity, so that qualifying candidates and parties can protect their email accounts from intrusion by foreign or domestic hackers.

6) REFORM THE FEDERAL ELECTION COMMISSION

Enacting robust campaign finance reform legislation means little if the laws are not vigorously enforced. For example, the rise of dark money is largely attributable to the FEC's failure to craft robust disclosure rules in the wake of *Citizens United*, and its refusal to enforce the disclosure laws and rules that remain on the books.

The FEC has six Commissioner positions—no more than three of which can be from any single party—and requires four votes to take substantive action: to craft rules, adopt new regulations, or open an investigation into potential violations. This means that three Commissioners of one party can paralyze the agency—and over the past decade, that's what has happened.

The agency's problems can be traced back to Senate Majority Leader Mitch McConnell and other political elites who have stacked the FEC with nominees who are ideologically opposed to campaign finance laws and their enforcement. Because the FEC needs the support of at least four commissioners to enforce the law, just three commissioners can mire the FEC in gridlock and thwart action on major issues, such as super PAC coordination and digital advertising.

These routine deadlocks send a signal to candidates, parties, and outside groups that they may freely violate the law and the FEC is unlikely do anything about it. To reduce political corruption, we need a stronger FEC to enforce campaign finance laws and hold political candidates and their donors accountable. One recent poll shows that 71% of voters want the FEC to take a more active role in enforcing campaign finance law.[29]

H.R. 1 draws from the bipartisan Restoring Integrity to America's Elections Act to restructure the FEC and restore its commitment to nonpartisan election administration.[30] Any FEC reform legislation should be aimed at restructuring the FEC to eliminate deadlocks (by, for example, reducing the number of Commissioners from six to five) and ensuring that nominees are qualified and committed to the mission of the agency (by, for example, creating a blue ribbon advisory panel to recommend Commissioner nominees).

CONCLUSION

One day, the Supreme Court will change, and decisions like *Citizens United* will be reversed, like other misguided decisions of the past.

But until then, reformers of all political stripes retain a number of options to advance the First Amendment's goal of promoting democratic self-governance, and to protect the voices of all voters in our democracy.

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

[2] *Id*. at 366-71.

[3] *See, e.g., Indep. Inst. v. Williams*, 812 F. 3d 787, 795 (10th Cir. 2016); See *Del. Strong Families v. Attorney Gen. of Del.,* 793 F.3d 304 (3d Cir. 2015); *Vt. Right to Life Comm., Inc. v. Sorrell*, 758 F.3d 118 (2d Cir. 2014); *Justice v. Hosemann,* 771 F.3d 285 (5th Cir. 2014); *Worley v. Fla. Sec'y of State*, 717 F.3d 1244 (11th Cir. 2013); *Free Speech v. FEC,* 720 F. 3d 788 (10th Cir. 2013); *Real Truth About Abortion Inc. v. FEC,* 681 F. 3d 544 (4th Cir. 2012); *Ctr. for Individual Freedom v. Madigan*, 697 F.3d 464 (7th Cir. 2012*); Nat'l Org. for Marriage v. McKee,* 649 F.3d 34 (1st Cir. 2011); *Human Life of Wash., Inc. v. Brumsickle*, 624 F.3d 990 (9th Cir. 2010); *SpeechNow.org v. FEC*, 599 F.3d 686 (D.C. Cir. 2010) (en banc).

[4] DISCLOSE Act, H.R. 2977, 116th Cong. (2019); For the People Act, H.R.1, 116th Cong. §§ 4100-4122 (2019).

[5] *See, e.g., McConnell v. Fed. Election Comm'n*, 540 U.S. 93, 170 n.64 (2010).

[6] See, e.g., *Yamada v. Snipes*, 786 F.3d 1182, 1192–93 (9th Cir. 2015); *Vt. Right to Life Comm., Inc. v. Sorrell*, 758 F.3d 118, 128-30 (2d Cir. 2014); *Ctr. for Individual Freedom, Inc. v. Tennant,* 706 F.3d 270, 280–87 (4th Cir. 2013); *Ctr. for Individual Freedom v. Madigan,* 697 F.3d 464, 485-87, 495 (7th Cir. 2012*); Nat'l Org. for Marriage v. McKee,* 649 F.3d 34, 64 (1st Cir. 2011).

[7] *See, e.g., Buckley v. Valeo*, 424 U.S. 1, 67 (1976) ("A public armed with information about a candidate's most generous supporters is better able to detect any post-election special favors that may be given in return."); *Citizens United*, 558 U.S. at 370 (with disclosure, "citizens can see whether elected officials are " 'in the pocket' of so-called moneyed interests").

[8] Citing *Buckley*, Chief Justice Roberts wrote that disclosure requirements can "deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity." *McCutcheon v. FEC,* 572 U.S. 185, 223 (2014) (quoting *Buckley,* 424 U.S. at 67).

[9] Scott Shane & Alan Blinder, *Democrats Faked Online Push to Outlaw Alcohol in Alabama Race*, N.Y. TIMES (Jan. 7, 2019), https://www.nytimes.com/2019/01/07/us/politics/alabama-senate-facebook-roy-moore.html; Tony Romm, Elizabeth Dowskin & Craig Timberg, *Facebook Is Investigating the Political Pages and Ads of Another Group Backed by Reid Hoffman,* WASH. POST (Jan. 7, 2019) https://www.washingtonpost.com/technology/2019/01/07/facebook-is-investigating-political-pages-ads-another-group-backed-by-reid-hoffman/; Jeremy B. Merrill & William Turton *A Mysterious Facebook Group Is Using Bernie Sanders' Image to Urge Democrats to Vote for the Green Party*, PROPUBLICA & VICE NEWS (Nov. 5, 2018), https://www.propublica.org/article/a-mysterious-facebook-group-is-using-bernie-sanders-image-to-urge-democrats-to-vote-for-the-green-party.

[10] Honest Ads Act, S. 1989, 115th Cong. (2017).

[11] For the People Act, H.R.1, 116th Cong. §§ 4201-4209 (2019).

[12] Honest Ads Act, S. 1356, 116th Cong. (2019).

[13] *Wash. Post v. McManus*, 944 F.3d 506 (4th Cir. 2019).

[14] *Buckley*, 424 U.S. at 47.

[15] Stop Super PAC-Candidate Coordination Act, 116th Cong. (2019); For the People Act, H.R.1, 116th Cong. §§ 6101-6103 (2019).

[16] *Id.; see also McConnell v. FEC*, 540 U.S. 93, 221 (2003) (upholding requirement that coordination rules not require overt candidate-committee agreement, and holding "the rationale for affording special protection to wholly independent expenditures has nothing to do with the absence of an agreement and everything to do with the functional consequences of different types of expenditures"), *FEC v. Colo. Republican Fed. Campaign Comm.*, 533 U.S. 431, 442 (2001) ("expenditures made after a 'wink or nod' often will be 'as useful to the candidate as cash'").

[17] 52 U.S.C. § 30121(a).

[18] *Bluman v. FEC,* 800 F. Supp. 2d 281, 288 (D.D.C.), *aff'd,* 565 U.S. 1104 (2011).

[19] REFUSE Act, H.R. 6249, 115th Cong. (2018); DISCLOSE Act, H.R. 2977, 116th Cong. (2019); For the People Act, H.R.1, 116th Cong. §§ 4100-4122 (2019).

[20] *Buckley*, 424 U.S. at 91.

[21] *See, e.g., Republican Nat'l Comm. v. FEC*, 487 F. Supp. 280, 284 (S.D.N.Y. 1980) ("If the candidate chooses to accept public financing he or she is beholden unto no person and, if elected, should feel no post-election obligation toward any contributor of the type that might have existed as a result of a privately financed campaign."), *aff'd,* 445 U.S. 955 (1980); *Vote Choice, Inc. v. DiStefano*, 4 F.3d 26, 39 (1st Cir. 1993) (validating state's interest in public financing "because such programs . . . tend to combat corruption"); *Rosenstiel v. Rodriguez*, 101 F.3d 1544, 1553 (8th Cir. 1996) (recognizing public financing reduces the "possibility for corruption that may arise from large campaign contributions" and diminishes "time candidates spend raising campaign contributions, thereby increasing the time available for discussion of the issues and campaigning"); *Green Party of Conn. v. Garfield,* 616 F.3d 213, 230 (2d Cir. 2010) (finding Connecticut program worked to "eliminate improper influence on elected officials"); *Ognibene v. Parkes*, 671 F.3d 174, 193 (2d Cir. 2011) (explaining that public financing system "encourages small, individual contributions, and is consistent with [an] interest in discouraging entrenchment of incumbent candidates").

[22] *Ariz. Free Enterprise Club's Freedom PAC v. Bennett*, 564 U.S. 721, 724 (2011).

[23] *What's New in the Campaign Finance Program*, New York City Campaign Finance Board, https://www.nyccfb.info/program/what-s-new-in-the-campaign-finance-program-2/ (last visited Mar. 6, 2019).

[24] See ELISABETH GENN ET. AL., BRENNAN CTR. FOR JUSTICE & CAMPAIGN FIN. INST., DONOR DIVERSITY THROUGH PUBLIC MATCHING FUNDS 10 (2012), https://www.brennancenter.org/sites/default/fles/legacy/publications/DonorDiversityReport_WEB.pdf.

[25] J. David Goodman, *The 2021 New York City Mayoral Race: Coming Soon to a Living Room Near You,* N.Y. TIMES (Jan. 28, 2019), https://www.nytimes.com/2019/01/28/nyregion/corey-johnson-scott-stringer-mayor-nyc.html.

[26] JENNIFER HEERWIG & BRIAN MCCABE, CTR. FOR STUDIES IN DEMOGRAPHY & ECOLOGY, UNIV. OF WASH., EXPANDING PARTICIPATION IN MUNICIPAL ELECTIONS: ASSESSING THE IMPACT OF SEATTLE'S DEMOCRACY VOUCHER PROGRAM (2018), https://www.jenheerwig.com/uploads/1/3/2/1/13210230/mccabe_heerwig_seattle_voucher_4.03.pdfh.

[27] *Id.*

[28] *Elster v. City of Seattle*, 193 Wash.2d 638 (Wash., 2019).

[29] Campaign Legal Ctr., *Bipartisan Poll Finds Voters Want Stronger Enforcement of Campaign Finance Laws, Increased Transparency in Elections* (Nov. 18, 2019), https://campaignlegal.org/update/bipartisan-poll-finds-voters-want-stronger-enforcement-campaign-finance-laws-increased.

[30] Restoring Integrity to America's Elections Act, H.R. 1272, 116th Cong. (2019); For the People Act, H.R.1, 116th Cong. §§ 6001-6007 (2019).