



MESSAGING GUIDELINES

AMERICANS FOR PROSPERITY V. BONTA

TOPLINE

The Supreme Court's ruling declaring California's confidential tax reporting law unconstitutional should not be permitted to dilute the Court's well-established precedents upholding electoral transparency laws. Exempting wealthy special interests from disclosure simply to avoid possible public criticism harms political transparency and undercuts the free flow of information and robust debate the First Amendment is meant to protect.

RULING

Oral Argument was heard by the U.S. Supreme Court on April 26th 2021. On July 1st the Court sided 6-3 with Americans for Prosperity Foundation and the Thomas Moore Law Center, striking down California's reporting law. Writing for the majority, Chief Justice John Roberts argued that the California law placed too significant a burden on donors and was not narrowly tailored to serve an important state interest.

WHAT DOES THIS RULING MEAN?

While the standard of review applied by the Supreme Court in this case was unduly skeptical, it is one transparency laws in the electoral context will likely easily meet, limiting the reach of this case. The decision does not call into question the longstanding laws and regulations requiring public disclosure of campaign spending. But while this decision does nothing to undercut the Court's long recognition that transparency in the electoral context serves the vital interest in an informed electorate, it does significantly impact the state of California's ability to detect fraud and self-dealing by charities soliciting donations from in-state residents.





TALKING POINTS:

- In this case, wealthy special interests scored a win, albeit a narrow one. We are disappointed that the majority gave little weight to established precedent recognizing the important public interests in nonprofit reporting and relatively minimal burdens such reporting imposes. Still, this decision should not be understood to reach beyond this particular law and factual setting.
- The California Attorney General's office used the confidential donor information in question to enforce the state's non-profit regulations and prevent charitable fraud and self-dealing. This limited, non-public information served a key role in helping the state maintain oversight over organizations soliciting donations.
- This case addresses non-public tax reporting by charities, not public disclosure by those spending money to influence elections. Still, this ruling needlessly brushes aside precedent in favor of wealthy special interests.
- By an overwhelming margin, American voters have consistently supported transparency measures that fight corruption understanding them to be essential to governmental integrity and true self-government.

ABOUT THE CAMPAIGN LEGAL CENTER

At Campaign Legal Center (CLC), we are advancing democracy through law, fighting for every American's right to participate in the democratic process. CLC uses tactics such as litigation, policy advocacy, communications and partnerships to win victories that result in a more transparent, accountable and inclusive democracy. Our long-term goal is a government responsive to the people.