

Please Support HB19-1318
Increased campaign finance transparency

HB 1318 – 3 goals

- **Increased disclosure** - availability of information (in TRACER) about who is spending money to influence our elections
- **Increased disclaimer** – notice on a campaign communication about who is paying for it
- **Keep “independent” expenditures truly independent** – Supreme Court case law allowing unlimited corporate, non-profit, or union expenditures is predicated on these expenditures not being coordinated with candidate campaigns

HB 1318 – section by section

1. **Definitions** – n.b. “small scale issue committee” (<\$5000)
2. **Contributions**
 - a. No foreign contributions (5.3; 5.5)
 - b. No pre-candidacy unlimited fundraising into independent expenditure committees (11)
3. **Independent expenditures**
 - a. No foreign contributions (1)
 - b. Increased disclaimers (5)
 - c. Source transparency, to the extent possible (14)
4. **Disclosures**
 - a. Continuation of existing disclosure framework for “small-scale issue committees” (1.5)
 - b. Coordinated communications deemed both contributions and expenditures (8)
5. **Disclaimers** – require disclaimers on \$1000+ communications that must be disclosed
6. **Applicability** – after the effective date of this legislation

Strong U.S. Supreme Court support for disclosure & disclaimer requirements

- Disclaimer and disclosure requirements “impose no ceiling on campaign-related activities” – *Buckley v. Valeo*
- Disclaimer and disclosure requirements “do not prevent anyone from speaking” – *McConnell v. FEC*
- Disclaimers “‘insure that the voters are fully informed’ about the person or group who is speaking” – *Citizens United v. FEC* quoting *Buckley v. Valeo*
- “At the very least, the disclaimers avoid confusion by making clear that the ads are not funded by a candidate or political party.” – *Citizens United v. FEC*
- “[T]he public has an interest in knowing who is speaking about a candidate shortly before an election.” – *Citizens United v. FEC*
- “The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.” – *Citizens United v. FEC*

What HB 1318 does not change

- Any contribution limit by any individual / entity legally allowed to contribute
- Any expenditure limit by any individual / entity legally allowed to spend on campaigns