

2022

FREE SPEECH INDEX

GRADING THE 50 STATES ON THE FREEDOM
TO SPEAK ABOUT GOVERNMENT



INSTITUTE FOR
FREE SPEECH

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About the Institute for Free Speech

Since its founding by former Federal Election Commission Chairman Bradley A. Smith, the Institute for Free Speech has sought to protect the rights of Americans to engage on issues of politics, public policy, and campaigns. The Institute was originally founded as the Center for Competitive Politics in November 2005 and changed its name to the Institute for Free Speech in October 2017.

The Institute analyzes the First Amendment impacts of legislation and regulations and educates lawmakers, regulators, and the public on the effects of proposed and current law, including through original research publications like the Free Speech Index. Across the 50 states, when speech-stifling laws are enacted, the Institute pursues strategic litigation to overturn these laws and restore the full authority of the First Amendment. Efforts to restrict speech are often enacted with the express intention of reducing political competition and driving dissenting voices from the debate. The Institute's legislative, research, educational, and litigation efforts fight such restrictions and create freer public discourse in America.



Since its founding, the Institute has played a key role in every significant court case on political speech. The result has been a dramatic restoration of First Amendment rights in the realm of political speech that few thought possible in so short a time. In particular, the Institute was co-counsel in the landmark *SpeechNow.org v. Federal Election Commission* case, which legal-

The Institute for Free Speech is the sole organization dedicated to promoting and defending citizens' First Amendment political rights of speech, press, assembly, and petition.

ized what are now informally known as "super PACs." Over the past decade, the Institute has represented 30 clients, defending their First Amendment right to speak about government.

Free political speech guaranteed by the First Amendment is one of Americans' most important rights. Without it, improving government is impossible. The Institute for Free Speech is the sole organization dedicated to promoting and defending citizens' First Amendment political rights of speech, press, assembly, and petition.

Given its mission, the Institute is in a unique position to analyze state law and supply accurate and complete information regarding each state's commitment to free political speech. This Index reflects the Institute's tireless effort to protect the right of every American to speak about their government without limitation, hesitation, or fear.

For more information about the Institute and to access our other work, please visit www.IFS.org.

Acknowledgments

would like to acknowledge a number of individuals for their past or current support of and contributions to this edition of the Free Speech Index.

I am grateful to Institute for Free Speech President David Keating. This project is David's brainchild, and he has spent countless hours with me from the very first state laws we examined to the very last edits we made. Without his help and guidance, this Index would not be the useful tool it is.

I am grateful to Matt Nese. Matt's advice, assistance, and unsurpassed attention to detail were invaluable in bringing this Index to fruition.

I am grateful to Brad Smith. Brad's vision and deep knowledge of political speech laws have guided this organization from its inception in 2005. Without his leadership and assistance, this project would have been lost at sea early in the process.

Thanks also to my current and former colleagues Alex Baiocco, Tiffany Donnelly, Tyler Martinez, and Luke Wachob for drafting portions of the Index and providing suggestions and edits that significantly improved the final project.

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Thanks to Joe Albanese, Alex Cordell, Margaux Granath, Alex Greven, and especially Nathan Maxwell for the laborious and underappreciated task of checking and double-checking my work to try to make sure that no errors were included in the Index.

And thanks to Susan Bradley for always being there when I needed someone to talk to.

Without your contributions, this project would not have been possible!

Scott Blackburn



Foreword by Chairman and Founder, Bradley A. Smith

On behalf of the Institute for Free Speech, I am pleased to present the Free Speech Index: A first-of-its-kind analysis of laws restricting speech about government in all 50 states. This Index is the most comprehensive examination of state laws governing and regulating political engagement ever published.

The First Amendment to the United States Constitution states that “Congress shall make no law... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.” Unfortunately, Congress and the states have passed too many laws limiting these rights. Federal campaign finance laws and regulations contain over 376,000 words, but as this Index shows, this statistic only scratches the surface. Each of the 50 states has its own collection of campaign finance laws and regulations limiting the freedoms of speech, press, assembly, and petition. Many of these state laws are poorly written, complex, or both.

Despite advances in constitutional protections for speech in the courts over the last decade, our politics – and campaign finance law in particular – remains more highly regulated than at any time prior to the 1970s. In some important ways, our speech has never been more highly regulated. Though campaign speech is often portrayed as a “wild west” with no rules, in fact, arcane campaign finance regulations govern the minutiae not only of almost every campaign, but

of what ordinary citizens and the groups they belong to can say and how and when they can say it.

This is the second Index published by the Institute. The first edition of the Free Speech Index, published in 2018, was a groundbreaking survey of state laws that determined whose laws on political giving were most protective of free speech. For the first time, legislators, reporters, and most importantly, citizens, had a tool to evaluate their state’s performance on the core measure of voters’ ability to support the political candidates of their choice, free from state interference.

This Index is the most comprehensive examination of state laws governing and regulating political engagement ever published.

But that Index evaluates only one part of the equation: contributing to candidates, parties, and political causes. This second installment evaluates how well states protect freedom of speech and association for individuals and groups when they engage in the political process. The Index examines state laws on ten important measures of political freedom and participation, including the right to engage in grassroots advocacy

The Index is a tremendous resource simply for gathering in one place, for the first time, the vast array of state laws regulating Americans' ability to participate and engage in public life.

campaigns, to join with fellow citizens to form “political committees,” to control the content of their own political messages free from government interference, to advocate for the election or defeat of candidates as they see fit, and to support unpopular or disfavored causes without fear of government retribution.

Laws regulating political engagement and the accompanying harms they cause to free speech and association are often presented as necessary to “good government.” But good government does not go hand-in-hand with regulation of citizen political activity. The complex maze of laws that result make it extremely difficult for citizens to even evaluate the overall climate for free speech about public affairs in their states; this, in turn, allows government officials to avoid the accountability that comes from citizen activism. The Index is a crucial tool for citizens seek-

ing to evaluate their state laws – and hold officials more accountable. Based on the 10 criteria we examined, for example, New York and Connecticut place more restrictions on citizen political engagement than any other states. Voters and activists in those states can ask themselves if they feel that these restrictions have led to “good government.” At the Institute for Free Speech, we believe that good government is most likely when individual liberties are protected. First Amendment speech freedoms should not be an afterthought when lawmakers pass campaign finance, lobbying, or other laws regulating public participation in support of issues or candidates. The ability to measure a state’s regulation of free speech allows us – and you – to put this belief to the test.

In addition to its worth as a tool for evaluating the efficacy of political speech regulation, the Index is a tremendous resource simply for gathering in one place, for the first time, the vast array of state laws regulating Americans’ ability to participate and engage in public life.

We trust that the Index will be both a useful guide to the broad array of laws governing political participation in America and a valuable tool for citizens and policymakers seeking to measure the performance of their own representatives and determine the value of regulating political speech.

Executive Summary

This installment of the Free Speech Index rates each state on how well it supports the free speech and association rights of individuals and groups interested in speaking about candidates, issues of public policy, and their government.

To assess each state's performance, we ranked the states in ten categories, each of which examine a different area of state law burdening speakers and groups:

- *Laws on Political Committees*
- *Grassroots Advocacy and Lobbying*
- *Definition of Campaign "Expenditure"*
- *Regulation of Issue Speech Near an Election ("Electioneering Communications")*
- *Regulation of Independent Expenditures by Non-Political Committees*
- *Coordination Regulations*
- *Disclaimers*
- *Super PAC Recognition*
- *False Statement Laws*
- *Private Enforcement of Campaign Laws*

In each category, states earn the greatest number of points if their laws either do not burden or impose relatively small burdens on citizens' First Amendment rights. Such states make it easier for citizens to speak about issues and the government. States receive no points if their laws fail these tests, heavily burdening the right of its citizens to speak about their government. Because of the exceedingly complicated nature of state laws in these ten categories, the task

In each category, states earn the greatest number of points if their laws either do not burden or impose relatively small burdens on citizens' First Amendment rights.

of determining the relative burdens of each statute on First Amendment rights is difficult. To overcome this complexity, the Index breaks down each category into subcategories that examine highly specific areas of the law. The subcategories and categories are then weighted based on how much of an impact they have on free speech.

A state could earn a maximum of 1000 points in the Index if its laws impose minimal burdens on free political speech.

Unfortunately, few states come close to this mark. Only three (3) states (**Wisconsin**, **Michigan**, and **Iowa**) achieve a score above 700 points. And only one (**Wisconsin**) manages to top 800 points.

Thirty-five states earn a score below 500 points, and eight (8) states (**Florida**, **California**, **Delaware**, **Maryland**, **Hawaii**, **Washington**, **Connecticut**, and **New York**) earn a score below 300

points. **New York** comes in last place with an abysmal 151 points.

This result reflects the sad reality that speech about government is stringently restricted across the country. The failures are seen in traditionally “red” states like **Alaska** (rank #42) and **Florida** (#43) and “blue” states like **Connecticut** (#49) and **Hawaii** (#47), in big states like **California** (#44) and small states like **Delaware** (#45), and in states east (**New York**, #50), west (**Washington**, #48), north (**Minnesota**, #36), and south (**South Carolina**, #40).

In what areas of the law are most states failing? Looking deeper into the ten categories, we begin to see some consistent trends.

- Only eight (8) states (**Louisiana, North Carolina, Oklahoma, Arizona, Virginia, Wisconsin, Texas, and Utah**) earn more than a 50% score based on their *laws on political committees*.
- Only ten (10) states (**Idaho, Iowa, Kansas, Michigan, North Carolina, Wisconsin, Nevada, Rhode Island, Texas, and West Virginia**) earn more than a 50% score based on their *definition of campaign “expenditure.”*
- Only thirteen (13) states (**Alabama, Indiana, New Mexico, Wisconsin, Idaho, Iowa, Kansas, Michigan, Tennessee, Illinois, Montana, Nevada, and Texas**) earn more than a 50% score based on their *coordination regulations*.

These three areas represent a nationwide failure from a First Amendment perspective. Across the country, states are regulating too much speech by broadly defining what kind of groups are regulated and how much of and what types of activity must be regulated. Most states are simply not considering the First Amendment impacts in these areas.

Across the country, states are regulating too much speech by broadly defining what kind of groups are regulated and how much of and what types of activity must be regulated.

Other important categories see divergent approaches, with some states imposing no or minimal burdens on free speech, while others impose excessive ones. The worst states in the Index typically go above and beyond in an effort to regulate and control as much speech as possible, even beyond what is constitutionally permissible.

- Twenty-four (24) states have no *regulation of issue speech near an election (“electioneering communications”)* and receive full points in that category. But eleven (11) states (**Rhode Island, Maryland, Connecticut, Illinois, West Virginia, Florida, Delaware, Idaho, New York, Montana, and Alabama**) regulate speech in this category so severely that they receive scores at or below 25%.
- Thirty-five (35) states have no regulation (or limited regulation) of *grassroots advocacy*. But six (6) states (**Washington, Wyoming, Pennsylvania, Minnesota, New York, and New Jersey**) regulate grassroots advocacy so harshly that they receive scores at or below 25%.
- Twenty-six (26) states have speech-friendly laws *regulating independent expenditures by non-political committees* (scoring 70% or greater), but twenty-two (22) states have highly restrictive laws in this area (scoring 25% or lower).

- Ten (10) states (**Alaska, California, Connecticut, Hawaii, Maine, Massachusetts, Oregon, Rhode Island, South Dakota, and Washington**) have such burdensome *disclaimers* that the states receive 0% in that category.
- Eight (8) states (**Alaska, California, Delaware, Idaho, Massachusetts, South Carolina, Texas, and Washington**) allow *private enforcement of campaign laws* – enforcement of the law directly by one’s political opponents.

Finally, some states deserve opprobrium for particularly blatant First Amendment violations.

- Nineteen (19) states still have unconstitutional *false statement* laws enshrined in statute.
- Twenty-two (22) states still have unconstitutional laws that *fail to recognize super PACs*.
- In both instances, such laws were declared unconstitutional beginning over a decade ago. Yet, six (6) states (**Alaska, Indiana, Louisiana, North Carolina, North Dakota, and Ohio**) still have both deficiencies in their laws.

These observations are just the tip of the iceberg. This Index is intended to aid the public, scholars, journalists, and policymakers in examining why these states fail at protecting speech about government and what effect that has on how well states function and their elected officials govern.

The full list of scores and grades in the Free Speech Index follows. To see in detail how your state is doing, see the State Report Cards beginning on page 71.

For more information on how states can improve their score, see the “How States Can Improve” section on page 22. For more detailed information on how these categories impact speech and the First Amendment implications of these laws, see the category descriptions beginning on page 33. Finally, for additional information about how the Index scores each state and category, see the methodology on page 175.

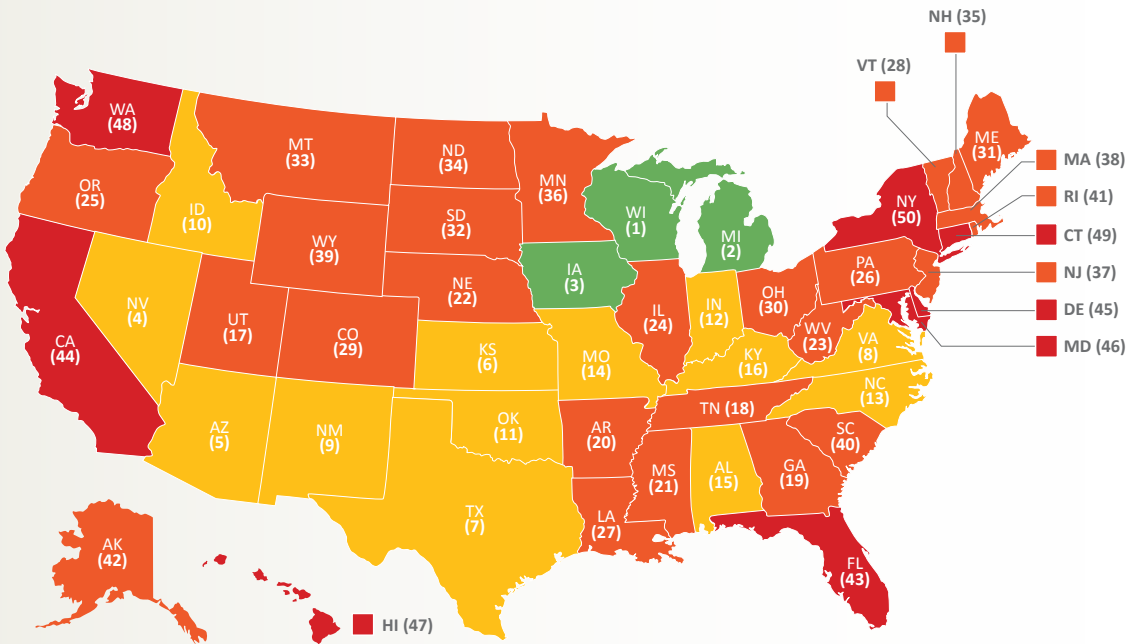
State Ranking

Overall Scores

State	Points	Score	Rank	State	Points	Score	Rank
Wisconsin	861.67	86%	1	Pennsylvania	439.83	44%	26
Michigan	766.33	77%	2	Louisiana	438.50	44%	27
Iowa	747.17	75%	3	Vermont	433.54	43%	28
Nevada	697.57	70%	4	Colorado	433.21	43%	29
Arizona	674.17	67%	5	Ohio	424.96	42%	30
Kansas	650.33	65%	6	Maine	419.08	42%	31
Texas	627.67	63%	7	South Dakota	407.71	41%	32
Virginia	583.17	58%	8	Montana	396.38	40%	33
New Mexico	578.18	58%	9	North Dakota	386.93	39%	34
Idaho	565.67	57%	10	New Hampshire	381.00	38%	35
Oklahoma	564.75	56%	11	Minnesota	372.43	37%	36
Indiana	557.67	56%	12	New Jersey	370.60	37%	37
North Carolina	557.13	56%	13	Massachusetts	369.18	37%	38
Missouri	519.83	52%	14	Wyoming	360.83	36%	39
Alabama	506.79	51%	15	South Carolina	356.17	36%	40
Kentucky	498.00	50%	16	Rhode Island	336.75	34%	41
Utah	494.42	49%	17	Alaska	319.58	32%	42
Tennessee	494.06	49%	18	Florida	292.92	29%	43
Georgia	490.83	49%	19	California	281.58	28%	44
Arkansas	484.33	48%	20	Delaware	278.17	28%	45
Mississippi	476.43	48%	21	Maryland	267.43	27%	46
Nebraska	468.52	47%	22	Hawaii	266.33	27%	47
West Virginia	466.25	47%	23	Washington	222.21	22%	48
Illinois	455.33	46%	24	Connecticut	184.98	18%	49
Oregon	451.83	45%	25	New York	150.83	15%	50

State Ranking Map

Overall Scores



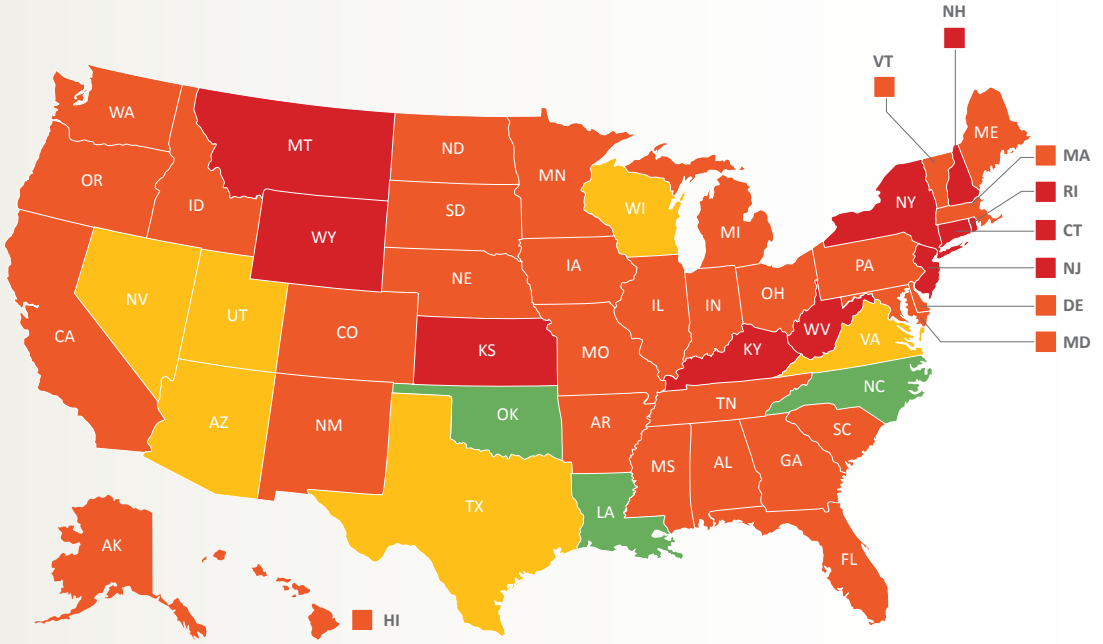
Laws on Political Committees

State	Score	State	Score
Alabama	42%	Montana	25%
Alaska	33%	Nebraska	49%
Arizona	72%	Nevada	50%
Arkansas	38%	New Hampshire	0%
California	33%	New Jersey	7%
Colorado	33%	New Mexico	35%
Connecticut	0%	New York	8%
Delaware	42%	North Carolina	75%
Florida	42%	North Dakota	40%
Georgia	43%	Ohio	48%
Hawaii	33%	Oklahoma	75%
Idaho	42%	Oregon	33%
Illinois	38%	Pennsylvania	33%
Indiana	42%	Rhode Island	0%
Iowa	42%	South Carolina	42%
Kansas	18%	South Dakota	33%
Kentucky	10%	Tennessee	39%
Louisiana	75%	Texas	52%
Maine	33%	Utah	52%
Maryland	39%	Vermont	42%
Massachusetts	39%	Virginia	67%
Michigan	33%	Washington	33%
Minnesota	35%	West Virginia	10%
Mississippi	35%	Wisconsin	67%
Missouri	33%	Wyoming	18%

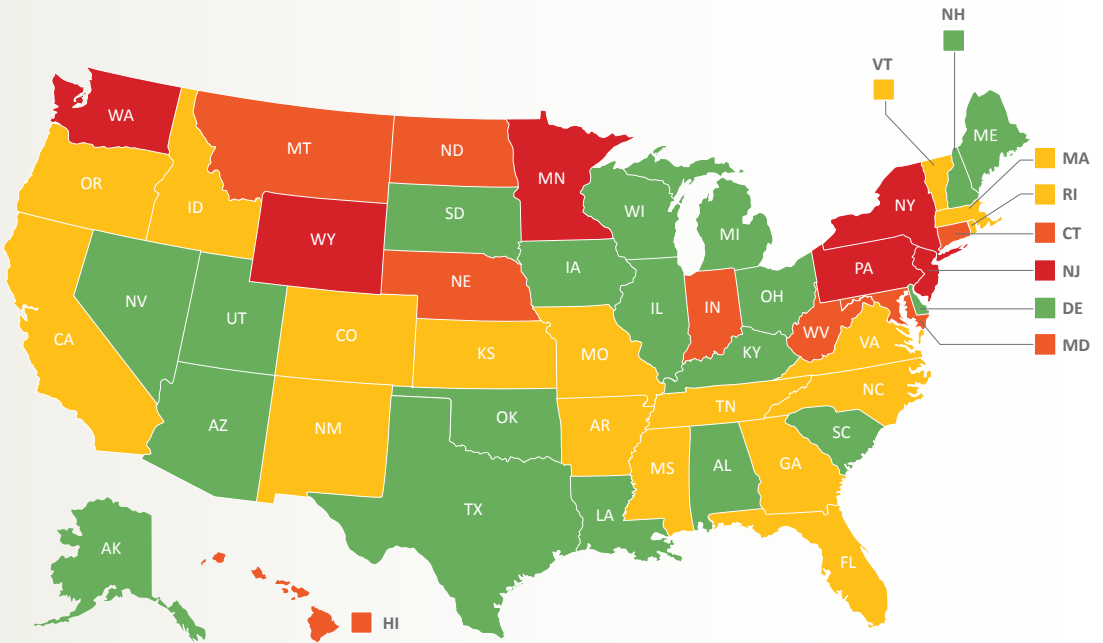
Grassroots Advocacy and Lobbying

State	Score	State	Score
Alabama	100%	Montana	35%
Alaska	100%	Nebraska	33%
Arizona	100%	Nevada	100%
Arkansas	55%	New Hampshire	100%
California	65%	New Jersey	5%
Colorado	55%	New Mexico	53%
Connecticut	35%	New York	10%
Delaware	100%	North Carolina	60%
Florida	55%	North Dakota	35%
Georgia	55%	Ohio	100%
Hawaii	33%	Oklahoma	100%
Idaho	55%	Oregon	55%
Illinois	100%	Pennsylvania	15%
Indiana	35%	Rhode Island	55%
Iowa	100%	South Carolina	80%
Kansas	55%	South Dakota	100%
Kentucky	100%	Tennessee	55%
Louisiana	100%	Texas	80%
Maine	80%	Utah	100%
Maryland	35%	Vermont	55%
Massachusetts	55%	Virginia	55%
Michigan	100%	Washington	25%
Minnesota	10%	West Virginia	43%
Mississippi	55%	Wisconsin	100%
Missouri	55%	Wyoming	25%

Laws on Political Committees



Grassroots Advocacy and Lobbying



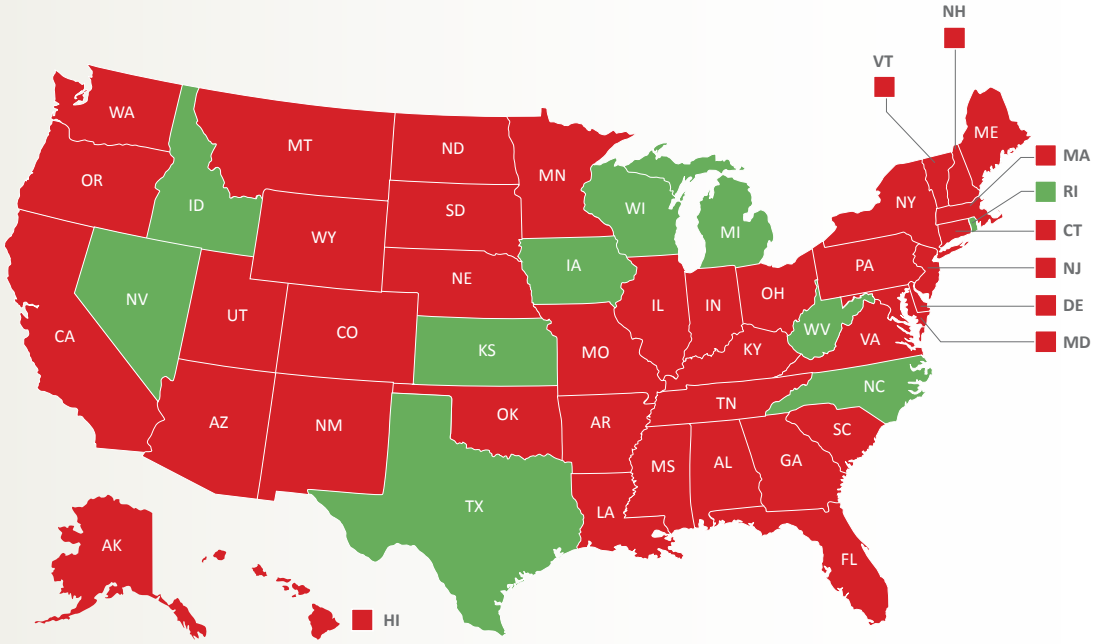
Definition of Campaign “Expenditure”

State	Score	State	Score
Alabama	0%	Montana	0%
Alaska	0%	Nebraska	0%
Arizona	0%	Nevada	75%
Arkansas	0%	New Hampshire	0%
California	0%	New Jersey	0%
Colorado	0%	New Mexico	0%
Connecticut	0%	New York	0%
Delaware	0%	North Carolina	100%
Florida	0%	North Dakota	0%
Georgia	0%	Ohio	0%
Hawaii	0%	Oklahoma	0%
Idaho	100%	Oregon	0%
Illinois	0%	Pennsylvania	0%
Indiana	0%	Rhode Island	75%
Iowa	100%	South Carolina	0%
Kansas	100%	South Dakota	0%
Kentucky	0%	Tennessee	0%
Louisiana	0%	Texas	75%
Maine	0%	Utah	0%
Maryland	0%	Vermont	0%
Massachusetts	0%	Virginia	0%
Michigan	100%	Washington	0%
Minnesota	0%	West Virginia	75%
Mississippi	0%	Wisconsin	100%
Missouri	0%	Wyoming	0%

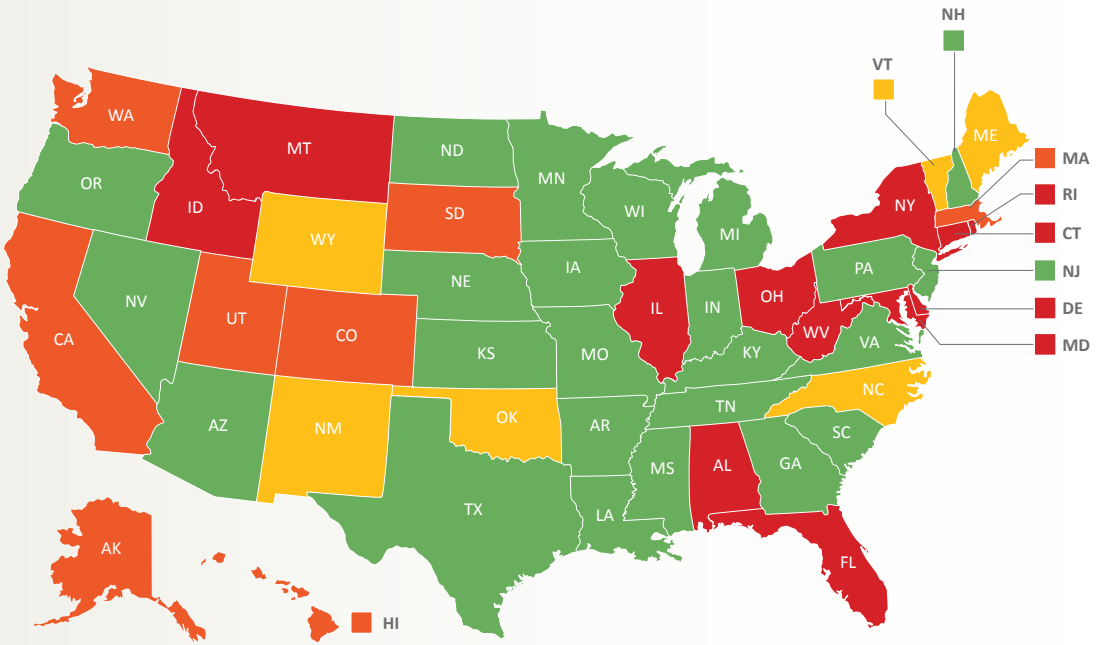
Regulation of Issue Speech Near an Election (“Electioneering Communications”)

State	Score	State	Score
Alabama	1%	Montana	9%
Alaska	43%	Nebraska	100%
Arizona	100%	Nevada	100%
Arkansas	100%	New Hampshire	100%
California	48%	New Jersey	100%
Colorado	49%	New Mexico	50%
Connecticut	19%	New York	10%
Delaware	10%	North Carolina	51%
Florida	13%	North Dakota	100%
Georgia	100%	Ohio	26%
Hawaii	48%	Oklahoma	53%
Idaho	10%	Oregon	100%
Illinois	15%	Pennsylvania	100%
Indiana	100%	Rhode Island	23%
Iowa	100%	South Carolina	100%
Kansas	100%	South Dakota	49%
Kentucky	100%	Tennessee	100%
Louisiana	100%	Texas	100%
Maine	58%	Utah	48%
Maryland	21%	Vermont	54%
Massachusetts	46%	Virginia	100%
Michigan	100%	Washington	49%
Minnesota	100%	West Virginia	15%
Mississippi	100%	Wisconsin	100%
Missouri	100%	Wyoming	55%

Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees

State	Score	State	Score
Alabama	10%	Montana	70%
Alaska	70%	Nebraska	10%
Arizona	90%	Nevada	15%
Arkansas	10%	New Hampshire	10%
California	20%	New Jersey	90%
Colorado	70%	New Mexico	70%
Connecticut	27%	New York	0%
Delaware	10%	North Carolina	70%
Florida	10%	North Dakota	70%
Georgia	10%	Ohio	100%
Hawaii	10%	Oklahoma	70%
Idaho	10%	Oregon	90%
Illinois	0%	Pennsylvania	90%
Indiana	100%	Rhode Island	25%
Iowa	70%	South Carolina	0%
Kansas	10%	South Dakota	70%
Kentucky	90%	Tennessee	0%
Louisiana	10%	Texas	10%
Maine	90%	Utah	75%
Maryland	28%	Vermont	100%
Massachusetts	90%	Virginia	90%
Michigan	70%	Washington	10%
Minnesota	15%	West Virginia	70%
Mississippi	70%	Wisconsin	90%
Missouri	90%	Wyoming	10%

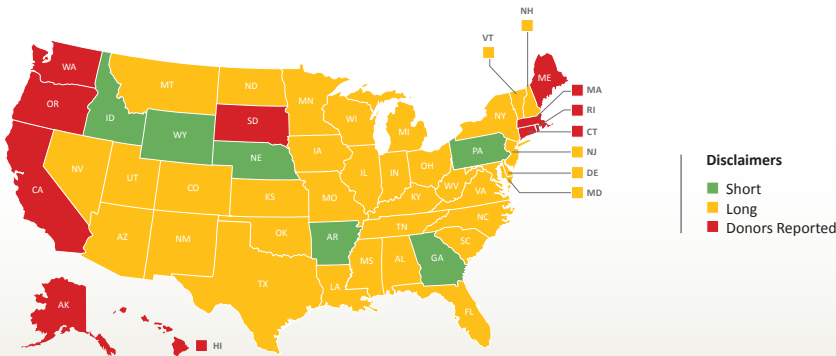
Coordination Regulations

State	Score	State	Score
Alabama	100%	Montana	60%
Alaska	0%	Nebraska	0%
Arizona	20%	Nevada	60%
Arkansas	0%	New Hampshire	0%
California	20%	New Jersey	0%
Colorado	20%	New Mexico	100%
Connecticut	0%	New York	20%
Delaware	0%	North Carolina	20%
Florida	0%	North Dakota	0%
Georgia	0%	Ohio	0%
Hawaii	20%	Oklahoma	0%
Idaho	80%	Oregon	0%
Illinois	60%	Pennsylvania	0%
Indiana	100%	Rhode Island	20%
Iowa	80%	South Carolina	0%
Kansas	80%	South Dakota	0%
Kentucky	0%	Tennessee	80%
Louisiana	0%	Texas	60%
Maine	0%	Utah	0%
Maryland	0%	Vermont	0%
Massachusetts	0%	Virginia	0%
Michigan	80%	Washington	0%
Minnesota	20%	West Virginia	40%
Mississippi	0%	Wisconsin	100%
Missouri	0%	Wyoming	0%

Category Tables and Maps

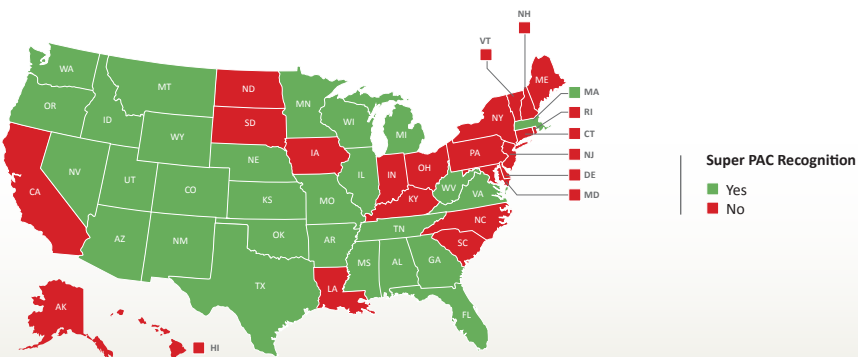
Disclaimers

Ala.	Long	Hawaii	Donors Reported	Mass.	Donors Reported	N.M.	Long	S.D.	Donors Reported
Alaska	Donors Reported	Idaho	Short	Mich.	Long	N.Y.	Long	Tenn.	Long
Ariz.	Long	Ill.	Long	Minn.	Long	N.C.	Long	Texas	Long
Ark.	Short	Ind.	Long	Miss.	Long	N.D.	Long	Utah	Long
Calif.	Donors Reported	Iowa	Long	Mo.	Long	Ohio	Long	Vt.	Long
Colo.	Long	Kan.	Long	Mont.	Long	Okla.	Long	Va.	Long
Conn.	Donors Reported	Ky.	Long	Neb.	Short	Ore.	Donors Reported	Wash.	Donors Reported
Del.	Long	La.	Long	Nev.	Long	Pa.	Short	W.Va.	Long
Fla.	Long	Maine	Donors Reported	N.H.	Long	R.I.	Donors Reported	Wis.	Long
Ga.	Short	Md.	Long	N.J.	Long	S.C.	Long	Wyo.	Short



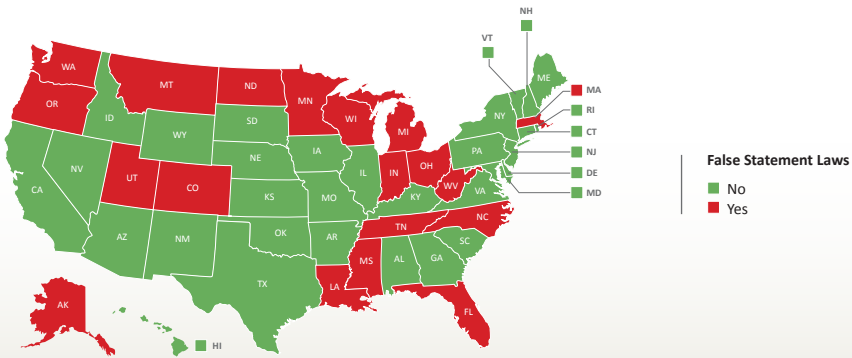
Super PAC Recognition

Ala.	Yes	Hawaii	No	Mass.	Yes	N.M.	Yes	S.D.	No
Alaska	No	Idaho	Yes	Mich.	Yes	N.Y.	No	Tenn.	Yes
Ariz.	Yes	Ill.	Yes	Minn.	Yes	N.C.	No	Texas	Yes
Ark.	Yes	Ind.	No	Miss.	Yes	N.D.	No	Utah	Yes
Calif.	No	Iowa	No	Mo.	Yes	Ohio	No	Vt.	No
Colo.	Yes	Kan.	Yes	Mont.	Yes	Okla.	Yes	Va.	Yes
Conn.	No	Ky.	No	Neb.	Yes	Ore.	Yes	Wash.	Yes
Del.	No	La.	No	Nev.	Yes	Pa.	No	W.Va.	Yes
Fla.	Yes	Maine	No	N.H.	No	R.I.	No	Wis.	Yes
Ga.	Yes	Md.	No	N.J.	No	S.C.	No	Wyo.	Yes



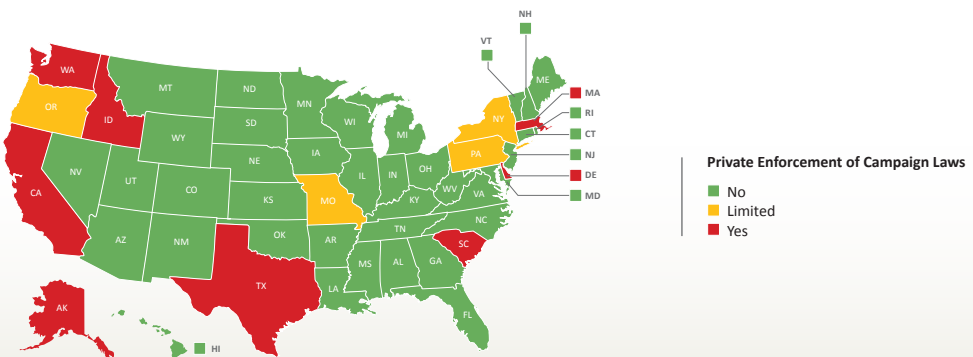
False Statement Laws

Ala.	No	Hawaii	No	Mass.	Yes	N.M.	No	S.D.	No
Alaska	Yes	Idaho	No	Mich.	Yes	N.Y.	No	Tenn.	Yes
Ariz.	No	Ill.	No	Minn.	Yes	N.C.	Yes	Texas	No
Ark.	No	Ind.	Yes	Miss.	Yes	N.D.	Yes	Utah	Yes
Calif.	No	Iowa	No	Mo.	No	Ohio	Yes	Vt.	No
Colo.	Yes	Kan.	No	Mont.	Yes	Okla.	No	Va.	No
Conn.	No	Ky.	No	Neb.	No	Ore.	Yes	Wash.	Yes
Del.	No	La.	Yes	Nev.	No	Pa.	No	W.Va.	Yes
Fla.	Yes	Maine	No	N.H.	No	R.I.	No	Wis.	Yes
Ga.	No	Md.	No	N.J.	No	S.C.	No	Wyo.	No



Private Enforcement of Campaign Laws

Ala.	No	Hawaii	No	Mass.	Yes	N.M.	No	S.D.	No
Alaska	Yes	Idaho	Yes	Mich.	No	N.Y.	Limited	Tenn.	No
Ariz.	No	Ill.	No	Minn.	No	N.C.	No	Texas	Yes
Ark.	No	Ind.	No	Miss.	No	N.D.	No	Utah	No
Calif.	Yes	Iowa	No	Mo.	Limited	Ohio	No	Vt.	No
Colo.	No	Kan.	No	Mont.	No	Okla.	No	Va.	No
Conn.	No	Ky.	No	Neb.	No	Ore.	Limited	Wash.	Yes
Del.	Yes	La.	No	Nev.	No	Pa.	Limited	W.Va.	No
Fla.	No	Maine	No	N.H.	No	R.I.	No	Wis.	No
Ga.	No	Md.	No	N.J.	No	S.C.	Yes	Wyo.	No



How States Can Improve

This section contains general recommendations for those interested in improving their state's score in future editions of this version of the Free Speech Index. To see where your state lost points, see the State Report Cards beginning on page 71. Specific recommendations on model policies appear on the second page of each State Report Card. Following those model policies will lead to substantial improvements in each state's law to better conform with Supreme Court precedents and better fulfill the spirit of the First Amendment.

A complete listing of all the variables graded and the points assigned to each is available in the Methodology beginning on page 175.

1. Follow the Constitution

The easiest way for states to embrace a First Amendment-friendly approach is to simply repeal or amend statutes that are clearly unconstitutional. Forty-five states have statutes that are of questionable constitutionality and would likely not survive, if challenged in court. Many of

these statutes have *already* been ruled unconstitutional, yet they remain on the books, chilling potential speech and activity. Eliminating these provisions will improve the ability of groups and citizens to make their views known. Further, repealing unconstitutional provisions will save a state time and money when offending provisions are challenged and the state loses in court. The Institute for Free Speech recommends several First Amendment-friendly changes to remove unconstitutional provisions seen in many states.

Raise severely low monetary thresholds for political committee registration and reporting. Thresholds under \$1,000 have repeatedly been struck down by courts. As one court put it, “the informational interest” of reports from such small groups “is outweighed by the substantial and serious burdens”¹ that such reports entail. Yet 34 states have thresholds for political committee registration below this level. These limits should be raised dramatically.

Follow Supreme Court guidance for defining the term “expenditure.” In *Buckley v. Valeo*, the Supreme Court allowed for the limited regulation of spending on campaign speech that specifically and overtly “advocate[s] the election or defeat of a clearly identified candidate.”² For 45 years, states have pushed the envelope – attempting to regulate more and more speech by expanding what speech qualifies as an expenditure. State regimes with broad definitions of “expenditure” have regularly been found by courts to unconstitutionally restrict too much speech. States should heed this case law

The easiest way for states to embrace a First Amendment-friendly approach is to simply repeal or amend statutes that are clearly unconstitutional.

and hew their laws to only the narrow, Supreme Court-sanctioned definition.

Legalize super PACs. For over a decade it has been clear that it is unconstitutional to limit contributions to independent expenditure-only political committees, more commonly known as “super PACs.” In 2010, the en banc United States Court of Appeals for the District of Columbia Circuit struck down analogous federal limits in *SpeechNow.org v FEC*.³ Since that ruling, at least five more federal courts of appeals have considered this issue, and in each case the ruling was the same – such restrictions are unconstitutional. Yet 22 states still have laws restricting these contributions. These unconstitutional statutes should be repealed, and formal recognition of super PACs should be enacted.

Repeal false statement laws. The Supreme Court has long affirmed that the government cannot decide what is true or false. Specifically, in the political context, such laws were unequivocally found to be unconstitutional in 2014.⁴ Yet 19 states still have laws prohibiting false political speech, as determined by politicians and regulators. These statutes should be repealed.

Exempt public information from coordination rules. Publishing information, whether in pamphlets or on websites, is protected by the Constitution. But because of the incredible complexity and invasiveness of some laws regulating campaign speech, that right has been violated by states’ bans on coordination between independent groups and campaigns. States should fix these statutes and make clear that using publicly available information in communications is not evidence of illegal coordination. Only ten states currently have statutes protecting against this constitutional violation.

II. Protect Citizen Privacy

To best protect free speech, states must understand the essential link between citizens’ right to privacy and citizens’ speech. If an individual’s personal information is reported to the government and then published on the internet for all to see forever, they are less likely to contribute to groups or causes. This is especially true when the speech they are supporting is unpopular, controversial, or disfavored by those in power. Strict disclosure rules lead to a climate with less free and open speech. In the 1950s, the Supreme Court ruled that Alabama’s disclosure demands aimed at exposing the NAACP’s membership were a violation of the First Amendment.⁵ Unfortunately, privacy from government disclosure laws for those engaged in issue speech is increasingly under attack in many states. The Institute for Free Speech suggests several First Amendment-friendly changes to better protect citizens’ privacy.

To best protect free speech, states must understand the essential link between citizens’ right to privacy and citizens’ speech.

Eliminate donor reporting for groups whose main purpose is not campaign speech. Maximizing speech means making it easy for groups to exist and speak out in the manner of their choosing. For some groups, that means engaging in issue speech most of the time, but occasionally speaking to urge the election or defeat of certain candidates. By demanding donor reporting for such groups, states limit

their ability to speak and wrongly risk the harassment of their supporters. Twenty-seven states make some effort to protect the privacy of these donors and the speech rights of these groups. But all states should recognize the value of this speech.

Reject grassroots advocacy regulation.

Citizens have a right to talk about policy issues and legislation without fear of reprisal or harassment for their views. Such protections for advocacy, particular for advocacy of unpopular or dissenting opinions, should be celebrated by legislators as a cornerstone of democracy. Nineteen states allow full freedom for groups to push for social change. Unfortunately, 31 states regulate this speech, forcing speakers to register with the government before engaging in issue speech. Worse, 12 states go one step further, forcing supporters of these speakers to also be reported to the government. Such laws should be repealed to protect citizens' privacy and create a speech-friendly environment where civic debate can thrive.

Raise thresholds for all donor reporting.

Public reporting of donors has been allowed by the Supreme Court to protect against corruption and its appearance. States that require any donor reporting should make this justification the sole focus of their statute. To that end, does a \$50 contribution corrupt? Or \$25 to a political committee? What about a single dollar given by a citizen to a candidate, which is the threshold in some states? Subjecting donors of such small amounts to the risks of public disclosure must be weighed against the benefit of reducing corruption. Incredibly, 44 states have at least one donor reporting threshold below \$200.

Limit reported contributions to those specified for the speech.

Inevitably, some

state lawmakers will remain convinced that the informational interest of disclosure outweighs the privacy concerns with donor reporting. Even pro-disclosure policymakers can, however, make some strides to protect both interests. By limiting reporting of contributions solely to donations earmarked for speech – that is, specifically donated for a particular purpose – lawmakers can protect the privacy of donors that give generally. This has the additional benefit of avoiding junk disclosure that misattributes contributions to speech that a donor did not fund. Eighteen states already limit some reporting rules to only earmarked contributions.

Eliminate employer disclosure. Some lawmakers continue to push for public disclosure of a contributor's employer, arguing that these laws inform the public. Many of these laws, however, have the opposite effect, creating misinformation and misleading the public about the source of a candidate or group's support. These reports allow media outlets, either through ignorance or to further a desired narrative, to misattribute a contribution from an individual to their employer. This disclosure incentivizes the creation of stories like "Candidate Jones receives the most money from Big Tech" when it was, in fact, illegal for the candidate to take any money from those corporations, and the campaign instead received individual donations from employees of a company. Over 30 states require some form of employer disclosure, but even legislators who otherwise believe in the informational value of reporting should look to eliminate these provisions to prevent misinformation.

Eliminate donor disclosure on disclaimers. The harms of donor reporting are well-established: by making Americans' personal information public, these laws make speakers vulnerable to harassment and retribution. But

ten states go even further, compelling groups to list certain donors on ads that they run. Such measures significantly amplify the risks associated with public disclosure and are obviously meant to dissuade contributors to disfavored causes. These rules also force a speaker to pay to broadcast this mandatory invitation for harassment of their supporters. Some laws are so severe that up to half a 30-second ad can be taken up by disclaimers with donor disclosure. These laws should be repealed.

III. Think Speech First

The most fundamental change all policymakers need to make in this area is to think first and foremost about the impacts on speech. When lawmakers write an “expenditure” definition, they should understand they are defining what spending on *speech* will be regulated. When policymakers seek to regulate the activity of committees, they are regulating the *speech* of the citizens who make up that committee. When lawmakers advocate for new campaign finance laws for the internet, new laws close to an election, or more disclosure rules for certain types of groups, they are regulating groups and individuals based on their *speech*. This realization is crucial to understanding the impact these laws have and should encourage lawmakers to legislate with a light hand. The Institute for Free Speech advocates for several policy changes that prioritize speech.

Narrow overly broad expenditure and coordination definitions. The majority of expenditures by political and issue groups, from bumper stickers to campaign events to television ads, go toward speech. When a state has a broad expenditure definition, it necessarily captures more speech. Expansive definitions often force groups to hire expensive attorneys to pro-

The most fundamental change all policymakers need to make in this area is to think first and foremost about the impacts on speech.

vide guidance on when and how to follow the law, and if the law applies at all. The end result is more groups, farther afield from the law’s intended targets, are regulated and burdened. The same is true when defining what spending counts as “coordination.” Only six states think about the speech consequences first and have an expenditure definition narrow enough to not unnecessarily burden more speech than needed.

Ensure laws regulating when a group becomes a political committee capture only those groups engaged in campaign speech. In a flourishing democracy, anyone should be able to speak in whatever form they think is most effective. That means some groups will want to talk about candidates exclusively, some will want to focus on issues, and some will do a mix of both. But legislators often ignore the speech implications of defining which group is or is not “political.” The result is definitions that are confusing, vague, and contradictory. If groups don’t know where the lines are drawn, it is more difficult to speak about the causes they seek to promote. Lawmakers should simplify these rules, making sure that regulation affects only the intended speakers and no one else.

Eliminate so-called “electioneering communications” laws, or at least limit their reach to specific times and circumstances. Speech about public policy is among

the most valuable speech that exists in a democracy. Such speech, however, will inevitably entail mentioning the names of current officeholders, whether their action is needed to turn an idea into law, they are famous for their opposition to an issue, or they've simply attached their name to a piece of legislation. And discussing policy when the public is most focused on political debate – near elections – is also the most effective advocacy. Despite this, 26 states impose burdens on this type of speech. Some lawmakers view such regulations as an extension of campaign rules but are woefully ignorant of the harms to issue speech. In some states, policymakers have extended these regulations to encompass nearly the entire year of an election and any mention of any candidate. This is a serious mistake. Legislators should consider the speech implications of these statutes and limit or repeal them.

Make disclaimers simple. Disclaimers on ads are the government's words that citizens have to pay for. This should be the framework that lawmakers use when thinking about disclaimers – they are compelled speech. Given this reality, lawmakers should strive to minimize their impact on speakers. Disclaimers should be short, unbiased, and flexible to allow for different types of speech and yet unseen methods of technological innovation. Successful implementation will inform voters about the source of a message while keeping compliance burdens manageable for speakers. By not thinking about the nature

By not thinking about the nature of compelling others to carry the government's message, nearly all states' disclaimer rules are too proscriptive and burdensome.

of compelling others to carry the government's message, nearly all states' disclaimer rules are too proscriptive and burdensome.

Adjust all monetary thresholds for inflation. A dollar today is worth less than a dollar in the past. Nevertheless, many states set monetary thresholds in legislation nearly fifty years ago and have not updated their laws since. These thresholds run the gamut, from how much spending triggers registration and reporting requirements for different types of committees to how large a contribution must be to require reporting of a contributor's personal information. As a result of this system, regulations unnecessarily capture ever smaller groups, more private information, and more speech over time. Adjusting these thresholds for inflation is a simple and uncontroversial way for states to acknowledge that small speakers and contributors do not need to be regulated by the government.

A Note About Contribution Limits and the 2018 Free Speech Index

Educated observers will notice that, while this Index surveys in great detail the ability of individuals and groups to speak and publish information about government, it overlooks another restriction: the freedom of individuals to contribute to those groups that speak about candidates and causes.

In 2018, the Institute for Free Speech released the inaugural *Free Speech Index – Grading the 50 States on Political Giving Freedom*. That publication covers restrictions on exactly that freedom: whether and how states restrict Americans’ ability to contribute to candidates, political parties, and political groups. That 2018 Index, consequently, measures the First Amendment right of Americans to *contribute*, while this Index assesses the First Amendment right of Americans to *organize and spend* money on political advocacy or issue speech.

Contributing to campaigns, parties, and political groups is among the most simple and effective avenue through which citizens can participate in the democratic process and make their voices heard. Unfortunately, as readers of the first Index know, Americans across the country face severe restrictions on this fundamental freedom. But there was good news in our findings. Citizens in most states are free to donate without restriction in at least one of the categories we studied in that Index.

The 2018 Index found that 28 states allowed unlimited donations from individuals to political parties. Twenty-two permitted parties to provide unlimited support to their candidates. Eleven states had no limits on the ability of individuals, parties, or PACs to support candidates. Additionally, 32 states allowed unions, corporations, or both to give directly to candidate campaigns.

The first installment of the Free Speech Index ranked and graded each state based on nineteen variables grouped into five categories. Eleven states received an A+ or A grade. The top eleven rated states overall were: Alabama, Nebraska, Oregon, Utah, and Virginia (each tied for #1), Mississippi (#6), Iowa (#7), Indiana (#8), and North Dakota, Pennsylvania, and Texas (each tied for #9). All eleven states allow individuals, parties, and PACs to contribute to candidates without limit. Notably, these states are diverse in size, population, geography, and politics. They include large states (Texas), less populated states

That 2018 Index, consequently, measures the First Amendment right of Americans to *contribute*, while this Index assesses the First Amendment right of Americans to *organize and spend* money on political advocacy or issue speech.

(North Dakota), eastern states (Pennsylvania), western states (Utah), blue states (Oregon), and red states (Alabama).

The five states tied for #1, which received an A+ grade, had no limits in any of the categories we studied. They permit individuals, political parties, and PACs to support the candidates, parties, and causes of their choice. These states also allow unlimited donations from unions and businesses to candidate campaigns.

Just one state – Iowa – performs very well in both Indices. It appears to offer the greatest amount of freedom of any state for citizens who wish to advocate for better government.

Sadly, eleven states received a failing grade in the 2018 Index due to their restrictions on political giving freedom. The five lowest scores went to Kentucky, West Virginia, Alaska, Colorado, and Maryland. Since publication, some states, like

West Virginia, have raised their limits in recognition of the importance of robustly supporting their residents' right to express support for their favored candidates.⁶

Sadly, four states – notably Alaska, Connecticut, Maryland, and Rhode Island – ranked in the bottom ten in both Indices. These are, unquestionably, some of the most regulated and hostile states in the country for those who want to advocate for better government.

The full list of scores and grades from *The Free Speech Index – Grading the 50 States on Political Giving Freedom* is available in Appendix 2 on p. 196. While this Index and the 2018 installment measure different freedoms, taken together, they provide an insightful review of a state's respect for citizens' ability to advocate for better government as guaranteed by the First Amendment.

Why We Published This Index

In 2008, Coloradan Diana Brickell (then Hsieh) published a 34-page, heavily footnoted paper explaining and criticizing the Personhood Movement. In the final sentence, Diana wrote “if you believe that ‘human life has value,’ the only moral choice is to vote against Amendment 62,” a pro-life Colorado ballot measure supported by the Personhood Movement. Diana, and her co-author Ari Armstrong, published the paper on the website of their nonprofit, Coalition for Secular Government, which they founded to promote a secular understanding of individual rights, including freedom of conscience and the separation of church and state. Her paper, and efforts by CSG to promote her work, eventually caused Colorado to regulate CSG and Diana in much the same manner as if she were running for governor.

Diana was shocked. She had no idea her modest efforts to distribute her philosophical treatise to the public would be treated like a campaign ad by state regulators. Suddenly, she found herself forced to catalog practically every dollar the duo spent or received to support their work. Every office supply purchase had to be recorded. Even small donors had to be exposed to state officials. Once, Diana was one day late filing her report because her house had flooded. The state tried to fine her for the delay.

With help from Institute for Free Speech attorneys, Diana finally vindicated her rights over four years later after a long and winding court battle. But the fight had taken its toll. As Diana lamented, “Our experiences with Colorado’s system

Sadly, what Diana experienced is increasingly common. Americans who exercise their First Amendment right to speak about government are routinely overwhelmed by state laws and regulations.

have been confusing and dispiriting. We’ve not abandoned our efforts, as most people would have done, but we’ve definitely scaled back our efforts. We shouldn’t have to register and file these meaningless reports with the State to speak on moral and political topics of public concern.” Sadly, what Diana experienced is increasingly common. Americans who exercise their First Amendment right to speak about government are routinely overwhelmed by state laws and regulations.

In 2013, Nicole Theis, the President of the nonprofit Delaware Strong Families, planned to produce a Values Voter Guide that outlined where local candidates stood on issues important to her organization’s members. The group had published similar voter guides in previous elections. They asked candidates questions about many different issues, including controversial topics like human cloning and late-term abortion, and then published their answers so voters could educate themselves on the candidates’ positions. The voter guides never endorsed or excluded any candidates, and they encouraged

voters to do their own research to learn more. The guides were scrupulously nonpartisan, meeting all IRS rules for a nonprofit, which prohibit any electioneering.

That year, however, Delaware passed a new “electioneering communication” law that regulated this publication like a campaign ad. For Theis, the cost of educating her community about issues she and her members cared about now carried significant burdens. Most concerning, she would have to publicly expose the personal information of all supporters of the group who contributed as little as \$9 a month. Not wanting to betray the privacy of her members, Nicole turned to the Institute for Free Speech for help. We fought for her right to publish her group’s Voter Guide free from these burdens. A federal district court agreed the law was unconstitutional, but the U.S. Court of Appeals for the Third Circuit reversed that decision and upheld the law. Nicole was forced to choose between her right to speak and her members’ privacy. The Voter Guide ceased publication, and voters no longer had access to the information.

Citizens who speak directly to legislators, instead of the public, can end up in a similar bind. Just ask Missouri rancher and citizen-activist Ron Calzone. Ron frequently travels to the State Capitol in Jefferson City to speak to lawmakers and testify about bills before the legislature, advocating for individual liberty and limited government. His penchant for getting in powerful politicians’ way did not go unnoticed. In 2014, Ron was reported to the Missouri Ethics Commission for allegedly failing to register as a lobbyist, despite never being paid for his efforts and never giving any gifts to legislators. Nevertheless, he was fined \$1,000. If he continued to speak his mind, he was threatened with more fines and possible jail time. In court, Ron later

discovered that the complaint against him was an act of retaliation, filed by the Missouri lobbyist guild on behalf of state legislators who didn’t like what Ron had to say about their bills.

The Institute for Free Speech took the case and, after more than five years, Ron prevailed. A federal court eventually reached the clear conclusion: A citizen speaking to lawmakers and testifying about bills, while exchanging no money whatsoever in the process, is not a lobbyist. He is an American exercising his First Amendment rights to speak and petition the government for a redress of grievances. Yet this happy ending was tempered by the difficult and prolonged fight that preceded it. How many Americans could withstand a similar five-year court battle to vindicate their right to petition the government?

Diana, Nicole, and Ron are part of a growing number of Americans who have been punished for speaking their minds about issues and government. To secure their most fundamental First Amendment rights, they have been forced to wage costly, years-long legal battles that most Americans could never afford. The Institute for Free Speech cannot take every case. For every person who stands and fights, countless more are discouraged from speaking by an ever-increasing array of state laws and regulations governing all manner of political speech.

The Institute for Free Speech is publishing this Index for Diana and Nicole and Ron and every other American who speaks about their government. They do so because they are passionate about their values and their communities. They cherish their freedom to speak as an essential liberty protected by the Constitution, and they exercise it with patriotic duty to try to improve our society. Yet very few know the full extent to which states now regulate and suppress speech

This Index casts a light on the shadowy web of state laws that threaten these upstanding citizens and suppress dissent. It details the complicated regulatory mechanisms states have built over decades to quietly achieve what the Constitution expressly forbids – government control over speech.

about government. This Index casts a light on the shadowy web of state laws that threaten these upstanding citizens and suppress dissent. It details the complicated regulatory mechanisms states have built over decades to quietly achieve what the Constitution expressly forbids – government control over speech.

For citizens, trying to speak and stay on the right side of the law today is “confusing and dispiriting,” often by design. Complex regulations impede independent scholars, small groups of advocates, and passionate citizens from making a difference with their speech. The only voices who can speak effectively are those already in power – the professionalized political actors with the resources necessary to operate in an increasingly legalistic and bureaucratic environment. Typically, that means having an army of high-priced lawyers at your side to help navigate such complicated laws.

Since 2005, the Institute for Free Speech has been fighting to roll back the overregulation of political speech that has effectively silenced most citizens in our democracy. We provide *pro bono* represen-

tation to Americans like Diana, Nicole, and Ron. And we try to help people understand the laws that make it so hazardous to participate in American politics today.

But in the vast majority of states, very few people understand the harmful speech impacts of these laws and rules. To the extent they are known at all, citizens and lawmakers often view these laws as nothing more than campaign finance regulations – rules supposedly intended to keep politics free of corruption, not restrict the First Amendment. In each state, only a handful of experts and attorneys know the truth – that the primary effect, and often the primary purpose, of these laws is to restrict speech.

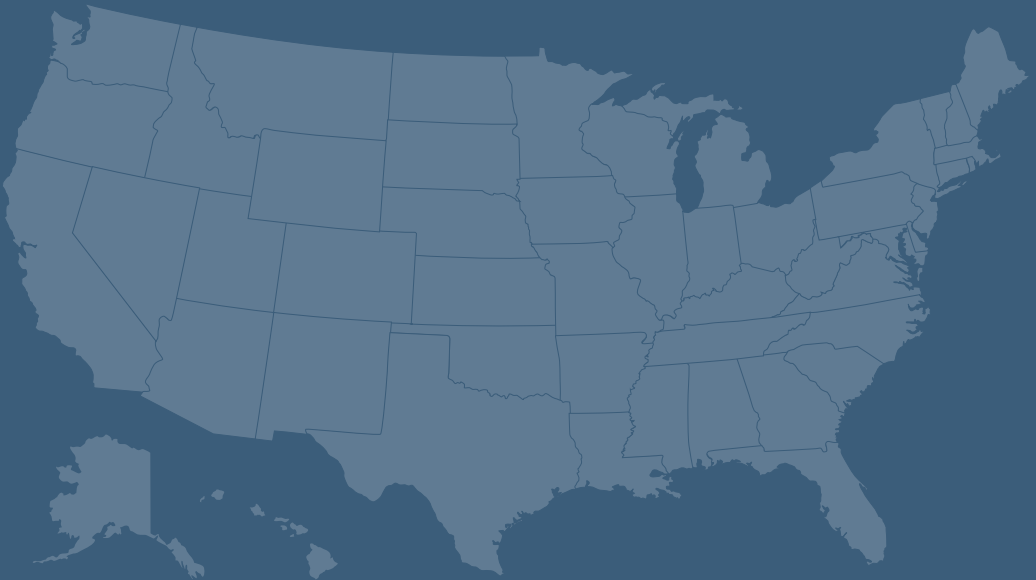
The Index reflects a key part of the Institute’s mission. It aims to bring knowledge of these laws and their effects to anyone with the curiosity to learn. In the process, it exposes these state laws for what they really are: restrictions on the First Amendment. To produce this Index, the Institute undertook a comprehensive effort to decipher the legal mumbo-jumbo, examine how these laws actually work, and figure out which states allow citizens to speak freely and openly about their government – and which states do not.

Why do so many states disregard the speech-chilling impact of their laws? For some, it is ignorance; for others, a failure to recognize who is threatened by the laws; and for a contemptible few, it is a desire to silence their critics.

The Free Speech Index shines a light on the states so that everyone can see how their laws harm First Amendment rights. Hopefully, it also shows a path forward. Armed with this knowledge, the people can work to fix their laws and ensure that every American is truly free to speak.



Category Descriptions



Laws on Political Committees

What are state laws on political committees, and why are they evaluated in the Free Speech Index? Political committee laws are intended to cover organizations formed to advocate the election or defeat of candidates. If an organization becomes a political committee, known commonly as a PAC,⁷ it must register with the state and file detailed reports of its activities.

Some groups engage in just such behavior; they wish to speak to voters and urge them to cast ballots for or against particular candidates. If these groups spend a certain amount of money on candidate advocacy, in nearly all states they will have to become a PAC and comply with detailed rules for engaging in such speech.

Other groups advocate for particular causes, not candidates, while still others engage in a mixture of the two. In some states, both types of groups are regulated as PACs. Such regulation makes it much more difficult to speak, publish, or associate with like-minded people to promote a cause.

This portion of the Index examines the clarity and burdens of state PAC laws on speech. If groups don't know where the lines for determining PAC status are drawn, it is more difficult to speak about the causes they seek to promote. To maximize speech and association rights for these groups, political committee laws must capture only groups whose purpose is, in fact, electoral politics. The Index evaluates how well states achieve that goal. But the burdens on PACs should also be minimal to allow groups to campaign for their favored candidates and not spend

their time and resources mired in campaign finance bureaucracy. This section evaluates those burdens as well.

The Index evaluates laws governing political committees in four key areas:

- How much campaign spending triggers an evaluation of whether a group might become a political committee?
- How much of a group's activity must be campaign activity to trigger registration as a PAC? Is a group highly regulated if it only speaks infrequently to support the election or defeat of a candidate? Or does a group fall under these burdensome regulations only if that is its *major or primary* purpose?
- What kind of speech counts toward triggering PAC status? Are the definitions tied to speech clearly supporting or opposing the election of a candidate? Or are the definitions broader and/or vaguer than that standard?
- What are the reporting requirements for PACs? How extensively do they burden free speech and free association for regulated groups?

Measuring Campaign Spending: How Much Spending Triggers an Evaluation of Political Committee Status?

No citizen or group should have to register or report to the government before they decide to spend a few hundred dollars on some flyers, a billboard, or Facebook ads urging their fellow citizens to vote for or against a candidate. But in

some states, as soon as a few friends spend or collect any money, they must begin filing tedious reports as a PAC. At times, the burdens of filing these complex forms will exceed the amount the group spends.

PAC status obliges organizations to designate certain officers, namely, a treasurer, and establish accounting processes. In the Supreme Court case, *Federal Election Commission v. Massachusetts Citizens for Life, Inc.* (“MCFL”),⁸ many justices were troubled by the burdens placed upon nonprofit organizations by the reporting requirements of political committee status. Some were concerned with the detailed record-keeping, reporting schedules, and limitations on fundraising required by federal laws regulating PACs.⁹ Likewise, Justice Sandra Day O’Connor was concerned with the law’s “organizational restraints,” including “a more formalized organizational form” and a significant loss of funding availability.¹⁰

Other courts have followed suit in requiring a balance between the amount of activity and when groups can be forced to register and report as PACs. For example, in *Canyon Ferry Road Baptist Church of East Helena, Inc. v. Unsworth*, the Ninth Circuit held that the trivial value of a Montana church copier and volunteer time was not sufficient to require disclosure of every member of the church who gave money to the congregation, following an effort by some parishioners to speak about a pending ballot measure through the church.¹¹ As the Ninth Circuit explained, “[a]s the monetary value of an expenditure in support of a ballot issue approaches zero, financial sponsorship fades into support and then into mere sympathy.”¹² The court emphasized that voters gain little information about “the financial backing” of a campaign when a group’s “activities [are] of minimal economic effect.”¹³

The Ninth Circuit is in line with her sister circuit to the east. In *Coalition for Secular Government v. Williams*, the Tenth Circuit held that an organization’s planned activity of \$3,500 was impermissibly low for triggering Colorado’s regulation of an organization as an “issue committee,” given the associated reporting requirements.¹⁴

Despite these constitutional problems, many states still force small groups to register and report. In Alaska, for example, a group must register prior to making *any* expenditure in support of or in opposition to a candidate.¹⁵ Even spending one dollar qualifies, and every group must register with the state.¹⁶ Donors’ names, addresses, occupations, and employers are disclosed for all those giving over \$100 during the calendar year.¹⁷ Thus, even donating \$10 a month will lay bare an individual’s personal information on an Alaskan campaign finance report. Far from capturing big-time political players, this requirement unnecessarily violates the privacy of everyday Alaskans.

Other states have designed better options. Nebraska, for example, does not require PAC registration and reporting until a group receives more than \$5,000 in contributions or makes over \$5,000 in expenditures (or any combination thereof) in a calendar year.¹⁸ Even better, Georgia’s threshold for PAC registration and reporting kicks in once a group receives or spends more than \$25,000, the highest in the country.¹⁹ Higher thresholds in states like Georgia and Nebraska save groups from inappropriately bearing PAC status – and its attendant reports and other obligations – for relatively minimal amounts of political activity. In other words, states like Georgia and Nebraska avoid the problems the courts identified in *Canyon Ferry* and *Coalition for Secular Government*.

While the figure is too low, Arizona’s \$1,000 PAC registration threshold is indexed to inflation.²⁰ States that tie registration thresholds to inflation prevent speakers from complying with complex PAC rules for increasingly minimal amounts of activity over time.

The best way to avoid forcing groups engaged in minimal advocacy for or against candidates or causes from having to register and report as PACs is to set a reasonable dollar threshold and index that threshold to inflation. If a group doesn’t spend significantly on campaign advocacy, it shouldn’t qualify as a PAC.

Measuring Campaign Activity: “The Major Purpose” Test

While a high threshold for election campaign activity is the simplest way to avoid chilling the speech and association rights of small groups, there are other fundamental issues to address in laws regulating PACs. First, what is campaign activity? The default guidance of the First Amendment is that groups should be able to speak publicly and associate privately, regardless of how much they spend. Only a legitimate and substantial governmental purpose (like the avoidance of corruption or its appearance) can overcome this burden.

As far back as 1960, the Supreme Court has held that, even when a governmental purpose is legitimate, “that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved.”²¹ When the First Amendment is implicated, courts do not perform “a loose form of judicial review,”²² but instead apply a “strict test.”²³ It is important that courts perform a careful review of both the asserted governmental interest *and* whether the

law is tailored to that interest because, “[i]n the First Amendment context, fit matters.”²⁴

In the ensuing decades, the Supreme Court has consistently shielded organizational donors and supporters of nonprofit advocacy groups from public disclosure. This vital right to private association allows Americans to join together to speak collectively. These protections are especially important when speaking on unpopular topics or criticizing actions by government officials, as such speech can trigger harassment of or reprisals against an organization and its donors and members. The right to privacy in association was a key victory earned during the civil rights era, and the narrow exception for giving to political campaigns does not permit a state to trample upon this First Amendment right.

When a group becomes a political action committee, it faces heavy burdens that make it more costly to speak. PACs must file numerous, detailed reports on who runs the organization, who gives money to it, and what it spends its money on. In at least one state, a political committee must even list the specific post office where it bought its stamps.²⁵ Reporting on such extraordinary minutiae chills group activity; these laws, therefore, should apply only to groups whose activity is clearly and expressly campaign-focused. That is, only groups that primarily urge voters to cast their ballots in a certain way should be required to report their activities and supporters to the government.

The problem is that not all talk about a candidate supports or opposes their campaign for office. Candidates are often *already* officeholders, either seeking reelection or higher office. As a result, discussion about candidates is often also discussion about government policy. For exam-

ple, a group may urge a candidate for district attorney to support criminal justice reform. That doesn't mean the group favors or opposes the candidate, and they shouldn't be forced into a system designed to regulate candidate advocacy. To avoid such a scenario, PAC status must be tied to groups that primarily work for particular electoral outcomes. In campaign finance law, this is known as "the major purpose" test.²⁶ In simpler terms, the major purpose test requires that a group's electoral activity comprise more than half of its overall activities or spending.

The Index views laws limiting PAC regulations to only those groups that have their major purpose as electing candidates as most beneficial to free speech. States are rated highly in this portion of the Index when they follow the Supreme Court's major purpose test to determine PAC status. The major purpose test is the clearest and most speech-friendly option for determining PAC status.

Candidate committees, for example, obviously support or oppose electoral outcomes and are campaign-related.²⁷ Organizations with "the major purpose" of supporting or opposing candidates can, therefore, be subject to campaign finance disclosure.²⁸

Laws that go beyond the major purpose test to force groups into PAC status are on shakier legal ground. The Supreme Court has limited campaign finance disclosure only to donors who would know that a group would be speaking "unambiguously" through campaign-related messages. The Court acted explicitly to prevent the chilling of issue speech that merely mentioned a candidate.²⁹

If an organization is neither controlled by a candidate nor has as its major purpose accomplishing

particular electoral outcomes, then disclosure is appropriate only for activity that is "unambiguously campaign related."³⁰ Under the First Amendment, the more disclosure is divorced from actual advocacy for or against candidates, the greater the threat to protected speech about issues. The state bears the burden of proving its asserted interest in tracking what citizens say.³¹

Thus, the best way of protecting the First Amendment is regulating only those organizations with the major purpose of electoral politics. Some states do this well, like Wisconsin, where a "political action committee" is defined as:

any person, other than an individual, or any permanent or temporary combination of 2 or more persons unrelated by marriage that satisfies any of the following:

1. It has the *major purpose* of express advocacy, as specified in the person's organizational or governing documents, the person's bylaws, resolutions of the person's governing body, or registration statements filed by the person under this chapter.
2. It uses *more than 50 percent of its total spending* in a 12-month period on expenditures for express advocacy, expenditures made to support or defeat a referendum, and contributions made to a candidate committee, legislative campaign committee, or political party. In this subdivision, total spending does not include a committee's fundraising or administrative expenses.³²

Wisconsin's law is clear. To be regulated as a PAC, the sole major purpose of the organization must be advocating for or against candidates. Speakers in Wisconsin know that once they spend the majority of their program expenses on express advocacy – speech that supports or opposes a candidate or ballot issue – or on contributions

to candidates or other political committees, they qualify as a PAC. Wisconsin’s PAC definition serves as a model for other states.

Some states take a vaguer and more expansive approach to determining PAC status by using the term “a primary purpose” or by considering multiple major purposes.³³ These states force a group to be regulated as a PAC if nominating or electing candidates is only “a major purpose” of an organization. This means that electoral activity does not need to be more than half of a group’s activities or spending, but merely some significant yet unspecified part of its overall activity. In Kentucky, for example, a “permanent committee” must merely have “a primary purpose” of engaging in express advocacy to trigger PAC status.³⁴ This type of vague test makes it difficult or impossible to discern whether an organization is subject to onerous campaign finance regulations. After all, some organizations care deeply about an issue or multiple issues – the environment, health care, or taxes, for example – and only sometimes wade into political advocacy. The lack of clarity chills speech and association. In one notable example from Hawaii, similarly broad language caused a plumbing company to become a PAC.³⁵

A final category of states have no purpose test at all. In these states, PAC status is triggered by a group spending some small amount on electoral activity. These states leave citizens in the dark about how much speech might trigger the state’s PAC registration and reporting requirements. Arkansas³⁶ and California,³⁷ for example, have no such test. These states should provide better clarity for their residents, and the major purpose test is one key part of doing just that.

When states fail to use the major purpose test, they capture a larger group of speakers and make

their residents wary of speaking about candidates and issues. When more speakers are regulated, the burdens of civic engagement become higher, and groups are less likely to exercise their political speech rights. A First Amendment-friendly approach uses the major purpose test to help determine if a group is a political committee. The Index rates states in this area accordingly.

Determining PAC Status: What Speech Counts?

The major purpose test is vital. But what speech counts in assessing a group’s purpose is equally important. If a state follows the major purpose test, but then counts toward that purpose nearly any funds spent on speech about issues, the state has effectively limited association and chilled speech just as much or more than a state that disregards the major purpose doctrine.

Every state has a slightly different manner of defining what activity counts toward PAC status. To rate a state’s law, this Index approaches the reading of a statute as a lay reader attempting to follow the law would. After all, “[t]he First Amendment does not permit laws that force speakers to retain a campaign finance attorney,” just to speak.³⁸

As the Supreme Court has explained, a poorly worded law leaves people “of common intelligence” to “necessarily guess” at what a statute means.³⁹ Worried about hefty fines – or even jail time – for violating complex campaign finance laws, speakers will “hedge and trim” their message.⁴⁰ To avoid chilling speech, state statutes should clearly and simply define what speech counts for determining PAC status.

Definitions fall into three broad categories. First, states that best protect First Amendment activ-

ity use clear definitions that are tailored to cover only campaign advocacy. These definitions are tied solely to contributions or expenditures. California, for example, defines speech that counts for PAC status based solely on the receiving or making of “contributions” or the making of “independent expenditures.”⁴¹ These terms are clear and tied to the outlay of money. No other activity affects PAC status, and groups can act with an understanding of what will and will not trigger registration and reporting obligations.

Second, some states provide clear, but broad definitions that extend beyond contributions and expenditures. Montana, for example, defines a “political committee,” in part, as when a group “prepare[s] or disseminate[s] an election communication, an electioneering communication, or an independent expenditure.”⁴² Under these broad categories, sharing others’ work, even a meme online, could qualify. Ohio’s law is triggered when a group of two or more persons “support or oppose” a candidate, party, or ballot measure.⁴³ Definitions that move away from financing campaign speech to other types of activity sweep too broadly, but the Index gives partial credit for such definitions because the statutes at least clarify what activity qualifies towards PAC status.

Third, some states use vague, expansive language to define speech counting toward PAC status. Vague terms make it impossible to know when mere discussion becomes regulable campaign activity. One of the best, or more appropriately worst, examples of an unclear definition is found in New York’s law. The Empire State defines a “political committee,” in relevant part, as the following:

any corporation aiding or promoting and any committee, political club or combination

of one or more persons operating or co-operating to aid or to promote the success or defeat of a political party or principle, or of any ballot proposal; or to aid or take part in the election or defeat of a candidate for public office or to aid or take part in the election or defeat of a candidate for nomination at a primary election or convention, including all proceedings prior to such primary election, or of a candidate for any party position voted for at a primary election, or to aid or defeat the nomination by petition of an independent candidate for public office. . . .⁴⁴

Terms like “aid,” “co-operating to aid,” “promote,” and “take part in” are hopelessly vague. Reading this passage – a mere portion of the state’s PAC definition – provides would-be speakers in New York with nothing but confusion. Groups cannot possibly know where the line between public policy and candidate advocacy is drawn. The definition is so vague that any group seeking to speak about public policy would be well-advised to obtain expert and costly legal counsel to guide their speech. And even then, disagreement among expert attorneys is likely.

Burdens of Political Committee Registration and Reporting Requirements: What Must Be Reported?

Finally, this section of the Index examines the registration and reporting burdens on PACs. The less onerous the requirements for PACs, the more likely that citizens will want to participate in the political process. Groups should be able to express their views without unnecessary red tape or exposing small donors to public exposure.

Measuring the complexity of all details of PAC registration and reporting requirements would itself be difficult. State reporting requirements

differ in the details of what information should be reported and when. Instead, the Index focuses on the reporting of donors, one of the most burdensome and chilling aspects of PAC reporting. If a state understands and limits the burdens of public donor reporting, it likely limits other PAC reporting burdens as well.

Most citizens recognize that having their private information and political allegiances publicly disclosed could lead to negative consequences. Research has shown that citizens are less likely to contribute to issue campaigns if their address and employer are publicly disclosed.⁴⁵ Worse still, little can be done once individual contributor information – typically a donor’s full name, street address, occupation, and employer – is made public. In today’s internet age, these sensitive details can immediately be used to harass, threaten, or financially harm a speaker or contributor to any cause by those who disagree.

In one experiment, access to disclosure information about the sources of support for a ballot initiative had “virtually no marginal benefit” on voter knowledge, and voters showed less interest in disclosure information than in other forms of information, such as news reports, editorials, and campaign ads.⁴⁶ Voters rarely seek disclosure information when deciding how to vote.⁴⁷

While the benefits of disclosure are speculative, the costs are concrete. Compliance with disclosure laws often requires expensive legal counsel, an accountant, and other recordkeeping staff. It may be reasonable to impose these costs on large organizations and professionalized campaigns, but smaller groups can be deterred from political participation altogether by complex, overbroad regulations. The costs of mandated disclosure disproportionately harm grassroots

organizations and campaigns run by volunteers.⁴⁸ Reporting requirements are often too complex for ordinary citizens to understand without the help of a lawyer.

Many of the privacy problems inherent in disclosure requirements can be drastically reduced simply by ensuring that requirements are only applied to major donors. While there may be good reasons for disclosure of large donors to candidates, parties, and PACs, nothing is gained from disclosure that publicly reports contributions of only a few dollars.

Raising donor disclosure thresholds also greatly simplifies reporting requirements for PACs. Requiring campaigns to report each \$5, \$10, or \$25 donation is very burdensome, especially for small groups without professional help or software.

In New Jersey, individual donors to PACs are not disclosed until they make contributions totaling more than \$300 “during the period covered by the report.”⁴⁹ Nevada leads the nation in a privacy and speech friendly approach by requiring only contributions over \$1,000 to be disclosed.⁵⁰ Nevada reasonably balances the harms of reporting a group’s supporters against the perceived benefits.

Finally, the information required to be collected and disclosed about each donor varies greatly by state too. For instance, some states, like Michigan,⁵¹ require PACs to collect detailed information on each contributor’s occupation and employer when receiving donations, and this information, in turn, must be reported to the government. This additional information is often difficult to obtain. If a donor doesn’t provide it, some states make the contribution illegal. Others mandate

duplicative efforts by committees to obtain the information. Maryland, for example, requires PACs to ask for this information, but donors can decline to identify their employer and occupation.⁵² The best states – Nevada is one⁵³ – recognize that the reporting of employment information is invasive and of little use to the public and, accordingly, have no requirement for PACs to collect such minutiae.

Such mandates for additional information impose a heavy burden on small organizations with lim-

ited resources. Simultaneously, the informational interest of employer information is even more tenuous than donor disclosure itself. Employer information can unfairly tag employers with the opinions of their employees and is often misused to misinform voters.⁵⁴ Such abuse of disclosure discourages citizens from giving to PACs for fear of having their employer dragged into a political fight.

Grassroots Advocacy and Lobbying

The First Amendment says in part that “Congress shall make no law . . . abridging . . . the right of the people . . . to petition the Government for a redress of grievances.”

The act of petitioning for redress of grievances has deep American roots, going back to pamphleteers like Thomas Paine’s now-famous *Common Sense*. It is celebrated in our culture, from the paintings of Norman Rockwell⁵⁵ to the town council meetings on television shows, like *Gilmore Girls* and *Schitt’s Creek*. In fact, the Supreme Court has said the right to petition government is “among the most precious of the liberties safeguarded by the Bill of Rights.”⁵⁶

Grassroots advocacy, also called “grassroots lobbying,” is a term used to describe efforts to exercise petition rights. Grassroots advocates organize citizens, urge them to contact government officials, and educate the public in an effort to affect public policy in a classic American style. Grassroots advocacy includes activity as simple and common today as groups of people attending a city council meeting in colorful matching t-shirts to demonstrate to public officials strong public support for (or opposition to) a proposed measure.⁵⁷

But not every decision is made in a town meeting. Some are made at the state level, far from many concerned citizens’ homes and requiring other ways to organize and amplify a rallying cry. To reach larger groups of people, organizations have also used modern technology. Television and radio ads may describe a bill before the state

assembly and urge citizens to call their representatives to support the measure. Other organizations, like the American Association of Retired Persons (now known simply as AARP), right-to-life groups, pro-choice groups, and Mothers Against Drunk Driving, have email lists they use to send “action alerts” about government hearings or bills that affect their core values. For many, social media campaigns are a crucial tool of modern grassroots advocacy. But no matter the technology, the goal is the same: educate and inform citizens, persuade them to care about an issue, and let elected officials know what the people want.

These groups form an important part of civic society. While their efforts don’t always make the nightly news, these grassroots advocacy campaigns educate Americans about policies that make an impact on citizens’ daily lives. In short, grassroots advocacy is vital to representative democracy in action.

Some states seek to regulate these organizations and their activity under grassroots lobbying laws that impose severe regulatory burdens and demand wide-ranging donor disclosure. These laws are not only highly suspect under the First Amendment; they strike at the very heart of American traditions and civic engagement.

In this portion of the Index, we do not seek to evaluate every type of state law that regulates petition rights. There are far too many. Instead, we limit our analysis specifically to some of the most widespread regulations – those that regulate grassroots advocacy directly and those that

force public reporting of supporters as a condition of lobbying. Whether states regulate or not in these two areas, and how severely they do so, serves as a proxy for how well the state respects the right to petition government.

The Supreme Court and Grassroots Advocacy

In *Buckley v. Valeo*, the Supreme Court directly addressed the “[d]iscussion of public issues”⁵⁸ – now referred to as “issue advocacy” or “issue speech.” This speech, the Court held, is *precisely* what the First Amendment is designed to protect, as “there is practically universal agreement that a major purpose of that Amendment was to protect the free discussion of governmental affairs.”⁵⁹

In *Meyer v. Grant*, the Court emphasized this fact, particularly in the area of petitioning. The Supreme Court described the right to petition the government as “an area in which the importance of First Amendment protections is ‘at its zenith.’”⁶⁰ The Court highlighted that the manner in which an individual or group exercises this right is their choice. “The First Amendment protects [individuals’] right not only to advocate their cause but also to select what they believe to be the most effective means for so doing.”⁶¹

The Supreme Court has long demanded, therefore, a nexus between the regulatory requirements on grassroots groups and a substantially important interest from the government in the information it collects. The explicit purpose of such limits on what governments can require is to protect organizations merely discussing questions of public policy.⁶² In short, citizens should not have to register with the government and

detail their finances for expressing opinions on policy with their elected representatives.

State Regulation of “Grassroots Lobbying”

The states most protective of citizen petition rights – 19 of them in all⁶³ – have no grassroots lobbying laws. Alabama defines “lobby or lobbying” in terms of direct advocacy before a legislative or regulatory body.⁶⁴ Delaware⁶⁵ and Utah⁶⁶ have similar limitations. Wisconsin’s definition of “lobbying” is ideal because it specifically *excludes* “[l]obbying through communications media or by public addresses to audiences made up principally of persons other than legislators or agency officials.”⁶⁷ All these states survive – and their residents thrive – without burdening core First Amendment rights.

Other states regulate grassroots advocacy: requiring burdensome reporting and invasive disclosures of groups’ finances and funding. Unlike other areas of the Index that touch on political campaigns, grassroots advocacy is far afield from traditional campaign finance law. Such statutes *directly* regulate petition rights, issue speech, speech about government operations, and the like. Quite simply, grassroots lobbying regulations should not exist at all. To the extent they do, they should impose burdens as minimally as possible.

Some states require organizations that engage in “grassroots lobbying” to register with the state and report their expenses, but do not require groups to report their contributors. Vermont does not require donor disclosure,⁶⁸ nor do the lobbying reports in Tennessee require a donor list.⁶⁹ Other states have disclosure requirements, but only for those donors who *earmarked* their gifts for specific grassroots advocacy campaigns

on pending legislation. In these states, the only individuals having their privacy violated are those who've specifically given financial support for a particular activity. For example, Washington only requires the names and addresses of donors who "contribut[ed] twenty-five dollars or more to the [*grassroots lobbying*]" campaign."⁷⁰ Still other states, like New York, do not even allow this basic protection. It requires disclosure of all supporters who contribute more than \$2,500 over the lifetime of the organization, if that group engages in grassroots advocacy.⁷¹

Requiring disclosure for grassroots advocacy organizations is particularly onerous. Once individual contributor information is made public, a record of a donor's support for certain causes is permanently etched into a government database and available online forever. Such reporting requirements open up individuals to harassment, threats, or financial harm simply for supporting a cause. Many supporters will choose not to give, and many advocacy groups will choose not to speak. This translates to less information heard by the public.

One way to partially mitigate the impact of grassroots lobbying laws (aside from eliminating all such laws) is to have a spending threshold for the activity that protects smaller campaigns, which may not even be aware of such requirements. For example, Minnesota's grassroots lobbying law is not triggered until an organization spends \$50,000 "on efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units."⁷² California⁷³ and New York's⁷⁴ \$5,000 reporting thresholds are paltry in comparison, but still manage to protect the smallest and least sophisticated speakers. Nebraska, by contrast, inexplicably has no monetary thresholds for registration and reporting of

grassroots advocacy activities.⁷⁵ Groups engaged in grassroots advocacy in Nebraska must register and file burdensome reports with the government if they spend so much as a penny.

Additionally, such thresholds for reporting and disclosure should be tied to inflation so that the amount of speech protected from such laws does not diminish over time. In Montana, all thresholds for lobbying registration and reporting are indexed for inflation,⁷⁶ which means future speakers in Montana will not be more restricted than those trying to speak today.

Finally, states with grassroots lobbying laws that clearly identify what activities will trigger reporting obligations better protect issue advocacy from running afoul of these laws. One metric is whether regulation is based on speech that references specific legislation. Although grassroots advocacy laws are still objectionable, at least such states are clear about what activity is being regulated and provide some guidance for those speaking about government actions. For example, North Carolina enumerates a specific list of activities that trigger its grassroots lobbying law, including broadcast ads, direct mail campaigns, and website postings, among other methods of communicating.⁷⁷ States like New Mexico,⁷⁸ for instance, leave speakers to guess as to what speech will trigger the law. Generally, the broader the communications regulated by grassroots lobbying statutes, the larger the amount of speech that is affected, and possibly chilled. The Index penalizes these significant First Amendment burdens.

While the Index gives credit where it's due, many of these measures are minimal and do little to save laws that run roughshod over the American tradition of civic engagement. Socially conscious

groups must navigate a maze of red tape and confront the fear of being punished for violating grassroots lobbying laws. But the First Amendment was created, in large part, to protect these “political entrepreneurs”⁷⁹ who want to reach out to their representatives on topics that matter most to them. Thus, *any* grassroots lobbying law damages vital First Amendment rights, and the Index treats it accordingly.

Traditional Lobbying Regulation

Beyond “grassroots lobbying,” there is an entire body of law applied to *traditional* lobbying, where someone is paid to meet with lawmakers and press a cause. The Supreme Court has not examined lobbying laws in the modern era, leaving states largely to police themselves. The Court last addressed lobbyist reporting requirements in 1954, when it determined that the First Amendment permitted the government to demand information concerning “who is being hired, who is putting up the money, and how much.”⁸⁰

This Index, however, does review and grade the 50 states on one particular aspect of state lobbying laws. When it comes to secondary disclosure – that is, identifying supporters of an organization that hires a lobbyist – those supporters’ association rights are at risk. A mere “transparency” interest from the government is, therefore, inadequate to justify such an invasion of privacy. As the full Eighth Circuit recently found, far-reaching claims for “transparency” are not enough to support detailed donor disclosure reports, especially when no money was involved in the supposed lobbying.⁸¹ States that do not have a donor disclosure law for groups that engage in traditional lobbying – either by hiring a lobbyist to engage

on a policy issue or choosing to do the lobbying itself – better protect the privacy rights of citizens and advocacy groups.

As an example, New Hampshire, like the vast majority of states,⁸² does not require donor disclosure for groups that have employees who lobby or hire lobbyists.⁸³ On the other end of the spectrum, Pennsylvania requires donor disclosure for groups that choose to lobby on an issue. This reporting requirement “also includes dues and grants received by” the lobbying entity.⁸⁴ This type of disclosure is invasive, burdensome, and misleading to the public – as it identifies individuals and groups as supportive of a particular lobbying effort that they may be unaware of or even oppose. Imagine, for example, an environmental organization that hires a lobbyist to advocate against a particular farm bill. Supporters of that organization may include farmers largely supportive of the group’s environmental causes, but not the group’s position on the bill in question. In such an instance, a law like Pennsylvania’s would report a supporter of the bill as spending in opposition to it. It’s also an inappropriate attempt at undermining Supreme Court precedent⁸⁵ and an American tradition that protects the privacy of a group’s members.

By creating vast and arbitrary obstacles to expressing views on public policy, overly burdensome grassroots advocacy and lobbying laws inhibit citizens and civic and advocacy groups from exercising their right to petition the government and encouraging their fellow citizens to do the same. These laws strike at the very heart of the First Amendment’s protections of speech and petition rights.

Definition of Campaign “Expenditure”

Unless you stand on a street corner shouting at passersby, speech costs money. In the context of political campaigns, the majority of funds, from the cost of printing flyers to paying for billboards and television ads, is spent on speech. When states regulate campaign expenditures, they are necessarily regulating speech.

For this reason, how states define “expenditure” greatly impacts political speech. States that define “expenditure” too broadly increase the universe of political speech that is subject to onerous campaign finance regulations. This dissuades groups and individuals from speaking. States that define “expenditure” too vaguely create uncertainty about what speech is regulated. This too chills groups and individuals from speaking out – they do not know if they are subject to regulation, and failure to properly follow these unclear laws can result in significant fines.

The First Amendment was designed to protect speakers from exactly this type of governmental pressure on what they say and when they say it – especially when discussing government officials themselves. To avoid capturing unwary speakers and to maximize the amount of free discourse, definitions of campaign expenditures should be narrow and clear.

Express Advocacy

In 1976, the Supreme Court offered a clear standard that imposes the fewest burdens on speech. Known as the “*Buckley* express advocacy” standard, it comes from the Supreme Court’s

landmark decision in *Buckley v. Valeo*.⁸⁶ Only “communications containing express words of advocacy of election or defeat, such as ‘vote for,’ ‘elect,’ ‘support,’ ‘cast your ballot for,’ ‘Smith for Congress,’ ‘vote against,’ ‘defeat,’ [or] ‘reject,’” are regulated under this standard.

The purpose of this definition was to avoid declaring a key part of the Federal Election Campaign Act unconstitutionally vague. In *Buckley*, the Supreme Court directly addressed the challenged law’s broader and vaguer expenditure standards that went beyond the “express advocacy” standard. The original language would have covered speech that involved the “[d]iscussion of public issues”⁸⁷ – now referred to as “issue advocacy”⁸⁸ or “issue speech.” Organizations speaking about public policy often mention candidates, especially incumbent candidates who have the power to change laws. As the *Buckley* Court recognized:

[T]he distinction between discussion of issues and candidates and advocacy of election or defeat of candidates may often dissolve in practical application. Candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and governmental actions.⁸⁹

The *Buckley* Court further observed that laws regulating issue speech inevitably discourage speakers from speaking plainly, and that the First Amendment does not allow speakers to be forced to “hedge and trim” their preferred message.⁹⁰ The Court also expressed concern with the harm that overbroad expenditure definitions would

lead to less civic discourse. As more and more speech is captured by the government, fewer and fewer individuals and groups will be able to associate privately. As the Court explained, “the right of associational privacy . . . derives from the rights of [an] organization’s members to advocate their personal points of view in the most effective way.”⁹¹

Kansas is an example of a state that follows the *Buckley* mandate clearly. In Kansas, an “expenditure” is:

A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made by a candidate, candidate committee, party committee or political committee *for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.*

B) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made to *expressly advocate* the nomination, election or defeat of a clearly identified candidate for a state or local office.⁹²

The state further defines “expressly advocate” similar to the *Buckley* decision, regulating “any communication” that “uses phrases including” the following:

- (1) “Vote for the secretary of state”;
- (2) “re-elect your senator”;
- (3) “support the democratic nominee”;
- (4) “cast your ballot for the republican challenger for governor”;
- (5) “Smith for senate”;
- (6) “Bob Jones in ‘98”;
- (7) “vote against Old Hickory”;

(8) “defeat” accompanied by a picture of one or more candidates; or

(9) “Smith’s the one.”⁹³

This clarity is helpful for speakers. The statute even gives examples of what language will qualify, just like the *Buckley* decision. This definition allows speakers to know when their words might trigger campaign finance obligations.

States that use a clear express advocacy standard are those that do the best job protecting First Amendment interests in their expenditure definitions.

Expenditure Definitions Beyond Express Advocacy

Since *Buckley*, several other standards for qualifying speech as an “expenditure” – and therefore subjecting that speech to government oversight and regulation – have been offered. None of these definitions is as First Amendment-friendly as the express advocacy standard, and some contain serious First Amendment defects.

The Index considers the standard articulated in *FEC v. Massachusetts Citizens for Life* (“*MCFL*”),⁹⁴ to fall within the *Buckley* standard. The *MCFL* standard essentially represents the principle of transitivity, under which certain candidates are identified with a label (such as “pro-life”), and then *Buckley* express advocacy language is applied to candidates with that label (*e.g.*, “vote for ‘pro-life’ candidates”).

Broader standards include the “functional equivalent of express advocacy.” Speech is regulated under this standard “only if [it] is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific can-

didate.”⁹⁵ To determine whether speech is the functional equivalent of express advocacy, courts must look no further than the “four corners” of a proposed advertisement,⁹⁶ not any inferred intent of the speaker or effect on the voting public. For example, if a communication has “pejorative references” to a candidate, it might qualify as the “functional equivalent of express advocacy.”⁹⁷

Nevada regulates speech in this manner, using a definition for expenditure that aligns with the “functional equivalent” standard. Expenditures are defined, in relevant part, as communications that “advocate expressly the election or defeat of a clearly identified candidate or group of candidates.”⁹⁸ But, unlike in Kansas and other states that follow *Buckley* exactly, “advocates expressly” or “expressly advocates” is further defined as:

a communication, taken as a whole, is susceptible to no other reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate or group of candidates or a question or group of questions on the ballot at a primary election, general election or special election. A communication does not have to include the words ‘vote for,’ ‘vote against,’ ‘elect,’ ‘support’ or other similar language to be considered a communication that expressly advocates the passage or defeat of a candidate or a question.⁹⁹

The problem with this standard is that “no other reasonable interpretation” is in the eye of the government; regulators (and, if challenged, the courts) decide whether speech is for or against a candidate, leaving a great deal of uncertainty for speakers. This uncertainty poses real risks to speakers from judgments by enforcement agencies tarnished by ideology or partisanship. Nevertheless, the “functional equivalent” standard

provides some assurances to speakers in states that use it. First, regulators must look only at the speech itself and not infer meaning from the speaker or external events. Second, the speech must be about candidate advocacy, protecting genuine issue advocacy from regulation. The standard, therefore, receives some credit in the Index for respecting political speech rights.

Expenditure Definitions That Fail to Protect Speakers

The Index considers all other standards to be too vague, broad, or both to adequately protect Americans’ First Amendment rights.

Despite being declared unconstitutional federally more than forty-five years ago, some states maintain a broad “for the purpose of influencing” standard in their statutes. In the Federal Election Campaign Act (“FECA”) definition struck down in *Buckley*, “expenditures” were defined in terms of “the use of money or other objects of value ‘for the purpose of . . . influencing’ the nomination or election of any person to federal office.”¹⁰⁰ Such language was both overbroad and vague. At some abstract level, almost anything can be characterized as for the purpose of influencing an election.

Vermont is one such state. There, an “expenditure” is defined, in relevant part, as “a payment, disbursement, distribution, advance, deposit, loan, or gift of money or anything of value, paid or promised to be paid, *for the purpose of influencing an election, advocating a position on a public question, or supporting or opposing one or more candidates.*”¹⁰¹ Such laws do nothing to protect the First Amendment rights of speakers and potential speakers. A state government enforcer unhappy with a particular message

could undoubtedly find a reason that said speech was “influencing an election.”

Another overbroad definition comes from the Federal Election Commission’s regulations, which has at times been adopted by the states. Under the agency’s rule, speech is regulated if:

When taken as a whole and with limited reference to external events, such as the proximity to the election, could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidate(s) because –

- 1) The electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning; and
- 2) Reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidate(s) or encourages some other kind of action.¹⁰²

At first blush, this rule may appear to be similar to the *WRTL* “no reasonable interpretation” standard. But while it shares its First Amendment defects, it does away with the First Amendment protections. “Reasonable minds” often differ on the meaning of a communication. This definition allows government actors (often hostile to the message of the ad itself) to look beyond the speech to “external events” and broadens the speech covered to the vague “encourages actions to elect or defeat” standard. A potential speaker has no way of knowing if their speech would be captured by this definition.

Alaska uses the federal rule to grab even more speech. The state defines an “expenditure,” in part, as an “express communication.”¹⁰³ An “express communication” is “a communication that, when read as a whole and with limited refer-

ence to outside events, is susceptible of no other reasonable interpretation but as an exhortation to vote for or against a specific candidate.”¹⁰⁴ By allowing reference to “outside events” Alaska’s law introduces additional uncertainty to a standard that is too often applied subjectively.

In Alaska and other jurisdictions that adopt similar standards, often the only way to speak without fear of penalty is to challenge the state law in court. But such legal challenges are costly and can take months or even years to resolve. The Supreme Court has held that “[t]he First Amendment does not permit laws that force speakers to retain a campaign finance attorney” to “seek declaratory rulings before discussing the most salient political issues of our day.”¹⁰⁵

Some states provide no test or clarity at all. Connecticut is an example of a defective law that causes even expert lawyers to wonder what speech is covered and what’s not. Connecticut defines an “expenditure” generally as any payment or anything of value “when made to promote the success or defeat of any candidate seeking the nomination for election, or election, of any person or for the purpose of aiding or promoting the success or defeat of any referendum question or the success or defeat of any political party.”¹⁰⁶ The Supreme Court is wary of “intent-and-effect” tests for defining when something falls under the ambit of campaign finance laws.¹⁰⁷ And for good reason. The First Amendment cannot permit a government to examine the intent of a citizen’s speech before allowing them to speak.

This Index is critical of such laws in the states. Speakers need clarity to be assured that they will not accidentally run afoul of the campaign finance laws.

Multiple Expenditure Definitions

With the spectrum of ways to define “expenditure” in mind, the Index tries to make sense of the chaos. Grading the states on how they define expenditure and examining court rulings on such laws’ meanings is complicated. Many states have multiple expenditure definitions depending on where a reader looks in the statute or what kind of group is being regulated.

Such discrepancies create confusion for speakers. The Index errs on the side of reading the statute as an ordinary citizen attempting to follow the law. This means the Index scores the broadest standard found in the law, understanding that, for most speakers, the risk of a wrong interpretation is financially disastrous.

Hawaii offers such an example. In Hawaii, an “independent expenditure” is “an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate that is not made in concert or cooperation with or at the request or suggestion of the candidate, the candidate committee, a party, or their agents.”¹⁰⁸ The term “expressly advocating” is further defined using the “no other reasonable interpretation” standard.¹⁰⁹

But Hawaii also defines “expenditure” much more broadly as (in relevant part):

- (1) Any purchase or transfer of money or anything of value, or promise or agreement

to purchase or transfer money or anything of value, or payment incurred or made, or the use or consumption of a nonmonetary contribution for the purpose of:

- (A) Influencing the nomination for election, or the election, of any person seeking nomination for election or election to office, whether or not the person has filed the person’s nomination papers¹¹⁰

In this case, Hawaii’s vague “influencing” language trumps its clearer “express advocacy” and “functional equivalent” language; a speaker cannot be expected to decipher competing definitions of expenditure.

In general, the more closely a state adheres to the Supreme Court’s direction in *Buckley* – which gives maximum clarity for when speech becomes *campaign speech*, and thus an expenditure – the better the state protects core First Amendment rights. Using vague, overbroad, and duplicative terms in a state’s law that try to encompass every way a message might help or hurt a candidate will make people think twice before speaking. This chills speech.

Citizens have the right to speak about government and public affairs without fearing what a state regulator might think of their speech.

Regulation of Issue Speech Near an Election (“Electioneering Communications”)

If you want to make a difference in government policy, the most effective time to speak is when people are paying attention. That time is usually during an election year, when public attention to policy issues is greatest. It’s also the time to encourage candidates, many of whom are also elected officials, to endorse your views on policy. To give less protection to political speech at a time when most people are most interested in listening to speech on policy issues is wrongheaded. Regulating issue speech near an election does significant damage to First Amendment freedoms.

As constitutional scholar Joel M. Gora wrote, “[i]t may be inconvenient and annoying for incumbent politicians when groups of citizens spend money to inform the voters about a politician’s public stands on controversial issues, like abortion, but it is the essence of free speech and democracy.”¹¹¹

Nonetheless, in 2002, Congress passed the Bipartisan Campaign Reform Act (also known as BCRA or McCain-Feingold), which, among other things, created the federal “electioneering communication” regime.¹¹² Electioneering communications exist to capture and regulate more speech than traditional campaign finance laws. Generally, such messages refer to a candidate (often an incumbent) shortly before an election. The speech does not have to support or oppose the candidate – it needs only to mention someone running for office. Even if the speech communicates information about public policy or a legis-

lative issue, the mere mention of a candidate’s name or even their likeness triggers regulation.

By regulating a broad range of issue speech and imposing extensive burdens on such messages, electioneering communication laws sharply reduce the amount of speech citizens will hear. Many speakers avoid speaking at all during these regulated time frames because they are unwilling to expose their supporters’ private information in a publicly available government database. This can lead to harassment or retribution against the group and its members. Others avoid speaking because of the difficulty complying with complex reporting rules and for fear of running afoul of the law.

By their very nature, electioneering communication statutes are highly likely to capture and regulate genuine speech about issues of public importance or what is more commonly known as “issue advocacy.” These laws, therefore, are anathema to the First Amendment.

Twenty-four states do not regulate issue speech in this manner at all. The Index views having no such law as a maximally protecting First Amendment activity.

The remainder of states have adopted various versions of such laws; those that capture a larger amount of speech over a longer time frame and those that require more regulatory compliance for speakers are judged more harshly.

The History of Issue Advocacy Protection

As the Supreme Court famously said in *New York Times Co. v. Sullivan*, “debate on public issues should be uninhibited, robust, and wide-open.”¹¹³

In *Buckley v. Valeo*, the landmark Supreme Court case governing political speech regulations, the Supreme Court affirmed this principle. The Court directly addressed the nexus of “[d]iscussion of public issues”¹¹⁴ – also referred to as “issue advocacy”¹¹⁵ or “issue speech” – and speech that mentions candidates. As the *Buckley* Court recognized:

[T]he distinction between discussion of issues and candidates and advocacy of election or defeat of candidates may often dissolve in practical application. Candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and governmental actions. Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest.¹¹⁶

The *Buckley* Court further observed that laws regulating issue speech inevitably discourage speakers from speaking plainly and that the First Amendment does not allow speakers to be forced to “hedge and trim” their preferred message.¹¹⁷ The *Buckley* precedent for protecting issue speech remained constant and absolute for nearly 30 years.

In 2002, the passage of BCRA caused a direct confrontation with these precedents. The law was widely perceived as violating the First Amendment. Indeed, when President George W. Bush signed the bill into law, he wrote, “I also have reservations about the constitutionality of the

broad ban on issue advertising, which restrains the speech of a wide variety of groups on issues of public import in the months closest to an election.”¹¹⁸ A diverse range of groups and individuals, including sitting U.S. Senators, the California Democratic Party, the Republican National Committee, the ACLU, AFL-CIO, and the National Rifle Association, alleged that the law violated their First Amendment rights. The Supreme Court eventually heard the case.

Despite the *New York Times* and *Buckley* decisions, and the nearly four decades of decisions that followed those precedents, the Supreme Court upheld the federal electioneering communications regime from BCRA. In *McConnell v. Federal Election Commission*, the government purported to show that the vast majority of electioneering communication ads (as narrowly defined by statute) were “clearly intended to influence the election.”¹¹⁹ That finding was based on an extensive record (over 100,000 pages),¹²⁰ including examples of ads run right before the election to sway voters. Based on this extensive evidentiary showing, the Court upheld the specific federal “electioneering communications” provisions. The ruling in *McConnell* remains controversial and is contrary to prior Supreme Court precedent.

The Federal “Electioneering Communications” Provision

The so-called electioneering communications regulations imposed by BCRA¹²¹ were defined by the following criteria: the communication mentions the name of a clearly identified candidate; it is distributed by radio or television; it can be received by 50,000 or more people in a district or state where the candidate is running; and the communication is aired within 30 days of a primary election or within 60 days of a general elec-

tion, the so-called electioneering communication window. The law also has a media exemption.

A group running an “electioneering communication” must file a report with the Federal Election Commission indicating the cost of the communication, the candidate named in the communication, and the donors who financed the communication.

State Regulation of Electioneering Communications

How states regulate “electioneering communications” varies considerably. Some states have taken the concept to the extreme, regulating well beyond the federal standard, thus capturing more and more speech in nearly the entire election year in some states. Others hew more closely to the federal law. Since only the federal system has been specifically permitted by the Supreme Court, states should be wary of trying to “innovate” new ways to restrict more speech or increase the regulatory or disclosure burdens on speakers.

The more speech is regulated and the more those regulations are harmful, the more groups will stay silent.

Twenty-four states have no laws regulating electioneering communications whatsoever. These include traditionally blue states (Michigan and Minnesota), traditionally red states (Arizona and Kansas), swing states (Pennsylvania and Wisconsin), and states with large (New Jersey and Texas) and small (Nevada and North Dakota) populations.

Of states with such laws on the books, the Index uses seven subcategories to measure the breadth of the restrictions the state imposes on speakers. They are:

- the amount of money that must be spent to trigger “electioneering communication” reporting requirements;
- whether this reporting trigger is adjusted for inflation;
- the mediums of communications regulated by the law;
- the length of the electioneering communications window;
- whether electioneering communications are limited to messages targeted at jurisdictions where the candidate named in the ad is running;
- whether 501(c)(3) nonprofit charities are exempt from the law; and
- whether there is an exemption for media.

States that have higher thresholds before electioneering communication reports are triggered, like Ohio’s over \$10,000 threshold,¹²² better protect small advocacy campaigns from the burdens of regulation. States that have very low triggers, like South Dakota’s \$100 threshold,¹²³ receive no points for the extreme burdens they place on First Amendment activity. Tying these thresholds to inflation is a wise move. Ensuring that reporting thresholds keep pace with inflation prevents speakers from being burdened for their activity at decreasingly low levels of spending over time. Vermont is one example of a state that has adopted this simple measure.¹²⁴

Some states have broad definitions of the type of media covered by the law. On the federal level, regulation is limited to broadcast, cable, or satellite communications.¹²⁵ Some states have wildly expanded the universe of messages that can be regulated as electioneering communications to include even flyers¹²⁶ or, in Alaska’s case, virtually any type of communication.¹²⁷ By contrast, Ohio is an example of a state that followed the federal model limiting the types of communications that

can qualify.¹²⁸ Limiting the types of mediums covered allows more issue speech in areas outside the ambit of regulation and, therefore, better protects free speech.

Another crucial factor is the amount of time when these messages are regulated. As the Supreme Court has articulated, the government’s purported campaign-related interest is only in who is speaking shortly before an election,¹²⁹ not the rest of the year. Therefore, expanding the electioneering communications window beyond the timeframes established in federal law – 30 days before a primary election and 60 days before a general election¹³⁰ – greatly burdens issue speech and may be unconstitutional. In many states, the electioneering communication window overlaps with legislative sessions, suppressing speech about policy issues by concerned citizens. Simply speaking about an important issue or bill could trigger burdensome reporting requirements. Many groups will choose to remain silent rather than bearing these burdens.

Some states, like Oklahoma,¹³¹ follow the federal window and are given credit for doing so in this section of the Index. Other states, like Massachusetts,¹³² regulate electioneering communications – and, by extension, often speech about policy issues and legislative affairs – in a much longer timeframe, 90 days before any election in The Bay State. The Index penalizes this decision.

States that regulate communications outside the geographic area where the candidate named in the ads is actually running increase the burdens on issue speech. As voters outside the candidate’s district are ineligible to vote for that candidate, such speech has no impact on an election and should not be regulated. In states without a targeted electorate provision, ads run state-

wide asking citizens to call on the state speaker of the house to take action on a policy issue, for instance, will be regulated, despite the fact that most voters seeing the ad can’t vote for the speaker. To prevent such an outcome, the federal government¹³³ and several states, including Washington,¹³⁴ take this basic step.

An exemption for common educational work by § 501(c)(3) charitable organizations will increase the number of groups that can speak without fear of government regulation. Illinois takes this step.¹³⁵ In addition, a media exemption helps prevent the common functions of the press from being caught up in the regulatory dragnet. Maine is an example of a state that includes this important exemption, albeit in limited form.¹³⁶ Both exemptions net states additional credit in the Index.

Donor Reporting Requirements for Electioneering Communications

If a group wants to speak about important issues, it should never be required to first report its activity to the government. Such rules dissuade groups from speaking and capture unwary speakers who could never imagine such speech would be regulated. But requiring those reports to publicly disclose the names and personal information of a group’s donors is particularly onerous. Once individual contributor information – typically a donor’s full name, street address, occupation, and employer – is made public, a record of a donor’s issue advocacy becomes permanently etched into a government database and available online forever. Such reporting requirements open up individuals to harassment, threats, or financial harm simply for supporting a cause others disagree with. Many supporters will choose not to give, and many advocacy groups will choose

not to speak. This translates to less information heard by the public.

The Supreme Court expressed concern with the harm that overbroad disclosure could cause to civic discourse because “the right of associational privacy . . . derives from the rights of [an] organization’s members to advocate their personal points of view in the most effective way.”¹³⁷

Some states require no donor disclosure in their “electioneering communication” laws, limiting the burden on issue speech. These states include Maine¹³⁸ and Vermont.¹³⁹ What matters to these states is that the electorate knows who is speaking – not the private information of every citizen that supports the group funding the speech. This minimally invasive requirement is about as well as a state can protect First Amendment freedoms while still regulating electioneering communications.

Some states follow the federal model, requiring only disclosure of donations *earmarked* for electioneering communications. Courts have shown they are willing to uphold these earmarking-only state electioneering communication disclosure laws because the required disclosure is directly connected to the speech being funded.¹⁴⁰ For example, California only requires the group making the electioneering communication to disclose the identity of any donor who contributed \$5,000 or more “for the purpose of making a[n] electioneering] communication.”¹⁴¹ Likewise, in Washington, if a sponsor “undertakes a *special solicitation* of its members or other persons for an electioneering communication, or it otherwise *receives funds for an electioneering communication*,” then reports must disclose donors “whose funds were used to pay for the electioneering communication.”¹⁴²

Other states take a different approach that is far from desirable, but still provides a way for certain informed donors to avoid public exposure. Often called “reverse earmarking” or “separate segregated funds,” these laws mandate disclosure of any donors to an organization *unless* the donor specifically tells the organization *not to use their money* for any electioneering communications (reverse earmarking) or insists the funds are deposited in an account that does not make electioneering communications (a separate segregated fund). Said another way, the default is for speakers to violate their supporters’ privacy, unless an individual specifically takes steps to protect their identity. Maryland offers both options – reverse earmarking and segregated accounts.¹⁴³ While burdensome for both organizations and their supporters, these measures allow some protection for private association.

The worst states demand donor disclosure regardless of earmarking or the wishes or intentions of the donor when giving to the organization. West Virginia demands the exposure of all donors over \$1,000 who gave to an organization that eventually says something that qualifies as an electioneering communication.¹⁴⁴ In Idaho, merely giving \$50 to an organization can place a donor on an electioneering communication report.¹⁴⁵

Overbroad donor disclosure mandates, like West Virginia’s and Idaho’s, can mislead rather than enlighten voters. Such requirements produce “junk disclosure” when a report includes the names of people who simply joined the organization but did not know that their contribution might fund any particular message.¹⁴⁶ The person listed on the electioneering communications report might even oppose the message that’s the subject of the report.

Invasive donor disclosure regimes pose significant barriers to free speech and association. States should not use electioneering communications laws to impose complex red tape on speak-

ers and to invade the privacy of Americans for supporting groups that merely mention elected officials in some of their messages.

Regulation of Independent Expenditures by Non-Political Committees

All organizations have a First Amendment right to urge people to cast ballots for or against candidates.¹⁴⁷ But most groups do not exist solely for that purpose. From time to time, advocacy groups may want to speak or publish information to support or oppose the election of a candidate, even if such speech is not normally its primary goal. The First Amendment welcomes exactly this kind of diversity of speaker. Advocating for candidates cannot be reserved solely for groups registered as political committees.

Social welfare groups like the ACLU, labor unions like the United Auto Workers, and trade associations like state chambers of commerce all advocate for causes and policies that their members care about. People form these organizations to join together with like-minded others to promote shared ideas for mutual benefit. Occasionally, such groups will advocate independently for or against candidates. Such advocacy, usually known as “independent expenditures,” should not be discouraged with onerous regulation or reporting requirements.

If an organization makes an independent expenditure, then it should not have to sacrifice its privacy or the privacy of its supporters. The more state law treats groups that make some independent expenditure like full-fledged political committees, the less they will engage in campaign speech.

Courts have recognized that occasional campaign speech cannot be regulated with the same

strictness and severity placed upon organizations whose major purpose is candidate advocacy. The *en banc* Eighth Circuit struck down a law requiring independent expenditure funds to have “virtually identical regulatory burdens” as PACs.¹⁴⁸ In that case, “Minnesota ha[d], in effect, substantially extended the reach of PAC-like regulation to *all* associations that *ever* make independent expenditures,”¹⁴⁹ which the Eighth Circuit ruled unconstitutional. Typically, courts require PAC-like disclosure to be tied to groups that have “the major purpose” of political advocacy.¹⁵⁰ The Ninth Circuit recognized that “[t]his limitation ensures that the electorate has information about groups that make political advocacy a priority, without sweeping into its purview groups that only incidentally engage in such advocacy.”¹⁵¹ When state laws sweep too broadly, courts across the country have required *de minimis* limitations that exempt small groups or groups that only incidentally engage in politics.¹⁵²

Types of Independent Expenditure Reporting Regimes

The Index categorizes the regulations that states impose on independent expenditures by non-political committees into five tiers. In total, twenty-six states fall into the first three more speech friendly tiers, while twenty-four states are in the more restrictive tiers; their laws on independent expenditures broadly chill such speech.

Speech Protective Regimes

The most speech-friendly states don't require any reporting of independent expenditures, allowing full and unfettered political speech. Speech that is independent of candidates or parties is the kind of expression that the First Amendment was meant to encourage. If citizens want to criticize their elected officials and call for them to be replaced, we should not first force them to report their speech to those very officials. If a government is abusive or corrupt, organizations speaking out to expose that corruption should not be required to provide a list of their activities and supporters to the corrupt actors. States like Indiana and Ohio,¹⁵³ for example, allow for the freest and most First Amendment-friendly approach to independent expenditures by not requiring such reporting.

A somewhat less speech-friendly approach requires groups to publicly report the independent expenditure, but does not require further disclosures by the organization. In particular, contributors to the group can remain private. Arizona is one such state.¹⁵⁴

Donor privacy protections in this context are essential for two reasons. First, independent expenditures are disproportionately likely to be speech that is, in some way, unpopular, at least with certain government officials. The risk, therefore, of retaliation for such speech is higher. When the risk of retaliation rises, the likelihood of speech being chilled also increases.

Second, while many members join groups to promote a cause, that doesn't mean they will support every position a group takes, much less a candidate that might receive an endorsement. As a result, donor disclosure will often misinform by associating a member with an expendi-

ture that, in fact, he or she does not agree with. This is junk disclosure. When a group that only dabbles in electoral politics receives a donation, it is misinformation to link every action of that group to every contribution. States that require only reporting of the independent expenditure respect the privacy of those who are independently speaking to their fellow Americans and avoid misinforming the public.

Some states do require public reporting of donors, but limit reporting obligations only to those who have earmarked their donation for independent expenditures. Michigan, for example, limits disclosure to "each person that contributed . . . to the expenditure,"¹⁵⁵ allowing donors who contribute solely to the general funds of organizations to maintain their privacy. This prevents junk disclosure, but still unnecessarily opens up speakers to harassment. Such risks can chill speech, particularly for groups that are not accustomed to political reporting regimes. It also makes it more difficult for speakers to raise funds to speak.

Speech Restrictive Regimes

The final two tiers contain state laws that are highly restrictive. Some states require general donor disclosure for any group that makes an independent expenditure. In Texas, for instance, groups are required to report "as if the person were the campaign treasurer of a [PAC] that does not file monthly reports."¹⁵⁶ As emphasized above, donor disclosure laws for non-political groups sending out the occasional candidate advocacy communication are particularly harmful.

To demonstrate the harm of this type of junk disclosure, consider an imaginary citizen, Sarah, who is concerned about climate change. Sarah contributes to candidate Smith, who supports

nuclear energy as a way to lower carbon emissions. Sarah also contributes to a pro-solar energy group. But the pro-solar group opposes nuclear power. The solar group then runs ads opposing candidate Smith. In states that mandate general donor reporting for any independent expenditure, the disclosure creates an absurd result; Sarah is listed as both a supporter and opponent of candidate Smith! If the purpose of disclosure laws is to inform the public, this type of disclosure misinforms.

Finally, some states force any group that speaks through an independent expenditure to register and report exactly as a political committee. New York¹⁵⁷ and Tennessee¹⁵⁸ are two examples of states with such burdens. While groups that spend all their time advocating for candidates are generally well-versed in such reporting requirements, these rules are devastating to non-political groups and significantly chill their speech. First Amendment principles hold that a state cannot impose full PAC-status burdens on a group for minimal electoral activity. Such rules show a complete disregard for free political speech and are constitutionally suspect.

Other Protections for Non-Political Speakers

If a state requires general donor disclosure for non-PACs that occasionally make independent

expenditures, it can limit the damage to free speech and offer some privacy protection by maintaining a relatively high contribution threshold before disclosure is required. This ensures that smaller donors can avoid unwanted association with ads they may not support. Maryland, for instance, requires general donor disclosure for any group that makes an independent expenditure, but only requires donors who gave \$6,000 or more to the group to be disclosed.¹⁵⁹ High thresholds do not eliminate the First Amendment harms from this type of disclosure, but they do prevent the harms from falling on smaller donors.

A small number of states provide a way for certain sophisticated donors or groups to avoid public exposure. These provisions are called “reverse earmarking” or “separate segregated funds.” The former allows a donor to remain private if the donor specifically instructs the organization *not to use their money* for any independent expenditure. The latter allows groups to set up a separate account that is the only source of funds used to pay for independent expenditures. Only donors whose funds are deposited into that account are disclosed. Connecticut offers both options.¹⁶⁰ While burdensome for all but the most sophisticated organizations and supporters, these measures do allow some protection for private association.

Coordination Regulations

Speech independent of candidates is crucially important to Americans' First Amendment rights. As the Supreme Court explained nearly 50 years ago, "the First Amendment right to speak one's mind . . . on all public institutions includes the right to engage in vigorous advocacy."¹⁶¹ Further, as the Court has also found, "independent advocacy . . . does not presently appear to pose dangers of real or apparent corruption comparable to those identified with large campaign contributions."¹⁶²

There is good reason for this judgment. Precisely because of their independence, independent expenditures are not always helpful to the campaign they support. As the *Buckley* Court recognized, independent speech "indeed may prove counterproductive" to a candidate's campaign strategy.¹⁶³ The over 100,000-page record in *McConnell* contained "only scant evidence that independent expenditures even ingratiate."¹⁶⁴ Even then, "[i]ngratiation and access, in any event, are not corruption."¹⁶⁵ With this in mind, the D.C. Circuit, in *SpeechNow.org v. FEC*, held that "the government has no anti-corruption interest in limiting contributions to an independent expenditure group."¹⁶⁶ As the opinion explained, "[b]y definition, independent expenditures are 'not made in concert or cooperation with or at the request or suggestion of [a] candidate, the candidate's authorized political committee, or their agents, or a political party committee or its agents.'"¹⁶⁷

Citizens who want to engage in independent speech must be able to spend their money freely

on that speech. Whether through spending on electoral speech they publish themselves or through contributions to organizations that, in turn, buy TV ads, mailers, billboards, and all other forms of advocacy, speech independent of candidate campaigns cannot be restricted.

The Court, however, has also said that candidate contributions may be limited on the sole ground that these limits protect against *quid pro quo* corruption.¹⁶⁸ That is the only substantial state interest in limiting contributions. Speech, therefore, that is not independent, but done in coordination with candidates (or political parties) may be limited as an *in-kind* contribution to a campaign.

Laws defining "coordination" are meant to mark the line between *independent* expenditures (and, therefore, independent speech) and expenditures that are *controlled* by a candidate. This is a difficult task. For "the past 40 years, [the Supreme Court] ha[s] spelled out how to draw the constitutional line between the permissible goal of avoiding corruption in the political process and the impermissible desire simply to limit political speech."¹⁶⁹ Too often, badly drafted coordination laws fail to follow this guidance. They sweep up too much speech about candidates, leave speakers without coherent guidelines about what speech and behavior is coordinated, or both. The goal of coordination laws should be to give clear and reasonable direction to those who want to exercise their constitutional right to speak independently.

First Amendment Dangers from Coordination Regulations

Some states, however, maintain overly broad coordination laws that go beyond regulating activities that directly and unmistakably advocate for a candidate's election. Instead, they prevent advocacy and civic groups from discussing positive and negative developments in government or policy proposals with elected officials and candidates and then acting to raise the public's awareness of such developments or ideas. The wide dissemination of information about issues of public concern is essential to representative government. Precise and narrowly tailored coordination laws protect organizations' ability to inform the public of what their government is doing or should be doing.

If the rules on coordinated expenditures are not tailored to ensure independence and nothing more, they impermissibly restrict the First Amendment rights of those seeking to speak independently.

Like many other provisions of campaign finance law, coordination regulations can be quite complex. Rather than attempt to analyze every aspect of every state's coordination laws, we focused on two aspects that are particularly susceptible to harming independent speech. One, how does a state define the type of *speech* that triggers the coordination statute and, if coordinated with the candidate, transforms the speech from independent to an "in-kind" contribution? Two, does a state provide an explicit safe harbor for publicly available information, so that those using such information cannot be said to be coordinating with a candidate? To be sure, these are not the only coordination provisions that restrict speech, but a state that fails to take these basic

steps to protect speakers is unlikely to respect First Amendment concerns throughout their coordination laws.

Defining Content That Triggers a Finding of Coordination

Because independent expenditures are a special type of expenditure, the test of a properly tailored definition of speech that can trigger coordination limits is similar to our analysis of "expenditure" definitions on page 46. The Index places these state definitions into four categories, which go from most speech-friendly to least as follows:

- *Buckley's* "express advocacy" test,¹⁷⁰ which allows for the most independent speech and provides the easiest guidelines to follow.
- The Supreme Court's "functional equivalent of express advocacy" test.¹⁷¹ This standard regulates more speech than express advocacy, but still provides some speech protection.
- Broader definitions of covered speech than those listed above that only sweep up such speech close in time to an election. Since speech about candidates is most important in election season, however, most independent speech is still at risk.
- Broader definitions not tied to any timeframe, which severely limit independent speakers. In such cases, any speech about candidates could run afoul of coordination rules.

Kansas' law follows a clear "express advocacy" standard. It defines "independent expenditure" as one "made without the cooperation or consent of the candidate or agent of such candidate intended to be benefited and which expressly advocates the election or defeat of a clearly identified candidate."¹⁷²

Montana uses the “functional equivalent” test, as is seen by following a trail of definitions. An independent expenditure is defined in reference to an “election communication” that is not coordinated with a candidate or ballot issue committee.¹⁷³ An “election communication” is defined as:

the following forms of communication to support or oppose a candidate or ballot issue: (i) a paid advertisement broadcast over radio, television, cable, or satellite; (ii) paid placement of content on the internet or other electronic communication network; (iii) a paid advertisement published in a newspaper or periodical or on a billboard; (iv) a mailing; or (v) printed materials.¹⁷⁴

And “support or oppose” is defined as both express advocacy and its functional equivalent.¹⁷⁵ Taken together, the start of a test for coordination in Montana depends on the functional equivalent test.

West Virginia is an example of a state that follow an express advocacy standard for “independent expenditures” except for near an election, when the much broader “electioneering definition” becomes the standard for potentially coordinated speech. In West Virginia, an “independent expenditure” is defined as:

- (A) Expressly advocating the election or defeat of a clearly identified candidate . . . ; and
- (B) That is not made in concert or cooperation with or at the request or suggestion of such candidate, his or her agents, the candidate’s authorized political committee, or a political party committee or its agents.¹⁷⁶

But this definition alone is misleading. In a separate part of its law, West Virginia also sweeps

in issue speech close to an election (so-called “electioneering communications”) as an in-kind contribution, if coordinated.¹⁷⁷ An electioneering communication in West Virginia is (in relevant part):

- (A) “Electioneering communication” means any paid communication . . . that:
 - (i) Refers to a clearly identified candidate . . . ;
 - (ii) Is publicly disseminated within:
 - (I) Thirty days before a primary election . . . ; or
 - (II) Sixty days before a general or special election¹⁷⁸

This captures far more speech in West Virginia than it will first appear to a layperson. And it does so at the most critical time for speakers to discuss issues and candidates.

New York’s law is an example of the poorest protection for speakers. Any communication is possibly coordinated if it “promotes, supports, attacks, or opposes” a candidate beginning on January 1 of the calendar year in which a candidate referenced in a communication is up for election.¹⁷⁹ This standard covers far too much speech and provides speakers with no guidance on how much speech is covered.

Safe Harbor for Publicly Available Information

The Index’s coordination analysis also looks to see if a state specifically exempts from its coordination statute any publicly available information. That is, if a speaker uses information available to everyone – candidate positions, experience, appearances in public, publicly available photographs, etc. – then it cannot trigger “coordination.”

The opposite of insider information, public information is available to all. It can be useful for a politically active speaker in communications about candidates. A safe harbor for such information maximizes the ability of people to speak without a presumption that they are in cahoots with a candidate. Public information should be just that, public, not viewed by regulators as evidence of corrupt political tactics.

Wisconsin's law is a good example of just such an exemption. It says, "[u]sing publicly available information to create, produce, or distribute a communication" is not coordination, provided that no other coordinating conduct is present.¹⁸⁰

In contrast, states like Delaware do not have a public information exemption.¹⁸¹ In these states,

citizens cannot take the information everyone knows about a candidate to help craft their speech without some concern about being alleged to have "coordinated" with the candidate's campaign. Hawaii's law suffers the same oversight.¹⁸²

Without clear language and safe harbors for public information, coordination laws can prevent some advocacy and civic groups from using publicly available information to discuss candidates and public policy. The wide dissemination of information about governmental functions and issues of public concern is essential to representative government. Precise, clear, and narrowly tailored coordination laws protect organizations' ability to inform the public of what their government is doing or should be doing.

Disclaimers

A disclaimer, the familiar message at the end of most political ads, is government-compelled speech. An organization or candidate must use their voice and money to speak a message dictated by a government's laws and regulations.

Disclaimers on ads supporting or opposing candidates or ballot measures communicate information to viewers that can be useful. They tell listeners who is attempting to persuade them. In this context, the Supreme Court has ruled that the government has sufficiently important informational and anti-corruption interests to mandate disclaimers on campaign ads.¹⁸³

But in order for disclaimers to not infringe on free speech, they ought to (a) minimize the burden to speakers in terms of length, cost, and invasions of private association and (b) provide listeners with genuinely informative information.¹⁸⁴

Unfortunately, disclaimer laws often do not follow these principles. Many disclaimers take up too much time or space in an ad, detracting from the speaker's message. Some disclaimer rules are needlessly complicated and often cause small or new groups to inadvertently violate the law, chilling speech. Groups that wish to speak to the public may choose to avoid speech that triggers these onerous requirements.

The burdens of disclaimer laws also decrease participation in the political process. Chiefly, disclaimers alter political speech because of the time and space requirements they necessitate

to be included in an ad. For the same reasons, disclaimers increase the cost to produce political speech. For example, an infamous disclaimer law in San Francisco takes approximately 28 seconds to speak and consumes 75 to 100% of the space for a typical newspaper ad.¹⁸⁵ These obligations increase the likelihood of inadvertent violations and, thus, discourage participation in the political process because of the potential legal pitfalls and the cost of legal services many speakers must obtain to avoid running afoul of the law.

Worse, states with disclaimers that name individual contributors discourage citizens from donating to causes they would otherwise support because of fear of harassment from being identified in an ad. Often, this information is also misleading to the public, as many named individuals will have no prior knowledge of the speaker's message and may even disagree with it.

The First Amendment strictly limits government's power to compel speech, especially when that power is used to regulate political speech. Disclaimer regulations should never be written with the goal of discouraging groups from speaking. The Index looks at two variables when evaluating the First Amendment impact of disclaimers. How long is the disclaimer? And does the law require the disclaimer to include donor information?

State Disclaimer Mandates

Typically, laws often dictate the form (*e.g.*, audio, visual, size, color, placement, and length specifications) of the required disclaimer as well as what types of communications are regulated (*e.g.*, TV, radio, internet, printed material, billboards, etc.) and what content must be included.

States with less burdensome disclaimer mandates require speakers to identify their name

or the organization that is responsible for the speech. For example, in Arkansas, speakers on TV, radio, or “any other electronic medium” have the option of simply stating “paid political advertisement,” “paid political ad,” “paid for by,” “sponsored by,” or “furnished by” followed by the name of the speaker.¹⁸⁶ Likewise, non-candidate speakers in Pennsylvania communicating their message “through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising” must “clearly and conspicuously state the name of the person who made or financed the expenditure for the communication.”¹⁸⁷ These states recognize that disclaimers, by their very nature, impede on the speaker’s message and allow flexibility in communicating the required script. Accordingly, the Index rewards these states and others with similar disclaimer laws for respecting speakers’ First Amendment rights.

Meanwhile, other states have prioritized *their* preferred message at the expense of speakers. For example, in Vermont, TV, radio, and online videos must include disclaimers that state the name and mailing address of the sponsor¹⁸⁸ as well as “the name and title of the person who paid for the communication and that the person paid for the communication.”¹⁸⁹ Further, if the sponsor is an organization, the audio statement must include both the name of the sponsor and the name and title of “the principal officer” of the organization.¹⁹⁰ States with complicated, lengthy disclaimers place excessive burdens on speakers.

More extreme disclaimer laws require the sponsor of the communication to identify some of the top donors that contributed to the organization that produced the message. On top of that, if one of the top contributors is also an organization, that donor organization may be further required

to identify its top donors in the disclaimer too. In practice, this means donors that likely have no direct connection to a message, or even awareness that the ad exists, will be identified as supporters of a communication that they may not agree with.

While only a minority of states have such invasive laws,¹⁹¹ Massachusetts is a prime example of a state with regulations that are both incredibly intrusive to unsuspecting citizens and very complicated. The Bay State demands that TV, radio, and internet ads paid for by an organization include the following wordy statement by the group’s CEO, chairman, or “principal officer”:

“I am _____ (name) the _____ (office held) of _____ (name of corporation, group, association or labor union) and _____ (name of corporation, group, association or labor union) approves and paid for this message.”¹⁹²

If the ad appears on TV, the individual reading the above statement must appear in “an unobscured, full-screen view.”¹⁹³ Further, communications on TV, the internet, or in print that are larger than 15 square inches or take up 15% or more of a computer screen with a 1366 x 768 resolution must include a written statement at the bottom of the ad identifying the sponsor’s top-5 contributors who have given more than \$5,000 during the 12-month period prior to the date the ad airs.¹⁹⁴ TV and internet ads must also include a written disclaimer that says “for more information regarding contributors, go to www.ocpf.us.”¹⁹⁵

Long, overly complicated, privacy-invasive mandates like those in Massachusetts simply do not respect the First Amendment.

Super PAC Recognition

Since the country's founding, Americans coming together, pooling their resources, and speaking to other Americans has been a fundamental part of our political culture. These groups encourage voters to support candidates they believe in and oppose candidates they don't. Their speech is the most basic political expression and deserves the highest protection under the First Amendment.

In our contemporary politics, this speech is epitomized by the super PAC. A "super PAC" is a political committee that only makes expenditures *independent* of candidates; they do not and legally cannot contribute to or coordinate with candidates or political parties.¹⁹⁶

At the federal level, super PACs came about as a result of the unanimous 2010 decision of the Court of Appeals for the District of Columbia Circuit in *SpeechNow.org v. Federal Election Commission*.¹⁹⁷ Earlier that year, the Supreme Court held that the government had no anti-corruption interest in limiting independent expenditures.¹⁹⁸ Accordingly, the D.C. Circuit reasoned that because expenditures by independent organizations are not corrupt, it followed that the government had no anti-corruption interest in limiting contributions from individuals to these independent expenditure groups either.¹⁹⁹ With this decision, the federal super PAC was born.²⁰⁰

Because they speak without coordinating with candidates or political parties, there is no lim-

itation on how much citizens can contribute to super PACs. Accordingly, super PACs, unlike campaigns, are free to raise funds for their political speech without amounts being restricted by the government.

Despite the fact that independent speech by super PACs is constitutionally protected, some state statutes continue to limit contributions to such groups. State laws that limit contributions to super PACs continue to be challenged in court, and every court that has considered such a challenge has ruled that these restrictions violate the First Amendment.

Maintaining unconstitutional laws on the books is, nevertheless, confusing to the average citizen. Furthering the problem, many state campaign enforcement agencies publish no clarifying guidance. This creates two potential First Amendment harms. First, groups looking to talk about candidates and groups in campaigns may be deterred from doing so in states where statutes have not been updated to reflect court rulings on the First Amendment protections guaranteed to such groups. Second, some groups may continue to abide unnecessarily by state contribution limits, despite engaging in solely independent speech, because state code does not recognize super PACs as unique entities. In such instances, these groups would be artificially producing less political speech than they desire in an unnecessary effort to follow an unconstitutional statute.

Every group that wants to speak about politics should not have to hire a lawyer first. Accordingly, formally recognizing super PACs in state campaign finance law provides potential independent expenditure groups with the information needed to create their organization and fully exercise their First Amendment rights. Many

states have recognized the need to update their laws. For example, Illinois law specifically provides for independent expenditure committees²⁰¹ and allows them to “accept contributions in any amount from any source.”²⁰² But statutes in some states, including Alaska, New Jersey, Rhode Island, and South Dakota, provide no express authority for the creation of super PACs.

This variable is a good proxy for whether a state has updated its campaign finance laws to reflect court rulings. States have had the ability to recognize super PACs since 2010. Regardless of whether enforcement occurs, laws that violate the First Amendment should not remain on the books.

False Statement Laws

False Statement laws, as the name implies, are statutes that prohibit supposedly “false” speech about candidates or public officials, including their voting records or other official acts.²⁰³ Under such laws, the task of deciding what campaign speech is true and what is false is decided by government officials. In effect, these laws create a “truth police” to decide what can be said about a candidate or officeholder.

Such laws strike at the very heart of the First Amendment’s protection of free speech. The Supreme Court has long recognized that “there is practically universal agreement that a major purpose of that Amendment was to protect the free discussion of governmental affairs.”²⁰⁴ This “includes discussions of candidates” and “all such matters relating to political processes.”²⁰⁵ The rough-and-tumble world of politics is where First Amendment protections are at their highest and most needed.²⁰⁶

These laws are unconstitutional. As the Court noted in 2012:

[There is no] general exception to the First Amendment for false statements. This comports with the common understanding that some false statements are inevitable if there is to be an open and vigorous expression of views in public and private conversation, expression the First Amendment seeks to guarantee.²⁰⁷

This is particularly true in the political context, where truth and falsity are hotly debated, and such laws can be weaponized against political opponents. In *Susan B. Anthony List v. Driehaus*,²⁰⁸ for instance, a unanimous Court struck down an Ohio false statement law. The Ohio Elections Commission attempted to enforce the law against Susan B. Anthony List, a pro-life group, after it issued a press release and planned to run a billboard ad criticizing a local congressman, Representative Steve Driehaus, for a vote the organization viewed as pro-abortion. The Ohio Elections Commission acted based on a complaint from Congressman Driehaus.

Courts have consistently confirmed that political debates about truth and falsity should be argued in the political arena and not decided by government officials. Ohio, Massachusetts, Minnesota, and Washington state have all seen false statements laws struck down on First Amendment grounds.²⁰⁹ As one court held, “[t]

he notion that the government, rather than the people, may be the final arbiter of truth in political debate is fundamentally at odds with the First Amendment.”²¹⁰

Despite this, some states continue to enact or keep false statement laws that subject speakers to stiff penalties and lengthy and expensive legal battles. The threat of fines or litigation resulting from these laws chills political speech. Take Colorado, for example, where:

No person shall knowingly make, publish, broadcast, or circulate or cause to be made, published, broadcasted, or circulated in any letter, circular, advertisement, or poster or in any other communication any false statement designed to affect the vote on any issue submitted to the electors at any election or relating to any candidate for election to public office.²¹¹

Any speaker who violates this statute is in danger of being criminally charged and punished with up to 18 months in prison and/or up to a \$5,000 fine.²¹² If the state finds that a speaker was merely “reckless” in what they said, the speaker still faces up to 12 months in jail and/or a possible \$1,000 fine.²¹³

False statement laws like Colorado’s are incompatible with the Constitution’s protection for free speech and are likely to fail in court. But few Americans have the financial resources to bring such costly legal challenges. The Supreme Court has held that “[t]he First Amendment does not permit laws that force speakers to retain a campaign finance attorney” to “seek declaratory rulings before discussing the most salient political issues of our day.”²¹⁴ Instead, states should remove these unconstitutional laws from their books.

States should not attempt to outlaw or police allegedly false campaign speech. As Justice Kennedy said, “[t]he remedy for speech that is false is speech that is true. This is the ordinary course in a free society.”²¹⁵ Therefore, this Index acknowledges states without burdensome false statement laws. States with such laws on the books should consider repealing them to comport with the First Amendment.

Private Enforcement of Campaign Laws

Some states allow *anyone* to seek to enforce campaign finance laws, regardless of whether government officials believe the law has been broken. This is First Amendment restriction by lawsuit. In these states, any citizen with a grudge – even a speaker’s political opponents – can allege a violation and hale a speaker into court.

Americans should not have to risk litigious retribution for engaging in campaigns and speaking about issues. Complaints waste time, effort, and impose a significant expense on speakers. Even when a speaker is vindicated, the process creates a punishment for speaking. Time in court, anxiety from pending litigation, and being compelled to hire often expensive legal representation all discourage individuals and groups from speaking during campaigns. For these reasons, private enforcement of campaign laws is harmful to the First Amendment.

The Supreme Court has recognized the danger of such enforcement schemes. In *Susan B. Anthony List v. Driehaus*,²¹⁶ the unanimous Supreme Court

held that a law’s private enforcement provisions “bolstered” the threat to First Amendment activity from campaign finance laws.²¹⁷ The Supreme Court held that, “[b]ecause the universe of potential complainants is not restricted to state officials who are constrained by explicit guidelines or ethical obligations, there is a real risk of complaints from, for example, political opponents.”²¹⁸ By expanding the number of people who could bring a claim, the law created serious “burdens . . . on electoral speech.”²¹⁹

If the claim is meritless, it nonetheless forces “the target of a . . . complaint . . . to divert significant time and resources to hire legal counsel and respond to discovery requests in the crucial days leading up to an election.”²²⁰ This will undoubtedly chill speech, particularly controversial or contentious speech. Private rights of action for enforcing speech restrictions make it easy to game the system for unfair advantage or merely to punish one’s ideological opponents.

This, unfortunately, has happened. Colorado law authorized private citizens to bring campaign finance enforcement actions.²²¹ Anyone could force a speaker into an administrative proceeding – with all the accompanying time, effort, and expense – simply by filing a complaint.²²² Some used this process to harass their political opponents.

During the 2012 primary for the Regent at Large of the University of Colorado – a down-ballot race that usually does not garner much attention – some political groups were punished by private enforcement actions. Organizations favoring the winning candidate were sued by a supporter of the losing candidate, alleging various inconsequential campaign finance violations.²²³ Resolution of the multiple complaints that were filed

took years. Groups were forced to pay substantial amounts of money to hire attorneys to fight the politically motivated complaints, in this case for supporting a candidate for University Regent.

Eventually, the federal courts stepped in to protect the First Amendment rights of Coloradans speaking during an election. In *Holland v. Williams*, the federal district court held that private enforcement provisions “reduce[] the overall quantum of speech available to the electorate” by silencing speakers who fear such complaints.²²⁴ The *Holland* court found Colorado’s private enforcement system facially unconstitutional.²²⁵ The Colorado General Assembly subsequently passed a statute to remove gamesmanship from the process by giving greater enforcement oversight to the Colorado Secretary of State.²²⁶

Despite this First Amendment victory in Colorado, the state’s story is not unique. Too many states continue to allow private actors to bring enforcement actions for campaign finance laws. For example, Massachusetts still allows any person to file a complaint with a state district court “alleging that reasonable grounds exist for believing that any law relating to . . . primaries, caucuses, conventions and elections, or to any matters pertaining thereto, has been violated.”²²⁷

A handful of states allow private enforcement only on very narrow claims.²²⁸ For example, Missouri allows private enforcement actions for contribution limit violations but nothing else.²²⁹

In contrast, thirty-eight states reserve campaign finance enforcement only to officials who must act in the public good, often subject to various codes of ethics (such as lawyers who are subject to rules of professional conduct). For example, Arizona vests civil and criminal campaign finance

enforcement authority only with government prosecutors like the attorney general in races for state office and local prosecutors in local races.²³⁰ New Hampshire routes all complaints and subsequent investigations through the state's attorney general.²³¹

In this Index, states with no private enforcement statutes receive full credit for protecting First

Amendment activity in this area. States that have limited private enforcement actions receive partial credit. Finally, states that put speakers fully at risk of complaints from private political actors fail to protect speakers and their speech from frivolous, arbitrary, and harmful private enforcement of campaign laws and receive no credit in this area of the Index.

State Report Cards

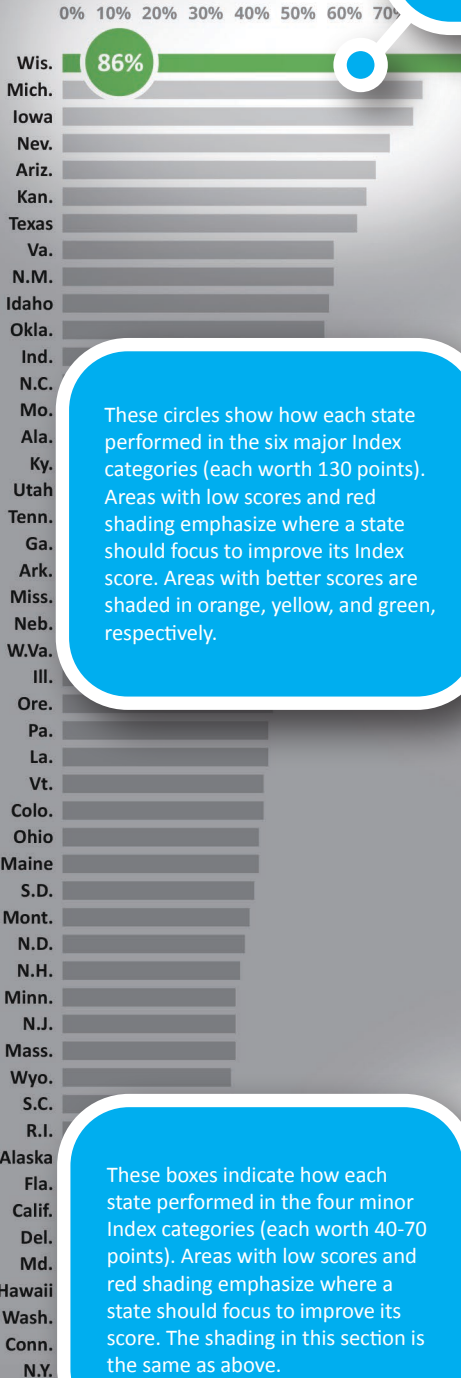


Wisconsin

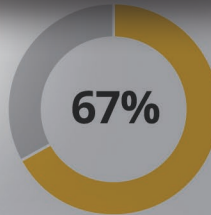
1 Rank

86%

This page provides an overview of how each state performed in the Index. At the top right is the state's score (out of 100%). In the left column, readers can see where a state ranks relative to its peers.



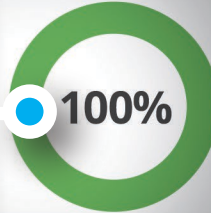
These circles show how each state performed in the six major Index categories (each worth 130 points). Areas with low scores and red shading emphasize where a state should focus to improve its Index score. Areas with better scores are shaded in orange, yellow, and green, respectively.



Laws on Political Committees



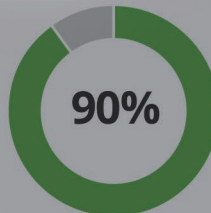
Grassroots Advocacy and Lobbying



Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

These boxes indicate how each state performed in the four minor Index categories (each worth 40-70 points). Areas with low scores and red shading emphasize where a state should focus to improve its score. The shading in this section is the same as above.

40%

Disclaimers

100%

Super PAC Recognition

0%

False Statement Laws

100%

Private Enforcement of Campaign Laws

Wisconsin	Model	Wisconsin	Model	
Laws on Political Committees		Grassroots Advocacy and Lobbying		
What portion of your activities must be considered "political" to become a political committee?	The Major	The Major	No	
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures	Yes	
What amount of spending triggers registration?	\$2,500.01	\$2,500.01	Yes	
Is the spending threshold inflation adjusted?	No	Yes	≥\$5,000	
What contribution size triggers reporting of a supporter's info?	\$0.00	≥\$2,500.00	No	
Must groups report a supporter's employer?	Yes	No	Yes	
Regulation of Issue Speech Near an Election ("Election")		Definition of Campaign "Expenditure"		
Does the state regulate issue speech near an election?	No	What donation size triggers reporting of a supporter's info?	N/A ≥\$5,000	
Does the state regulate radio advertising near an election?	No	Are the monetary thresholds inflation adjusted?	N/A Yes	
What reporting requirements apply to issue speech near an election?	≥\$10,000	Is donor reporting required for groups that lobby lawmakers?	No No	
Is the spending threshold inflation adjusted?	N/A	Yes	Clearly Clearly	
How much of an election year is this speech regulated?	N/A	≤90 days	Regulation of Independent Expenditures by Non-Political Committees	
Does it regulate speech by a candidate outside the election year?	No	Do these groups have donor reporting requirements?	No No	
Is reporting of a group's expenditures required?	No	What contribution size triggers reporting of a supporter's information?	N/A ≥\$10,000	
Can groups protect their privacy with a separate segregated fund?	N/A	Can groups protect a donor's privacy with a separate segregated fund?	N/A N/A	
Can donors stay private by barring their contributions from funding such speech?	N/A	Can donors stay private by barring their contributions from funding such speech?	N/A N/A	
Are charities exempted?	N/A	Yes	Long Short	
Is the media exempted?	N/A	Yes	No	
Coordination Regulations		Campaign Laws		
Can using public information constitute coordination?	No	Does the state decide whether political speech is true or false?	Yes No	
How clearly does the state define speech that triggers coordination rules?	Clearly	Yes	No	
Super PAC Recognition		False Statement Laws		
Does the law allow super PACs?	Yes	Yes	Yes No	

This page provides a quick reference for all information relating to state statutes scored by the Index. For example, readers can quickly identify in this table a state's political committee registration threshold. For more information on what exactly the subcategory questions and answers mean, see the Methodology.

Column One lists every subcategory question examined in the Index used to measure the First Amendment impact of a state's statute.

Column Two lists how each state's statute answers the subcategory questions. If an answer is listed as N/A, the state has a more First-Amendment friendly answer to a previous question.

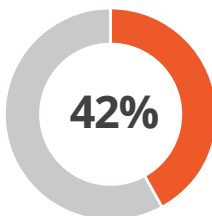
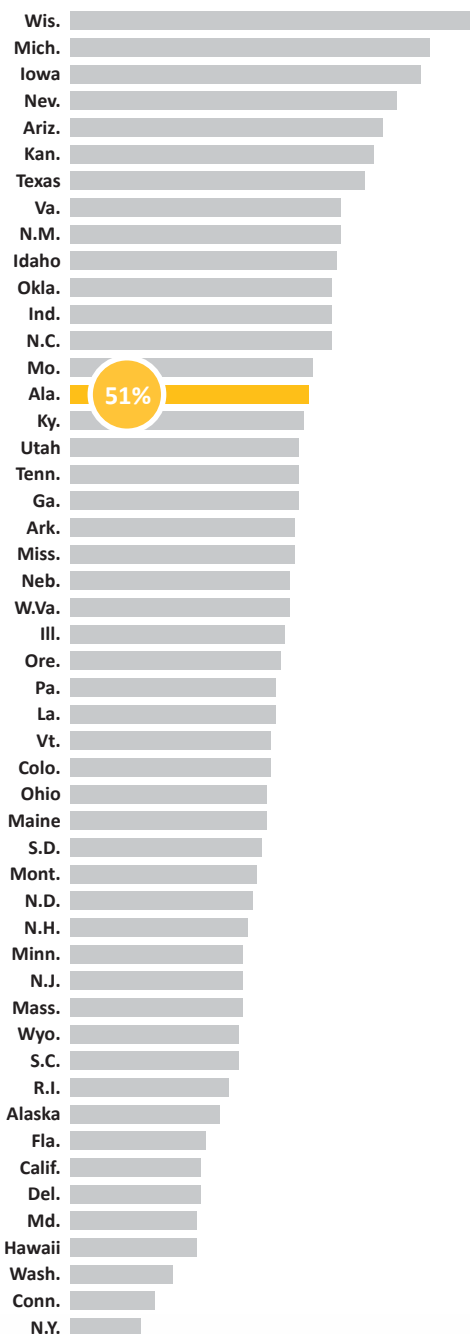
Column Three lists the model or ideal statutory answer to each subcategory question. If a state's answer in Column Two matches the model answer in Column Three, it receives full points in that subcategory.

Alabama

51%

15 Rank

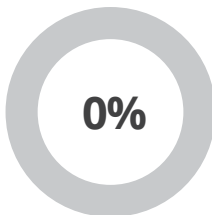
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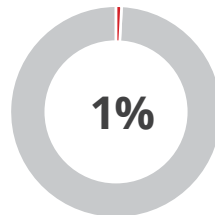
Laws on Political Committees



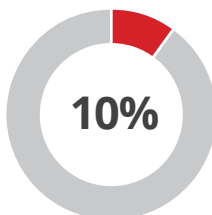
Grassroots Advocacy and Lobbying



Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Alabama		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$1,000.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.01	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$1,000.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	>90 Days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	Yes	No
Is reporting of a group’s supporters required?	Yes	No
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Are charities exempted?	No	Yes
Is the media exempted?	No	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	No	No
How clearly does the state define speech that triggers coordination rules?	Clearly	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

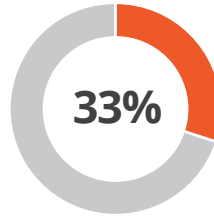
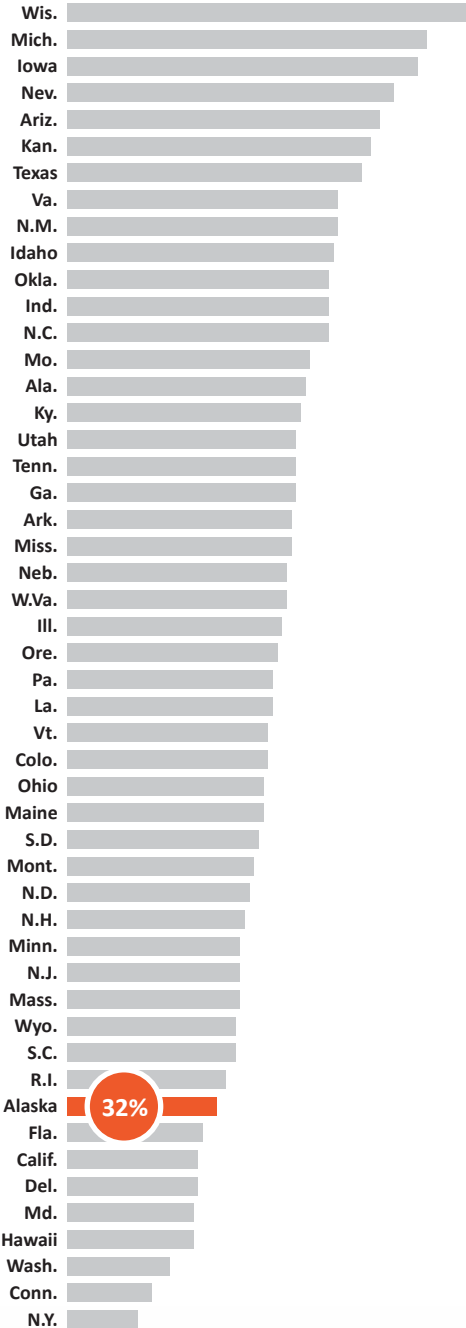
Alabama		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$100.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Alaska

42 Rank

32%

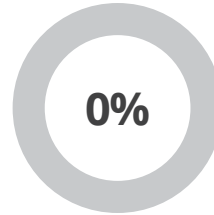
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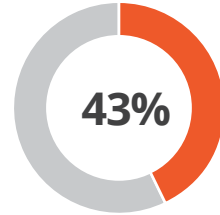
Laws on Political Committees



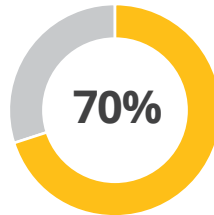
Grassroots Advocacy and Lobbying



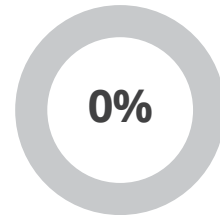
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

0% Disclaimers

0% Super PAC Recognition

0% False Statement Laws

0% Private Enforcement of Campaign Laws

Alaska		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	The Major	The Major
How is this activity defined?	Unclearly	Contributions & Expenditures
What amount of spending triggers registration?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	≤90 days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	Yes	No
Is reporting of a group’s supporters required?	Earmark	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	No	Yes
Is the media exempted?	No	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

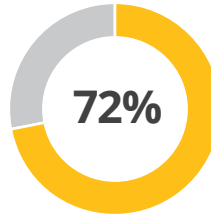
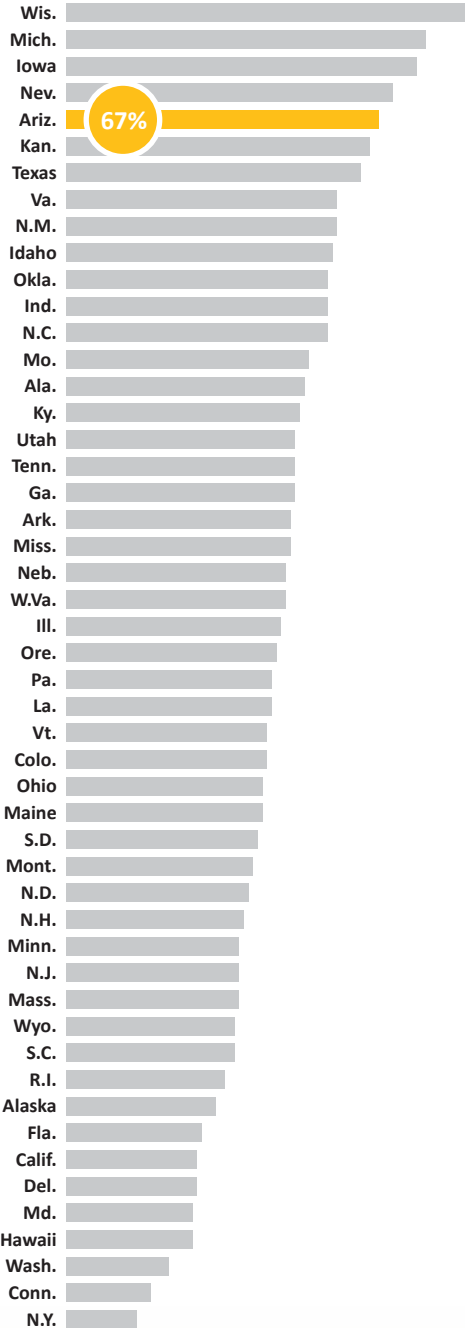
Alaska		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Earmarked Only	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	Yes	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	Yes	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

Arizona

5 Rank

67%

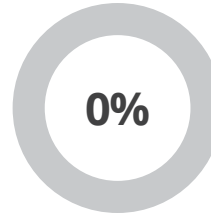
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Laws on Political Committees



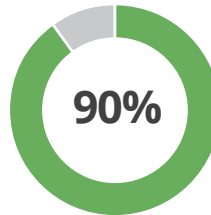
Grassroots Advocacy and Lobbying



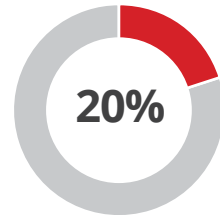
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

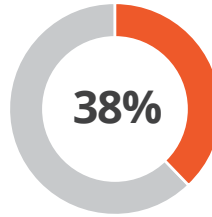
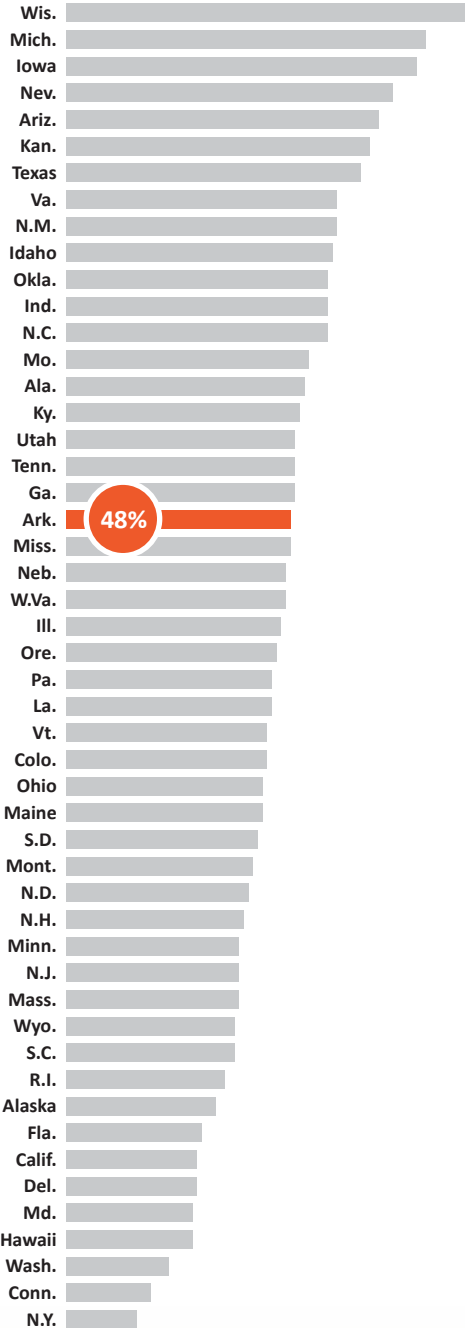
Arizona		Model	Arizona		Model
Laws on Political Committees			Grassroots Advocacy and Lobbying		
What portion of your activities must be considered “political” to become a political committee?	The Major	The Major	Are groups that advocate only to the public regulated?	No	No
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures	Is regulation limited to a clear list of activities?	N/A	Yes
What amount of spending triggers registration?	\$1,000.00	≥\$10,000	Is regulation limited to speech about pending bills?	N/A	Yes
Is the spending threshold inflation adjusted?	Yes	Yes	What amount of spending triggers reporting?	N/A	≥\$5,000
What contribution size triggers reporting of a supporter’s info?	\$50.01	≥\$2,500	Is reporting of a group’s supporters required?	N/A	No
Must groups report a supporter’s employer?	Yes	No	If reporting is required, is it limited to earmarked donations?	N/A	Yes
Regulation of Issue Speech Near an Election (“Electioneering Communications”)			What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Does the state regulate this speech?	No	No	Are the monetary thresholds inflation adjusted?	N/A	Yes
Does the law apply only to TV and radio ads?	N/A	Yes	Is donor reporting required for groups that lobby lawmakers?	No	No
What amount of spending triggers reporting?	N/A	≥\$10,000	Definition of Campaign “Expenditure”		
Is the spending threshold inflation adjusted?	N/A	Yes	How clearly does the state define a campaign expenditure?	Unclearly	Clearly
How much of an election year is this speech regulated?	N/A	≤90 days	Regulation of Independent Expenditures by Non-Political Committees		
Does it regulate speech mentioning a candidate outside their district?	N/A	No	Do these groups have donor reporting requirements?	No	No
Is reporting of a group’s supporters required?	N/A	No	What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A	Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A	Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes	Disclaimers		
Is the media exempted?	N/A	Yes, Broad	How long are required disclaimers?	Long	Short
Coordination Regulations			Must donors be listed on disclaimers?	No	No
Can using public information constitute coordination?	No	No	Private Enforcement of Campaign Laws		
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly	Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
Super PAC Recognition			False Statement Laws		
Does the law allow super PACs?	Yes	Yes	Does the state decide whether political speech is true or false?	No	No

Arkansas

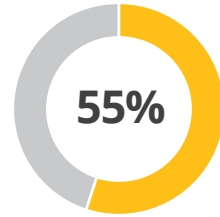
20 Rank

48%

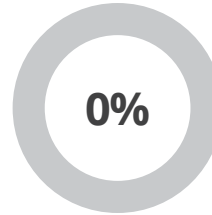
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Laws on Political Committees



Grassroots Advocacy and Lobbying



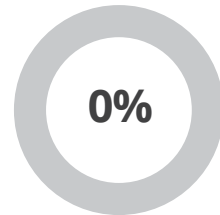
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

100% Disclaimers

100% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Arkansas		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$500.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$500.00	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

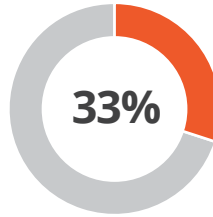
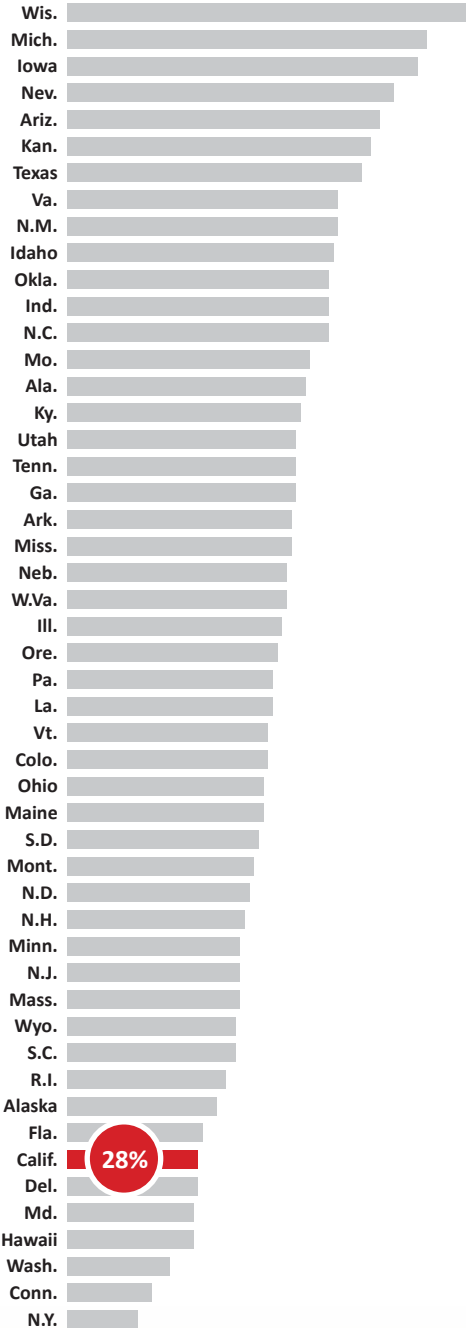
Arkansas		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$400.01	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$50.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Short	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

California

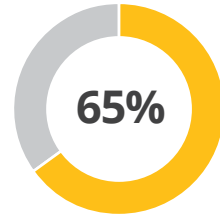
44 Rank

28%

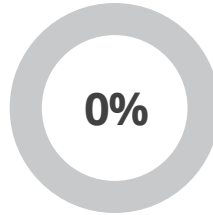
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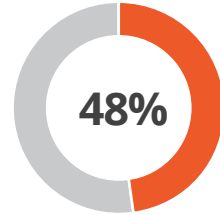
Laws on Political Committees



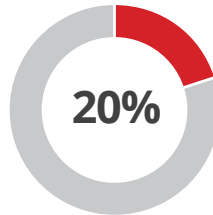
Grassroots Advocacy and Lobbying



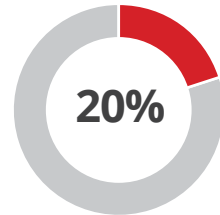
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

0% Disclaimers

0% Super PAC Recognition

100% False Statement Laws

0% Private Enforcement of Campaign Laws

California		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$1,000.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.00	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$50,000.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	≤90 days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	Yes	No
Is reporting of a group’s supporters required?	Earmark	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	No	Yes
Is the media exempted?	No	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly, but Near an Election	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

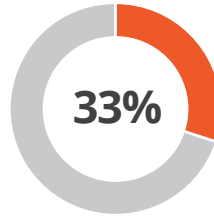
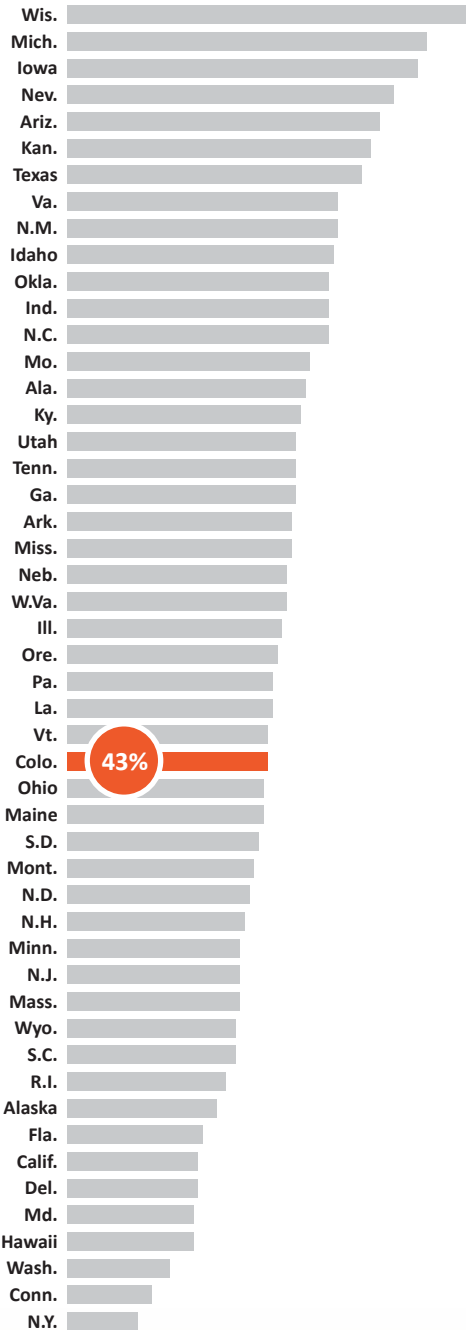
California		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$5,000.01	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$1,000.00	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	Yes	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	Yes	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	Yes	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Colorado

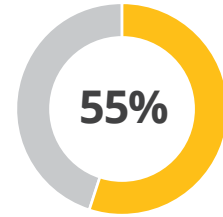
29 Rank

43%

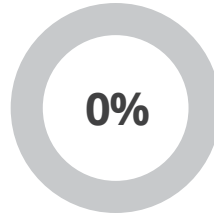
0% 10% 20% 30% 40% 50% 60% 70% 80% 90%



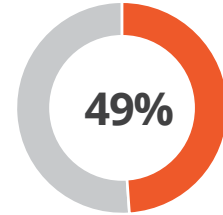
Laws on Political Committees



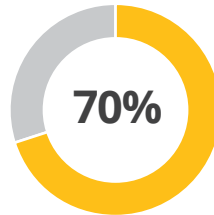
Grassroots Advocacy and Lobbying



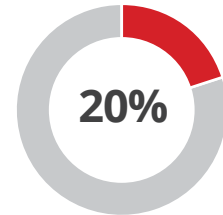
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

0% False Statement Laws

100% Private Enforcement of Campaign Laws

Colorado		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$200.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$20.00	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$1,000.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	>90 Days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	No	No
Is reporting of a group’s supporters required?	Earmark	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	No	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	No	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

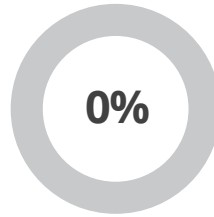
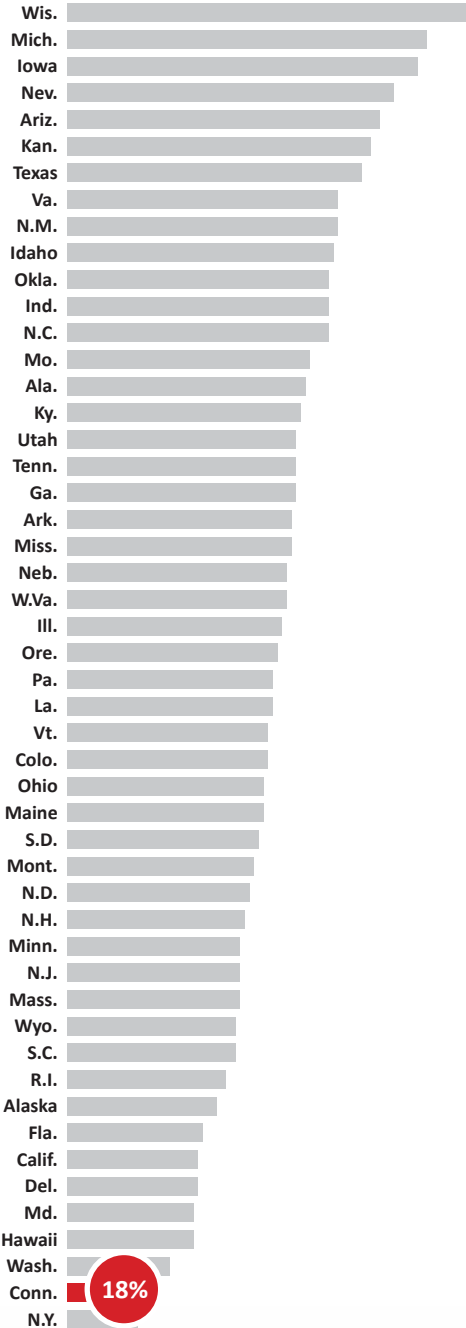
Colorado		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$0.00	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Earmarked Only	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

Connecticut

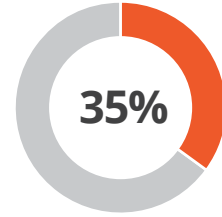
49 Rank

18%

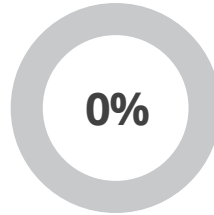
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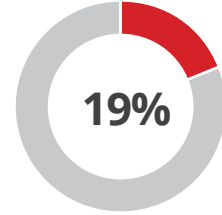
Laws on Political Committees



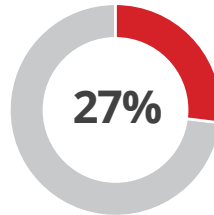
Grassroots Advocacy and Lobbying



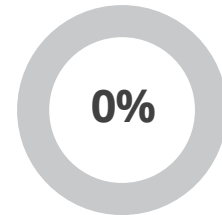
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

0% Disclaimers

0% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Connecticut		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Unclearly	Contributions & Expenditures
What amount of spending triggers registration?	\$1,000.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$0.00	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$1,000.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	>90 Days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	Yes	No
Is reporting of a group’s supporters required?	Yes	No
Can groups protect a donor’s privacy with a separate segregated fund?	Yes	N/A
Can donors stay private by barring their contributions from funding such speech?	Yes	N/A
Are charities exempted?	Yes	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

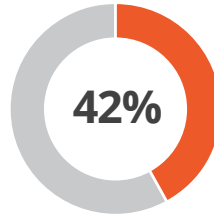
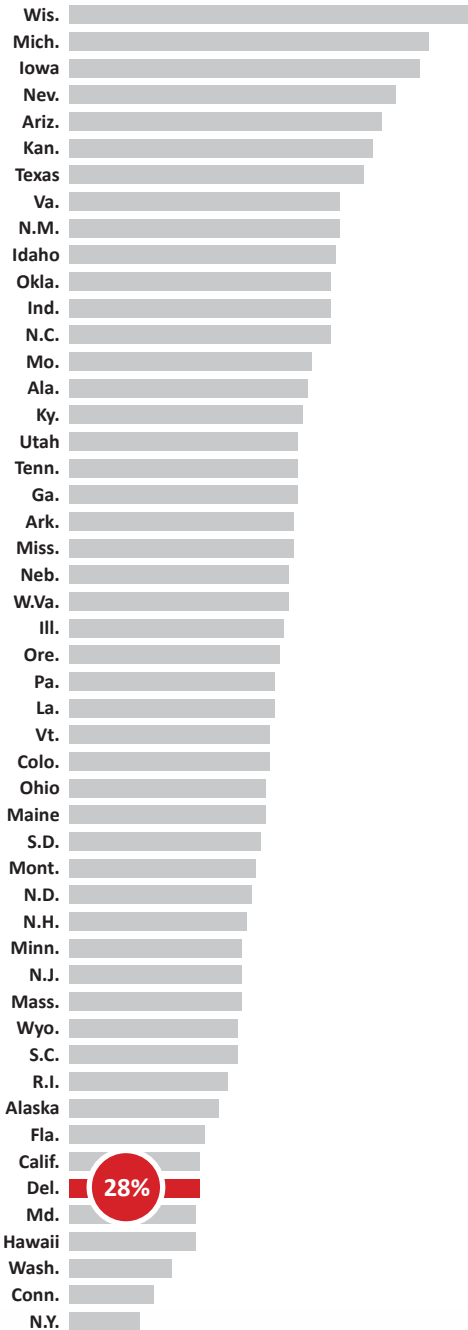
Connecticut		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$3,000.00	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	Yes	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$5,000.00	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	Yes	N/A
Can donors stay private by barring their contributions from funding such speech?	Yes	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	Yes	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Delaware

45 Rank

28%

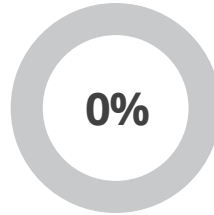
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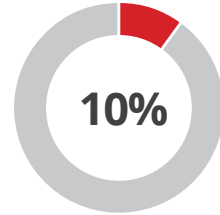
Laws on Political Committees



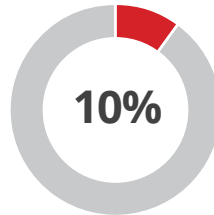
Grassroots Advocacy and Lobbying



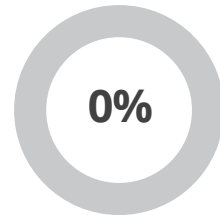
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

0% Super PAC Recognition

100% False Statement Laws

0% Private Enforcement of Campaign Laws

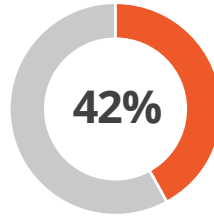
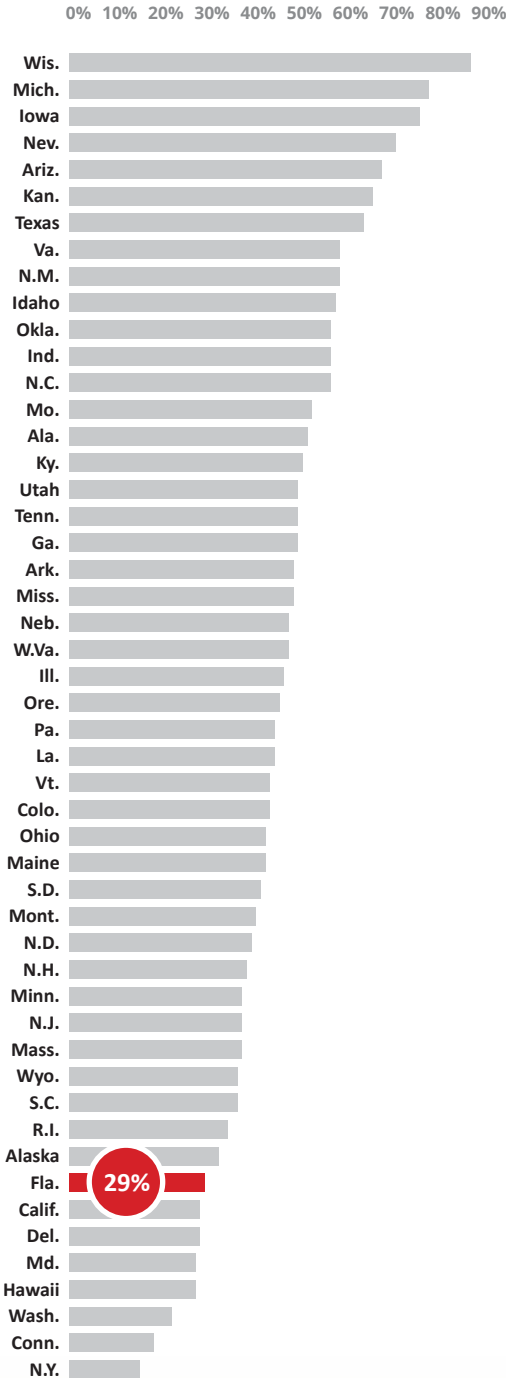
Delaware	Model	
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$500.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.01	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$500.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	≤90 days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	No	No
Is reporting of a group’s supporters required?	Yes	No
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Are charities exempted?	No	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

Delaware	Model	
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$100.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	Yes	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

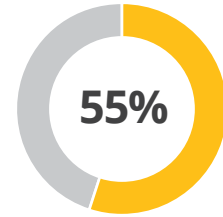
Florida

43 Rank

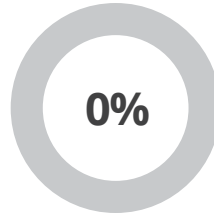
29%



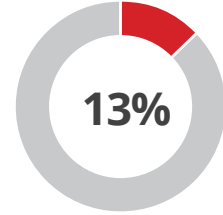
Laws on Political Committees



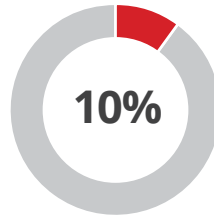
Grassroots Advocacy and Lobbying



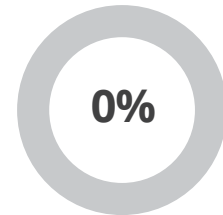
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

0% False Statement Laws

100% Private Enforcement of Campaign Laws

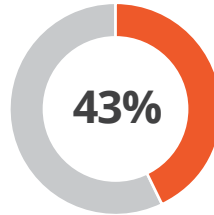
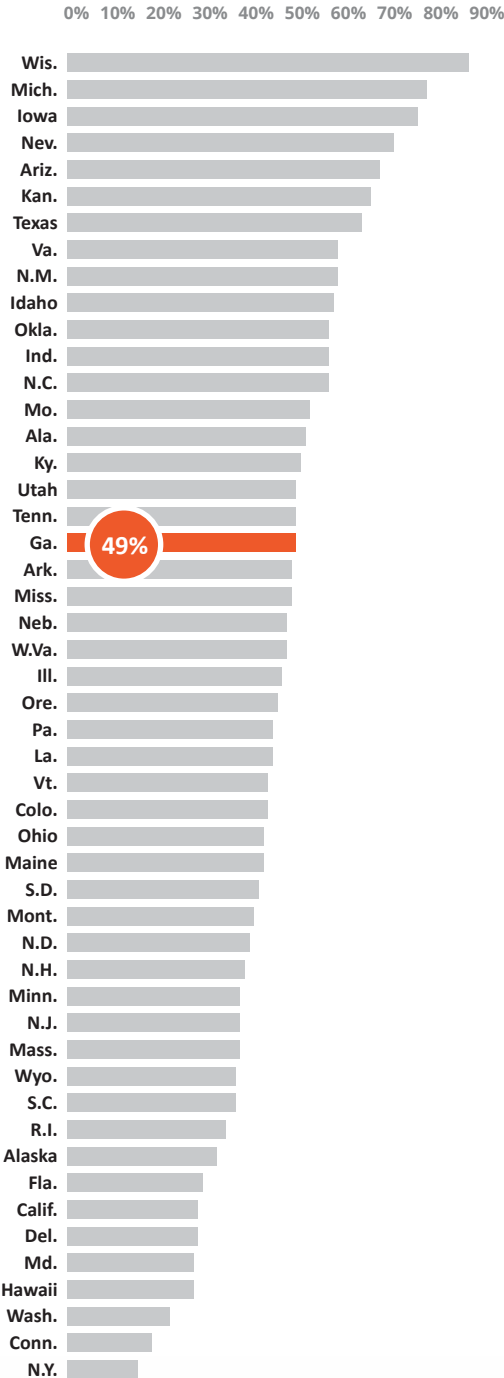
Florida		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$500.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$0.00	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$5,000.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	≤90 days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	No	No
Is reporting of a group’s supporters required?	Yes	No
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Are charities exempted?	No	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

Florida		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$0.00	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$0.00	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

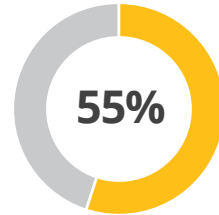
Georgia

19 Rank

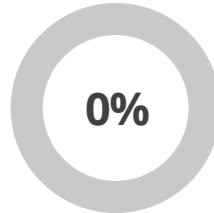
49%



Laws on Political Committees



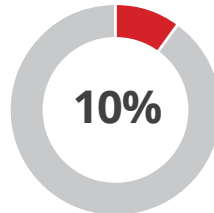
Grassroots Advocacy and Lobbying



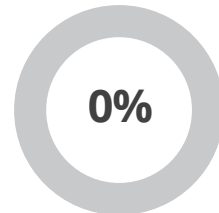
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

100% Disclaimers

100% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Georgia		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$25,000.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

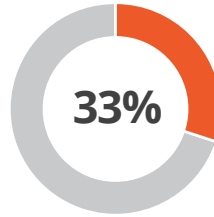
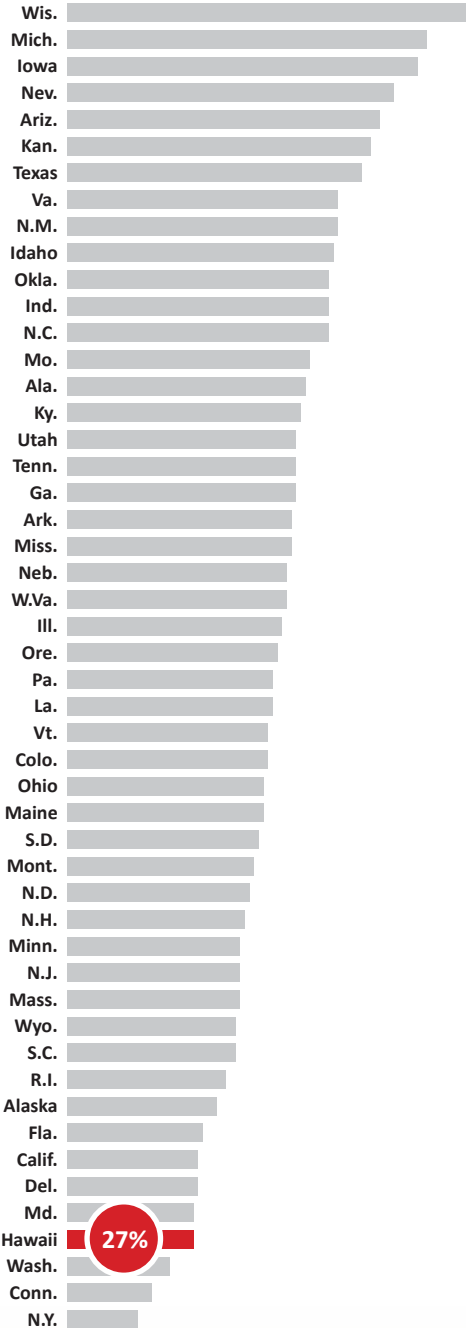
Georgia		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$250.01	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$100.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Short	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Hawaii

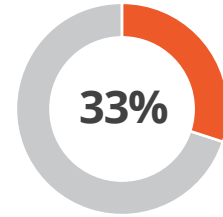
47 Rank

27%

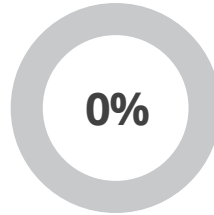
0% 10% 20% 30% 40% 50% 60% 70% 80% 90%



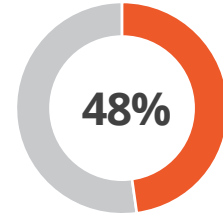
Laws on Political Committees



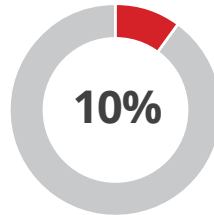
Grassroots Advocacy and Lobbying



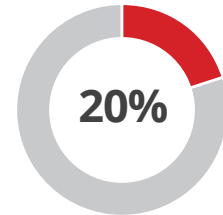
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

0% Disclaimers

0% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Hawaii	Model	
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$1,000.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$2,000.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	≤90 days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	Yes	No
Is reporting of a group’s supporters required?	Earmark	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	No	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly, but Near an Election	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

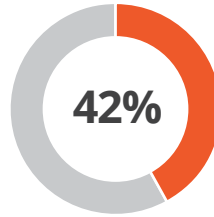
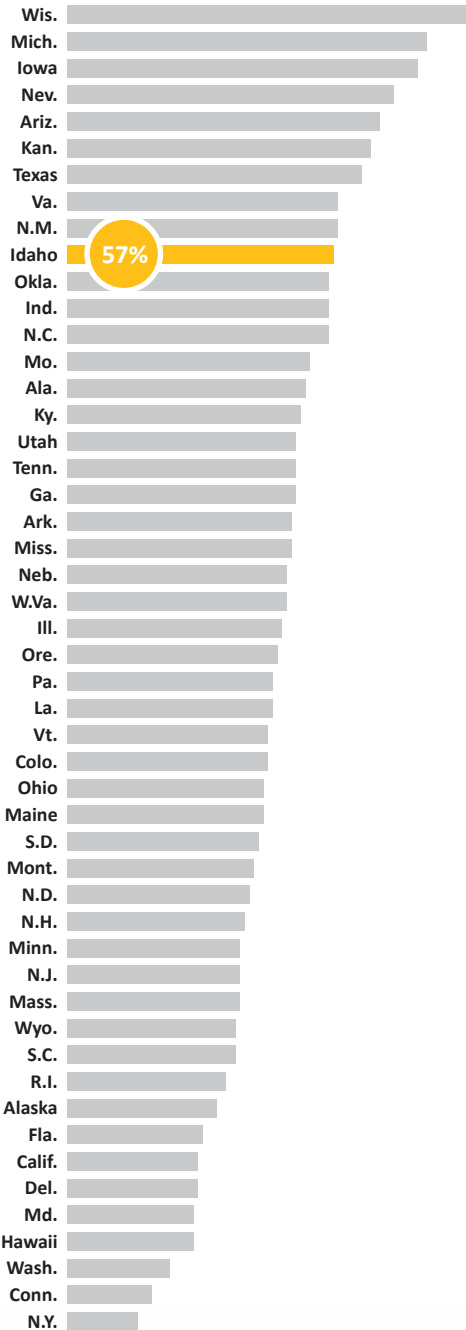
Hawaii	Model	
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$750.01	≥\$5,000
Is reporting of a group’s supporters required?	Yes	No
If reporting is required, is it limited to earmarked donations?	Yes	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	No	Yes
Is donor reporting required for groups that lobby lawmakers?	Yes	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$100.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	Yes	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Idaho

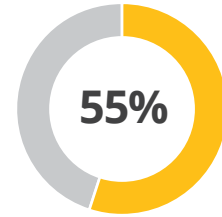
10 Rank

57%

0% 10% 20% 30% 40% 50% 60% 70% 80% 90%



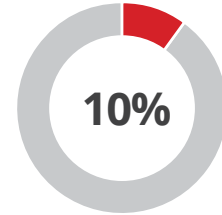
Laws on Political Committees



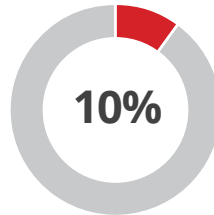
Grassroots Advocacy and Lobbying



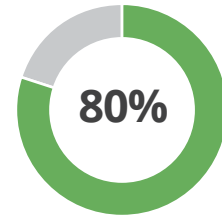
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

100% Disclaimers

100% Super PAC Recognition

100% False Statement Laws

0% Private Enforcement of Campaign Laws

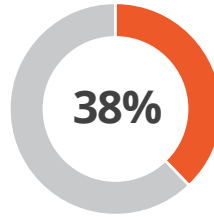
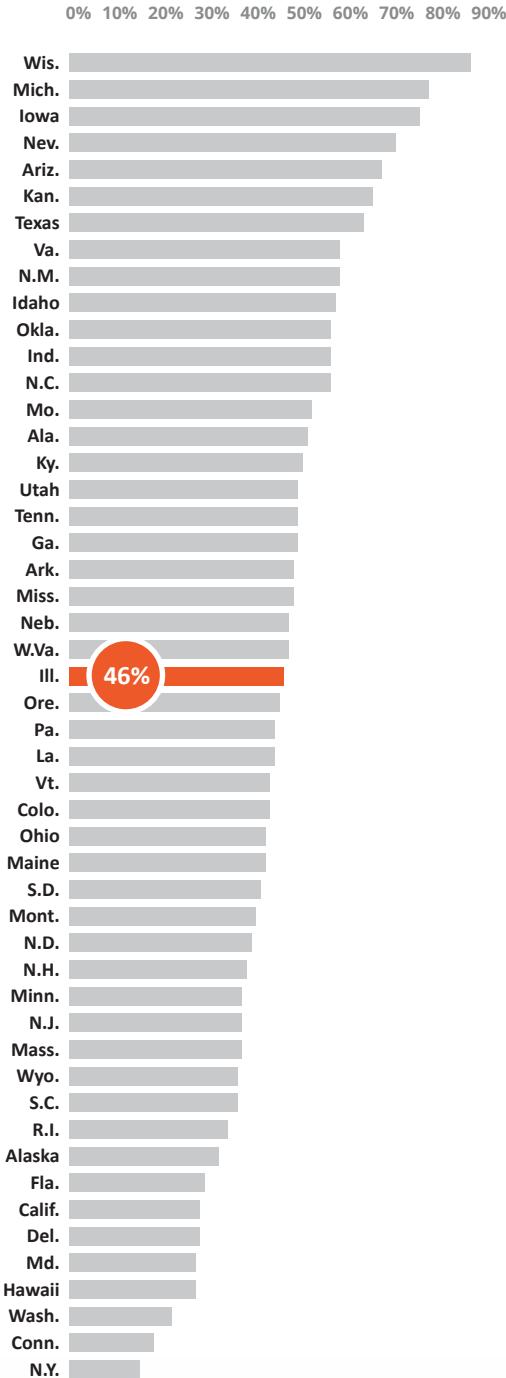
Idaho	Model	
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$1,000.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$50.01	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$100.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	≤90 days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	No	No
Is reporting of a group’s supporters required?	Yes	No
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Are charities exempted?	No	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Clearly	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

Idaho	Model	
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$250.01	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Clearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$50.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Short	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	Yes	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Illinois

24 Rank

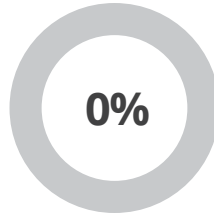
46%



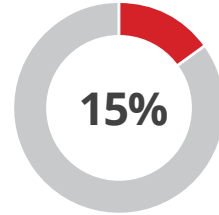
Laws on Political Committees



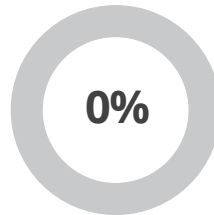
Grassroots Advocacy and Lobbying



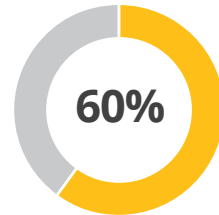
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Illinois	Model	
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$5,000.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$150.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$5,000.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	≤90 days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	No	No
Is reporting of a group’s supporters required?	Yes	No
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Are charities exempted?	Yes	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Somewhat Clearly	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

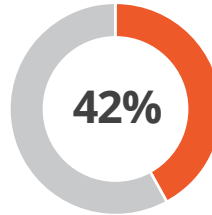
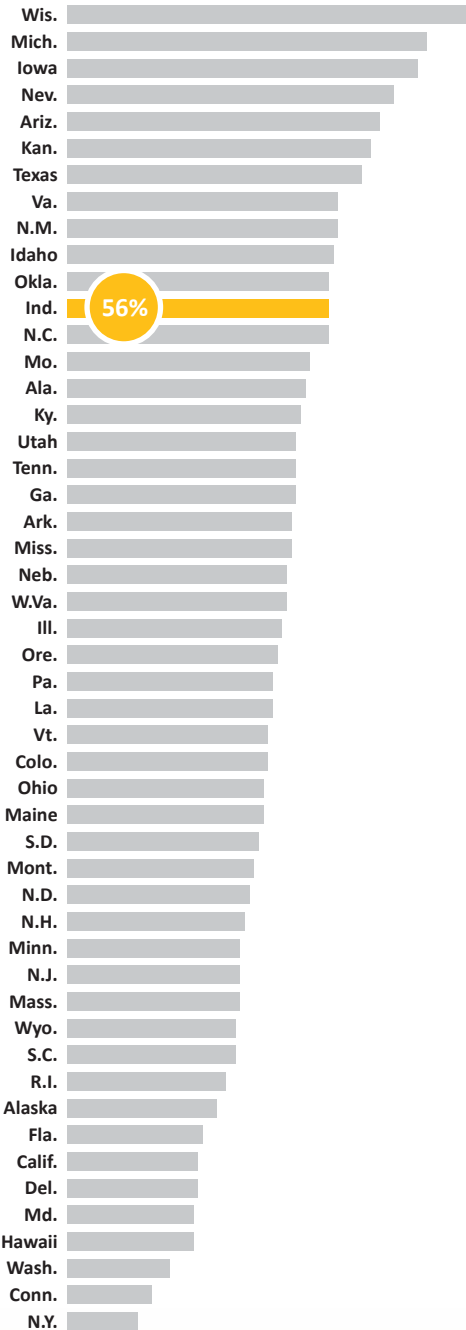
Illinois	Model	
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Same as PACs	No
What contribution size triggers reporting of a supporter’s private information?	\$150.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Indiana

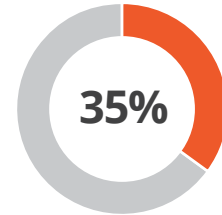
12 Rank

56%

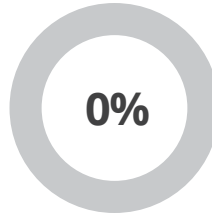
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Laws on Political Committees



Grassroots Advocacy and Lobbying



Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

0% Super PAC Recognition

0% False Statement Laws

100% Private Enforcement of Campaign Laws

Indiana		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$100.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.00	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	No	No
How clearly does the state define speech that triggers coordination rules?	Clearly	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

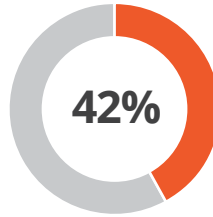
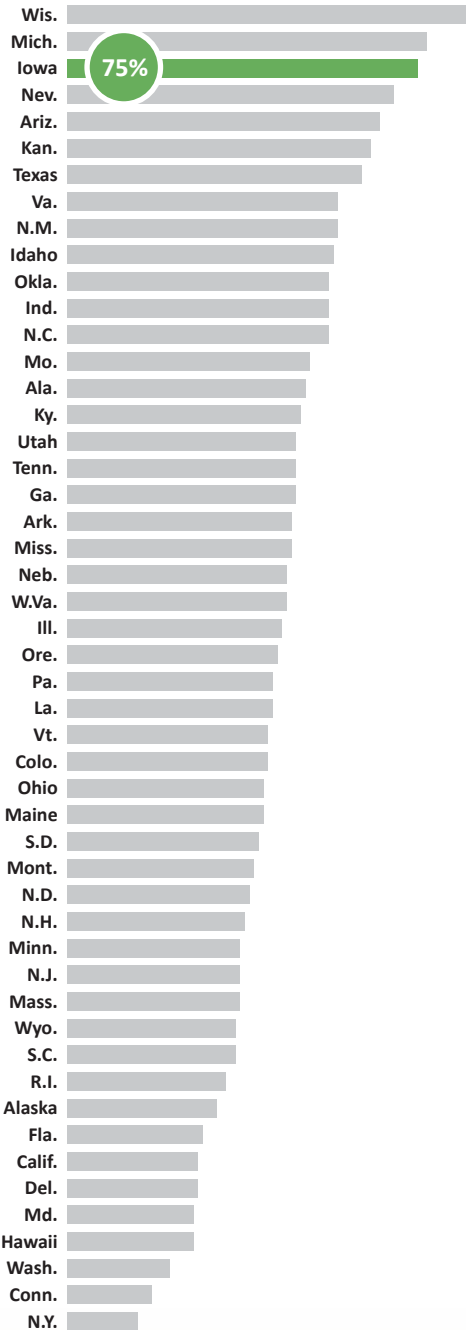
Indiana		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$500.00	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	Yes	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	No Reg.	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

Iowa

3 Rank

75%

0% 10% 20% 30% 40% 50% 60% 70% 80% 90%



Laws on Political Committees



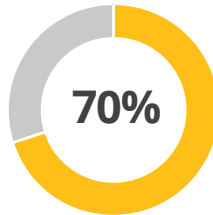
Grassroots Advocacy and Lobbying



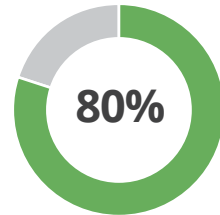
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

0% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Iowa	Model	
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$1,000.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$25.01	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Clearly	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

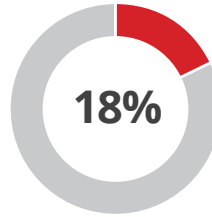
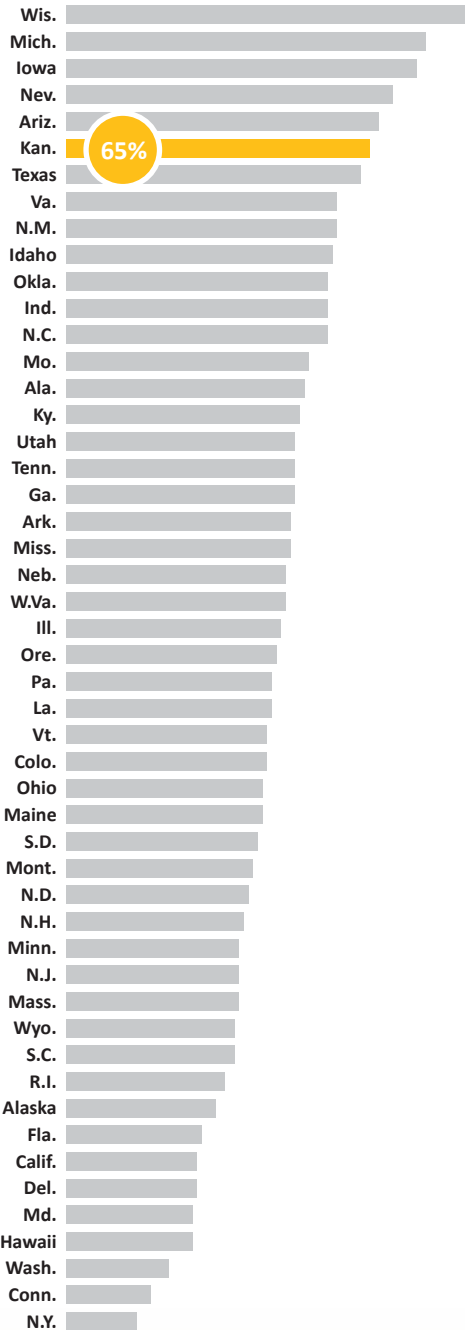
Iowa	Model	
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Clearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Earmarked Only	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Kansas

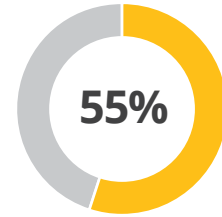
6 Rank

65%

0% 10% 20% 30% 40% 50% 60% 70% 80% 90%



Laws on Political Committees



Grassroots Advocacy and Lobbying



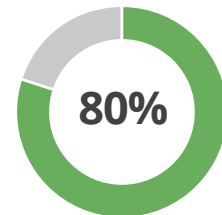
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Kansas		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Minor	The Major
How is this activity defined?	Unclearly	Contributions & Expenditures
What amount of spending triggers registration?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
What contribution size triggers reporting of a supporter’s info?	\$50.01	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Clearly	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

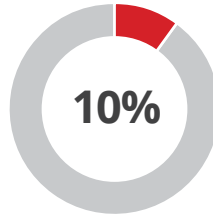
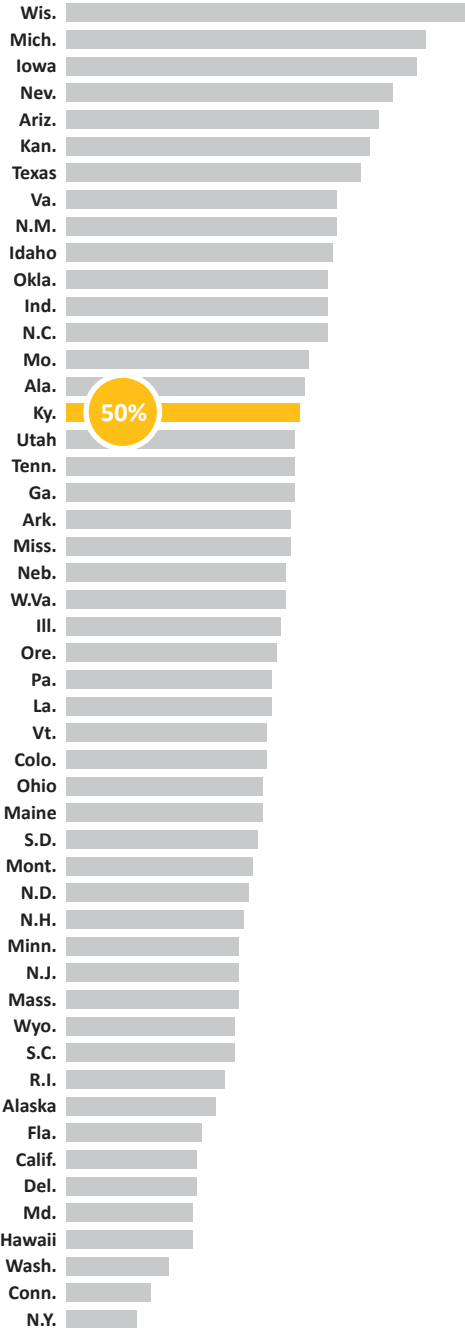
Kansas		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$1,000.00	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Clearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$50.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Kentucky

16 Rank

50%

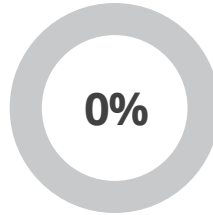
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Laws on Political Committees



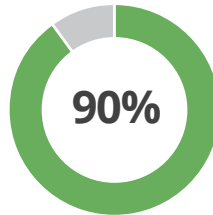
Grassroots Advocacy and Lobbying



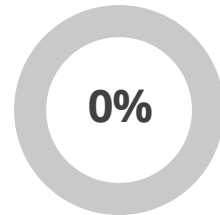
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

0% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Kentucky		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Minor	The Major
How is this activity defined?	Unclearly	Contributions & Expenditures
What amount of spending triggers registration?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

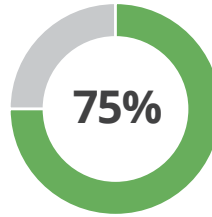
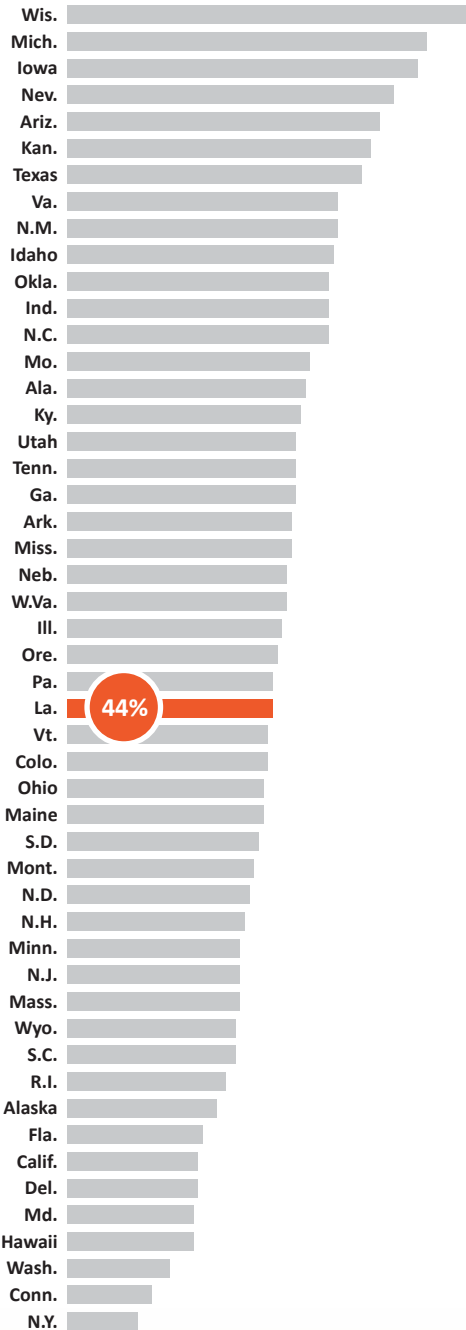
Kentucky		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	No	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Louisiana

27 Rank

44%

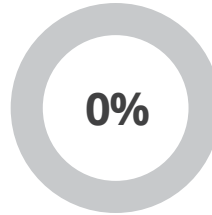
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Laws on Political Committees



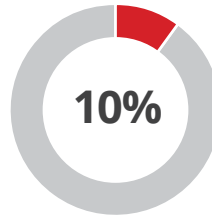
Grassroots Advocacy and Lobbying



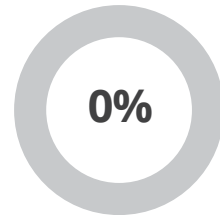
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

0% Super PAC Recognition

0% False Statement Laws

100% Private Enforcement of Campaign Laws

Louisiana		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	The Major	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$500.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$0.00	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

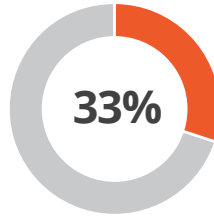
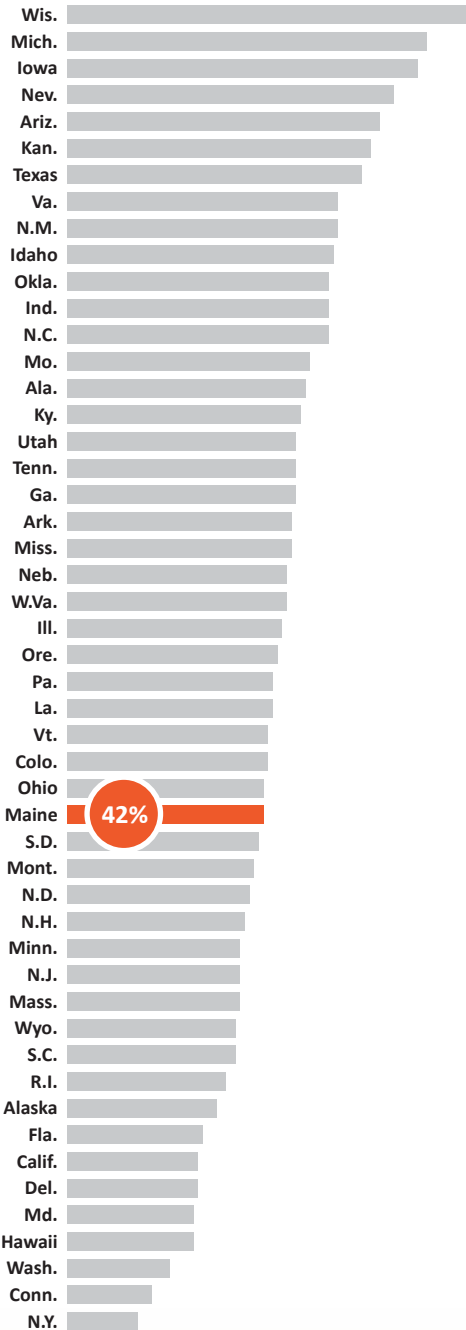
Louisiana		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$0.00	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

Maine

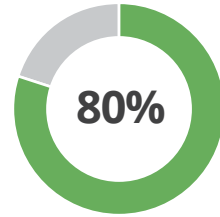
31 Rank

42%

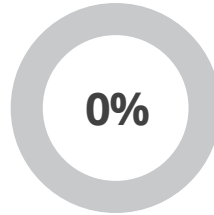
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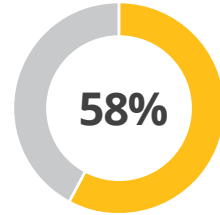
Laws on Political Committees



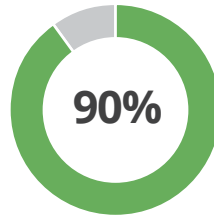
Grassroots Advocacy and Lobbying



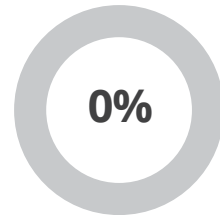
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

0% Disclaimers

0% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Maine		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$1,500.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$50.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$250.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	≤90 days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	Yes	No
Is reporting of a group’s supporters required?	No	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	No	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

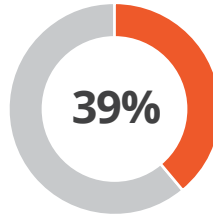
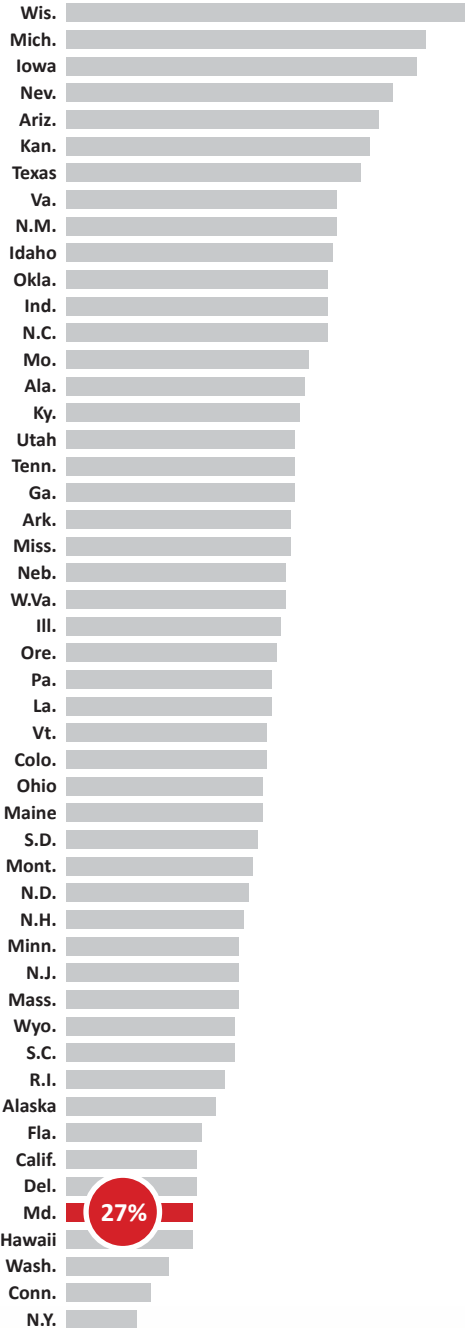
Maine		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	Yes	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	No	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	Yes	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Maryland

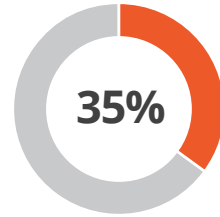
46 Rank

27%

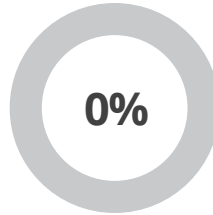
0% 10% 20% 30% 40% 50% 60% 70% 80% 90%



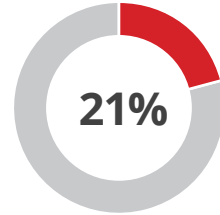
Laws on Political Committees



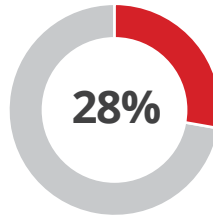
Grassroots Advocacy and Lobbying



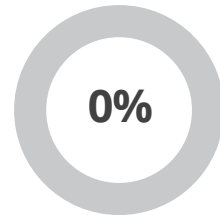
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

0% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Maryland		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	The Major	The Major
How is this activity defined?	Unclearly	Contributions & Expenditures
What amount of spending triggers registration?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
What contribution size triggers reporting of a supporter’s info?	\$0.00	≥\$2,500
Must groups report a supporter’s employer?	Must Ask	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$5,000.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	>90 Days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	No	No
Is reporting of a group’s supporters required?	Yes	No
Can groups protect a donor’s privacy with a separate segregated fund?	Yes	N/A
Can donors stay private by barring their contributions from funding such speech?	Yes	N/A
Are charities exempted?	No	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

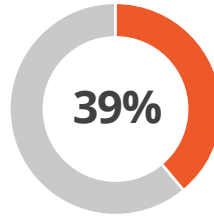
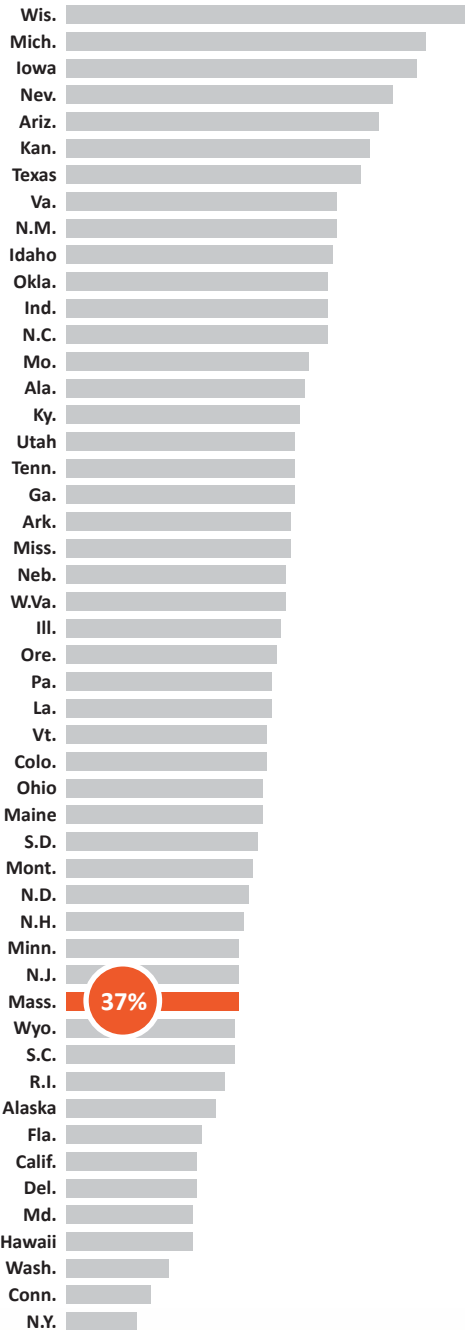
Maryland		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$2,000.01	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	Yes	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$6,000.00	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	Yes	N/A
Can donors stay private by barring their contributions from funding such speech?	Yes	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Massachusetts

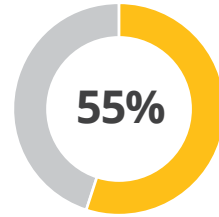
38 Rank

37%

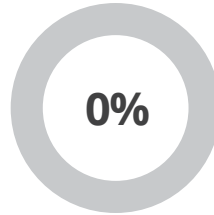
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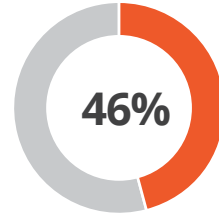
Laws on Political Committees



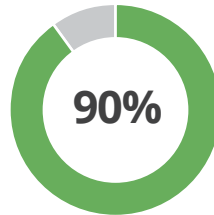
Grassroots Advocacy and Lobbying



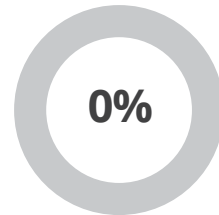
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

0% Disclaimers

100% Super PAC Recognition

0% False Statement Laws

0% Private Enforcement of Campaign Laws

Massachusetts		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
What contribution size triggers reporting of a supporter’s info?	\$50.01	≥\$2,500
Must groups report a supporter’s employer?	Must Ask	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$250.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	>90 Days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	Yes	No
Is reporting of a group’s supporters required?	Earmark	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	No	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

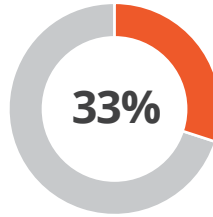
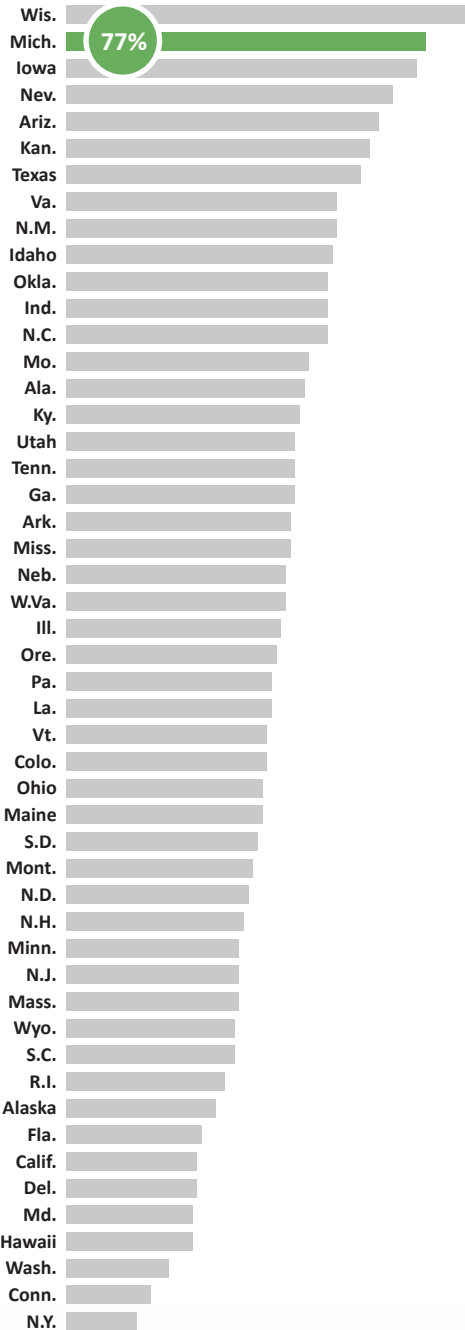
Massachusetts		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$250.01	≥\$5,000
Is reporting of a group’s supporters required?	Yes	No
If reporting is required, is it limited to earmarked donations?	Yes	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	NA	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	No	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	Yes	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	Yes	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

Michigan

2 Rank

77%

0% 10% 20% 30% 40% 50% 60% 70% 80% 90%



Laws on Political Committees



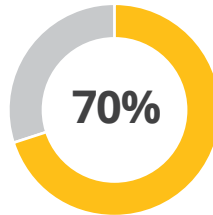
Grassroots Advocacy and Lobbying



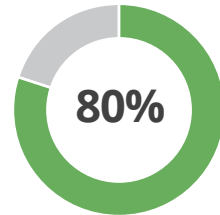
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

0% False Statement Laws

100% Private Enforcement of Campaign Laws

Michigan		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$500.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.00	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Clearly	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

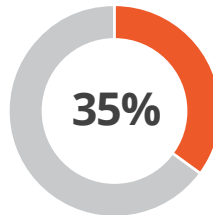
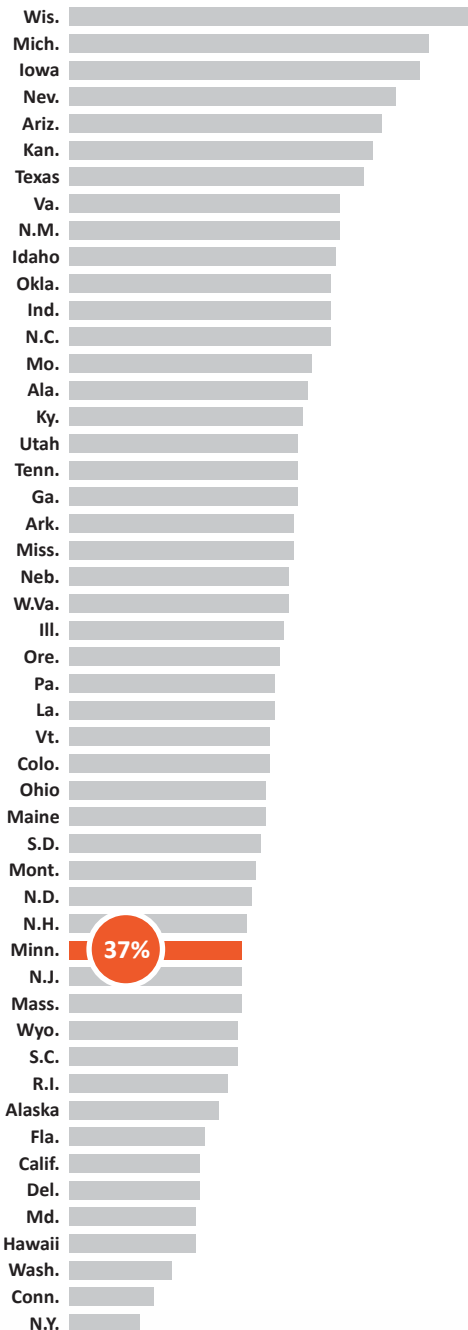
Michigan		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Clearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Earmarked Only	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

Minnesota

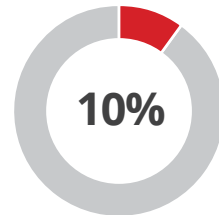
36 Rank

37%

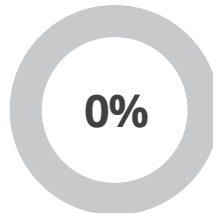
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Laws on Political Committees



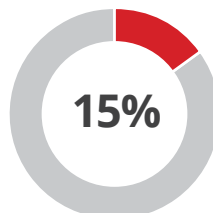
Grassroots Advocacy and Lobbying



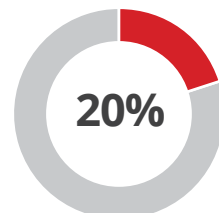
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

0% False Statement Laws

100% Private Enforcement of Campaign Laws

Minnesota		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	The Major	The Major
How is this activity defined?	Unclearly	Contributions & Expenditures
What amount of spending triggers registration?	\$750.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$200.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	No	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

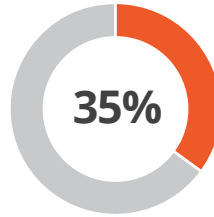
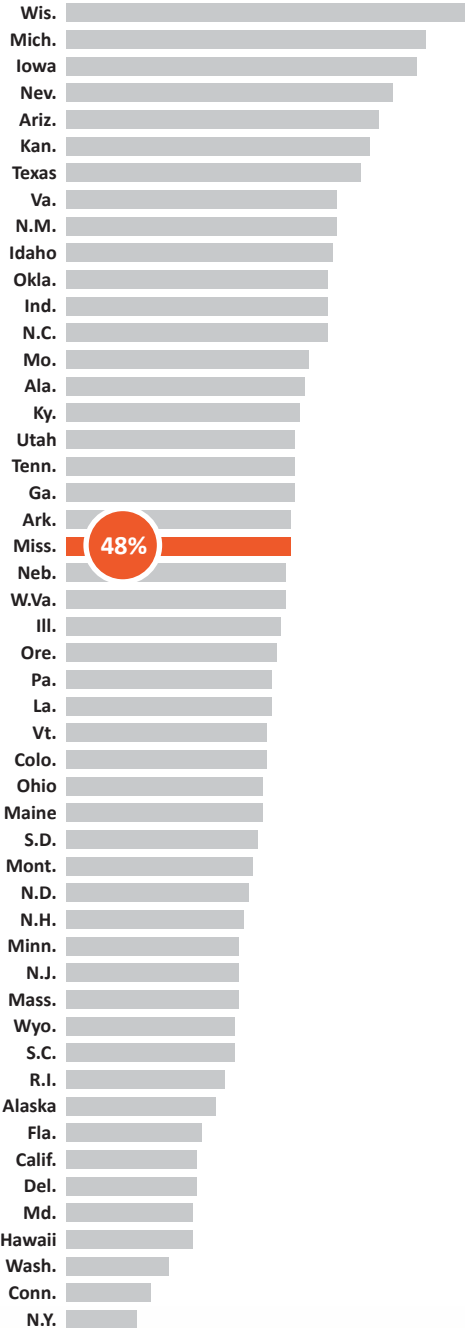
Minnesota		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$50,000.00	≥\$5,000
Is reporting of a group’s supporters required?	Yes	No
If reporting is required, is it limited to earmarked donations?	No	Yes
What donation size triggers reporting of a supporter’s info?	\$500.01	≥\$5,000
Are the monetary thresholds inflation adjusted?	No	Yes
Is donor reporting required for groups that lobby lawmakers?	Yes	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$200.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	Yes	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

Mississippi

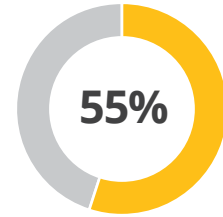
21 Rank

48%

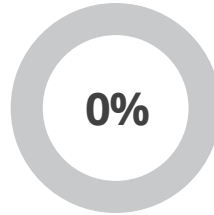
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Laws on Political Committees



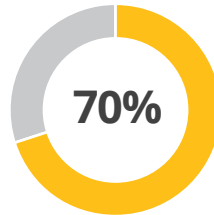
Grassroots Advocacy and Lobbying



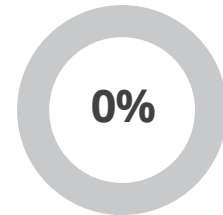
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

0% False Statement Laws

100% Private Enforcement of Campaign Laws

Mississippi		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$200.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$200.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

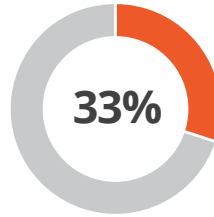
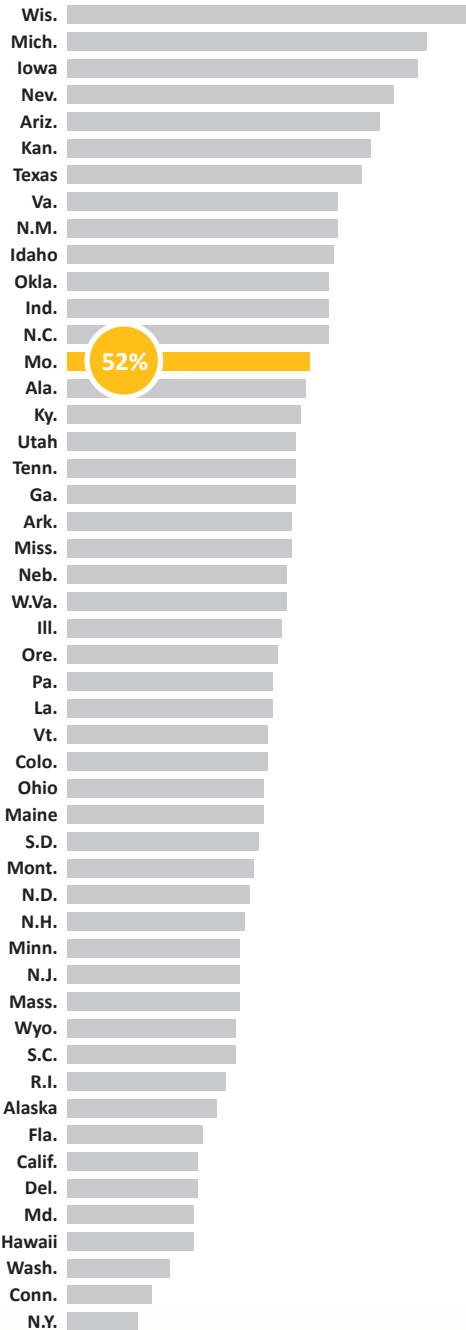
Mississippi		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$0.00	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Earmarked Only	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

Missouri

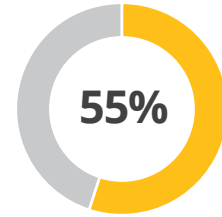
14 Rank

52%

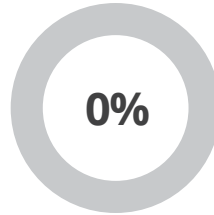
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Laws on Political Committees



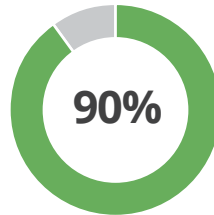
Grassroots Advocacy and Lobbying



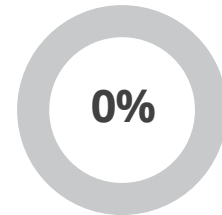
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

100% False Statement Laws

50% Private Enforcement of Campaign Laws

Missouri	Model	
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$250.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$0.00	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

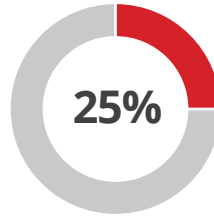
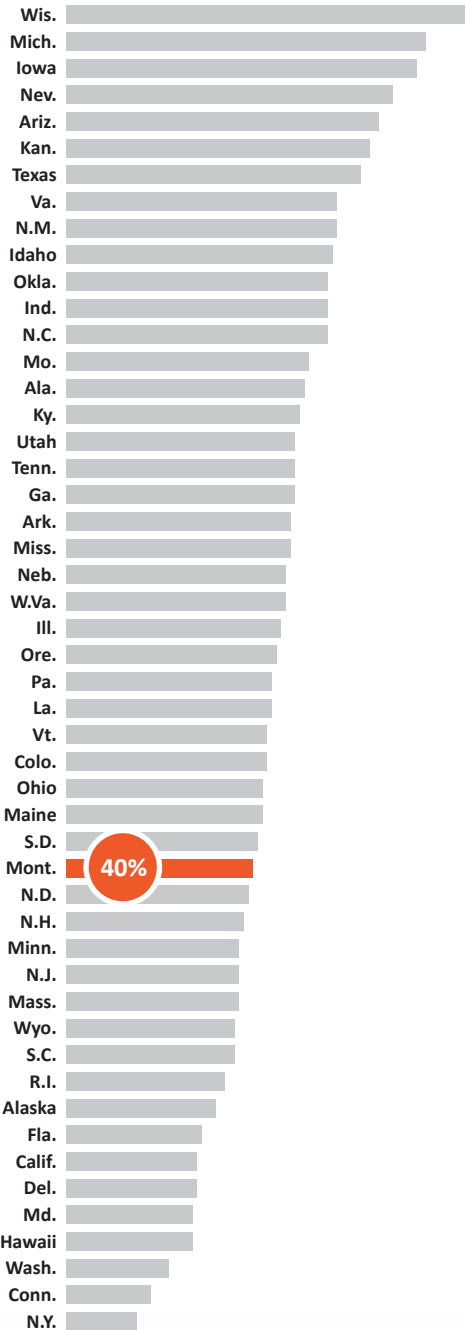
Missouri	Model	
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$0.00	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	No	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	Limited	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Montana

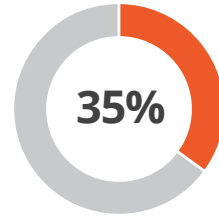
33 Rank

40%

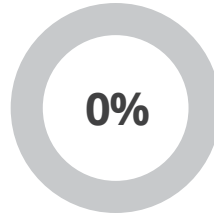
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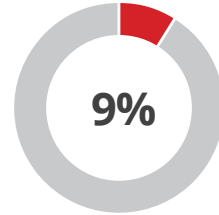
Laws on Political Committees



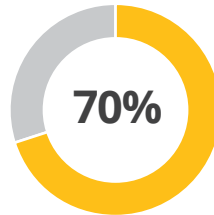
Grassroots Advocacy and Lobbying



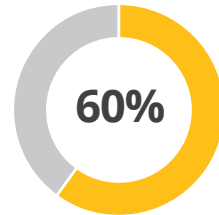
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

0% False Statement Laws

100% Private Enforcement of Campaign Laws

Montana		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Minor	The Major
How is this activity defined?	Specified Activities	Contributions & Expenditures
What amount of spending triggers registration?	\$250.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$35.00	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$250.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	>90 Days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	No	No
Is reporting of a group’s supporters required?	Yes	No
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Are charities exempted?	No	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Somewhat Clearly	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

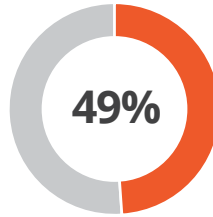
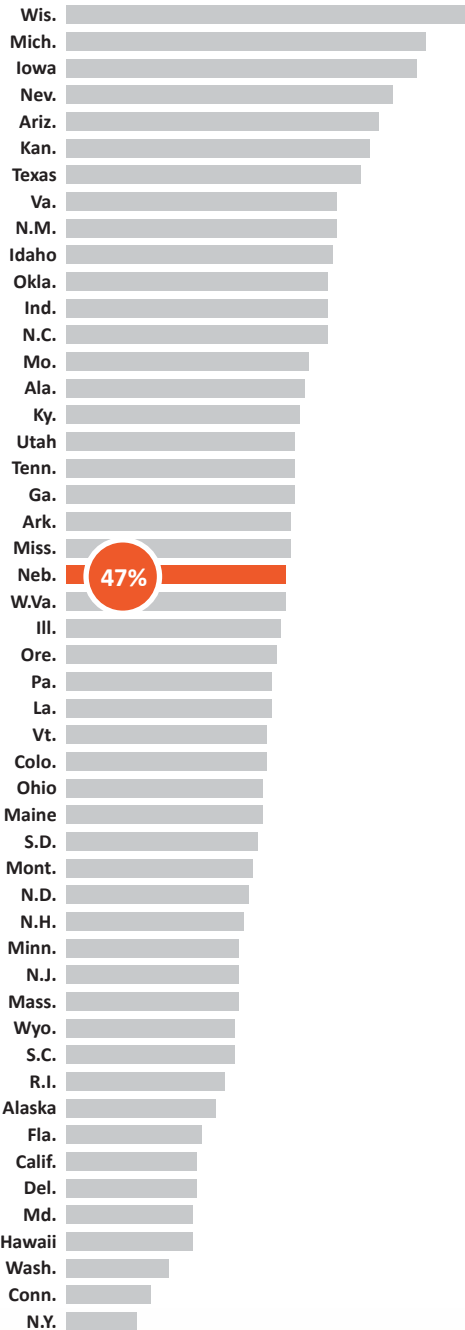
Montana		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$2,500.00	≥\$5,000
Is reporting of a group’s supporters required?	Yes	No
If reporting is required, is it limited to earmarked donations?	Yes	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	Yes	Yes
Is donor reporting required for groups that lobby lawmakers?	Yes	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Earmarked Only	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

Nebraska

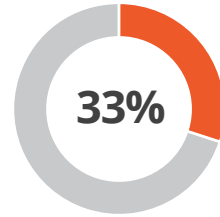
22 Rank

47%

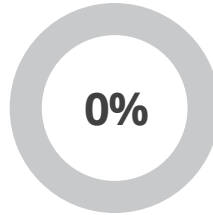
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Laws on Political Committees



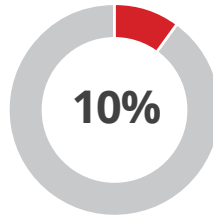
Grassroots Advocacy and Lobbying



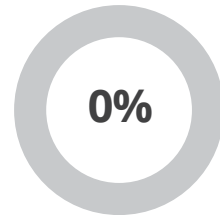
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

100% Disclaimers

100% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Nebraska		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$5,000.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$250.01	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

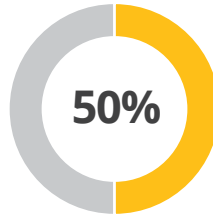
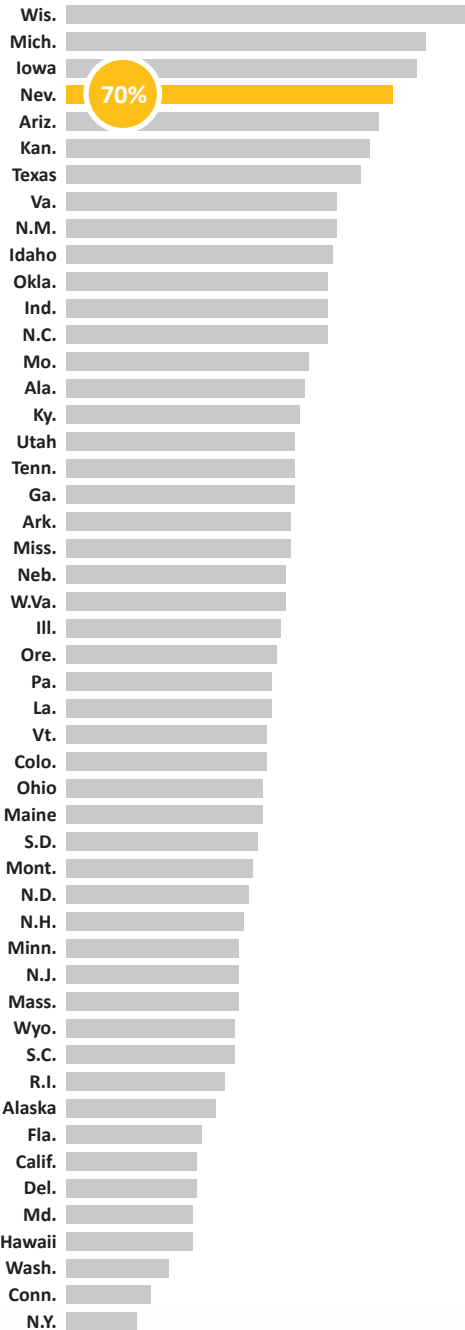
Nebraska		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$0.00	≥\$5,000
Is reporting of a group’s supporters required?	Yes	No
If reporting is required, is it limited to earmarked donations?	Yes	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	No	Yes
Is donor reporting required for groups that lobby lawmakers?	Yes	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$250.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Short	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Nevada

4 Rank

70%

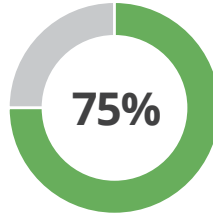
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Laws on Political Committees



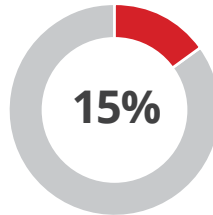
Grassroots Advocacy and Lobbying



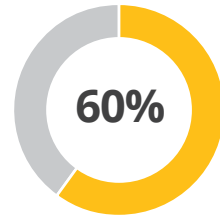
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Nevada		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$1,500.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$1,000.01	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Somewhat Clearly	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

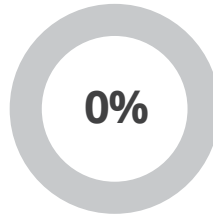
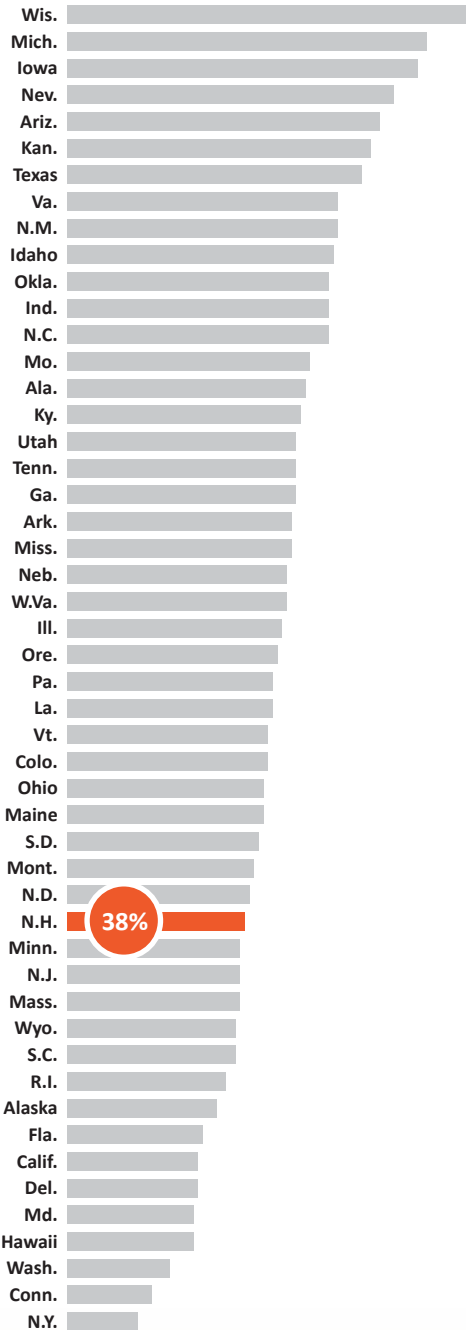
Nevada		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Somewhat Clearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$1,000.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

New Hampshire

35 Rank

38%

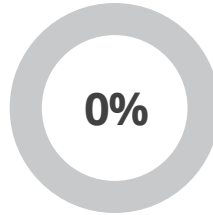
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Laws on Political Committees



Grassroots Advocacy and Lobbying



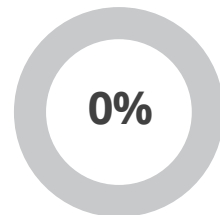
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

0% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

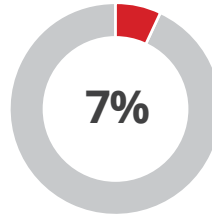
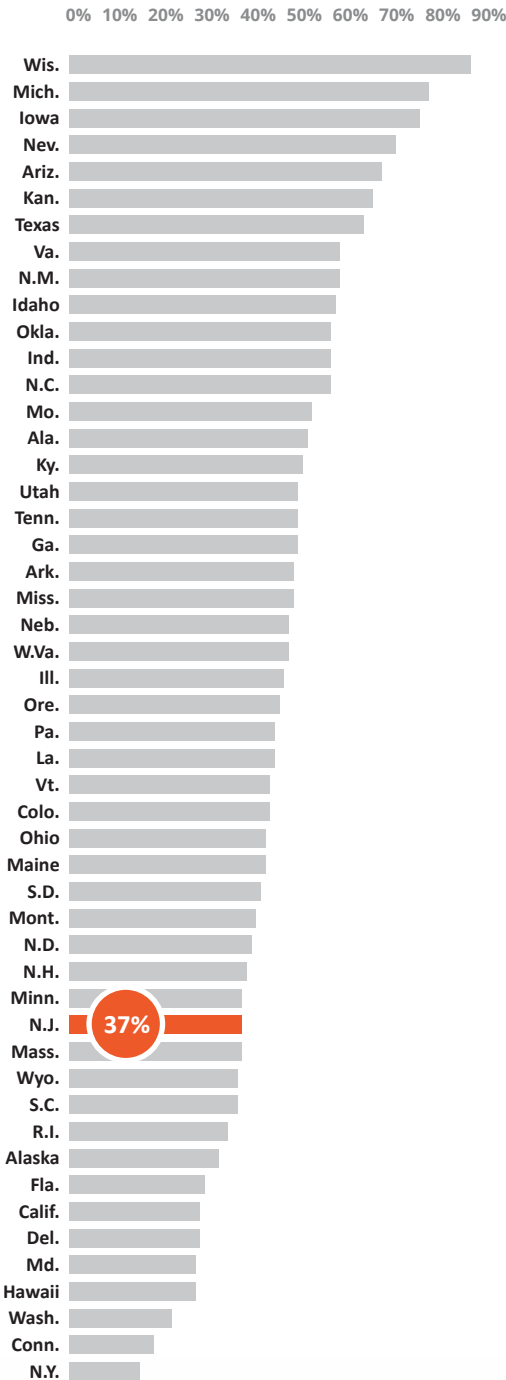
New Hampshire		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Unclearly	Contributions & Expenditures
What amount of spending triggers registration?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$25.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

New Hampshire		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$25.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

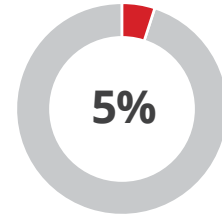
New Jersey

37 Rank

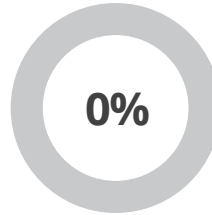
37%



Laws on Political Committees



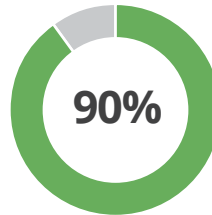
Grassroots Advocacy and Lobbying



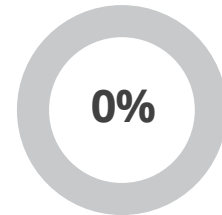
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

0% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

New Jersey		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Unclearly	Contributions & Expenditures
What amount of spending triggers registration?	\$2,400.00	≥\$10,000
Is the spending threshold inflation adjusted?	Yes	Yes
What contribution size triggers reporting of a supporter’s info?	\$300.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

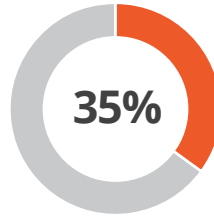
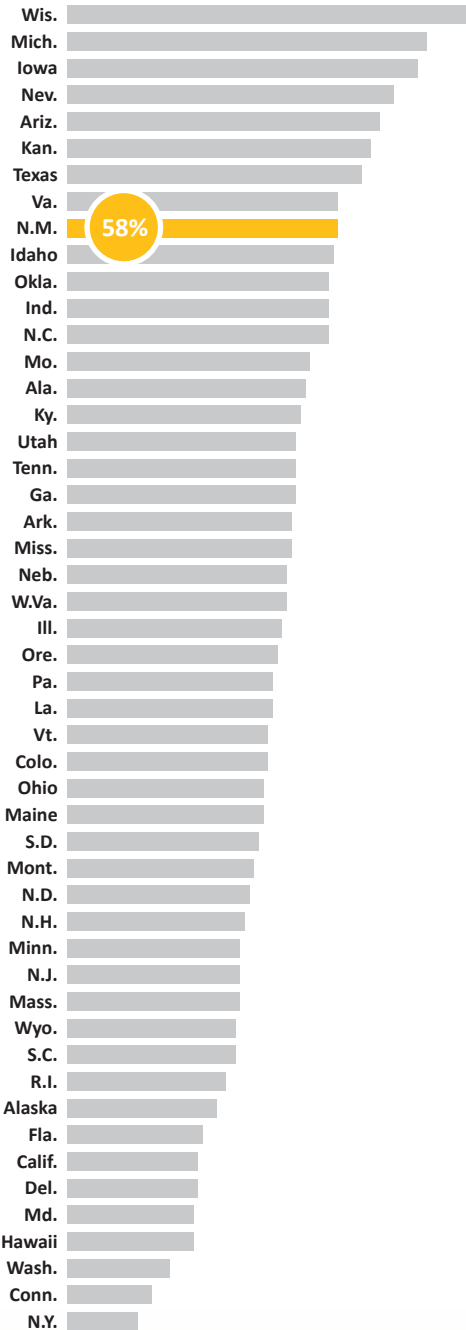
New Jersey		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	Yes	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$2,500.00	≥\$5,000
Is reporting of a group’s supporters required?	Yes	No
If reporting is required, is it limited to earmarked donations?	No	Yes
What donation size triggers reporting of a supporter’s info?	\$100.00	≥\$5,000
Are the monetary thresholds inflation adjusted?	No	Yes
Is donor reporting required for groups that lobby lawmakers?	Yes	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	No	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

New Mexico

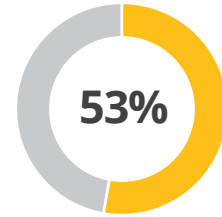
9 Rank

58%

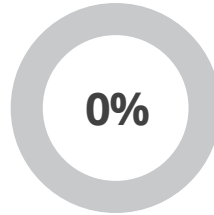
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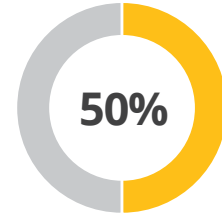
Laws on Political Committees



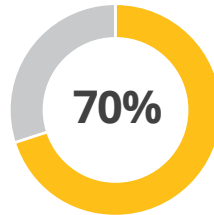
Grassroots Advocacy and Lobbying



Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

New Mexico		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	The Major	The Major
How is this activity defined?	Unclearly	Contributions & Expenditures
What amount of spending triggers registration?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
What contribution size triggers reporting of a supporter’s info?	\$200.00	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$3,000.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	≤90 days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	No	No
Is reporting of a group’s supporters required?	Earmark	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	No	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	No	No
How clearly does the state define speech that triggers coordination rules?	Clearly	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

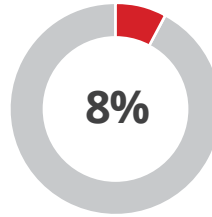
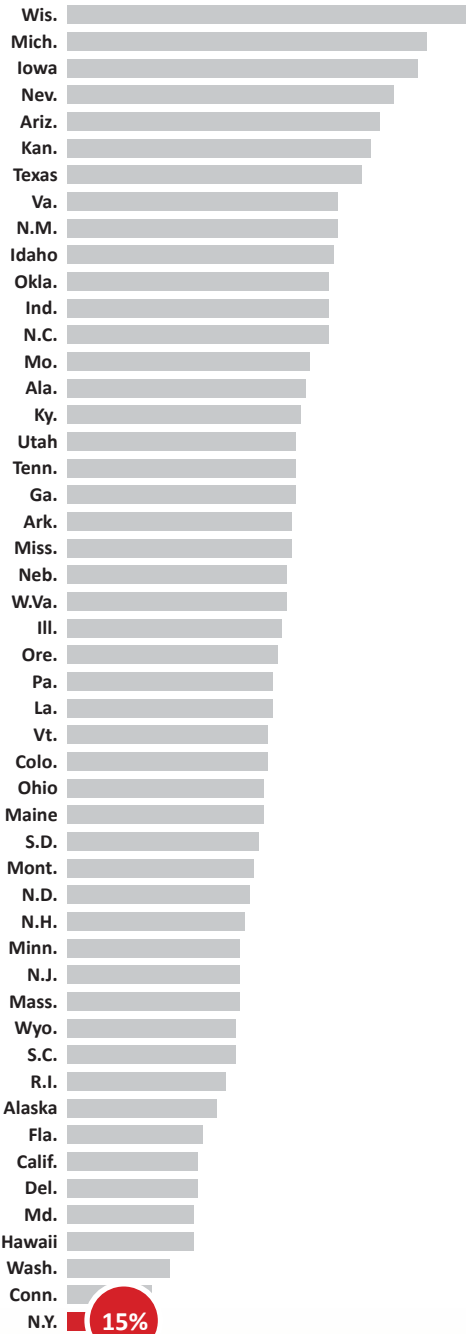
New Mexico		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$2,500.00	≥\$5,000
Is reporting of a group’s supporters required?	Yes	No
If reporting is required, is it limited to earmarked donations?	Yes	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	No	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Earmarked Only	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

New York

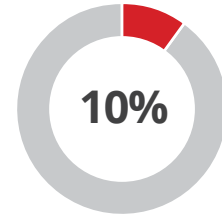
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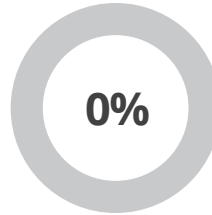
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Laws on Political Committees



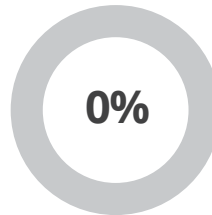
Grassroots Advocacy and Lobbying



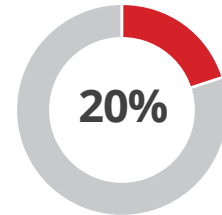
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

0% Super PAC Recognition

100% False Statement Laws

50% Private Enforcement of Campaign Laws

New York		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Unclearly	Contributions & Expenditures
What amount of spending triggers registration?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
What contribution size triggers reporting of a supporter’s info?	\$99.01	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	≤90 days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	Yes	No
Is reporting of a group’s supporters required?	Yes	No
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Are charities exempted?	Yes	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	No	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

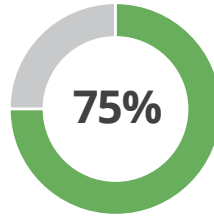
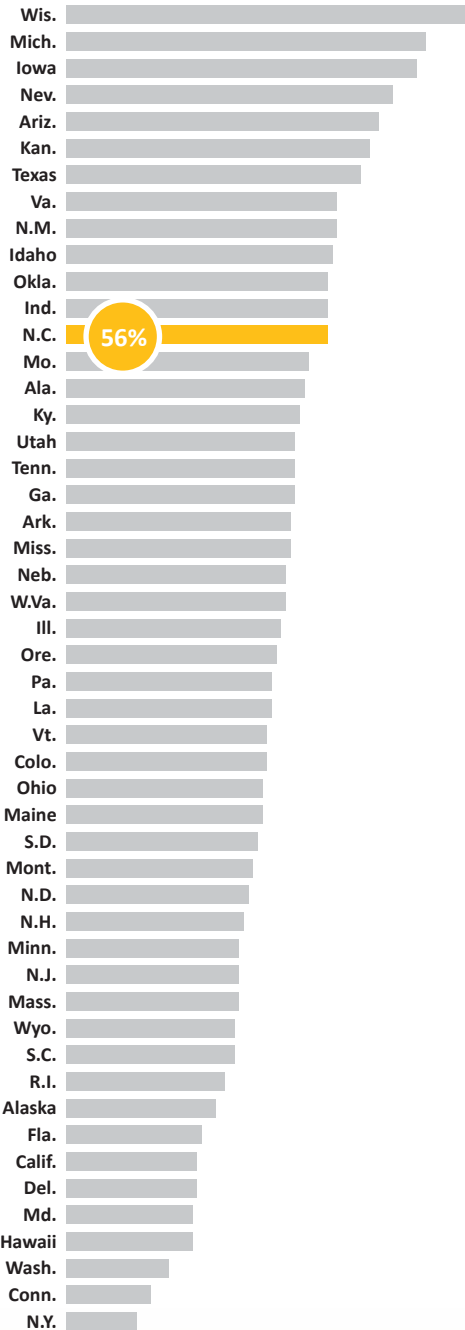
New York		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$5,000.00	≥\$5,000
Is reporting of a group’s supporters required?	Yes	No
If reporting is required, is it limited to earmarked donations?	No	Yes
What donation size triggers reporting of a supporter’s info?	\$2,500.00	≥\$5,000
Are the monetary thresholds inflation adjusted?	No	Yes
Is donor reporting required for groups that lobby lawmakers?	Yes	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Same as PACs	No
What contribution size triggers reporting of a supporter’s private information?	\$99.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	Limited	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

North Carolina

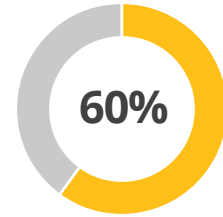
56%

13 Rank

0% 10% 20% 30% 40% 50% 60% 70% 80% 90%



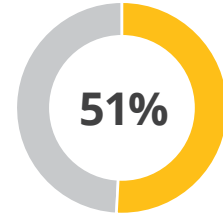
Laws on Political Committees



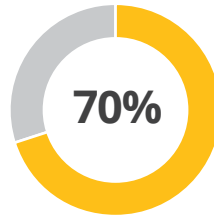
Grassroots Advocacy and Lobbying



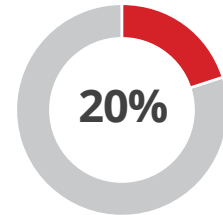
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

0% Super PAC Recognition

0% False Statement Laws

100% Private Enforcement of Campaign Laws

North Carolina		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	The Major	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
What contribution size triggers reporting of a supporter’s info?	\$50.00	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$5,000.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	>90 Days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	No	No
Is reporting of a group’s supporters required?	Earmark	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	No	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	No	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

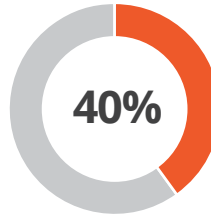
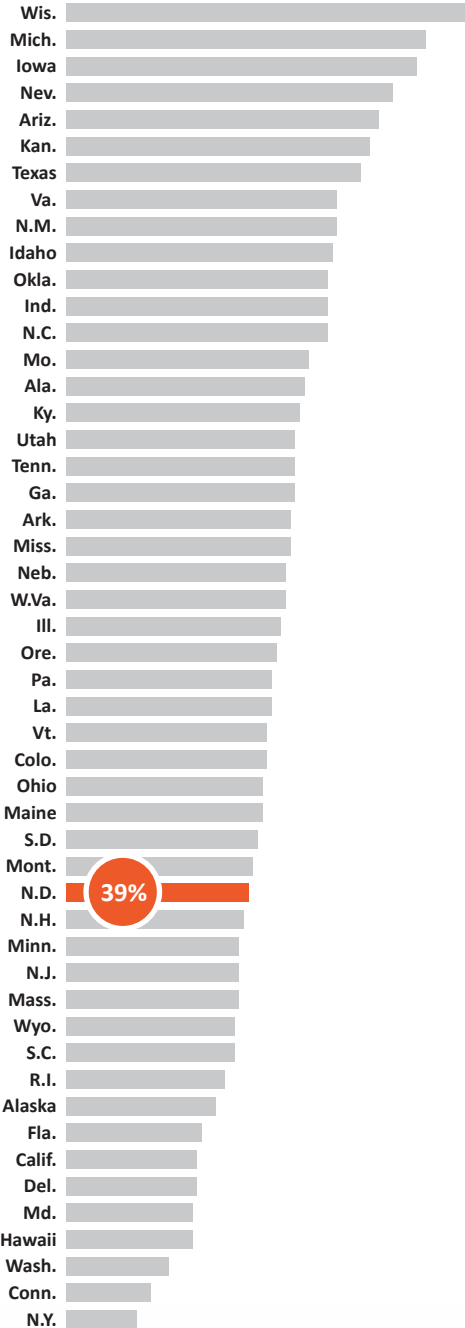
North Carolina		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	Yes	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$3,000.00	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Clearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Earmarked Only	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

North Dakota

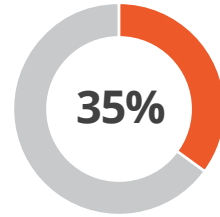
34 Rank

39%

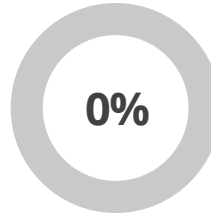
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Laws on Political Committees



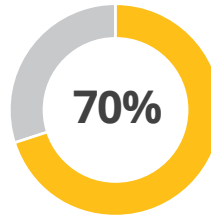
Grassroots Advocacy and Lobbying



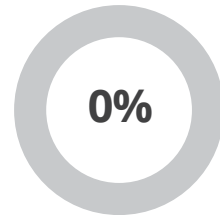
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

0% Super PAC Recognition

0% False Statement Laws

100% Private Enforcement of Campaign Laws

North Dakota		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	Yes	Yes
What contribution size triggers reporting of a supporter’s info?	\$200.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

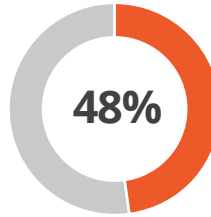
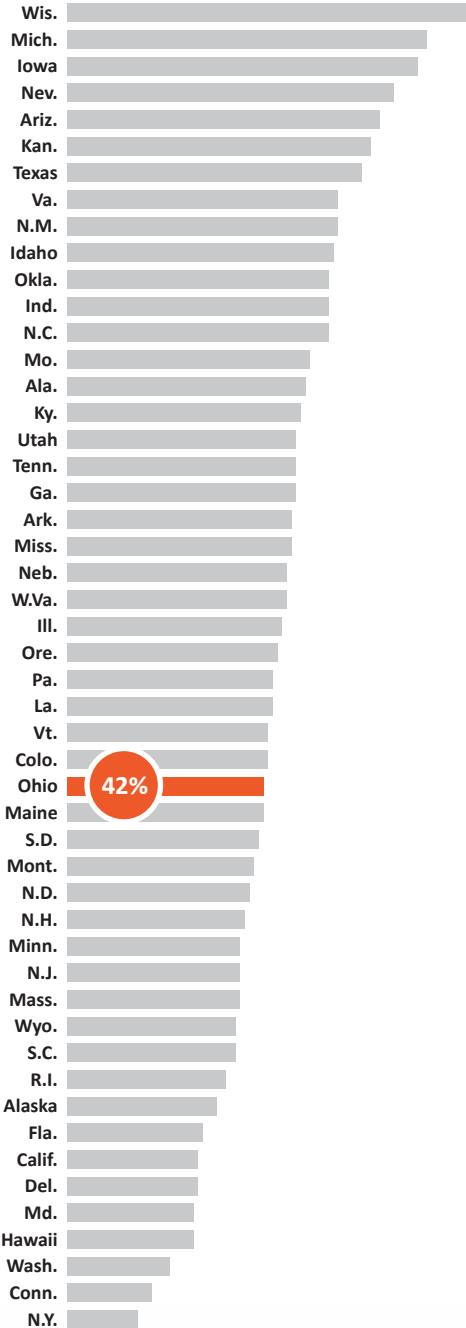
North Dakota		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$0.00	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	Yes	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Earmarked Only	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

Ohio

30 Rank

42%

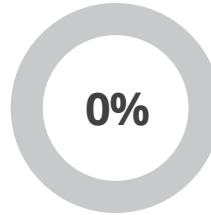
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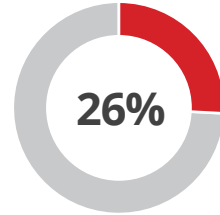
Laws on Political Committees



Grassroots Advocacy and Lobbying



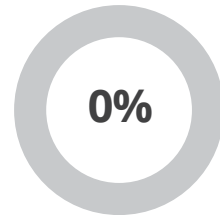
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

0% Super PAC Recognition

0% False Statement Laws

100% Private Enforcement of Campaign Laws

Ohio	Model	
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	The Major	The Major
How is this activity defined?	Specified Activities	Contributions & Expenditures
What amount of spending triggers registration?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
What contribution size triggers reporting of a supporter’s info?	\$0.00	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	Yes	Yes
What amount of spending triggers reporting?	\$10,000.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	>90 Days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	Yes	No
Is reporting of a group’s supporters required?	Yes	No
Can groups protect a donor’s privacy with a separate segregated fund?	Yes	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Are charities exempted?	No	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

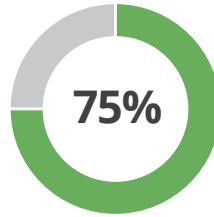
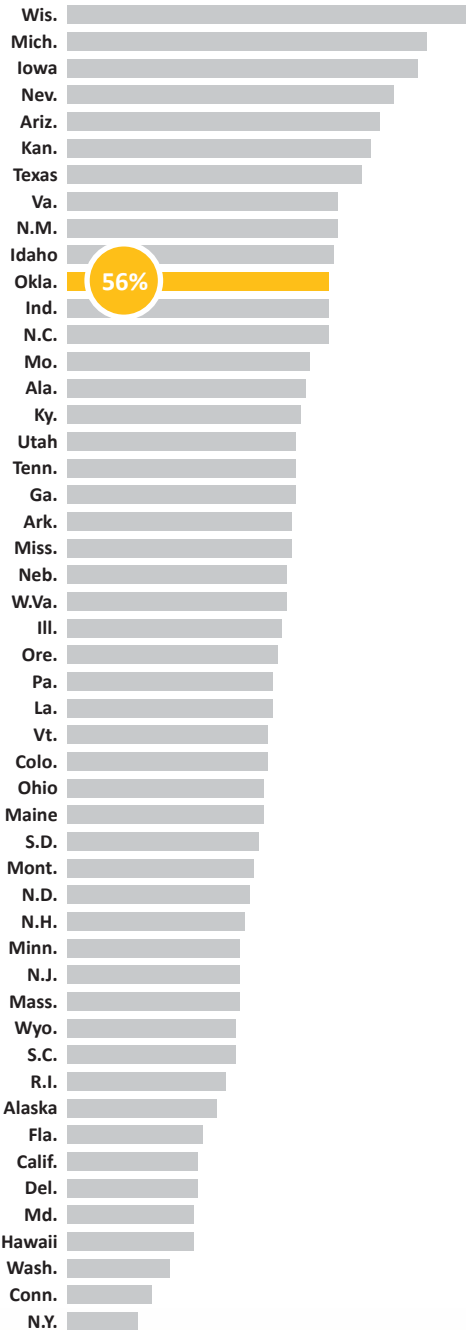
Ohio	Model	
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	No Reg.	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

Oklahoma

11 Rank

56%

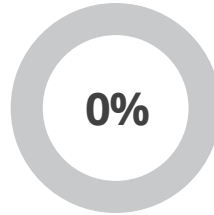
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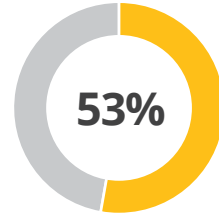
Laws on Political Committees



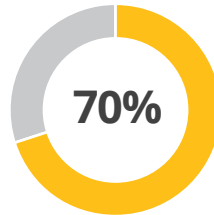
Grassroots Advocacy and Lobbying



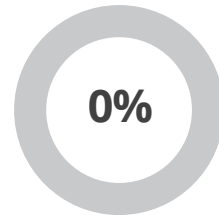
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

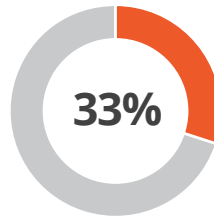
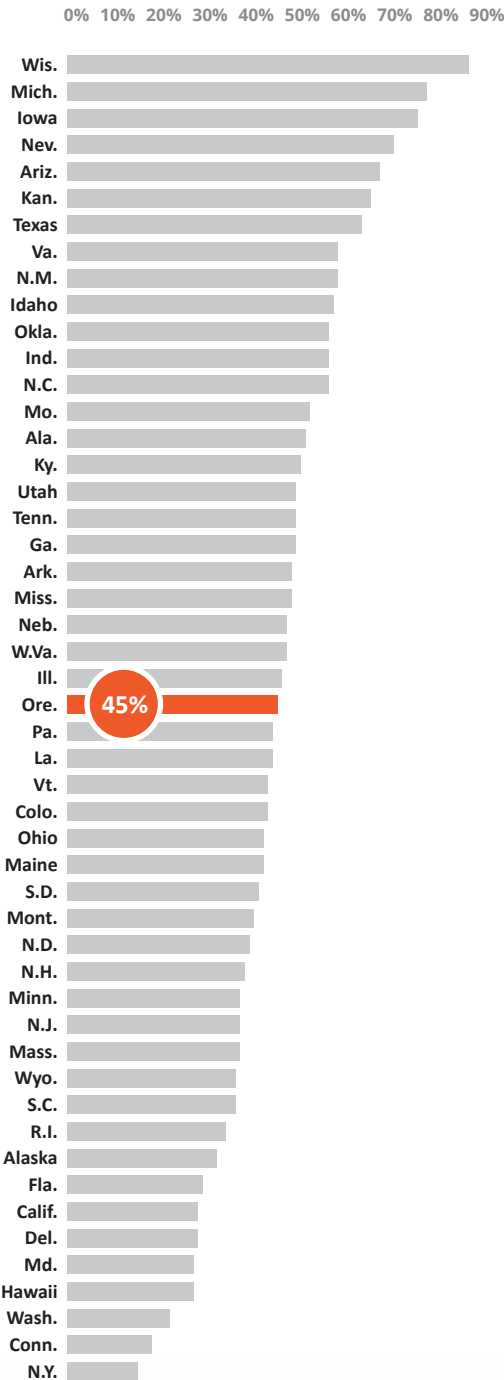
Oklahoma	Model	
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	The Major	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$500.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$50.01	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$5,000.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	≤90 days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	No	No
Is reporting of a group’s supporters required?	Earmark	No
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Are charities exempted?	No	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

Oklahoma	Model	
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Earmarked Only	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

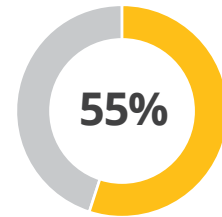
Oregon

25 Rank

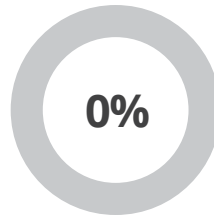
45%



Laws on Political Committees



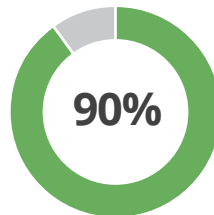
Grassroots Advocacy and Lobbying



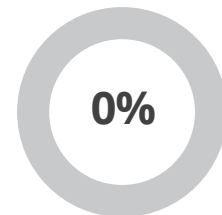
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations



Disclaimers



Super PAC Recognition



False Statement Laws



Private Enforcement of Campaign Laws

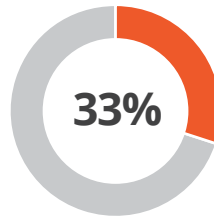
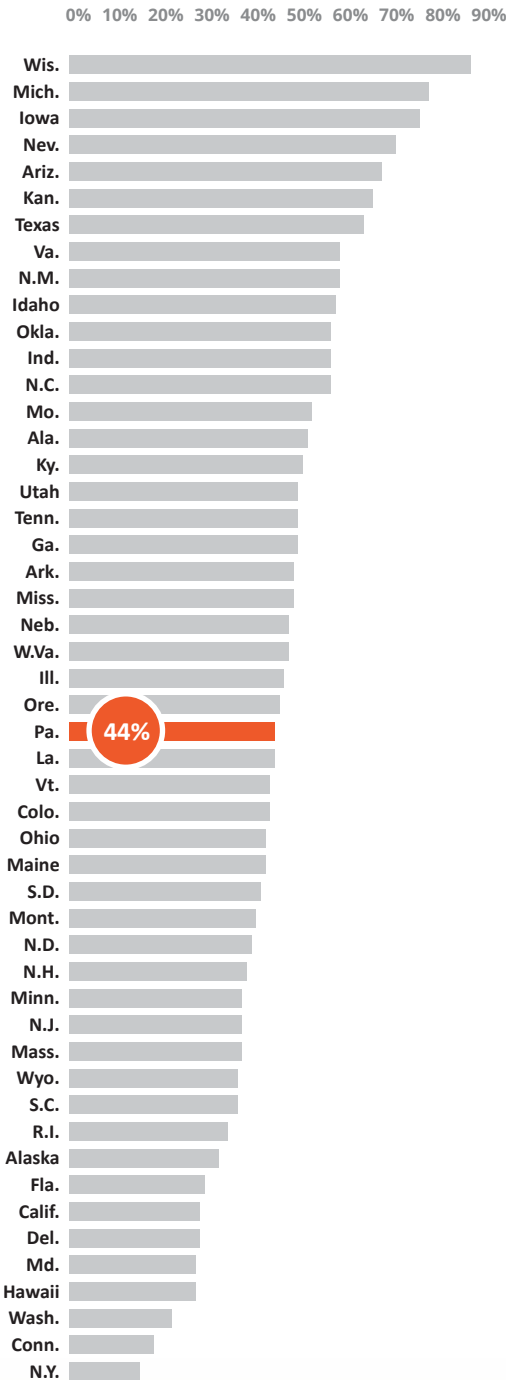
Oregon	Model	
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

Oregon	Model	
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$100.00	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	No	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	Yes	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	Limited	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

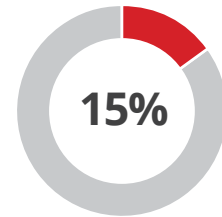
Pennsylvania

44%

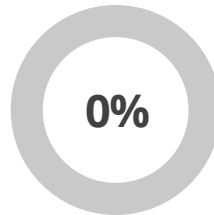
26 Rank



Laws on Political Committees



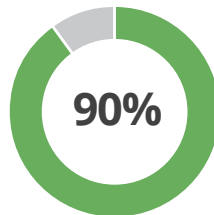
Grassroots Advocacy and Lobbying



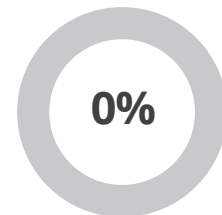
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

100% Disclaimers

0% Super PAC Recognition

100% False Statement Laws

50% Private Enforcement of Campaign Laws

Pennsylvania		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$250.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$50.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

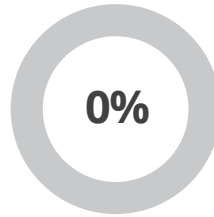
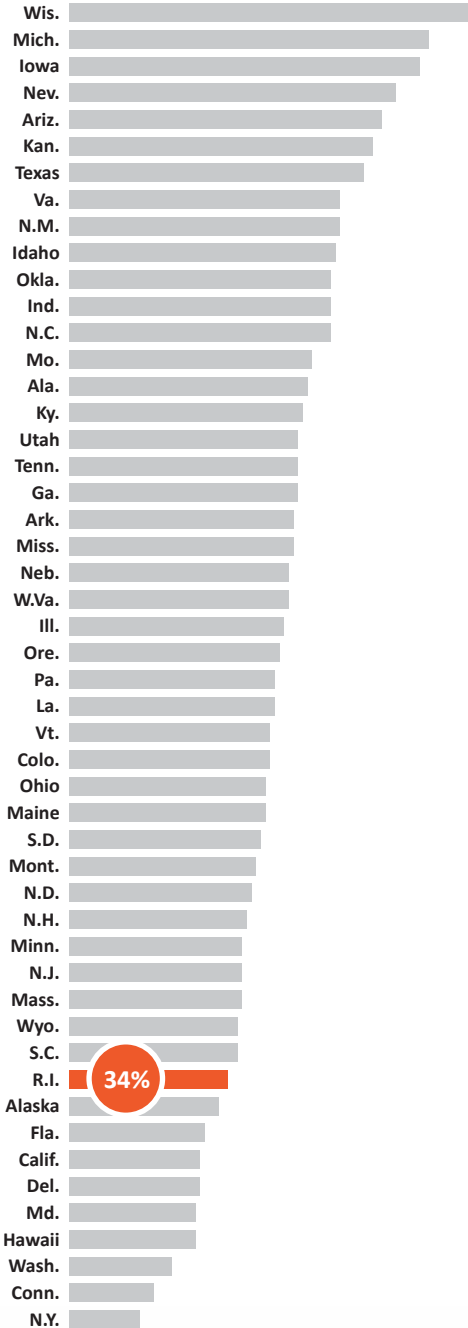
Pennsylvania		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	Yes	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$2,500.01	≥\$5,000
Is reporting of a group’s supporters required?	Yes	No
If reporting is required, is it limited to earmarked donations?	No	Yes
What donation size triggers reporting of a supporter’s info?	\$5,000.00	≥\$5,000
Are the monetary thresholds inflation adjusted?	No	Yes
Is donor reporting required for groups that lobby lawmakers?	Yes	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	No	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Short	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	Limited	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Rhode Island

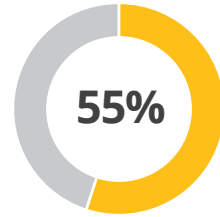
41 Rank

34%

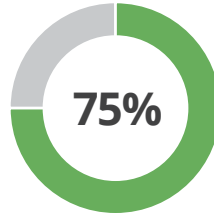
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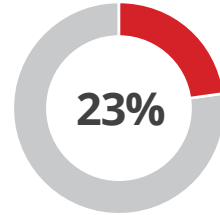
Laws on Political Committees



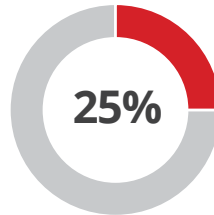
Grassroots Advocacy and Lobbying



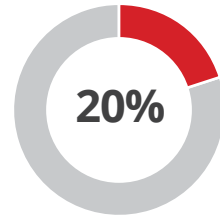
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

0% Disclaimers

0% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Rhode Island		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Unclearly	Contributions & Expenditures
What amount of spending triggers registration?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$1,000.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	≤90 days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	No	No
Is reporting of a group’s supporters required?	Yes	No
Can groups protect a donor’s privacy with a separate segregated fund?	Yes	N/A
Can donors stay private by barring their contributions from funding such speech?	Yes	N/A
Are charities exempted?	Yes	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly, but Near an Election	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

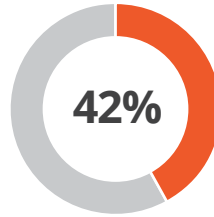
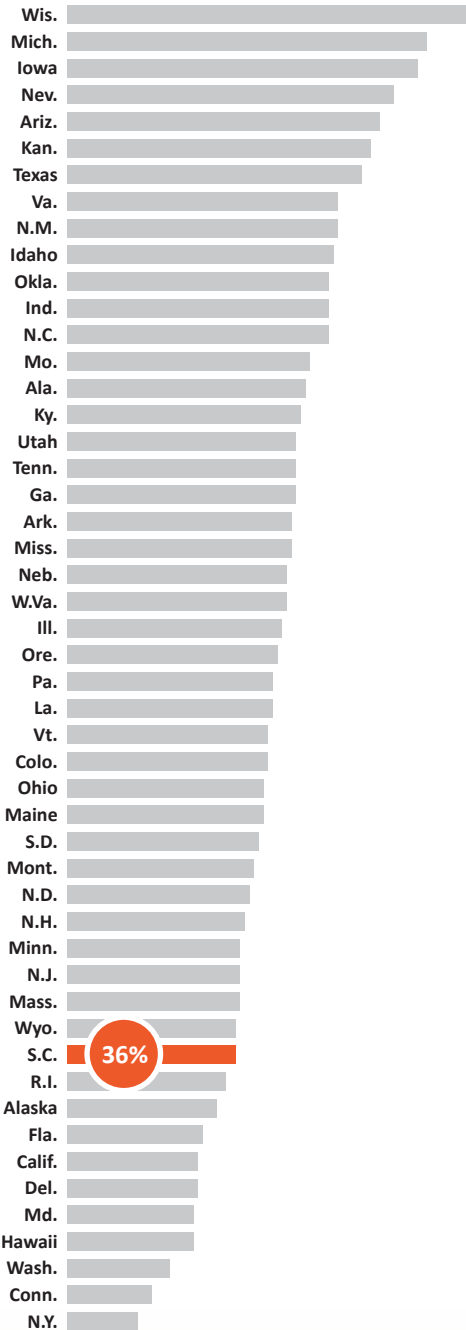
Rhode Island		Model	
Grassroots Advocacy and Lobbying			
Are groups that advocate only to the public regulated?	Yes	No	
Is regulation limited to a clear list of activities?	No	Yes	
Is regulation limited to speech about pending bills?	No	Yes	
What amount of spending triggers reporting?	\$0.00	≥\$5,000	
Is reporting of a group’s supporters required?	No	No	
If reporting is required, is it limited to earmarked donations?	N/A	Yes	
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000	
Are the monetary thresholds inflation adjusted?	N/A	Yes	
Is donor reporting required for groups that lobby lawmakers?	No	No	
Definition of Campaign “Expenditure”			
How clearly does the state define a campaign expenditure?	Somewhat Clearly	Clearly	
Regulation of Independent Expenditures by Non-Political Committees			
Do these groups have donor reporting requirements?	Yes	No	
What contribution size triggers reporting of a supporter’s private information?	\$1,000.00	≥\$10,000	
Can groups protect a donor’s privacy with a separate segregated fund?	Yes	N/A	
Can donors stay private by barring their contributions from funding such speech?	Yes	N/A	
Disclaimers			
How long are required disclaimers?	Long	Short	
Must donors be listed on disclaimers?	Yes	No	
Private Enforcement of Campaign Laws			
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No	
False Statement Laws			
Does the state decide whether political speech is true or false?	No	No	

South Carolina

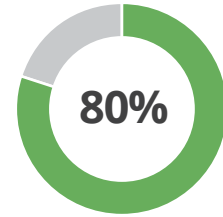
40 Rank

36%

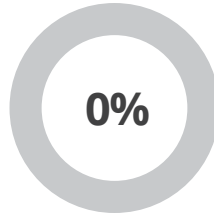
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Laws on Political Committees



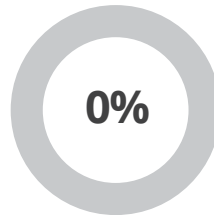
Grassroots Advocacy and Lobbying



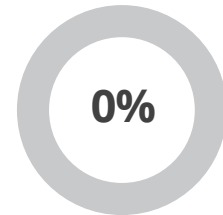
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

0% Super PAC Recognition

100% False Statement Laws

0% Private Enforcement of Campaign Laws

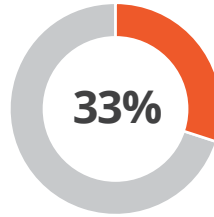
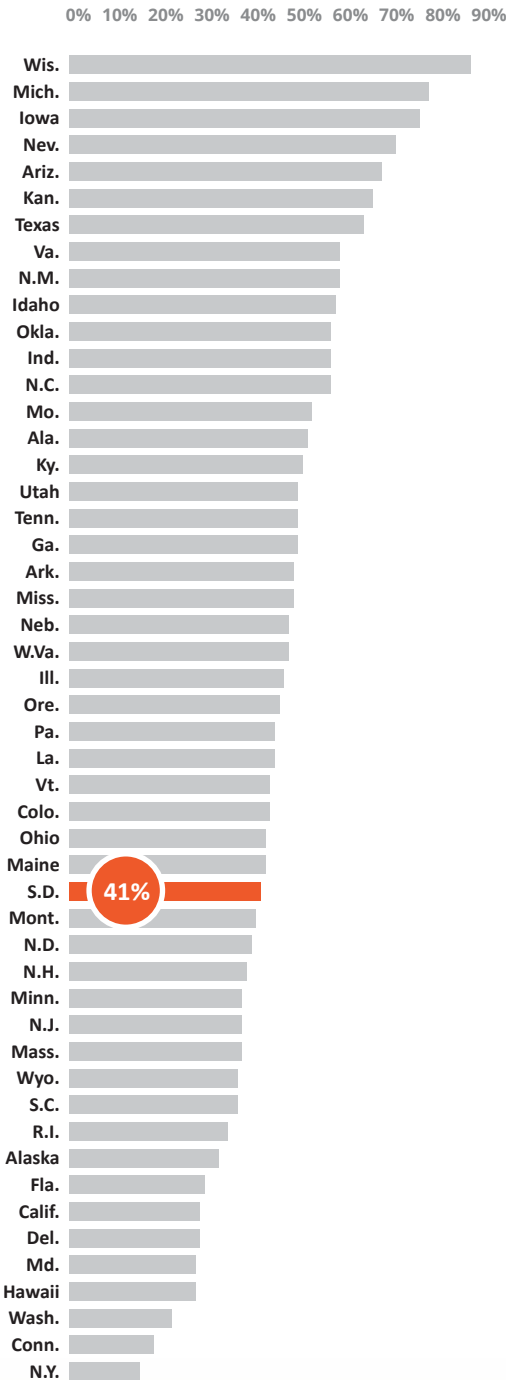
South Carolina	Model	
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$500.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.01	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

South Carolina	Model	
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	Yes	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Same as PACs	No
What contribution size triggers reporting of a supporter’s private information?	\$100.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	Yes	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

South Dakota

41%

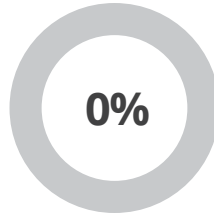
32 Rank



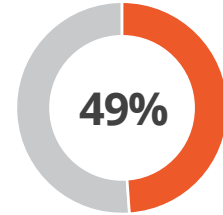
Laws on Political Committees



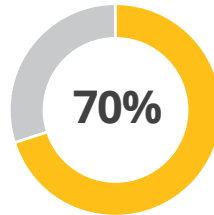
Grassroots Advocacy and Lobbying



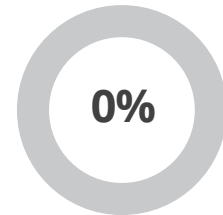
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

0% Disclaimers

0% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

South Dakota		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$500.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$100.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	>90 Days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	No	No
Is reporting of a group’s supporters required?	Earmark	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	No	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

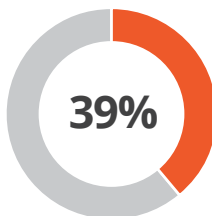
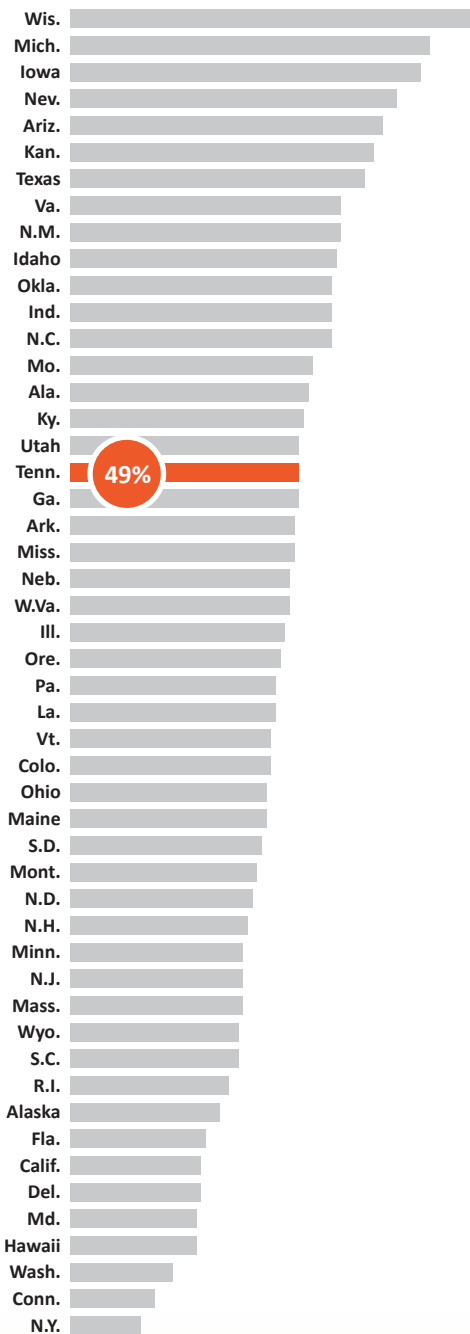
South Dakota		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Earmarked Only	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	Yes	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Tennessee

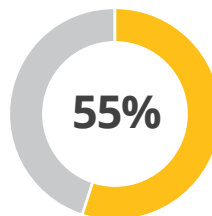
49%

18 Rank

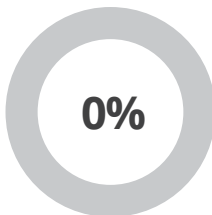
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Laws on Political Committees



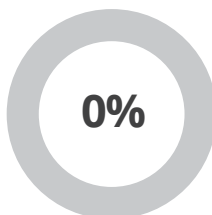
Grassroots Advocacy and Lobbying



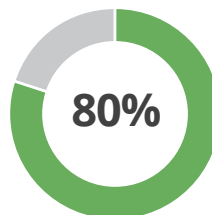
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

0% False Statement Laws

100% Private Enforcement of Campaign Laws

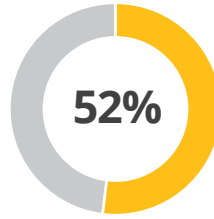
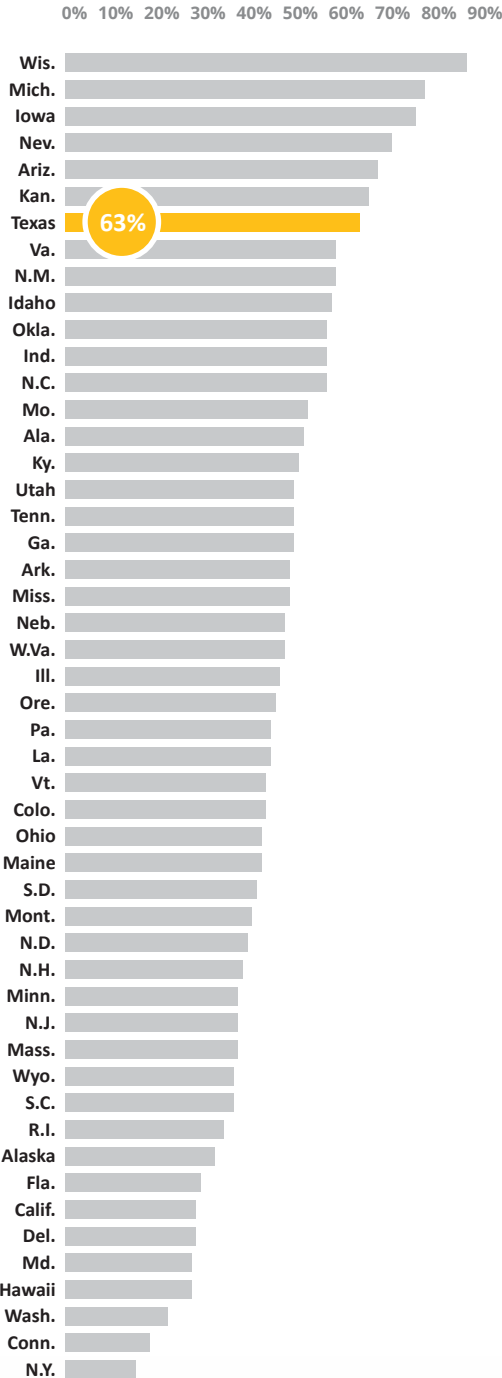
Tennessee	Model	
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$1,000.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.01	≥\$2,500
Must groups report a supporter’s employer?	Must Ask	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Clearly	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

Tennessee	Model	
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$0.00	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Same as PACs	No
What contribution size triggers reporting of a supporter’s private information?	\$100.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

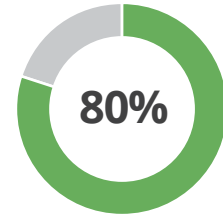
Texas

7 Rank

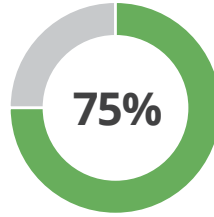
63%



Laws on Political Committees



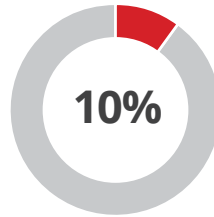
Grassroots Advocacy and Lobbying



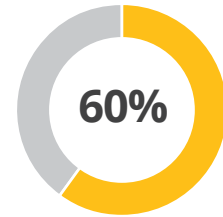
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

100% False Statement Laws

0% Private Enforcement of Campaign Laws

Texas	Model	
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Minor	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$500.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$50.01	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Somewhat Clearly	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

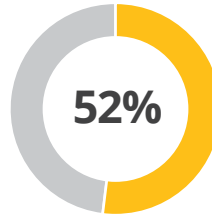
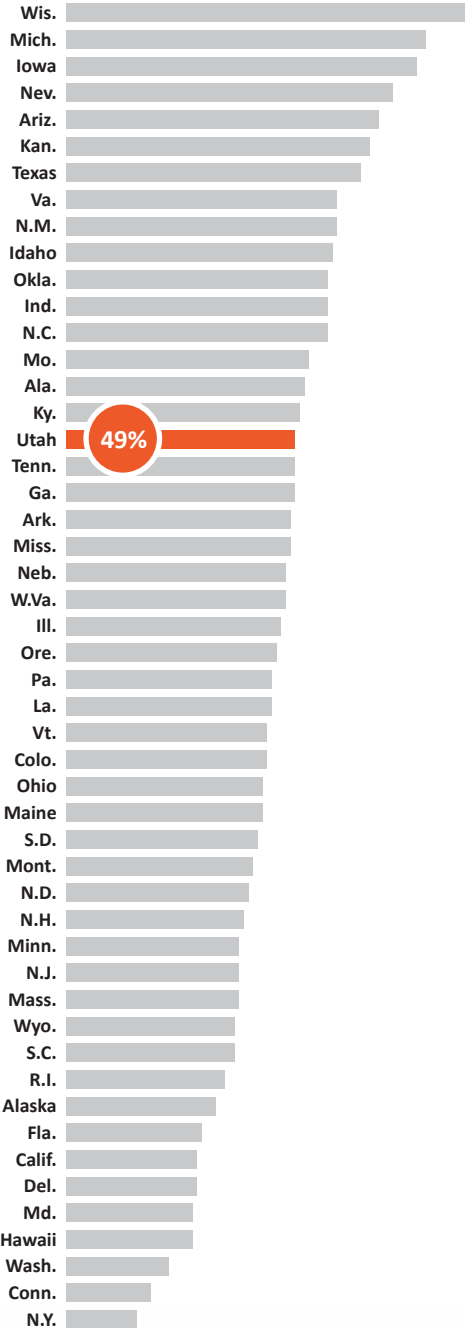
Texas	Model	
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	Yes	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Somewhat Clearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$50.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	Yes	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Utah

17 Rank

49%

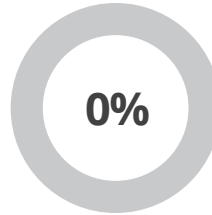
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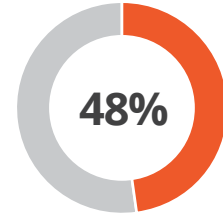
Laws on Political Committees



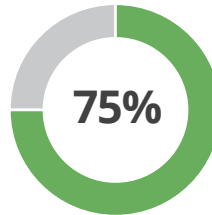
Grassroots Advocacy and Lobbying



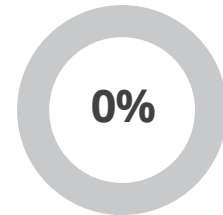
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

0% False Statement Laws

100% Private Enforcement of Campaign Laws

Utah	Model	
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Minor	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$750.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$50.01	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$10,000.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	≤90 days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	Yes	No
Is reporting of a group’s supporters required?	Earmark	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	No	Yes
Is the media exempted?	No	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

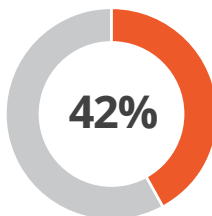
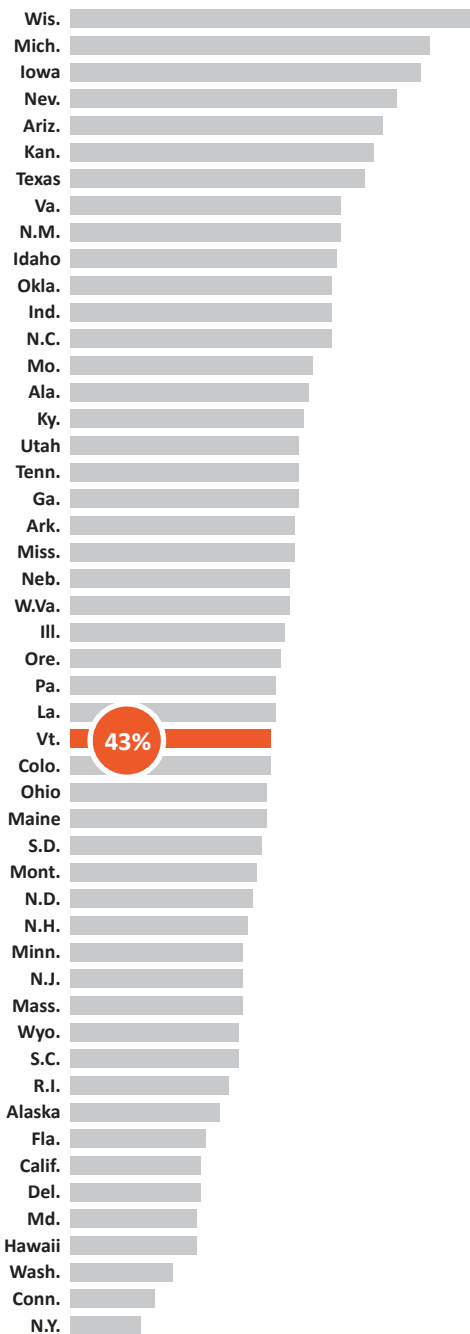
Utah	Model	
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Earmarked Only	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

Vermont

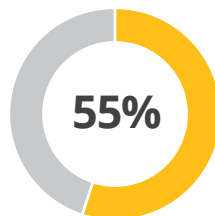
28 Rank

43%

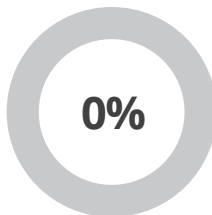
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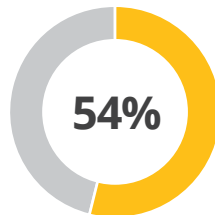
Laws on Political Committees



Grassroots Advocacy and Lobbying



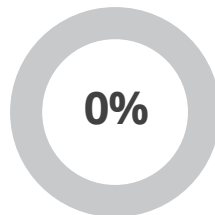
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

0% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Vermont		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$1,000.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.01	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$500.00	≥\$10,000
Is the spending threshold inflation adjusted?	Yes	Yes
How much of an election year is this speech regulated?	≤90 days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	Yes	No
Is reporting of a group’s supporters required?	No	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	No	Yes
Is the media exempted?	No	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	No	Yes

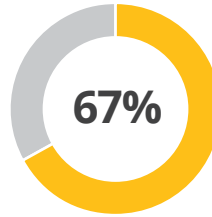
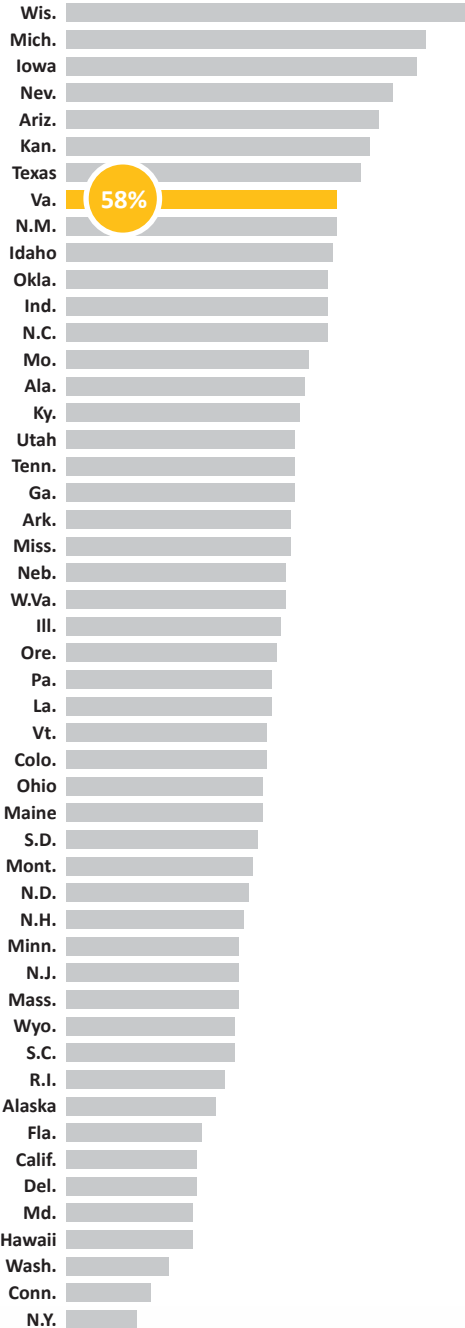
Vermont		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$500.01	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	No Reg.	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Virginia

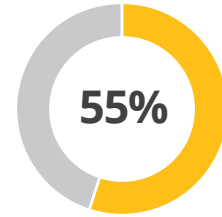
8 Rank

58%

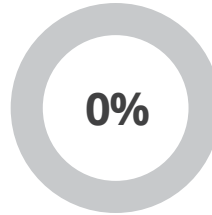
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Laws on Political Committees



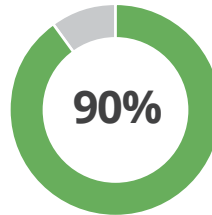
Grassroots Advocacy and Lobbying



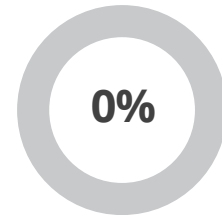
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Virginia	Model	
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	The Major	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$200.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

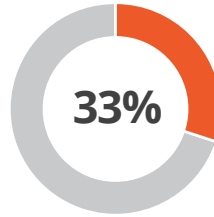
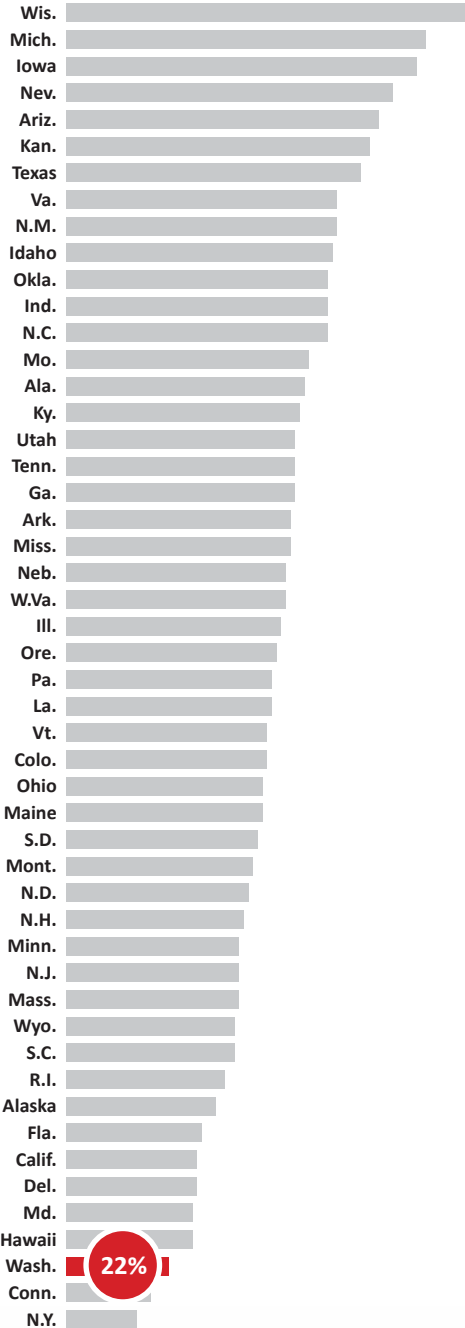
Virginia	Model	
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$500.01	≥\$5,000
Is reporting of a group’s supporters required?	No	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	No	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No

Washington

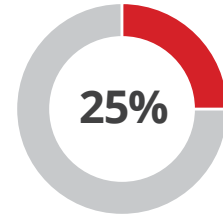
48 Rank

22%

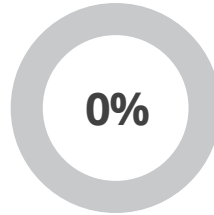
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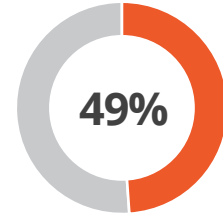
Laws on Political Committees



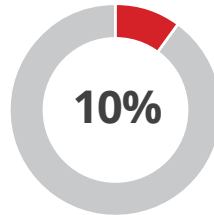
Grassroots Advocacy and Lobbying



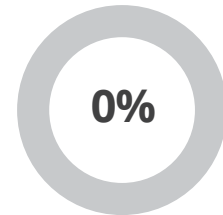
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

0% Disclaimers

100% Super PAC Recognition

0% False Statement Laws

0% Private Enforcement of Campaign Laws

Washington		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Any	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$25.01	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$1,000.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	>90 Days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	No	No
Is reporting of a group’s supporters required?	Earmark	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	No	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

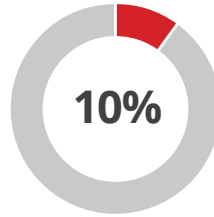
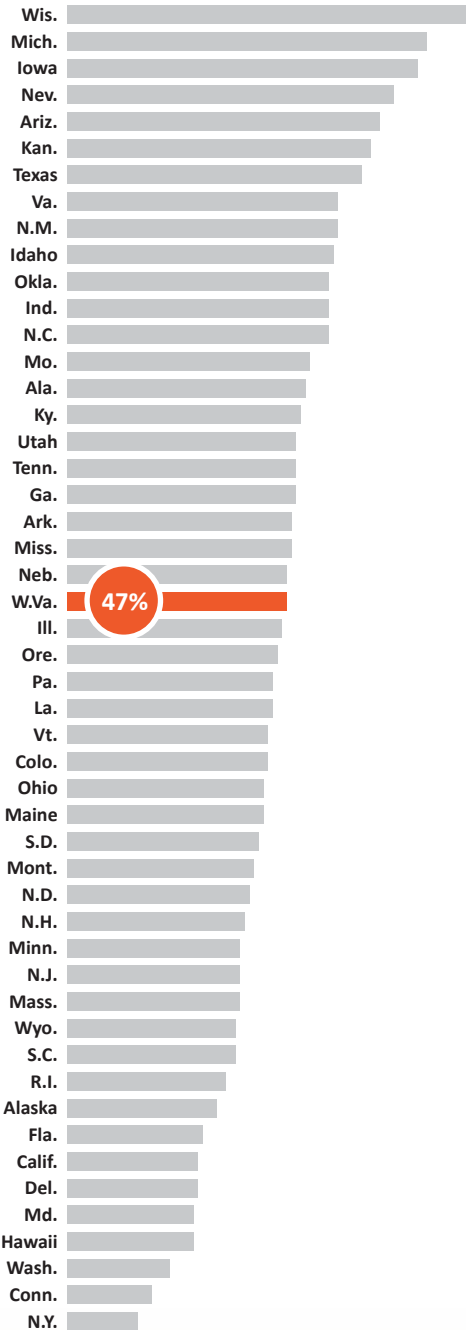
Washington		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$1,400.01	≥\$5,000
Is reporting of a group’s supporters required?	Yes	No
If reporting is required, is it limited to earmarked donations?	Yes	Yes
What donation size triggers reporting of a supporter’s info?	\$25.00	≥\$5,000
Are the monetary thresholds inflation adjusted?	Yes	Yes
Is donor reporting required for groups that lobby lawmakers?	Yes	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$750.01	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	Yes	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	Yes	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

West Virginia

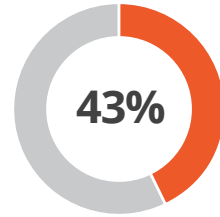
23 Rank

47%

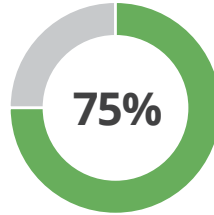
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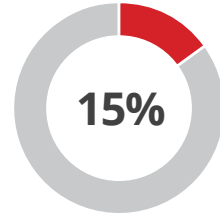
Laws on Political Committees



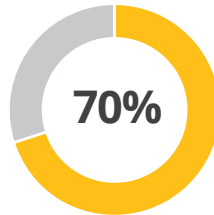
Grassroots Advocacy and Lobbying



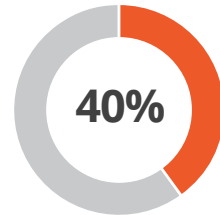
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

0% False Statement Laws

100% Private Enforcement of Campaign Laws

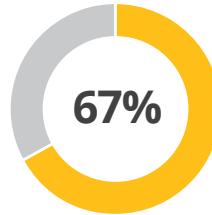
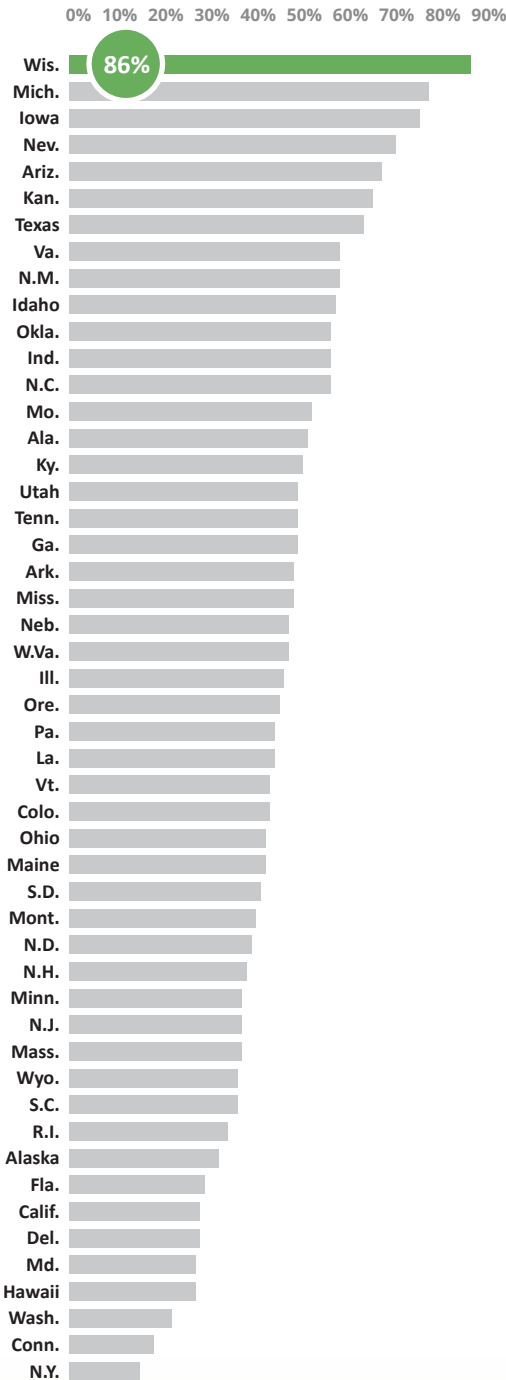
West Virginia		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Minor	The Major
How is this activity defined?	Unclearly	Contributions & Expenditures
What amount of spending triggers registration?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
What contribution size triggers reporting of a supporter’s info?	\$0.00	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$5,000.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	≤90 days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	No	No
Is reporting of a group’s supporters required?	Yes	No
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Are charities exempted?	Yes	Yes
Is the media exempted?	Yes, Limited	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	No	No
How clearly does the state define speech that triggers coordination rules?	Unclearly, but Near an Election	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

West Virginia		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	No	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$200.01	≥\$5,000
Is reporting of a group’s supporters required?	Yes	No
If reporting is required, is it limited to earmarked donations?	Yes	Yes
What donation size triggers reporting of a supporter’s info?	\$25.00	≥\$5,000
Are the monetary thresholds inflation adjusted?	No	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Somewhat Clearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Earmarked Only	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

Wisconsin

1 Rank

86%



Laws on Political Committees



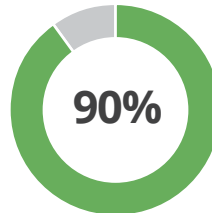
Grassroots Advocacy and Lobbying



Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

40% Disclaimers

100% Super PAC Recognition

0% False Statement Laws

100% Private Enforcement of Campaign Laws

Wisconsin		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	The Major	The Major
How is this activity defined?	Contributions & Expenditures	Contributions & Expenditures
What amount of spending triggers registration?	\$2,500.01	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
What contribution size triggers reporting of a supporter’s info?	\$0.00	≥\$2,500
Must groups report a supporter’s employer?	Yes	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	No	No
Does the law apply only to TV and radio ads?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
How much of an election year is this speech regulated?	N/A	≤90 days
Does it regulate speech mentioning a candidate outside their district?	N/A	No
Is reporting of a group’s supporters required?	N/A	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	N/A	Yes
Is the media exempted?	N/A	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	No	No
How clearly does the state define speech that triggers coordination rules?	Clearly	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

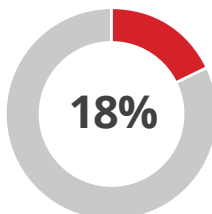
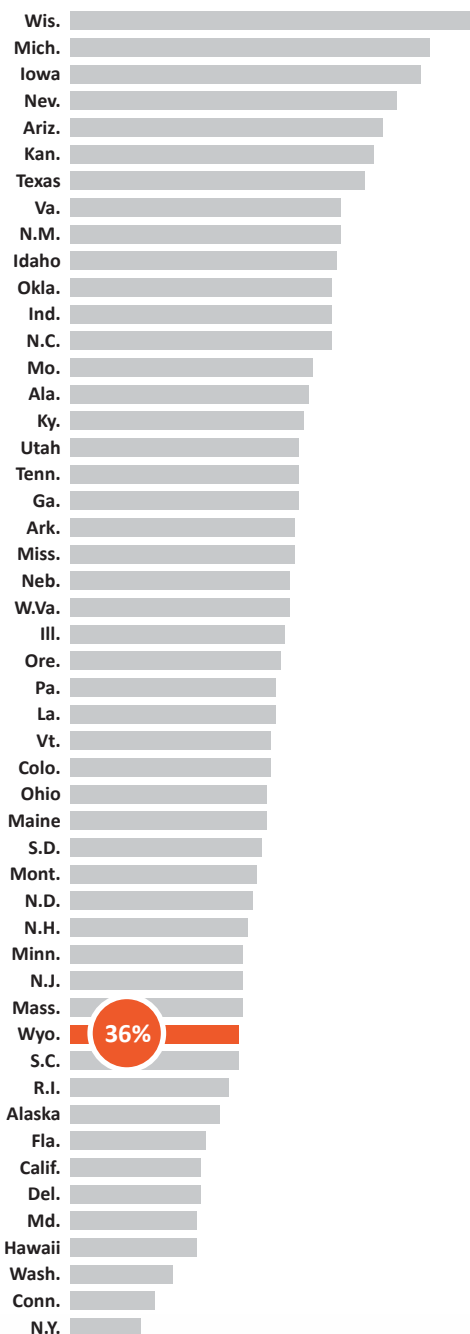
Wisconsin		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	No	No
Is regulation limited to a clear list of activities?	N/A	Yes
Is regulation limited to speech about pending bills?	N/A	Yes
What amount of spending triggers reporting?	N/A	≥\$5,000
Is reporting of a group’s supporters required?	N/A	No
If reporting is required, is it limited to earmarked donations?	N/A	Yes
What donation size triggers reporting of a supporter’s info?	N/A	≥\$5,000
Are the monetary thresholds inflation adjusted?	N/A	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Clearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	No	No
What contribution size triggers reporting of a supporter’s private information?	N/A	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Disclaimers		
How long are required disclaimers?	Long	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	Yes	No

Wyoming

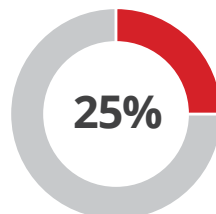
36%

39 Rank

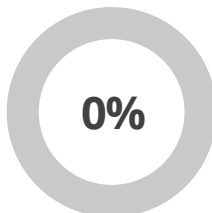
0% 10% 20% 30% 40% 50% 60% 70% 80% 90%



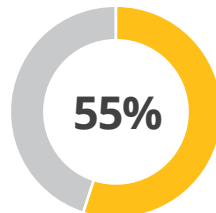
Laws on Political Committees



Grassroots Advocacy and Lobbying



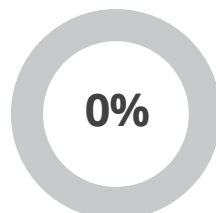
Definition of Campaign "Expenditure"



Regulation of Issue Speech Near an Election ("Electioneering Communications")



Regulation of Independent Expenditures by Non-Political Committees



Coordination Regulations

100% Disclaimers

100% Super PAC Recognition

100% False Statement Laws

100% Private Enforcement of Campaign Laws

Wyoming		Model
Laws on Political Committees		
What portion of your activities must be considered “political” to become a political committee?	Minor	The Major
How is this activity defined?	Unclearly	Contributions & Expenditures
What amount of spending triggers registration?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	N/A	Yes
What contribution size triggers reporting of a supporter’s info?	\$100.00	≥\$2,500
Must groups report a supporter’s employer?	No	No
Regulation of Issue Speech Near an Election (“Electioneering Communications”)		
Does the state regulate this speech?	Yes	No
Does the law apply only to TV and radio ads?	No	Yes
What amount of spending triggers reporting?	\$0.00	≥\$10,000
Is the spending threshold inflation adjusted?	No	Yes
How much of an election year is this speech regulated?	≤90 days	≤90 days
Does it regulate speech mentioning a candidate outside their district?	No	No
Is reporting of a group’s supporters required?	Earmark	No
Can groups protect a donor’s privacy with a separate segregated fund?	N/A	N/A
Can donors stay private by barring their contributions from funding such speech?	N/A	N/A
Are charities exempted?	No	Yes
Is the media exempted?	Yes, Broad	Yes, Broad
Coordination Regulations		
Can using public information constitute coordination?	Yes	No
How clearly does the state define speech that triggers coordination rules?	Unclearly at Any Time	Clearly
Super PAC Recognition		
Does the law allow super PACs?	Yes	Yes

Wyoming		Model
Grassroots Advocacy and Lobbying		
Are groups that advocate only to the public regulated?	Yes	No
Is regulation limited to a clear list of activities?	Yes	Yes
Is regulation limited to speech about pending bills?	No	Yes
What amount of spending triggers reporting?	\$0.00	≥\$5,000
Is reporting of a group’s supporters required?	Yes	No
If reporting is required, is it limited to earmarked donations?	No	Yes
What donation size triggers reporting of a supporter’s info?	\$0.00	≥\$5,000
Are the monetary thresholds inflation adjusted?	No	Yes
Is donor reporting required for groups that lobby lawmakers?	No	No
Definition of Campaign “Expenditure”		
How clearly does the state define a campaign expenditure?	Unclearly	Clearly
Regulation of Independent Expenditures by Non-Political Committees		
Do these groups have donor reporting requirements?	Yes	No
What contribution size triggers reporting of a supporter’s private information?	\$100.00	≥\$10,000
Can groups protect a donor’s privacy with a separate segregated fund?	No	N/A
Can donors stay private by barring their contributions from funding such speech?	No	N/A
Disclaimers		
How long are required disclaimers?	Short	Short
Must donors be listed on disclaimers?	No	No
Private Enforcement of Campaign Laws		
Does the law allow anyone, including political opponents, to enforce campaign laws?	No	No
False Statement Laws		
Does the state decide whether political speech is true or false?	No	No



Methodology



Methodology

The Index examines statutes across the 50 states relating to the regulation and restriction of speech about government. It examines ten particular areas of the law – the ten categories of the Index: *Laws on Political Committees*, *Grassroots Advocacy and Lobbying*, *Definition of Campaign "Expenditure"*, *Regulation of Issue Speech Near an Election ("Electioneering Communications")*, *Regulation of Independent Expenditures by Non-Political Committees*, *Coordination Regulations*, *Disclaimers*, *Super PAC Recognition*, *False Statement Laws*, *Private Enforcement of Campaign Laws*.

Point Overview

The Index assigns a numerical value to each statute across the 10 categories (and their corresponding subcategories) in a standardized way. By their nature, state statutes are both complicated and unique to the state. To standardize these, the Index asks a series of result-oriented questions for each pertinent portion of the statute meant to examine the real world First Amendment impact of these statute – these questions represent the subcategories within each category. For instance, in the *Laws on Political Committees* category, the Index asks “what portion of a group’s speech would have to be considered campaign spending for it to be regulated as a political committee?” The Index then provides potential answers to the question based on the pertinent legal analysis (In this case, a majority of the activity, a plurality of the activity or any activity). The Index then assigns a numerical weight to each potential answer, with

more First Amendment-friendly statutes receiving more points. For a better understanding of each category see the Index Descriptions on page 33.

The Index allots a maximum of 1000 points to each state across ten categories. The categories and maximum possible points for each category are, as follows:

- *Laws on Political Committees*: 130 points
- *Grassroots Advocacy and Lobbying*: 130 points
- *Definition of Campaign "Expenditure"*: 130 points
- *Regulation of Issue Speech Near an Election ("Electioneering Communications")*: 130 points
- *Regulation of Independent Expenditures by Non-Political Committees*: 130 points
- *Coordination Regulations*: 130 points
- *Disclaimers*: 70 points
- *Super PAC Recognition*: 70 points
- *False Statement Laws*: 40 points
- *Private Enforcement of Campaign Laws*: 40 points

Data

The underlying statutory analysis comes from “A Survey of Campaign Finance and Lobbying Laws in the 50 States, District of Columbia, New York City, and Seattle.”²³² This survey examined the statutes of all 50 states and provided the answers to each relevant subcategory within this Index.

The survey, and therefore the Index as well, focuses solely on each state's statutes and does not consider any potentially applicable regulations, agency advisory opinions, or court decisions that may have impacted the relevant statutes. This high-level treatment is deliberate. The average person or organization simply does not have the resources to analyze all of those other authorities, and "[t]he First Amendment does not permit laws that force speakers to retain a campaign finance attorney" to determine whether and how they may speak.²³³ Rather, statutes regulating speech about government should speak for themselves; they should be clear on their face in "giv[ing] the person of ordinary intelligence a reasonable opportunity to know"²³⁴ how his or her speech will be regulated. If laws are affected by court rulings, government should revise the laws accordingly.

There are two areas of deviation in the data between the survey and the Index. The first accounts for instances where the survey was unable to provide a simple answer to a subcategory question asked by the Index. This is due either to ambiguity or uniqueness within state law that prevent a state from fitting cleanly into a narrow subcategory box. In such instances, the Index judges how each statute individually affects the First Amendment in relation to other statutes in that subcategory and provides points accordingly. Each instance of uniqueness is explained in "Resolution of Ambiguous Statutes" below.

The second accounts for changes to state law that occurred since the publication of the survey. The Index accounts for all legislative changes enacted through December 2019. While IFS has done its best to be as up to date and accurate as

possible, due to the sheer volume of state bills it is likely that some additional changes have occurred that were overlooked or were enacted between that date and publication of the Index. For more details relating to statutory changes see "State Law Changes" below.

Category and Subcategory Points

Below is a list of each category and subcategory, the potential answers to each subcategory question, and the points allotted for each potential answer.

Laws on Political Committees (130 Points Maximum)

- What portion of your activities must be considered campaign spending or "political" to become a political committee? **(43 1/3 points maximum)**
 - If a state uses "the major purpose" test of an entity (50% or more) to determine political status, it receives 43 1/3 points.
 - If a state uses a major or primary purpose (less than 50%) to determine status, it receives 13 points.
 - If a state has no major/primary purpose limitation, it receives 0 points.
- How is campaign activity defined? **(43 1/3 points maximum)**
 - If a state defines campaign activity solely based on contributions or expenditures, it receives 43 1/3 points.
 - If a state defines campaign activity based on a specified list of clearly defined activities, it receives 19.5 points.
 - If a state has a broader or vaguer definition of campaign activity, it receives 0 points.

- How much spending triggers an evaluation of political committee status? **(13 points maximum)**
 - If a state's registration threshold for PAC status is \geq \$10,000, it receives 13 points.
 - If a state's registration threshold for PAC status is \geq \$5,000, it receives 6.5 points.

 - Is the spending threshold that triggers an evaluation of political committee status inflation-adjusted? **(6.5 points maximum)**
 - If a state adjusts its registration threshold in any manner to account for inflation, it receives 6.5 points.
 - If a state does not adjust its registration threshold in any manner to account for inflation, it receives 0 points.

 - What contribution size to a political committee triggers reporting of that supporter's private information? **(13 points maximum)**
 - If a state requires groups to only report a contributor's information for contributions \geq \$2,500, it receives 13 points.
 - If a state requires groups to only report a contributor's information for contributions \geq \$1,000, it receives 10.4 points.
 - If a state requires groups to only report a contributor's information for contributions \geq \$500, it receives 6.5 points.
 - If a state requires groups to only report a contributor's information for contributions \geq \$200, it receives 2.6 points.
 - If a state requires groups to report a contributor's information for contributions $<$ \$200, it receives 0 points.

 - Must political committees report a contributor's employer? **(10 5/6 points maximum)**
 - If a state does not require political committees to disclose a contributor's employer information, it receives 10 5/6 points.

 - If a state requires political committees to request a contributor's employer information, but contributors may legally refuse, it receives 7 2/9 points.
 - If a state requires political committees to disclose each contributor's employer information, it receives 0 points.
-
- ### ***Grassroots Advocacy and Lobbying (130 Points Maximum)***
- Are groups that advocate only to the public regulated? **(104 points maximum)**
 - If grassroots advocacy, on its own, is not regulated by the state, it receives 104 points and is not eligible for additional points in any subsequent subcategory.
 - If grassroots advocacy, on its own, is regulated by the state, it receives 0 points, but is eligible for points in further subcategories.

 - If a state regulates grassroots advocacy, is the regulation limited to a clear list of activities? **(6.5 points maximum)**
 - If a state enumerates specific grassroots lobbying activities that are regulated, it receives 6.5 points.
 - If a state does not specify what activities are regulated, it receives 0 points.

 - If a state regulates grassroots advocacy, is the regulation limited to speech about pending bills? **(3.25 points maximum)**
 - If a state only regulates as grassroots lobbying speech that refers to specific legislation, it receives 3.25 points.
 - If it does not, it receives 0 points.

 - What amount of spending on grassroots advocacy triggers reporting? **(13 points maximum)**
 - If a state's reporting threshold for grassroots advocacy is \geq \$5,000, it receives 13 points.

- If a state's reporting threshold for grassroots advocacy is <\$5,000, it receives 0 points.
- If a state regulates grassroots advocacy, is reporting of the private information of a group's supporters required? **(32.5 points maximum)**
 - If a state does not require a group engaged in grassroots advocacy to report its supporters, it receives 32.5 points.
 - If a state does require a group engaged in grassroots advocacy to report its supporters, it receives 0 points.
- If reporting of a group's supporters is required, is it limited to earmarked donations? **(29.25 points maximum)**
 - If a state's supporter reporting is limited to supporters who earmark their donations for the grassroots advocacy, it receives 29.25 points.
 - If it is not, the state receives 0 points.
- If reporting of a group's supporters is required, what donation size triggers reporting of a supporter's info? **(13 points maximum)**
 - If a state's threshold for reporting supporters of groups engaging in grassroots advocacy is ≥\$5,000, it receives 13 points.
 - If a state's threshold for reporting supporters of groups engaging in grassroots advocacy is <\$5,000, it receives 0 points.
- Are the monetary thresholds for either registration for grassroots advocacy groups or for supporter reporting inflation adjusted? **(3.25 points maximum)**
 - If a state allows for inflation adjustments, it receives 3.25 points.
 - If it does not, it receives 0 points.
- Is reporting of the private information of supporters required for groups that lobby lawmak-

ers? **(26 points maximum)**

- If a state does not require a group that lobbies lawmakers to provide additional disclosures of the group's supporters, it receives 26 points.
- If a state does require a group that lobbies lawmakers to report its supporters (beyond other generally applicable disclosure statutes), it receives 0 points.

Definition of Campaign "Expenditure" **(130 Points Maximum)**

For more information on the meaning of specific definitions of expenditure and their impact on First Amendment activity, see Index Description on page 46.

- How does the state define a campaign expenditure? **(130 points maximum)**
 - If a state's definition of expenditures is solely the clearest standard (as described in either the *Buckley* or *Massachusetts Citizens for Life* U.S. Supreme Court decisions), the state receives 130 points.
 - Regardless of whether any narrower standard is specified, if a state's definition of expenditures includes the somewhat clear standard (the "functional equivalent"/"no other reasonable interpretation" standard), the state receives 97.5 points.
 - Regardless of whether any narrower standard is specified, if a state's definition of expenditures includes a broader standard, it receives 0 points.

Regulation of Issue Speech Near an Election ("Electioneering Communications") **(130 Points Maximum)**

As noted below, any state that does not regulate this category of speech receives the full 130

points in this category. If a state does regulate in this category, it receives points for limiting the scope and impact of that regulation but cannot exceed 65% of the maximum points in the category or 84.5 points.

- Does the state regulate speech close to an election that mentions a candidate, often called electioneering communications? **(130 points maximum)**
 - If a state does not regulate electioneering communications, it receives 130 points and is ineligible for points in the remainder of this section.
 - If a state does regulate electioneering communications it receives 0 points but is eligible for points in further subcategories.
- Does the electioneering communication law apply only to broadcast advertisements? **(13 points maximum)**
 - If a state defines electioneering communications to include only those distributed through broadcast, cable, and satellite communications, it receives 13 points.
 - If a state defines electioneering communications to include other forms of communications beyond that, it receives 0 points.
- What amount of spending on an electioneering communication triggers reporting? **(6.5 points maximum)**
 - If a state's reporting threshold for electioneering communications is \geq \$10,000, it receives 6.5 points.
 - If a state's reporting threshold for electioneering communications is \geq \$5,000, it receives 3.25 points.
 - If a state's reporting threshold for electioneering communications is $<$ \$5,000, it receives 0 points.
- Is the spending threshold inflation adjusted? **(1.625 points maximum)**
 - If a state allows for inflation adjustments, it receives 1.625 points.
 - If it does not, it receives 0 points.
- How much of an election year is this speech regulated? **(3.25 points maximum)**
 - If a state regulates electioneering communications less than or equal to a total of 90 days during an election year (the total for the federal electioneering communication windows), it receives 3.25 points.
 - If a state regulates electioneering communications in a defined period greater than 90 days, it receives 1.625 points.
 - If a state regulates electioneering communications year-round, it receives 0 points.
- Does the electioneering communication law regulate speech mentioning a candidate outside the jurisdiction in which they are running? **(3.25 points maximum)**
 - If a state limits its electioneering communication statute to speech that is targeted at the relevant jurisdiction of the mentioned candidate, it receives 3.25 points.
 - If it does not, it receives 0 points.
- Is reporting of the private information of supporters required if a group makes an electioneering communication? **(65 points maximum)**
 - If a state does not require contributors to a group running an electioneering communication to be reported, it receives 65 points.
 - If a state requires contributors to a group running an electioneering communication to be reported only if the contribution was earmarked for electioneering communications, it receives 52 points.
 - If a state requires general contributor reporting for a group running an election-

- ering communication, it receives 0 points.
 - Can groups protect a donor's privacy with a separate segregated fund for electioneering communications? **(6.5 points maximum)**
 - If a state allows a group to establish a separate segregated fund to fund electioneering communications and report only those who contribute to this account, it receives 6.5 points.
 - If not, it receives 0 points.
 - Can donors stay private by barring their contributions from funding electioneering communications? **(6.5 points maximum)**
 - If a state allows a contributor to a group making an electioneering communication to prohibit the use of their contribution for that communication and thus avoid mandatory disclosure, it receives 6.5 points.
 - If not, it receives 0 points.
 - Are charities exempted from the electioneering communication rules? **(3.25 points maximum)**
 - If a state has an exemption from their electioneering communication statute for groups organized under section 501(c)(3) of the Internal Revenue Code, it receives 3.25 points.
 - If there is no exemption, the state receives 0 points.
 - Is the media exempted from electioneering communication rules? **(13 points maximum)**
 - If a state exempts media, broadly defined, from its electioneering communication regulations, it receives 13 points.
 - If a state exempts solely an enumerated list of types of media from its electioneering communication regulations, it receives 6.5 points.
 - If a state has no media exemption, it receives 0 points.
- Regulation of Independent Expenditures by Non-Political Committees (130 Points Maximum)***
- What are the reporting and disclosure requirements for non-political committees looking to make independent expenditures? **(130 points maximum)**
 - If a state has no reporting of independent expenditures by non-political committees, it receives 130 points and is ineligible for additional points in this section.
 - If a state requires the group to report its independent expenditure, but has no reporting requirement for the group's contributors, it receives 117 points and is ineligible for additional points in this section.
 - If a state requires contributors to a group running an independent expenditure communication to be reported only if the contribution was earmarked for the independent expenditures, it receives 91 points.
 - If the state requires generalized reporting of a group's contributors if the group runs an independent expenditure, it receives 13 points.
 - If a state requires a non-political committee to meet all the same reporting requirements as a political committee if it runs an independent expenditure, it receives 0 points.
 - What contribution size triggers reporting of a supporter's private information? **(13 points maximum)**
 - If a state's threshold for reporting supporters of groups making an independent expenditure is \geq \$10,000, it receives 13 points.
 - If a state's threshold for reporting supporters of groups making an independent expenditure is $<$ \$10,000, it receives 0 points.

diture is $\geq \$1,000$ but less than $\$10,000$, it receives 6.5 points + additional points equal to the amount over $\$1,000/(\$10,000 \text{ maximum} - \$1,000 \text{ minimum}) \times 6.5$ points. For example, a state with a threshold of $\$6,000$ would earn 9.8 points. It would earn 6.5 points for having a threshold of greater than $\$1,000$. Then for the threshold exceeding $\$1,000$, it would earn an additional $6/9$ ths of 6.5 points, or 3.3 points, to reach 9.8 points.

- If a state's threshold for reporting supporters of groups making an independent expenditure is $< \$1,000$, it receives 0 points.
- Can groups protect a donor's privacy with a separate segregated fund for independent expenditures? **(6.5 points maximum)**
 - If a state allows a group to establish a separate segregated fund to fund independent expenditures and report only those who contribute to this account, it receives 6.5 points.
 - If not, it receives 0 points.
- Can donors stay private by barring their contributions from funding independent expenditures? **(6.5 points maximum)**
 - If a state allows a contributor to a group making an independent expenditure to prohibit the use of their contribution for that communication and thus avoid mandatory disclosure, it receives 6.5 points.
 - If not, it receives 0 points.

Coordination Regulations (130 Points Maximum)

For more information on the meaning of specific definitions of content that triggers coordination regulations and their impact on First Amendment activity, see Index Description on page 60.

- How clearly does the state define the type of

speech covered by coordination rules? **(104 points maximum)**

- If the definition includes solely the clearest standard (as described in either the *Buckley* or *Massachusetts Citizens for Life* U.S. Supreme Court decisions), the state receives 104 points.
- Regardless of whether any narrower standard is specified, if the definition also includes speech that meets the somewhat clear standard (the “functional equivalent”/“no other reasonable interpretation”), the state receives 78 points.
- Regardless of whether any narrower standard is specified, if the definition also includes speech that meets a broader standard but that broader standard only applies to speech in a certain time period close to an election, it receives 26 points.
- Regardless of whether any narrower standard is specified, if the definition also includes speech that meets a broader standard with no time limitation, it receives 0 points.
- Can using public information constitute coordination? **(26 points maximum)**
 - If a state allows an express exemption or safe harbor for the use of publicly available information in campaign speech, it receives 26 points.
 - If a state does not allow an exemption for publicly available information, it receives 0 points.

Disclaimers (70 Points Maximum)

- How long are required disclaimers? **(42 points maximum)**
 - If a state does not require disclaimers on political ads or requires only a short dis-

- claimer such as "paid for by," it receives 42 points.
 - If a state requires disclaimers on political ads to carry additional language, such as "stand by your ad" style disclaimers, it receives 0 points.
- **Must donors be listed on disclaimers? (28 points maximum)**
 - If a state does not require an ad's sponsor to include any donor information on the ad, it receives 28 points.
 - If it does, the state receives 0 points.
- **Does the law allow anyone, including political opponents, to enforce campaign laws?**
 - If a state does not allow private individuals to bring enforcement actions for any campaign finance statutes, it receives 40 points.
 - If a state allows private individuals to bring enforcement actions in only certain narrowly defined circumstances, it receives 20 points.
 - If a state allows private individuals to bring enforcement actions for all campaign finance statutes, it receives 0 points.

Super PAC Recognition (70 Points Maximum)

- **Does the law allow super PACs?**
 - If state law explicitly allows for independent expenditure PACs without contribution limits (or does not have any limitation on individual, corporate, or union contributions to PACs), it receives 70 points.
 - If a state continues to have statutes prohibiting or restricting contributions to independent expenditure PACs from corporations or unions, it receives 0 points.

False Statement Laws (40 Points Maximum)

- **Does the state decide whether any political speech is true or false?**
 - If a state does not have a law purporting to determine or punish false speech about elected officials and candidates, it receives 40 points.
 - If a state has such a law, it receives 0 points.

Private Enforcement of Campaign Laws (40 Points Maximum)

Resolution of Ambiguous Statutes

Laws on Political Committees

- **California:** California has four different registration thresholds for different subtypes of political committees: \$1,000 for "Independent Expenditure" Committees, \$2,000 for "Recipient Committees," \$10,000 for "major donor" committees, and \$50,000-\$100,000 for "multi-purpose organizations."²³⁵ California also has two different donor disclosure thresholds for different types of committees: \$100 earmarked donor disclosure for "multi-purpose organizations" and \$1,000 generalized disclosure for other committees.²³⁶ When a state has multiple PAC definitions, the most restrictive threshold is used. In this case, it is the threshold for IE Committee reporting. When a state has multiple disclosure thresholds, the Index scores the threshold that is most restrictive for the type of PAC scored in the reporting threshold. In this case, it is the \$1,000 threshold for IE Committees.
- **Colorado:** Colorado has two different registration thresholds for different types of polit-

ical committees: \$1,000.01 for “Independent Expenditure” Committees and \$200.01 for all other political committees.²³⁷ When a state has multiple PAC definitions, the most restrictive threshold is used. In this case, it is the threshold for standard political committees.

- **Hawaii:** It is unclear whether Hawaii uses “a major purpose” test for PAC status or has no test. In situations of unclear statute, the Index scores based on the broadest test. Hawaii also has two different donor disclosure thresholds: individual donors (\$100.01) and non-individual donors to IE committees (\$10,000.01).²³⁸ When a state has multiple disclosure thresholds, the Index scores the threshold that is most restrictive for the type of PAC scored in the registration threshold. In this case, individual donors to standard PACs over \$100 are disclosed.
- **Maine:** Maine has two different registration thresholds for different subtypes of political committees: over \$1,500 for standard PACs and over \$5,000 for PACs whose “major purpose” is not political.²³⁹ When states have separate thresholds, the Index scores the lowest threshold value. In this case, it is the threshold for standard PACs.
- **Minnesota:** Minnesota has three different registration thresholds for different subtypes of political committees: \$750.01 for standard PACs, \$1500.01 for IE PACs and ballot measure committees, and \$5,000.01 for ballot measure committee expenditures.²⁴⁰ When a state has multiple PAC definitions, the most restrictive threshold is used. In this case, it is the threshold for regular PACs. Minnesota also has two different donor disclosure thresholds: \$200.01 for a regular PAC and \$500.01 for ballot measure committees.²⁴¹ When a state has multiple disclosure thresholds, the Index scores the threshold that is most restrictive for the type of PAC scored in the registration threshold. In this case, any contribution to a regular PAC over \$200.01 must be disclosed.
- **Missouri:** Missouri has two different registration thresholds: \$500.01 for any PAC or \$250.01 if a single contributor contributed over that amount.²⁴² When a state has multiple PAC definitions, the most restrictive threshold is used. In this case, it is the threshold for groups that receive a single contribution greater than \$250.
- **Nevada:** Maine has two different registration thresholds for different subtypes of political committees: over \$1,500 for standard PACs and over \$5,000 for PACs whose “major purpose” is not political.²⁴³ When states have separate thresholds, the Index scores the lowest threshold value. In this case, it is the threshold for standard PACs.
- **New Hampshire:** There are four different thresholds in New Hampshire: \$0 (registration threshold), \$500.01, \$2,500, or \$5,000 reporting thresholds across three separate statutory provisions.²⁴⁴ It is unclear what threshold applies when in New Hampshire. In such situations, the most restrictive threshold is used. In this case, it is \$0.
- **West Virginia:** West Virginia uses “for the purpose” language to test for PAC status.²⁴⁵ Courts have interpreted this language differently in terms of speech covered depending on jurisdiction. Given this vague standard and the uncertainty surrounding it, the Index scores the state as having the broader standard.

- **Wisconsin:** Wisconsin has a PAC status definition that is not clearly defined for referendum committees.²⁴⁶ For this section, the Index looks only at PAC definitions relating to candidate election expenditures.
- **Wyoming:** Wyoming uses “for the purpose” language to test for PAC status.²⁴⁷ Courts have interpreted this language differently in terms of speech covered depending on jurisdiction. Given this vague standard and the uncertainty surrounding it, the Index scores the state as having the broader standard.

Grassroots Advocacy and Lobbying

- **California:** Donor disclosure for groups engaged in lobbying is not generally required except for a very clearly and narrowly defined “lobbying coalition.”²⁴⁸ Because of the narrow scope of the exception, the Index does not take it into account, and California receives points as if the state had no general lobbying donor disclosure requirement.
- **Connecticut:** Donor disclosure in Connecticut exists for lobbyist registrants, which the state defines broadly as “an association or group formed primarily for lobbying.”²⁴⁹ Because of the vague and broad nature of this definition, the Index scores Connecticut as requiring donor disclosure for lobbying groups.
- **Indiana:** Donor disclosure in Indiana exists for groups where the “major purpose” of the organization is lobbying.²⁵⁰ Because of the broad nature of this definition, the Index scores Indiana as requiring donor disclosure for lobbying groups.
- **Maryland:** Donor disclosure in Maryland exists for groups with a “primary purpose of attempting to influence legislative action or executive action.”²⁵¹ Because of the broad nature of this definition, the Index scores Maryland as requiring donor disclosure.
- **Minnesota:** The statute relating to donor disclosure is unclear as to whether it applies generally or only to donations earmarked for grassroots advocacy activity. The Minnesota Campaign Finance and Public Disclosure Board has interpreted the statute to require generalized disclosure.²⁵² The Index adopts that interpretation and scores Minnesota as requiring donor disclosure for grassroots advocacy.
- **New Jersey:** New Jersey allows earmarked donor disclosure for donations to entities whose “primary purpose” is not grassroots advocacy. Organizations whose primary purpose is grassroots advocacy, however, must provide generalized donor disclosure for all donations \$100 and more.²⁵³ In situations with two different standards, the Index uses the more speech-restrictive standard. In this case, New Jersey is scored as requiring general donor disclosure.
- **Pennsylvania:** Pennsylvania’s threshold for donor disclosure is not a fixed monetary value, but rather 10 percent of the total receipts of the organization engaged in grassroots advocacy.²⁵⁴ For most organized advocacy efforts, this threshold will exceed the maximum point threshold in this category, so the Index scores Pennsylvania as having the de facto largest scored threshold, \$5,000.
- **South Carolina:** Donor disclosure in South Carolina exists for lobbying organizations that require payments to maintain membership in that organization.²⁵⁵ Because of the broad

nature of this definition, the Index scores South Carolina as requiring donor disclosure.

- **Texas:** Donor disclosure is required in Texas for organizations that lobby on behalf of “business, trade, or consumer interest association[s] but excluding a corporation.”²⁵⁶ IFS is aware that the Texas Ethics Commission appears to have significantly limited the scope of this provision by interpreting it to apply only to “unincorporated entities.” Nevertheless, the Index relies solely on statutory language to interpret the scoring, and thus, the Index score Texas as having donor disclosure in this category.
- **Washington:** Donor disclosure in Washington for an “entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations, or organizations, exists for organizations that require payments to maintain membership in that organization.”²⁵⁷ Because of the broad nature of this definition, the Index scores Washington as requiring donor disclosure.

Regulation of Issue Speech Near an Election (“Electioneering Communications”)

- **Louisiana:** Louisiana does not regulate Electioneering Communications per se. It does require ads that mention a name of a candidate close to an election to carry a disclaimer.²⁵⁸ The Index does not penalize states whose sole regulation of speech near an election is limited to disclaimers.
- **Maryland:** Maryland has two electioneering communications reporting thresholds: \$5,000 for registration and \$10,000 for reporting.²⁵⁹

When states have different registration and reporting thresholds, the Index scores the more restrictive threshold.

- **Michigan:** Michigan does not regulate Electioneering Communications per se. It does require ads that mention a name of a candidate close to an election to carry a disclaimer.²⁶⁰ The Index does not penalize states whose sole regulation of speech near an election is limited to disclaimers.
- **Nebraska:** Nebraska does not regulate Electioneering Communications per se. It does require ads that mention a name of a candidate close to an election to carry a disclaimer.²⁶¹ The Index does not penalize states whose sole regulation of speech near an election is limited to disclaimers.
- **New York:** New York has a limited 501(c)(3) exemption for electioneering communications.²⁶² Though the statutory language is unclear, the index scores New York as exempting all 501(c)(3) communications from EC requirements.
- **Oklahoma:** Oklahoma requires generalized disclosure only for groups that are not 501(c) organizations.²⁶³ Since most groups that speak on issues have 501(c) status or the ability to declare that status, the Index considers disclosure earmarked in Oklahoma for Electioneering Communications.
- **Virginia:** Virginia does not regulate Electioneering Communications per se. It does require paid telephone calls that mention a name of a candidate close to an election to carry a disclaimer.²⁶⁴ The Index does not penalize states whose sole regulation of speech near an election is limited to disclaimers.

- **West Virginia:** West Virginia has two electioneering communications reporting thresholds: \$5,000 generally and \$1,000 when the EC is within a narrower window (within 15 days of an election).²⁶⁵ In this case, the Index scored the registration threshold that matched the scored electioneering communications window, \$5,000.

Regulation of Independent Expenditures by Non-Political Committees

- **California:** California requires organizations that become “recipient committees” to disclose donors generally on a “last in, first out” (LIFO) basis if expenditures exceed earmarked contributions.²⁶⁶ When different types of committees have different disclosure rules, the Index scores the broadest disclosure rules, in this case generalized donor disclosure. California also has two thresholds for disclosure by non-PACs: \$100 for earmarks and \$1,000 for general contribution (under the LIFO rules).²⁶⁷ Since the Index scored California as having general disclosure, the Index scores the general disclosure threshold, \$1,000.
- **Minnesota:** Minnesota has a two thresholds for donor disclosure for non-PACs: \$200.01 for standard PACs, and \$500.01 for ballot measures.²⁶⁸ When thresholds differ for different types of groups, the lower monetary value is used, in this case \$200.01. Minnesota also requires groups to maintain and use a “political fund” for independent expenditures,²⁶⁹ which donors can contribute to directly. While not a fully segregated account, the Index gives Minnesota credit for this partial measure in the segregated fund subcategory.
- **Nebraska:** Nebraska requires donor disclosure in some circumstances. Donor disclosure is not required for groups making independent expenditures that “organized under the laws of the State of Nebraska or doing business in the state.”²⁷⁰ It is, however, required for groups that do not meet that exemption. It is unclear if these groups face generalized or earmarked disclosure. As a rule, when a statute is unclear, the stricter interpretation is adopted to protect the cautious speaker. In this case, the Index scores Nebraska as requiring generalized donor disclosure for non-PACs.
- **Oklahoma:** Oklahoma requires generalized disclosure only for groups that are not 501(c) organizations.²⁷¹ Since most groups receive determination letters from the IRS establishing their 501(c) status, the Index considers disclosure earmarked in Oklahoma for independent expenditures.
- **South Carolina:** South Carolina requires registration and reporting for PACs. When states force nonprofit groups to register and be regulated as PACs, they receive the lowest score in this category. IFS is aware that the South Carolina law that would require donor disclosure by non-PACs making independent expenditures was declared unconstitutional in two federal cases. (*S.C. Citizens for Life, Inc. v. Krawcheck*²⁷² and *S. Carolinians for Responsible Gov’t v. Krawcheck*²⁷³). The law, however, has not been amended to reflect these court decisions. This Index reflects the law as written and observed from an organization that does not know about these court rulings. The Index therefore continues to rate South Carolina as requiring PAC registration for non-PAC independent expenditures.
- **Tennessee:** Tennessee requires groups making independent expenditures to register as PACs. It is unclear from statute whether these regis-

tration requirements extend to PAC donor disclosure requirements as well. If donor disclosure is required, the threshold is \$100.01.²⁷⁴ When a statute is unclear, the Index errs on the side of the more expansive provision to protect the wary speaker from potentially being silenced. In this case, the Index scores Tennessee as regulating non-PACs that make any independent expenditures as PACs.

- **Washington:** Washington does not require donor disclosure reports but does require donors to be disclosed on ads via their disclaimer rules.²⁷⁵ This provision thus effectively causes generalized donor disclosure for non-PACs and is scored as such in the Index. The threshold for disclosure is \$750.01.

Coordination Regulations

- **Alabama:** Alabama has no coordination law. In states with no coordination laws, the Index awards full points in this category.
- **California:** California has a limited public information exemption that only applies to information in press releases.²⁷⁶ Since much public information would still trigger coordination statutes, California does not receive points in this category.
- **Indiana:** Indiana has no coordination law. In states with no coordination laws, the Index awards full points in this category.
- **New Mexico:** New Mexico has no coordination law. In states with no coordination laws, the Index awards full points in this category.

Disclaimers

- **Hawaii:** Hawaii does require donor disclaimer

for some political committees but exempts candidate committees and ballot committees.²⁷⁷ Any requirement for any group for disclaimers to list donors is scored in the Index.

- **Kansas:** Kansas does require donor disclaimers in certain circumstances. Kansas has a *McIntyre* exemption²⁷⁸ (exempting low-spending individuals from disclaimer requirements).²⁷⁹ While an individual who purchased an ad above this *McIntyre* threshold would have to disclaim herself on the ad, she would not have to describe herself as a donor. Since *McIntyre* exemptions are protective of free speech, the Index does not penalize Kansas for this provision.
- **Maine:** Maine has a “top three funder” requirement for solely independent expenditures.²⁸⁰ Any requirement for any group for disclaimers to list donors is scored in the Index.
- **Massachusetts:** Massachusetts has “top 5 contributor” requirement for solely independent expenditures and electioneering communications.²⁸¹ Any requirement for any group for disclaimers to list donors is scored in the Index.
- **Nebraska:** Nebraska has a short disclaimer requirement for television ads but requires a longer version for printed materials. In general, when a state regulates disclaimers for different media differently, the Index defaults to the regulation on television ads. In this case, the Index scores Nebraska as having a “short” disclaimer.
- **New Mexico:** New Mexico has an unclear provision that may require the printers of campaign materials to be listed on disclaimers.²⁸² In cases of ambiguity, the stricter interpretation is adopted to protect the cautious

speaker. In this case, the Index scores New Mexico as having a “long” disclaimer.

- **North Carolina:** North Carolina requires longer disclaimers on print materials and the addition of a “visual” disclaimer on television ads.²⁸³ In general, when a state regulates disclaimers for different media differently, the Index defaults to the regulation on television ads. In this case, the Index scores North Carolina as having a “long” disclaimer for the added visual requirement.

Private Enforcement of Campaign Laws

- **California:** California allows for broad private enforcement actions. Any resident can bring a civil action seeking monetary penalties for reporting violations and impermissible contributions or expenditures after filing a written request with state or local authorities if the authorities decline to take action.²⁸⁴ While not an absolute authority, the Index scores California as having private enforcement actions.
- **Delaware:** Given the vagueness of Delaware’s statute, it is unclear the extent to which private right of action is permitted in the state.²⁸⁵ Such vagueness at the heart of whom is granted the capacity to enforce the law would necessarily make a cautious speaker wary to speak. In this case, the Index scores Delaware as having a system for private enforcement.
- **Missouri:** In Missouri, private enforcement actions are allowed solely to enforce contribution limits.²⁸⁶ Systems that allow private enforcement action only for particular types of enforcement receive points in this category.
- **Nebraska:** Individuals in Nebraska may bring a civil suit in court to compel the Nebraska regulators to act or to compel compliance after exhausting administrative remedies.²⁸⁷ Such a statutory scheme is, however, similar to the rights of individuals in states with no express statute on the question. As such, the Index does not judge this language to be a right of private action.
- **New York:** In New York, private enforcement actions are allowed solely to force the filing of reports.²⁸⁸ Systems that allow private enforcement action only for particular types of enforcement receive points in this category.
- **North Carolina:** Individuals in North Carolina file a written complaint under oath that a report or other statement is either inaccurate or needs to be filed and may call for a special prosecutor if the Board of Elections refers a case for prosecution but a district attorney does not act.²⁸⁹ Such a statutory scheme is, however, analogous to the similar rights of individuals in states with no express statute on the question. As such, the Index does not judge this language to be a right of private action.
- **Oregon:** In Oregon, private enforcement actions are allowed solely to force the filing of reports.²⁹⁰ Systems that allow private enforcement action only for particular types of enforcement receive points in this category.
- **Pennsylvania:** In Pennsylvania, private enforcement actions are allowed solely to compel an audit.²⁹¹ Systems that allow private enforcement action only for particular types of enforcement receive points in this category.
- **South Carolina:** South Carolina generally prohibits private enforcement actions except near an election. During the 50 days before an

election, private enforcement actions are permitted by all citizens.²⁹² The Index scores any system that allows any full private complaints as having private enforcement actions.

State Law Changes

Colorado H.B. 1047 (2018)²⁹³: Colorado H.B. 1047 made a change to the state's campaign finance statutes, restricting private enforcement actions. This affects the *Private Enforcement of Campaign Laws* Section.

Colorado S.B. 68 (2019)²⁹⁴: Colorado S.B. 68 made a change to the state's campaign finance statutes, lengthening the Electioneering Communication Window and lengthening the required disclaimer language. This affects the *Regulation of Issue Speech Near an Election ("Electioneering Communications")* and *Disclaimers* Sections.

Idaho S. 1113 (2019)²⁹⁵: Idaho S. 1113 made a change to the state's campaign finance statutes, raising the PAC registration and PAC donor disclosure threshold. This affects the *Laws on Political Committees* and *Regulation of Independent Expenditures by Non-Political Committees* Sections.

Michigan S.B. 335 (2018)²⁹⁶: Michigan S.B. 335 made numerous changes to the state's campaign finance statutes, changing disclosure and registrations thresholds for various groups and containing a formal recognition of Independent Expenditure PACs. This affects the *Laws on Political Committees*, *Regulation of Independent Expenditures by Non-Political Committees*, and *Super PAC Recognition* Sections.

Minnesota S.F. 3306 (2018)²⁹⁷: Minnesota S.F. 3306 made a change to the state's campaign finance statute, allowing for a public information

exception to coordination rules. This affects the *Coordination Regulations* Section.

New Mexico S.B. 3 (2019)²⁹⁸: New Mexico S.B. 3 made broad changes to the state's campaign finance statutes including changes that affected the *Laws on Political Committees*, *Regulation of Issue Speech Near an Election ("Electioneering Communications")*, and *Regulation of Independent Expenditures by Non-Political Committees* Sections.

North Dakota H.B. 1521 (2019)²⁹⁹: North Dakota H.B. 1521 made a change to the state's campaign finance statute, creating inflation adjustments for registration and disclosure thresholds. This affects the *Laws on Political Committees* and *Regulation of Independent Expenditures by Non-Political Committees* Sections. In some instances, North Dakota allows for inflation adjustments on \$0 thresholds. The Index gives them credit for the inflation adjustment despite it currently having no effect.

Oregon H.B. 2716 (2019)³⁰⁰: Oregon H.B. 2716 made a change to the state's campaign finance statute, introducing disclaimers and donor disclosure on disclaimers. This affects the *Disclaimers* Section.

Utah S.B. 26 (2018)³⁰¹: Utah S.B. 26 made a change to the state's campaign finance statute, raising the reporting threshold for political committees. This affects the *Laws on Political Committees* Section.

West Virginia S.B. 622 (2019)³⁰²: West Virginia S.B. 622 made broad changes to the state's campaign finance statutes, including changes to the *Laws on Political Committees*, *Regulation of Issue Speech Near an Election ("Electioneering Communications")*, *Regulation of Independent*

Expenditures by Non-Political Committees, and Coordination Regulations Sections.

Wyoming S.F. 18 (2019)³⁰³: Wyoming S.F. 18 made broad changes to the state's campaign finance statutes, including changes to the *Laws on Politi-*

cal Committees, Regulation of Issue Speech Near an Election ("Electioneering Communications"), Regulation of Independent Expenditures by Non-Political Committees, and Super PAC Recognition Sections.



Appendices



Appendix 1. Complete 50-State Scores by Category

State	Points	Score	Rank	Laws on Political Committees	Grassroots Advocacy and Lobbying	Definition of Campaign "Expenditure"	Regulation of Issue Speech Near an Election ("Electioneering Communications")
Maximum	1000			130	130	130	130
Alabama	506.79	51%	15	54.17	130	0.00	1.63
Alaska	319.58	32%	42	43.33	130	0.00	55.25
Arizona	674.17	67%	5	93.17	130	0.00	130.00
Arkansas	484.33	48%	20	49.83	71.5	0.00	130.00
California	281.58	28%	44	43.33	84.5	0.00	61.75
Colorado	433.21	43%	29	43.33	71.5	0.00	63.38
Connecticut	184.98	18%	49	0.00	45.5	0.00	24.38
Delaware	278.17	28%	45	54.17	130	0.00	13.00
Florida	292.92	29%	43	54.17	71.5	0.00	16.25
Georgia	490.83	49%	19	56.33	71.5	0.00	130.00
Hawaii	266.33	27%	47	43.33	42.25	0.00	61.75
Idaho	565.67	57%	10	54.17	71.5	130.00	13.00
Illinois	455.33	46%	24	49.83	130	0.00	19.50
Indiana	557.67	56%	12	54.17	45.5	0.00	130.00
Iowa	747.17	75%	3	54.17	130	130.00	130.00
Kansas	650.33	65%	6	23.83	71.5	130.00	130.00
Kentucky	498.00	50%	16	13.00	130	0.00	130.00
Louisiana	438.50	44%	27	97.50	130	0.00	130.00
Maine	419.08	42%	31	43.33	104	0.00	74.75
Maryland	267.43	27%	46	50.56	45.5	0.00	27.63
Massachusetts	369.18	37%	38	50.56	71.5	0.00	60.13
Michigan	766.33	77%	2	43.33	130	130.00	130.00
Minnesota	372.43	37%	36	45.93	13	0.00	130.00
Mississippi	476.43	48%	21	45.93	71.5	0.00	130.00
Missouri	519.83	52%	14	43.33	71.5	0.00	130.00
Montana	396.38	40%	33	32.50	45.5	0.00	11.38
Nebraska	468.52	47%	22	63.27	42.25	0.00	130.00
Nevada	697.57	70%	4	64.57	130	97.50	130.00
New Hampshire	381.00	38%	35	0.00	130	0.00	130.00
New Jersey	370.60	37%	37	9.10	6.5	0.00	130.00
New Mexico	578.18	58%	9	45.93	68.25	0.00	65.00
New York	150.83	15%	50	10.83	13	0.00	13.00
North Carolina	557.13	56%	13	97.50	78	130.00	66.63
North Dakota	386.93	39%	34	52.43	45.5	0.00	130.00
Ohio	424.96	42%	30	62.83	130	0.00	34.13
Oklahoma	564.75	56%	11	97.50	130	0.00	68.25
Oregon	451.83	45%	25	43.33	71.5	0.00	130.00
Pennsylvania	439.83	44%	26	43.33	19.5	0.00	130.00
Rhode Island	336.75	34%	41	0.00	71.5	97.50	29.25
South Carolina	356.17	36%	40	54.17	104	0.00	130.00
South Dakota	407.71	41%	32	43.33	130	0.00	63.38
Tennessee	494.06	49%	18	50.56	71.5	0.00	130.00
Texas	627.67	63%	7	67.17	104	97.50	130.00
Utah	494.42	49%	17	67.17	130	0.00	61.75
Vermont	433.54	43%	28	54.17	71.5	0.00	69.88
Virginia	583.17	58%	8	86.67	71.5	0.00	130.00
Washington	222.21	22%	48	43.33	32.5	0.00	63.38
West Virginia	466.25	47%	23	13.00	55.25	97.50	19.50
Wisconsin	861.67	86%	1	86.67	130	130.00	130.00
Wyoming	360.83	36%	39	23.83	32.5	0.00	71.50

State	Regulation of Independent Expenditures by Non-Political Committees	Coordination Regulations	Disclaimers	Super PAC Recognition	False Statement Laws	Private Enforcement of Campaign Laws
Maximum	130	130	70	70	40	40
Alabama	13.00	130.00	28.00	70.00	40.00	40.00
Alaska	91.00	0.00	0.00	0.00	0.00	0.00
Arizona	117.00	26.00	28.00	70.00	40.00	40.00
Arkansas	13.00	0.00	70.00	70.00	40.00	40.00
California	26.00	26.00	0.00	0.00	40.00	0.00
Colorado	91.00	26.00	28.00	70.00	0.00	40.00
Connecticut	35.10	0.00	0.00	0.00	40.00	40.00
Delaware	13.00	0.00	28.00	0.00	40.00	0.00
Florida	13.00	0.00	28.00	70.00	0.00	40.00
Georgia	13.00	0.00	70.00	70.00	40.00	40.00
Hawaii	13.00	26.00	0.00	0.00	40.00	40.00
Idaho	13.00	104.00	70.00	70.00	40.00	0.00
Illinois	0.00	78.00	28.00	70.00	40.00	40.00
Indiana	130.00	130.00	28.00	0.00	0.00	40.00
Iowa	91.00	104.00	28.00	0.00	40.00	40.00
Kansas	13.00	104.00	28.00	70.00	40.00	40.00
Kentucky	117.00	0.00	28.00	0.00	40.00	40.00
Louisiana	13.00	0.00	28.00	0.00	0.00	40.00
Maine	117.00	0.00	0.00	0.00	40.00	40.00
Maryland	35.75	0.00	28.00	0.00	40.00	40.00
Massachusetts	117.00	0.00	0.00	70.00	0.00	0.00
Michigan	91.00	104.00	28.00	70.00	0.00	40.00
Minnesota	19.50	26.00	28.00	70.00	0.00	40.00
Mississippi	91.00	0.00	28.00	70.00	0.00	40.00
Missouri	117.00	0.00	28.00	70.00	40.00	20.00
Montana	91.00	78.00	28.00	70.00	0.00	40.00
Nebraska	13.00	0.00	70.00	70.00	40.00	40.00
Nevada	19.50	78.00	28.00	70.00	40.00	40.00
New Hampshire	13.00	0.00	28.00	0.00	40.00	40.00
New Jersey	117.00	0.00	28.00	0.00	40.00	40.00
New Mexico	91.00	130.00	28.00	70.00	40.00	40.00
New York	0.00	26.00	28.00	0.00	40.00	20.00
North Carolina	91.00	26.00	28.00	0.00	0.00	40.00
North Dakota	91.00	0.00	28.00	0.00	0.00	40.00
Ohio	130.00	0.00	28.00	0.00	0.00	40.00
Oklahoma	91.00	0.00	28.00	70.00	40.00	40.00
Oregon	117.00	0.00	0.00	70.00	0.00	20.00
Pennsylvania	117.00	0.00	70.00	0.00	40.00	20.00
Rhode Island	32.50	26.00	0.00	0.00	40.00	40.00
South Carolina	0.00	0.00	28.00	0.00	40.00	0.00
South Dakota	91.00	0.00	0.00	0.00	40.00	40.00
Tennessee	0.00	104.00	28.00	70.00	0.00	40.00
Texas	13.00	78.00	28.00	70.00	40.00	0.00
Utah	97.50	0.00	28.00	70.00	0.00	40.00
Vermont	130.00	0.00	28.00	0.00	40.00	40.00
Virginia	117.00	0.00	28.00	70.00	40.00	40.00
Washington	13.00	0.00	0.00	70.00	0.00	0.00
West Virginia	91.00	52.00	28.00	70.00	0.00	40.00
Wisconsin	117.00	130.00	28.00	70.00	0.00	40.00
Wyoming	13.00	0.00	70.00	70.00	40.00	40.00

Overall Score and Rank

State	Score	Grade	Rank	State	Score	Grade	Rank
Alabama	100%	A+	1	Montana	47%	C	26
Nebraska	100%	A+	1	Minnesota	45%	C-	27
Oregon	100%	A+	1	Idaho	44%	C-	28
Utah	100%	A+	1	Illinois	44%	C-	29
Virginia	100%	A+	1	Nevada	42%	C-	30
Mississippi	98%	A	6	Kansas	40%	D+	31
Iowa	97%	A	7	Arkansas	38%	D+	32
Indiana	95%	A	8	California	38%	D+	33
North Dakota	94%	A	9	New Jersey	37%	D+	34
Pennsylvania	94%	A	9	South Carolina	37%	D+	35
Texas	94%	A	9	Ohio	36%	D	36
Wyoming	74%	B	12	Delaware	32%	D	37
Michigan	58%	C+	13	New Mexico	28%	D	38
South Dakota	58%	C+	14	New Hampshire	21%	D-	39
Georgia	57%	C+	15	Hawaii	19%	F	40
Tennessee	56%	C+	16	Oklahoma	19%	F	41
North Carolina	56%	C	17	Rhode Island	17%	F	42
Arizona	55%	C	18	Missouri	17%	F	43
Maine	53%	C	19	Massachusetts	14%	F	44
Washington	53%	C	20	Connecticut	14%	F	45
Vermont	52%	C	21	Maryland	13%	F	46
Wisconsin	50%	C	22	Colorado	12%	F	47
Louisiana	50%	C	23	Alaska	10%	F	48
New York	49%	C	24	West Virginia	4%	F	49
Florida	48%	C	25	Kentucky	2%	F	50

Endnotes



How States Can Improve

- 1 *Coal. for Secular Gov't v. Williams*, 815 F.3d 1267, 1276 (10th Cir. 2016).
- 2 *Buckley*, 424 U.S. 1, 44 (1976) (per curiam).
- 3 *SpeechNow.org v. Fed. Election Comm'n*, 599 F.3d 686 (D.C. Cir. 2010) (en banc).
- 4 *Susan B. Anthony List v. Driehaus*, 573 U.S. 149 (2014).
- 5 *NAACP v. Alabama*, 357 U.S. 449 (1958).

A Note About Contribution Limits and the 2018 Free Speech Index

- 6 West Virginia Governor Jim Justice (R) signed S.B. 622 into law in March 2019. Among other First Amendment-friendly improvements to West Virginia's campaign finance laws, the legislation increased the state's contribution limits across the board.

Laws on Political Committees

- 7 This term can be slightly different, depending on a state's law. In some states, these groups are called "political committees." In others, PACs are subdivided between those run by candidates, those run independently, and those focusing on ballot measures. For simplicity, we generally use the term "PAC" throughout this Index to reference any committee that must regularly register and report their contributions and expenditures to the government.
- 8 479 U.S. 238 (1986).
- 9 *Id.* at 253 (Brennan, J., plurality opinion).
- 10 *Id.* at 266 (O'Connor, J., concurring).
- 11 556 F.3d 1021, 1024 (9th Cir. 2009); *id.* at 1034.
- 12 *Id.* at 1033-1034.
- 13 *Id.*
- 14 *Coal. for Secular Gov't v. Williams*, 815 F.3d 1267, 1275, 1281 (10th Cir. 2016), *cert. denied sub. nom Williams v. Coal. for Secular Gov't*, 580 U.S. ___, 137 S. Ct. 173 (2016).
- 15 Alaska Stat. Ann. § 15.13.050(a).
- 16 *Id.* § 15.13.040(b)(3).
- 17 *Id.* § 15.13.040(b)(2).
- 18 Neb. Rev. Stat. § 49-1413(1).
- 19 Ga. Comp. R. & Regs. 189-4-.01(2).
- 20 Ariz. Rev. Stat. § 16-905(C) and (I).
- 21 *Shelton v. Tucker*, 364 U.S. 479, 488 (1960) (internal citations omitted).
- 22 *Wis. Right to Life, Inc. v. Barland*, 751 F.3d 804, 840 (7th Cir. 2014).
- 23 *Buckley v. Valeo*, 424 U.S. at 66 (per curiam).
- 24 *McCutcheon v. Fed. Election Comm'n*, 572 U.S. 185, 218 (2014) (Roberts, C.J., controlling opinion).
- 25 *See, e.g.*, Colo. Rev. Stat. § 1-45-108(1)(a)(I); 8 C.C.R. 1505-6 R. 10.3.1 ("A committee must list all expenditures of \$20 or more during a reporting period, including the name and address of payees."). This means that even buying a couple of books of stamps at the current rate of \$11 per book would trigger Colorado's detailed reporting of which specific post office one bought stamps. This is no mere hypothetical. The Institute represented a client who had to do just that. *See Verified Complaint ¶30, Coalition for Secular Gov't v. Gessler*, No. 1:12-cv-01708-JLK (D. Colo. July 2, 2012). Available at: <https://www.ifs.org/wp-content/uploads/2012/07/CSG-Verified-Complaint.pdf>.
- 26 *Buckley*, 424 U.S. 1, 80 (1976) ("This reading is directed precisely to that spending that is unambiguously related to the campaign of a particular federal candidate.").
- 27 *Id.* at 79.
- 28 *Id.*
- 29 *Id.*
- 30 *Id.* at 81.
- 31 *Elrod v. Burns*, 427 U.S. 347, 362 (1976) (collecting cases).
- 32 Wis. Stat. § 11.0101(25)(a) (emphasis added).
- 33 *Indep. Inst. v. Coffman*, 209 P.3d 1130, 1139 (Colo. App. 2008).
- 34 Ky. Rev. Stat. § 121.015(3)(d).
- 35 Haw. Rev. Stat. § 11-302; *Yamada v. Snipes*, 786 F.3d 1182 (9th Cir. 2015).

- 36 Ark. Code Ann. § 7-6-201(1)(A) and (12); Code Ark. Rs. 153.00.06-500(a) and 153.00.02-200(o).
- 37 Cal. Gov't Code § 82013.
- 38 *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 324 (2010).
- 39 *Connally v. Gen. Constr. Co.*, 269 U.S. 385, 391 (1926).
- 40 *Thomas v. Collins*, 323 U.S. 516, 535 (1945).
- 41 Cal. Gov't Code § 82013.
- 42 Mont. Code Ann. § 13-1-101(31)(a)(iii).
- 43 Ohio Rev. Code § 3517.01(C)(8).
- 44 N.Y. Election Law § 14-100(1).
- 45 Dick M. Carpenter II, "Mandatory Disclosure for Ballot-Initiative Campaigns," *The Independent Review*, Vol. 13:4. Available at: https://www.independent.org/pdf/tir/tir_13_04_6_carpenter.pdf (Spring 2009).
- 46 David M. Primo, Ph.D., "Full Disclosure: How Campaign Finance Disclosure Laws Fail to Inform Voters and Stifle Public Debate," Institute for Justice. Available at: http://www.ij.org/images/pdf_folder/other_pubs/fulldisclosure.pdf (Oct. 2011).
- 47 Carpenter, "Mandatory Disclosure."
- 48 Jeffrey Milyo, Ph.D., "Mowing Down the Grassroots: How Grassroots Lobbying Disclosure Suppresses Political Participation," Institute for Justice. Available at: https://ij.org/wp-content/uploads/2015/03/mowing_down_the-grassroots.pdf (April 2010).
- 49 N.J. Stat. § 19:44A-8(f), (g). But note that New Jersey's Election Law Enforcement Commission interprets this to mean "during an election" instead of the statute's limitation of "the period covered by the report." See "2021 Compliance Manual for Political Committees," Election Law Enforcement Commission. Available at: https://www.elec.state.nj.us/pdf/files/forms/compliance/man_pc.pdf (Jan. 2021) at 16.
- 50 Nev. Rev. Stat. §§ 294A.140, and .150.
- 51 Mich. Comp. Laws § 169.226(1)(e).
- 52 Md. Code Regs. 33.13.02.02(A)(9), (E).
- 53 Nev. Rev. Stat. § 294A.140(12).
- 54 Luke Wachob, "Misusing Disclosure: How a Policy Intended to Increase Voter Knowledge Often Misleads the Public," Institute for Free Speech. Available at: https://www.ifs.org/wp-content/uploads/2014/07/2014-08-01_Wachob_Issue-Review_Misusing-Disclosure.pdf (Aug. 2014).

Grassroots Advocacy and Lobbying

- 55 Norman Rockwell, "Freedom of Speech," Illustration for *The Saturday Evening Post*. Available at: <https://www.nrm.org/2012/10/collections-four-freedoms/#post/0> (Feb. 20, 1943).
- 56 *United Mine Workers of America, District 12 v. Illinois State Bar Association*, 389 U.S. 217, 222 (1967).
- 57 See, e.g., Kalina Newman, "County Board Approves Crystal Houses Development," *ARLnow*. Available at: <https://www.arlnow.com/2019/12/16/county-board-approves-crystal-houses-development/> (Dec. 16, 2019) ("Several members of the 23rd Street campaign spoke against the site plan at the County Board meeting, clad in matching shirts that read 'Keep 23rd Street Weird, Eclectic & Uniquely Authentic, Support Parking For Your Local Business.'").
- 58 424 U.S. 1, 14 (1976) (per curiam).
- 59 *Id.* at 14 (quoting *Mills v. Alabama*, 384 U.S. 214, 218 (1966)) (internal quotation marks omitted).
- 60 *Meyer v. Grant*, 486 U.S. 414, 425 (1988).
- 61 *Id.* at 424.
- 62 *Buckley*, 424 U.S. at 14.
- 63 As of May 2019, the 19 states without any regulation of grassroots lobbying are: Alabama, Alaska, Arizona, Delaware, Illinois, Iowa, Kentucky, Louisiana, Maine, Michigan, Nevada, New Hampshire, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, and Wisconsin.
- 64 Ala. Code § 36-25-1(20).
- 65 Del. Code tit. 29, § 5831(a)(5).
- 66 Utah Code § 36-11-102(13).
- 67 Wis. Stat. § 13.621(1)(a).
- 68 2 Vt. Stat. §§ 263(c) and (d), 264(b) and (c), and 264b(b).
- 69 Tenn. Code §§ 3-6-302(b) and -303.
- 70 Wash. Rev. Code § 42.17A.640(2)(c) (initial registration) (emphasis added); see also Wash. Rev. Code § 42.17A.640(3) (monthly reporting).
- 71 N.Y. Legis. Law § 1-h(c)(4)(ii).
- 72 Minn. Stat. § 10A.01(33)(2).
- 73 Cal. Gov't Code § 86115. Importantly, this \$5,000 threshold is applied quarterly.

- 74 N.Y. Legis. Law § 1-e(a)(1).
- 75 See Neb. Rev. Stat. §§ 49-1434(2) (defining “lobbyist”), -1434(1) (defining lobbyist “principal”), -1480 (registration), and -1483 (reporting); see also 4 Neb. Admin. R. & Regs. §§ 6.003.04 and 6.003.04B (lobbyist registration exemptions).
- 76 Mont. Code §§ 5-7-102(12) (defining “lobbyist”), -208 (reports by lobbyist principals), and -112 (inflation adjustment).
- 77 N.C. Gen. Stat. § 120C-100(a)(36).
- 78 N.M. Stat. § 2-11-6(l).
- 79 Jeffrey Milyo, Ph.D., “Mowing Down the Grassroots: How Grassroots Lobbying Disclosure Suppresses Political Participation,” Institute for Justice. Available at: <https://www.ifs.org/wp-content/uploads/2010/04/Milyo-2010-Grassroots-Lobbying.pdf> (April 2010), at 6.
- 80 *United States v. Harris*, 347 U.S. 612, 625 (1954).
- 81 *Calzone v. Summers*, 942 F.3d 415, 424-25 (8th Cir. 2019) (en banc).
- 82 As of May 2019, the 15 states with some type of donor disclosure requirement for lobbyists or lobbyist principals are Connecticut, Hawaii, Indiana, Maine, Maryland, Minnesota, Montana, Nebraska, New Jersey, New York, North Dakota, Pennsylvania, South Carolina, Texas, and Washington. Importantly, most of these states limit donor disclosure to certain specified situations. See Eric Wang, “A Survey of Campaign Finance and Lobbying Laws in the 50 States, District of Columbia, New York City, and Seattle,” Institute for Free Speech. Available at: <https://www.ifs.org/wp-content/uploads/2019/03/20194406559120.pdf> (March 19, 2019).
- 83 See N.H. Rev. Stat. § 15:3(l) and 15:6.
- 84 51 Pa. Code § 55.1(g)(5).
- 85 See *NAACP v. Alabama*, 357 U.S. 449 (1958).

Definition of Campaign “Expenditure”

- 86 424 U.S. 1, 44 n.52 (1976).
- 87 *Id.* at 14.
- 88 See, e.g., *McConnell v. Fed. Election Comm’n*, 540 U.S. 93, 190 (2003), *overruled in part on other grounds, Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 365 (2010).
- 89 *Buckley*, 424 U.S. at 42.
- 90 *Id.* at 43 (quoting *Thomas v. Collins*, 323 U.S. 516, 535 (1945)).
- 91 *Id.* at 75.
- 92 Kan. Stat. Ann. § 25-4143(g)(1)(A) and (B) (emphasis added).
- 93 *Id.* § 25-4143(h).
- 94 479 U.S. 238 (1986).
- 95 *FEC v. Wisconsin Right to Life*, 551 U.S. 449, 469-470 (2007).
- 96 *Id.* at 461.
- 97 *Citizens United*, 558 U.S. at 315, 325 (describing *Hillary: The Movie* as “a feature-length negative advertisement that urges viewers to vote against Senator Clinton for President.”).
- 98 Nev. Rev. Stat. § 294A.0075(2).
- 99 *Id.* § 294A.0025.
- 100 *Buckley*, 424 U.S. at 63.
- 101 17 Vt. Stat. § 2901(7) (emphasis added).
- 102 11 C.F.R. § 100.22(b). The Commission purports to have implemented this standard in response to *Federal Election Commission v. Furgatch*, 869 F.2d 1256 (9th Cir. 1989). Fed. Election Commission, “Express Advocacy; Independent Expenditures; Corporate and Labor Organization Expenditures,” 60 Fed. Reg. 35292, 35294 (July 6, 1995).
- 103 Alaska Stat. Ann. § 15.13.400(6).
- 104 *Id.* § 15.13.400(7).
- 105 *Citizens United*, 558 U.S. at 324.
- 106 Conn. Gen. Stat. § 9-601b(a)(1) (emphasis added).
- 107 *WRTL II*, 551 U.S. at 467 (Roberts, C.J., controlling opinion) (citing *Buckley*, 424 U.S. at 43-44).
- 108 Haw. Rev. Stat. § 11-302.
- 109 Haw. Code R. § 3-160-6.
- 110 Haw. Rev. Stat. § 11-302.

Regulation of Issue Speech Near an Election (“Electioneering Communications”)

- 111 Joel M. Gora, “*Buckley v. Valeo*: A Landmark of Political Freedom,” *Akron Law Review*. Vol. 33:1. Available at: <https://www.uakron.edu/law/law-review/volumes/v33/docs/gora331.pdf> (1999) at 28.
- 112 Pub. L. No. 107-155 § 201, 116 Stat. 81, 88 (2002) (codified at 52 U.S.C. § 30104(f)).
- 113 376 U.S. 254, 270 (1964).
- 114 *Buckley*, 424 U.S. at 14.
- 115 See, e.g., *McConnell v. Fed. Election Comm’n*, 540 U.S. 93, 190 (2003), *overruled in part on other grounds*, *Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 365 (2010).
- 116 *Buckley*, 424 U.S. at 42.
- 117 *Id.* at 43 (quoting *Thomas v. Collins*, 323 U.S. 516, 535 (1945)).
- 118 President George W. Bush, “President Signs Campaign Finance Reform Act,” The White House. Available at: <https://georgewbush-whitehouse.archives.gov/news/releases/2002/03/20020327.html> (March 27, 2002).
- 119 *McConnell*, 540 U.S. at 193.
- 120 *McConnell v. Fed. Election Comm’n*, 251 F. Supp. 2d 176, 209 (D.D.C. 2003) (three-judge court) (per curiam).
- 121 Pub. L. No. 107-155 § 201, 116 Stat. 81, 88 (2002) (codified at 52 U.S.C. § 30104(f)).
- 122 Ohio Rev. Code § 3517.1011(D)(1).
- 123 S.D. Codified Laws § 12-27-16(2).
- 124 17 Vt. Stat. § 2971(a)(1).
- 125 52 U.S.C. § 30104(f)(3)(A)(i).
- 126 See, e.g., Idaho Code § 67-6602(7)(a).
- 127 Alaska Stat. Ann. § 15.13.400(5).
- 128 Ohio Rev. Code § 3517.1011(A)(7)(a).
- 129 *Citizens United*, 558 U.S. at 369.
- 130 52 U.S.C. § 30104(f)(3)(A)(i)(II).
- 131 Okla. Ethics Comm’n R. 2.2(7).
- 132 55 Mass. Gen. Laws § 1.
- 133 52 U.S.C. § 30104(f)(3)(C).
- 134 Wash. Rev. Code § 42.17A.005(21)(a)(ii).
- 135 10 Ill. Comp. Stat. 5/9-1.14(b)(4).
- 136 21-A Me. Rev. Stat. § 1012(3)(B)(1) and (1-A); see also 94-270 Me. Admin. Code § 10(5)(B)(1) and § 7(10).
- 137 *Buckley*, 424 U.S. at 75.
- 138 21-A Me. Rev. Stat. § 1019-B(4)(B); see also 94-270 Me. Admin. Code § 10(3)(C) and § 7(2).
- 139 17 Vt. Stat. § 2971(b).
- 140 The Tenth Circuit upheld Colorado’s existing electioneering communications law on these grounds and specifically noted that “it is important to remember that the Institute need only disclose those donors who have specifically earmarked their contributions for electioneering purposes.” *Independence Institute v. Williams*, 812 F.3d 787 n. 12 (10th Cir. 2016).
- 141 Cal. Gov’t Code § 85310(b)(1) (emphasis added).
- 142 Wash. Rev. Code § 42.17A.305(1)(b)(i) and (ii) (emphasis added).
- 143 Md. Elec. Code § 13-307(a)(2)(ii)(2)(A) and (B).
- 144 W. Va. Code § 3-8-2b(b)(5).
- 145 Idaho Code § 67-6628(1).
- 146 See Luke Wachob, “Misusing Disclosure: How a Policy Intended to Increase Voter Knowledge Often Misleads the Public,” Institute for Free Speech. Available at: https://www.ifs.org/wp-content/uploads/2014/07/2014-08-01_Wachob_Issue-Review_Misusing-Disclosure.pdf (Aug. 18, 2014).

Regulation of Independent Expenditures by Non-Political Committees

- 147 *Citizens United*, 558 U.S. 310, 342 (2010).
- 148 *Min. Citizens Concerned for Life, Inc. v. Swanson*, 692 F.3d 864, 872 (8th Cir. 2012) (en banc).
- 149 *Id.* (emphasis in original).

- 150 See Definition of Campaign “Expenditure” Section.
- 151 *Human Life of Washington, Inc. v. Brumsickle*, 624 F.3d 990, 1011 (9th Cir. 2010).
- 152 See, e.g., *Coal. for Secular Gov’t v. Williams*, 815 F.3d 1267 (10th Cir. 2016); *Sampson v. Buescher*, 625 F.3d 1247 (10th Cir. 2010); *Canyon Ferry Road Baptist Church of East Helena, Inc. v. Unsworth*, 556 F.3d 1021 (9th Cir. 2009).
- 153 See Ohio Elections Comm’n Adv. Op. No. 2010ELC-02 (Sept. 2, 2010). Available at: <https://elc.ohio.gov/wps/portal/gov/elc/opinions-decisions/advisory-opinions/by-year/2010-02>.
- 154 Ariz. Rev. Stat. § 16-926(H).
- 155 Mich. Comp. Laws § 169.251(1).
- 156 Tex. Elec. Code § 254.261(a).
- 157 9 N.Y. Code of Rules and Regs. § 6200.10(c)(1); see also N.Y. Election Law § 14-107(3).
- 158 Tenn. Code § 2-10-132 and -105; see also *id.* § 2-10-102(12) (definition of “political campaign committee”).
- 159 Md. Elec. Code § 13-306(e)(5).
- 160 Conn. Gen. Stat. § 9-601(29)(B)(ii) and § 9-601d(g).

Coordination Regulations

- 161 *Buckley*, 424 U.S. at 48 (quoting *New York Times Co. v. Sullivan*, 376 U.S. at 269 (1964) (internal quotation marks omitted, ellipsis in *Buckley*)).
- 162 *Id.* at 46.
- 163 *Id.* at 47.
- 164 *Citizens United*, 558 U.S. at 360 (discussing size record from *McConnell v. Fed. Election Comm’n*, 251 F. Supp. 2d 176, 209 (D.D.C. 2003) (three judge court) (opinion of Kollar-Kotelly, J.)).
- 165 *Id.*
- 166 599 F.3d 686, 695 (D.C. Cir. 2010) (en banc).
- 167 *Id.* at 693.
- 168 *Buckley v. Valeo*, 424 U.S. 1, 26-27.
- 169 *McCutcheon*, 572 U.S. at 192.
- 170 *Buckley*, 424 U.S. at 80 n.108; see also *Fed. Election Comm’n v. Massachusetts Citizens for Life*, 479 U.S. 238, 248-249 (1986).
- 171 *WRTL II*, 551 U.S. at 469-470 (Roberts, C.J., controlling opinion); see also *Citizens United*, 558 U.S. at 324-325 (a majority of the Court applied the *WRTL II* test).
- 172 Kan. Stat. Ann. § 25-4148c(d)(2).
- 173 Mont. Code Ann. § 13-1-101(25).
- 174 *Id.* § 13-1-101(14)(a).
- 175 *Id.* § 13-1-101(50)(a) and (b).
- 176 W. Va. Code § 3-8-1a(23).
- 177 *Id.* § 3-8-2b(j).
- 178 *Id.* § 3-8-1a(15)(A).
- 179 9 N.Y. Code of Rules and Regs. § 6200.10(b)(1).
- 180 Wis. Stat. § 11.1203(3)(c).
- 181 See Del. Code tit. 15, § 8002(13).
- 182 Haw. Code R. § 3-160-8.

Disclaimers

- 183 *McIntyre v. Ohio Elections Commission*, 514 U.S. 334, 356-357 (1995); see also *Buckley v. Valeo*, 424 U.S. 1, 66-67 (1976); *Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 366-367 (2010).
- 184 See Alex Baiocco, “Paid For By’: Principles for Accurate and Effective Political Ad Disclaimers in the 21st Century,” Institute for Free Speech. Available at: https://www.ifs.org/wp-content/uploads/2020/07/2020-07-13_Issue-Brief_Baiocco_Principles-For-Accurate-And-Effective-Political-Ad-Disclaimers.pdf (July 13, 2020).
- 185 *Yes on Prop B v. City and Cty. of S.F.*, Case No. 20-15456 (9th Cir. 2020).
- 186 Ark. Code Ann. § 7-1-103(a)(7)(B).
- 187 25 Pa. Stat. § 3258(a)(2).

- 188 17 Vt. Stat. § 2972(a).
- 189 *Id.* § 2973(a).
- 190 *Id.* § 2973(b).
- 191 Only ten states require some form of donor disclosure in government-mandated disclaimers. As of May 2019, those states are Alaska, California, Connecticut, Hawaii, Maine, Massachusetts, Oregon, Rhode Island, South Dakota, and Washington.
- 192 55 Mass. Gen. Laws § 18G.
- 193 *Id.*
- 194 *Id.*; 970 Code of Mass. Regs. § 2.20(3).
- 195 *Id.*; 970 Code of Mass. Regs. § 2.20(7).

Super PAC Recognition

- 196 For more on Coordination Regulations see page 60.
- 197 599 F.3d 686 (D.C. Cir. 2010) (en banc). For more information, see Luke Wachob, “*SpeechNow.org v. Federal Election Commission: Protecting the First Amendment Rights of Americans*,” Institute for Free Speech. Available at: https://www.ifs.org/wp-content/uploads/2018/03/2018-03-26_Issue-Brief_Wachob_SpeechNow.org-v-FEC-Protecting-The-First-Amendment-Rights-of-Americans.pdf (March 26, 2018).
- 198 *Citizens United v. Fed. Election Comm’n*, 558 U.S. 310 (2010).
- 199 *SpeechNow.org*, 599 F.3d at 696.
- 200 See Luke Wachob, “Super PACs: Expanding Freedom of Speech,” Institute for Free Speech. Available at: https://www.ifs.org/wp-content/uploads/2017/10/2017-10-30_Issue-Brief_Wachob_Super-PACs-Expanding-Freedom-Of-Speech.pdf (Oct. 30, 2017).
- 201 See 10 ILCS 5/9-1.8(f).
- 202 See *id.* 5/9-8.5(e-5).

False Statement Laws

- 203 These statutes are in contrast to civil lawsuits for libel and slander, known collectively as defamation cases. Even then, the Supreme Court has held that, when a public official seeks to sue someone for defamation, the official must prove the speaker had “actual malice.” *New York Times Co. v. Sullivan*, 376 U.S. 254, 280 (1964). Merely being wrong about a fact will not satisfy this heightened requirement.
- 204 *Mills v. Ala.*, 384 U.S. 214, 218 (1966).
- 205 *Id.* at 218-219.
- 206 *Williams-Yulee v. Fla. Bar*, 575 U.S. ___, ___, 135 S. Ct. 1656, 1665 (2015).
- 207 *United States v. Alvarez*, 567 U.S. 709, 718 (2012) (plurality op.).
- 208 573 U.S. 149 (2014).
- 209 *Susan B. Anthony List v. Driehaus*, 814 F.3d 466, 476 (6th Cir. 2016) (declaring Ohio’s law unconstitutional); *Commonwealth v. Lucas*, 34 N.E.3d 1242, 1245 (Mass. 2015) (declaring Massachusetts’ law unconstitutional); *281 Care Comm. v. Arneson*, 766 F.3d 774, 785 (8th Cir. 2014) (declaring Minnesota’s false statement law unconstitutional); *Rickert v. State Pub. Disclosure Comm’n*, 168 P.3d 826, 832 (Wash. 2007) (declaring Washington’s law unconstitutional).
- 210 *Rickert*, 168 P.3d at 827.
- 211 Colo. Rev. Stat. § 1-13-109(1)(a).
- 212 See *id.* § 1-13-109(1)(b).
- 213 *Id.* § 1-13-109(2)(a)-(b).
- 214 *Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 324 (2010).
- 215 *United States v. Alvarez*, 567 U.S. 709, 727 (2012).

Private Enforcement of Campaign Laws

- 216 573 U.S. 149 (2014).
- 217 *Id.* at 164 (“The credibility of that threat is bolstered by the fact that authority to file a complaint with the Commission is not limited to a prosecutor or an agency. Instead, the false statement statute allows ‘any person’ with knowledge of the purported violation to file a complaint.”).
- 218 *Id.*
- 219 *Id.* at 165.
- 220 *Id.*

- 221 Colorado Const. art. XXVIII § 9(2)(a). In Colorado, the complaint was brought to the Secretary of State, who was legally obligated to bring it to the courts. The Index treats mandatory court actions initiated by private citizens in the same manner as private citizens bringing claims directly to courts.
- 222 *Coal. for Secular Gov't v. Williams*, 815 F.3d 1267, 1270 (10th Cir. 2016) (describing complaint process).
- 223 See, e.g., *Campaign Integrity Watchdog v. Coloradans for a Better Future*, 411 P.3d 173, 174 (Colo. App. 2016) (describing election and complaints) *overruled on other grounds*; *Coloradans for a Better Future v. Campaign Integrity Watchdog*, 409 P.3d 350, 351-352 (Colo. 2018) (also describing multiple complaints); cf. *Campaign Integrity Watchdog LLC v. Colo. Republican Party Indep. Expenditure Comm.*, 395 P.3d 1192, 1194 (Colo. App. 2017).
- 224 457 F.Supp.3d 979, 988 (D. Colo. June 12, 2018).
- 225 *Id.* at 983.
- 226 Colorado S.B. 19-232, 2019 Reg. Session (2019) *codified at* Colo. Rev. Stat. § 1-45-117.7.
- 227 55 Mass. Gen. Laws § 35.
- 228 Four states allow private enforcement only in narrow, specified contexts: Missouri, New York, Oregon, and Pennsylvania.
- 229 Mo. Rev. Stat. § 130.150.
- 230 Ariz. Rev. Stat. § 16-1021.
- 231 N.H. Rev. Stat. § 664:18.

Methodology

- 232 Available at: <https://www.ifs.org/research/a-survey-of-campaign-finance-and-lobbying-laws-in-the-50-states-district-of-columbia-new-york-city-and-seattle/>.
- 233 *Citizens United v. FEC*, 558 U.S. 310, 334 (2010).
- 234 *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972).
- 235 Cal. Govt. Code. § 84222(c)(5).
- 236 Cal Govt. Code. § 84222(a), (c)(5), and (d).
- 237 Colo. Const. art. XXVIII, § 2(12)(a) and Colo. Rev. Stat. § 1-45-103(11.5).
- 238 Haw. Rev. Stat. § 11-321(g) and Haw. Rev. Stat. §§ 11-323(a)(12), 11-335(b)(1).
- 239 Me. Rev. Stat. § 1052(5)(A)(4) and § 1052(5)(A)(5).
- 240 Minn. Stat. § 1052(5)(A)(5).
- 241 Minn. Stat. § 10A.20(3)(c).
- 242 Mo. Rev. § 130.011(7)(a).
- 243 Nev. Rev. Stat. § 294A.0055.1.
- 244 N.H. Rev. Stat. § 664:2(II).
- 245 W. Va. Code § 3-8-1a(21).
- 246 Wis. Stat. § 11.0101(25).
- 247 Wyo. Stat. § 22-1-102.
- 248 Cal. Gov't Code §§ 86103, 86105, 86112, 86113, 86115, and 86116.
- 249 Conn. Gen. Stat. § 1-95(a)(3).
- 250 Ind. Code §§ 2-7-2-3.
- 251 Md. Code, Gen. Prov. § 5-705(d).
- 252 Minn. R. 4511.0100(5) And Minn. Campaign Fin. and Pub. Disclosure Bd. Adv. Op. 336 (Jan. 25, 2002).
- 253 ELEC, 2015 Compliance Manual for Political Committees at 7-8 and N.J. Stat. § 19:44A-8(a)(1).
- 254 Pa. Cons. Stat. § 13A05(b)(5).
- 255 S.C. Code. § 2-17-35(A).
- 256 Tex. Gov't Code § 305.005(h)(4).
- 257 Wash. Rev. Code § 42.17A.600(1)(i) and Wash. Admin. Code § 390-20-150.
- 258 La. Rev. Stat. § 18:1463(C)(1) and (2).
- 259 Md. Elec. Code. § 13-307(b), (c).
- 260 Mich. Admin. Code r. 169.36.
- 261 Neb. Rev. Stat. § 49-1474.01.

- 262 N.Y. Election Law § 14-107(1)(b)(iv).
- 263 Okla. Ethics Comm'n R. 2.108(E).
- 264 Va. Code. 24.2-955.1 and -959.1.
- 265 W. Va. Code. § 3-8-2b(a).
- 266 Cal. Gov't Code § 84222(c)(5).
- 267 Cal. Gov't Code §§ 84222(e)(1)(c) and (2) and 84211(f).
- 268 Minn. Stat. § 10A.20(1) and (3)(c).
- 269 Minn. Stat. § 10A.17(4)(b).
- 270 Neb. Rev. Stat. § 49-1469(2).
- 271 Okla. Ethics Comm'n R. 2.107(E).
- 272 *S.C. Citizens for Life, Inc. v. Krawcheck*, 759 F. Supp. 2d 708 (D.S.C. 2010).
- 273 *S. Carolinians for Responsible Gov't v. Krawcheck*, 854 F. Supp. 2d 336 (D.S.C. 2012).
- 274 Tenn. Code. §§ 2-10-107(a)(2) and 2-10-105.
- 275 Wash. Rev. Code § 42.17A.305(1)(b).
- 276 Cal. Gov't Code § 18225.7(e)(2).
- 277 Haw. Rev. Stat. §§ 11-323(a)(12), 11-335(b)(1).
- 278 *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334 (1995).
- 279 Kan. Stat. Ann. §§ 25-4150.
- 280 Me. Rev. Stat. § 1014(2-B) and Me. Admin. Code § 7(12).
- 281 Mass. Code of Regs. § 18A and Mass. Code of Regs. § 2.17.
- 282 N.M. Stat. §§ 1-19-16.B.
- 283 N.C. Gen. Stat. § 163- 278.39(a)(1).
- 284 Cal. Gov't Code §§ 91004, 91005, 91007.
- 285 Del. Code § 8042.
- 286 Mo. Rev. Stat. § 130.150(2).
- 287 Neb. Rev. Stat. § 49-14,127.
- 288 N.Y. Election Law § 16-114.
- 289 N.C. Gen. Stat. § 163-278.28(b).
- 290 Ore. Rev. Stat. § 260.225(1).
- 291 Pa. Code § 3256(a).
- 292 S.C. Code § 8-13-320(9)(b)(1).
- 293 Colo. H.B. 18-1047 (codified at § 1-45-103, § 1-45-103.7, § 1-45-107.5(9), § 1-45-108, § 1-45-109, § 1-45-110, § 1-45-111.5, § 1-45-117, § 24-30-202.4).
- 294 Colo. S.B. 19-068 (codified at C.R.S. § 1-45-103(9), § 1-45-108, § 1-45-108.3).
- 295 Idaho S. 1113, Idaho Sess. Law 288 (codified at § 67-6601, 6602, 6604, 6606, 6607, 6608, 6610, 6612, 6615, 6616, 6621, 6623, 6625A, 6626).
- 296 Mich. S.B. 335, Public Act 119 of 2017 (codified at MCLS § 169).
- 297 2018 Minn. ALS 119 (codified at Minn. Stat. §10A).
- 298 2019 N.M. Laws 262 (codified at N.M. Stat. Ann. §§ 1-1-3.1, 1-19-26, 1-19-28, 1-19-29, 1-19-31, 1-19-34, 1-19-35, 1-19-36).
- 299 2019 N.D. Laws 472, 2019 N.D. H.B. 1521 (codified at N.D. Cent. Code §§ 16.1-08.1, 28-34, and 54-66).
- 300 2019 Ore. H.B. 2716, 2019 Ore. Laws 636 (codified at Or. Rev. Stat. § 260.995).
- 301 2018 Ut. S.B. 26, 2018 Utah Laws 83 (codified at Utah Code Ann. §§ 20A-11-101 – 20A-11-1706, 20A-12-303).
- 302 2019 W.V. S.B. 622, 2019 W. Va. Acts 102 (codified at W. Va. Code §§ 3-8-1 – 3-8-15).
- 303 2019 Wyo. S.F. 18, 2019 Wyo. Sess. Laws 1 (codified at Wyo. Stat. §§ 22-25-101 – 22-25-115, 22-29-101 – 22-29-601).

About the Author

Scott Blackburn is the Institute for Free Speech's Research Director, a position he has held since 2018. He is responsible for spearheading the Institute's short-term and long-term research efforts on the regulation of free political debate and free association and played a major role in authoring and publishing the organization's first Free Speech Index in March 2018, which graded the 50 states on their political giving freedom. Blackburn's primary areas of research expertise include campaign spending, internet speech regulations, political contribution limits, disclosure mandates, the Federal Election Commission, the Supreme Court's campaign finance jurisprudence, and other speech-related regulations at both the federal and state level. His writing has appeared in numerous publications, including *The Wall Street Journal*, *USA Today*, and the *New York Post*. Blackburn originally joined the Institute in June 2014.

Prior to joining the Institute for Free Speech, Blackburn worked at the Cato Institute, the American Action Forum, and wrote for the polit-



ical fact-checking website, FactCheck.Org. He graduated from the University of Pennsylvania with a B.A. in Political Science in 2012.

A Cleveland native, Blackburn is husband to his loving and supportive wife, Katie, and the proud father of two young children, three-year-old Declan and one-year-old Charlotte.

Institute for Free Speech
1150 Connecticut Avenue, NW, Suite 801
Washington, DC 20036



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