UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON, *et al.*, Plaintiffs, v. FEDERAL ELECTION COMMISSION, Defendant.	Civil Action No. 15-2038 (RC)

DECLARATION OF STUART C. MCPHAIL
IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

I, STUART C. MCPHAIL, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am an attorney licensed to practice law in the District of Columbia, California, and New York. I am admitted to practice before this Court *pro hac vice* and my application for admission to the United States District Court for the District of Columbia is currently pending. I am counsel of record for Plaintiffs Citizens for Responsibility and Ethics in Washington and Melanie Sloan. I am personally familiar with the facts set forth herein, unless the context indicates otherwise.

2. Attached hereto as Exhibit 1 is a true and correct copy the website titled "Directory of Representatives" published by the United States House of Representatives, as it appeared on the website http://www.house.gov/representatives/ on July 21, 2016.

3. Attached hereto as Exhibit 2 are true and correct copies of the website titled "Political Nonprofits (Dark Money)" published by the Center for Responsive Politics, with either

the “Cycle to Date” or “Total Cycle” metrics selected, as they appeared on the website http://www.opensecrets.org/outsidespending/nonprof_summ.php?cycle=2016&type=type&range=tot on July 21, 2016.

4. Attached hereto as Exhibit 3 is a true and correct copy of the article titled “Advertising surges in presidential race; dark money dominating Senate contests,” by Robert Maguire and published by the Center for Responsive Politics on May 13, 2016, as it appeared on the website http://www.opensecrets.org/news/2016/05/advertising-surges-in-presidential-race-dark-money-dominating-senate-contests/ on July 21, 2016.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Brennan Center for Justice report titled “Secret Spending in the States” published June 26, 2016 and available at https://www.brennancenter.org/sites/default/files/analysis/Secret_Spending_in_the_States.pdf.

6. Attached hereto as Exhibit 5 is a true and correct copy of the article titled “IRS approves tax-exempt status of Crossroads GPS after more than five years,” by Matea Gold and published by the Washington Post on February 9, 2016, as it appeared on the website https://www.washingtonpost.com/news/post-politics/wp/2016/02/09/irs-approves-tax-exempt-status-of-crossroads-gps-after-more-than-five-years/ on July 21, 2016.

7. Attached hereto as Exhibit 6 are true and correct copies of FEC Summaries of Reports for Crossroads GPS providing summaries of Crossroads GPS’s independent expenditure reports for the two-year periods ending in 2012 and 2014, accessed through the FEC’s database available at http://www.fec.gov/fecviewer/CandidateCommitteeDetail.do by searching for Crossroads Grassroots Policy Strategies, as the summaries appeared on July 21, 2016.

8. Attached hereto as Exhibit 7 are true and correct copies of FEC Summaries of Reports for American Action Network providing summaries of American Action Network’s

independent expenditure reports for the two-year periods ending 2012, 2014, and 2016 accessed through the FEC's database available at http://www.fec.gov/fecviewer/CandidateCommittee Detail.do by searching for American Action Network, as the summaries appeared on July 21, 2016.

9. Attached hereto as Exhibit 8 is a true and correct copy of the website titled "Top Election Spenders" published by the Center for Responsive Politics, as it appeared on the website https://www.opensecrets.org/dark-money/top-election-spenders.php on July 21, 2016.

10. Attached hereto as Exhibit 9 is a true and correct excerpt of a copy of the Arizona Future Funds Form 990-EZ, filed with the IRS on February 12, 2014 and available through CitizenAudit.org.

11. Attached hereto as Exhibit 10 is a true and correct copy the conciliation agreement entered between Arizona Future Fund and the Arizona Citizens Clean Elections Commission in *In re Arizona Future Fund*, MUR No. 14-014, on December 18, 2014.

12. Attached hereto as Exhibit 11 is a true and correct copy of a December 23, 2014 email sent from William B. Canfield III to Sara Larsen of the Arizona Citizens Clean Elections Commission and an attachment detailing Arizona Future Fund's independent expenditures.

13. Attached hereto as Exhibit 12 is a true and correct copy the article "Inside the GOP's Effort to Consolidate the Super Pac Universe," by Reid Wilson and published by the Morning Consult on March 24, 2016, as it appeared on the website https://morningconsult.com/2016/03/24/inside-the-gops-effort-to-consolidate-the-super-pac-universe/ on July 21, 2016.

14. Attached hereto as Exhibit 13 is a true and correct advance copy of the article "Representing the Preferences of Donors, Partisans, and Voters in the US Senate," by Michael J.

Barber and published by the Public Opinion Quarterly on March 16, 2016, as it appeared on the website http://poq.oxfordjournals.org/content/early/2016/03/15/poq.nfw004.full.pdf on July 21, 2016.

15. Attached hereto as Exhibit 14 is a true and correct advance copy of the article "Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens," by Martin Gilens and Benjamin I. Page and published by Perspectives on Policy on September 18, 2016, as it appeared on the website https://scholar.princeton.edu/sites/default/files/mgilens/files/gilens_and_page_2014_-testing_theories_of_american_politics.doc.pdf on July 21, 2016.

16. Attached hereto as Exhibit 15 is a true and correct copy of the of Statement of Reasons of Vice Chairman Scott E. Thomas and Commissioners John Warren McGarry, Danny Lee McDonald, and Trevor Potter, issued in Matter Under Review 2804 and signed on July 27, 1992, available on the website http://www.fec.gov/disclosure_data/mur/2804_B.pdf.

17. Attached hereto as Exhibit 16 is a true and correct copy of the Conciliation Agreement entered into by Taxpayer Network and the FEC on May 14, 2014 in the Matter Under Review 6413, available on the website http://eqs.fec.gov/eqsdocsMUR/14044353947.pdf.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 28, 2016 at Washington, D.C.

<u>/s/ Stuart McPhail</u>
Stuart C. McPhail

Exhibit 1

UNITED STATES HOUSE of REPRESENTATIVES

114th Congress, 2nd Session · The House is not in session

Directory of Representatives

Also referred to as a congressman or congresswoman, each representative is elected to a two-year term serving the people of a specific congressional district. The number of voting representatives in the House is fixed by law at no more than 435, proportionally representing the population of the 50 states. Currently, there are five delegates representing the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. A resident commissioner represents Puerto Rico. Learn more about representatives at The House Explained.

Key to Room Codes

CHOB: Cannon House Office Building

LHOB: Longworth House Office Building

RHOB: Rayburn House Office Building

View the campus map

A Note About Room Numbering

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Alabama

District	Name	Party	Room	Phone	Committee Assignment
1	Byrne, Bradley	R	119 CHOB	202-225-4931	Armed Services Education and the Workforce Rules
2	Roby, Martha	R	442 CHOB	202-225-2901	Appropriations Select Committee on Benghazi
3	Rogers, Mike	R	324 CHOB	202-225-3261	Agriculture Armed Services Homeland Security
4	Aderholt, Robert	R	235 CHOB	202-225-4876	Appropriations
5	Brooks, Mo	R	1230 LHOB	202-225-4801	Armed Services Foreign Affairs Science, Space, and Technology
6	Palmer, Gary	R	206 CHOB	202-225-4921	Oversight and Government Science, Space, and Technology the Budget
7	Sewell, Terri A.	D	1133 LHOB	202-225-2665	Financial Services Intelligence (Permanent)

Alaska

District	Name	Party	Room	Phone	Committee Assignment
At Large	Young, Don	R	2314 RHOB	202-225-5765	Natural Resources Transportation

American Samoa

District	Name	Party	Room	Phone	Committee Assignment
At Large	Radewagen, Amata	R	1339 LHOB	202-225-8577	Natural Resources Small Business Veterans' Affairs

Arizona

District	Name	Party	Room	Phone	Committee Assignment
1	Kirkpatrick, Ann	D	201 CHOB	202-225-3361	Agriculture Transportation
2	McSally, Martha	R	1029 LHOB	202-225-2542	Armed Services Homeland Security
3	Grijalva, Raul	D	1511 LHOB	202-225-2435	Education and the Workforce Natural Resources
4	Gosar, Paul A.	R	504 CHOB	202-225-2315	Natural Resources Oversight and Government
5	Salmon, Matt	R	2349 RHOB	202-225-2635	Education and the Workforce Foreign Affairs
6	Schweikert, David	R	409 CHOB	202-225-2190	Financial Services
7	Gallego, Ruben	D	1218 LHOB	202-225-4065	Armed Services Natural Resources
8	Franks, Trent	R	2435 RHOB	202-225-4576	Armed Services the Judiciary
9	Sinema, Kyrsten	D	1530 LHOB	202-225-9888	Financial Services

Arkansas

District	Name	Party	Room	Phone	Committee Assignment
1	Crawford, Rick	R	1711 LHOB	202-225-4076	Agriculture Transportation
2	Hill, French	R	1229 LHOB	202-225-2506	Financial Services
3	Womack, Steve	R	1119 LHOB	202-225-4301	Appropriations the Budget
4	Westerman, Bruce	R	130 CHOB	202-225-3772	Natural Resources Science, Space, and Technology the Budget

California

District	Name	Party	Room	Phone	Committee Assignment
1	LaMalfa, Doug	R	322 CHOB	202-225-3076	Agriculture Natural Resources
2	Huffman, Jared	D	1630 LHOB	202-225-5161	Natural Resources Transportation
3	Garamendi, John	D	2438 RHOB	202-225-1880	Armed Services Transportation
4	McClintock, Tom	R	2331 RHOB	202-225-2511	Natural Resources the Budget
5	Thompson, Mike	D	231 CHOB	202-225-3311	Ways and Means
6	Matsui, Doris O.	D	2311 RHOB	202-225-7163	Energy and Commerce
7	Bera, Ami	D	1535 LHOB	202-225-5716	Foreign Affairs

					Science, Space, and Technology
8	Cook, Paul	R	1222 LHOB	202-225-5861	Armed Services Foreign Affairs Natural Resources
9	McNerney, Jerry	D	2265 RHOB	202-225-1947	Energy and Commerce Veterans' Affairs
10	Denham, Jeff	R	1730 LHOB	202-225-4540	Agriculture Natural Resources Transportation
11	DeSaulnier, Mark	D	327 CHOB	202-225-2095	Education and the Workforce Oversight and Government
12	Pelosi, Nancy	D	233 CHOB	202-225-4965	
13	Lee, Barbara	D	2267 RHOB	202-225-2661	Appropriations the Budget
14	Speier, Jackie	D	2465 RHOB	202-225-3531	Armed Services Intelligence (Permanent) Select Panel
15	Swalwell, Eric	D	129 CHOB	202-225-5065	Intelligence (Permanent) Science, Space, and Technology
16	Costa, Jim	D	1314 LHOB	202-225-3341	Agriculture Natural Resources
17	Honda, Mike	D	1713 LHOB	202-225-2631	Appropriations
18	Eshoo, Anna G.	D	241 CHOB	202-225-8104	Energy and Commerce
19	Lofgren, Zoe	D	1401 LHOB	202-225-3072	House Administration Joint Library Science, Space, and Technology the Judiciary
20	Farr, Sam	D	1126 LHOB	202-225-2861	Appropriations
21	Valadao, David	R	1004 LHOB	202-225-4695	Appropriations
22	Nunes, Devin	R	1013 LHOB	202-225-2523	Intelligence (Permanent) Joint Taxation Ways and Means
23	McCarthy, Kevin	R	2421 RHOB	202-225-2915	
24	Capps, Lois	D	2231 RHOB	202-225-3601	Energy and Commerce Natural Resources
25	Knight, Steve	R	1023 LHOB	202-225-1956	Armed Services Science, Space, and Technology Small Business
26	Brownley, Julia	D	1019 LHOB	202-225-5811	Transportation Veterans' Affairs
27	Chu, Judy	D	2423 RHOB	202-225-5464	Small Business the Judiciary
28	Schiff, Adam	D	2411 RHOB	202-225-4176	Intelligence (Permanent) Select Committee on Benghazi
29	Cárdenas, Tony	D	1510 LHOB	202-225-6131	Energy and Commerce
30	Sherman, Brad	D	2242 RHOB	202-225-5911	Financial Services Foreign Affairs
31	Aguilar, Pete	D	1223 LHOB	202-225-3201	Agriculture Armed Services

32	Napolitano, Grace	D	1610 LHOB	202-225-5256	Natural Resources Transportation
33	Lieu, Ted	D	415 CHOB	202-225-3976	Oversight and Government the Budget
34	Becerra, Xavier	D	1226 LHOB	202-225-6235	Ways and Means
35	Torres, Norma	D	516 CHOB	202-225-6161	Homeland Security Natural Resources
36	Ruiz, Raul	D	1319 LHOB	202-225-5330	Natural Resources Veterans' Affairs
37	Bass, Karen	D	408 CHOB	202-225-7084	Foreign Affairs the Judiciary
38	Sánchez, Linda	D	2329 RHOB	202-225-6676	Ethics Select Committee on Benghazi Ways and Means
39	Royce, Ed	R	2310 RHOB	202-225-4111	Financial Services Foreign Affairs
40	Roybal-Allard, Lucille	D	2330 RHOB	202-225-1766	Appropriations
41	Takano, Mark	D	1507 LHOB	202-225-2305	Education and the Workforce Science, Space, and Technology Veterans' Affairs
42	Calvert, Ken	R	2205 RHOB	202-225-1986	Appropriations
43	Waters, Maxine	D	2221 RHOB	202-225-2201	Financial Services
44	Hahn, Janice	D	404 CHOB	202-225-8220	Small Business Transportation
45	Walters, Mimi	R	236 CHOB	202-225-5611	the Judiciary Transportation
46	Sanchez, Loretta	D	1211 LHOB	202-225-2965	Armed Services Homeland Security
47	Lowenthal, Alan	D	108 CHOB	202-225-7924	Foreign Affairs Natural Resources
48	Rohrabacher, Dana	R	2300 RHOB	202-225-2415	Foreign Affairs Science, Space, and Technology
49	Issa, Darrell	R	2269 RHOB	202-225-3906	Foreign Affairs the Judiciary
50	Hunter, Duncan D.	R	2429 RHOB	202-225-5672	Armed Services Education and the Workforce Transportation
51	Vargas, Juan	D	1605 LHOB	202-225-8045	Financial Services House Administration
52	Peters, Scott	D	1122 LHOB	202-225-0508	Armed Services the Judiciary
53	Davis, Susan	D	1214 LHOB	202-225-2040	Armed Services Education and the Workforce

Colorado

District	Name	Party	Room	Phone	Committee Assignment
1	DeGette, Diana	D	2368 RHOB	202-225-4431	Energy and Commerce Select Panel

2	Polis, Jared	D	1433 LHOB	202-225-2161	Education and the Workforce Natural Resources Rules
3	Tipton, Scott	R	218 CHOB	202-225-4761	Financial Services
4	Buck, Ken	R	416 CHOB	202-225-4676	Oversight and Government the Judiciary
5	Lamborn, Doug	R	2402 RHOB	202-225-4422	Armed Services Natural Resources Veterans' Affairs
6	Coffman, Mike	R	2443 RHOB	202-225-7882	Armed Services Veterans' Affairs
7	Perlmutter, Ed	D	1410 LHOB	202-225-2645	Financial Services Science, Space, and Technology

Connecticut

District	Name	Party	Room	Phone	Committee Assignment
1	Larson, John B.	D	1501 LHOB	202-225-2265	Ethics Ways and Means
2	Courtney, Joe	D	2348 RHOB	202-225-2076	Armed Services Education and the Workforce
3	DeLauro, Rosa L.	D	2413 RHOB	202-225-3661	Appropriations
4	Himes, Jim	D	1227 LHOB	202-225-5541	Financial Services Intelligence (Permanent)
5	Esty, Elizabeth	D	405 CHOB	202-225-4476	Science, Space, and Technology Transportation

Delaware

District	Name	Party	Room	Phone	Committee Assignment
At Large	Carney, John	D	1406 LHOB	202-225-4165	Financial Services

District of Columbia

District	Name	Party	Room	Phone	Committee Assignment
At Large	Norton, Eleanor Holmes	D	2136 RHOB	202-225-8050	Oversight and Government Transportation

Florida

District	Name	Party	Room	Phone	Committee Assignment
1	Miller, Jeff	R	336 CHOB	202-225-4136	Armed Services Intelligence (Permanent) Veterans' Affairs
2	Graham, Gwen	D	1213 LHOB	202-225-5235	Agriculture Armed Services
3	Yoho, Ted	R	511 CHOB	202-225-5744	Agriculture Foreign Affairs

4	Crenshaw, Ander	R	2161 RHOB	202-225-2501	Appropriations
5	Brown, Corrine	D	2111 RHOB	202-225-0123	Transportation Veterans' Affairs
6	DeSantis, Ron	R	308 CHOB	202-225-2706	Foreign Affairs Oversight and Government the Judiciary
7	Mica, John	R	2187 RHOB	202-225-4035	Oversight and Government Transportation
8	Posey, Bill	R	120 CHOB	202-225-3671	Financial Services Science, Space, and Technology
9	Grayson, Alan	D	303 CHOB	202-225-9889	Foreign Affairs Science, Space, and Technology
10	Webster, Daniel	R	1039 LHOB	202-225-2176	Transportation
11	Nugent, Richard	R	1727 LHOB	202-225-1002	Armed Services House Administration
12	Bilirakis, Gus M.	R	2112 RHOB	202-225-5755	Energy and Commerce Veterans' Affairs
13	Jolly, David	R	1728 LHOB	202-225-5961	Appropriations
14	Castor, Kathy	D	205 CHOB	202-225-3376	Energy and Commerce the Budget
15	Ross, Dennis	R	229 CHOB	202-225-1252	Financial Services
16	Buchanan, Vern	R	2104 RHOB	202-225-5015	Ways and Means
17	Rooney, Tom	R	2160 RHOB	202-225-5792	Appropriations Intelligence (Permanent)
18	Murphy, Patrick	D	211 CHOB	202-225-3026	Financial Services Intelligence (Permanent)
19	Clawson,Curt	R	228 CHOB	202-225-2536	Foreign Affairs Homeland Security
20	Hastings, Alcee L.	D	2353 RHOB	202-225-1313	Rules
21	Deutch, Ted	D	2447 RHOB	202-225-3001	Ethics Foreign Affairs the Judiciary
22	Frankel, Lois	D	1037 LHOB	202-225-9890	Foreign Affairs Transportation
23	Wasserman Schultz, Debbie	D	1114 LHOB	202-225-7931	Appropriations
24	Wilson, Frederica	D	208 CHOB	202-225-4506	Education and the Workforce
25	Diaz-Balart, Mario	R	440 CHOB	202-225-4211	Appropriations the Budget
26	Curbelo, Carlos	R	1429 LHOB	202-225-2778	Education and the Workforce Small Business Transportation
27	Ros-Lehtinen, Ileana	R	2206 RHOB	202-225-3931	Foreign Affairs Intelligence (Permanent)

Georgia

District	Name	Party	Room	Phone	Committee Assignment
1	Carter, Buddy	R	432 CHOB	202-225-5831	Education and the Workforce

					Homeland Security Oversight and Government
2	Bishop Jr., Sanford D.	D	2407 RHOB	202-225-3631	Appropriations
3	Westmoreland, Lynn A.	R	2202 RHOB	202-225-5901	Financial Services Intelligence (Permanent) Select Committee on Benghazi
4	Johnson, Henry C. "Hank" Jr.	D	2240 RHOB	202-225-1605	Armed Services the Judiciary
5	Lewis, John	D	343 CHOB	202-225-3801	Ways and Means
6	Price, Tom	R	100 CHOB	202-225-4501	the Budget Ways and Means
7	Woodall, Robert	R	1724 LHOB	202-225-4272	Rules the Budget Transportation
8	Scott, Austin	R	2417 RHOB	202-225-6531	Agriculture Armed Services
9	Collins, Doug	R	1504 LHOB	202-225-9893	Rules the Judiciary
10	Hice, Jody	R	1516 LHOB	202-225-4101	Natural Resources Oversight and Government
11	Loudermilk, Barry	R	238 CHOB	202-225-2931	Homeland Security Science, Space, and Technology
12	Allen, Rick	R	513 CHOB	202-225-2823	Agriculture Education and the Workforce
13	Scott, David	D	225 CHOB	202-225-2939	Agriculture Financial Services
14	Graves, Tom	R	2442 RHOB	202-225-5211	Appropriations Joint Library

Guam

District	Name	Party	Room	Phone	Committee Assignment
At Large	Bordallo, Madeleine	D	2441 RHOB	202-225-1188	Armed Services Natural Resources

Hawaii

District	Name	Party	Room	Phone	Committee Assignment
1	Takai, Mark	D	422 CHOB	202-225-2726	Armed Services Small Business
2	Gabbard, Tulsi	D	1609 LHOB	202-225-4906	Armed Services Foreign Affairs

Idaho

District	Name	Party	Room	Phone	Committee Assignment
1	Labrador, Raul R.	R	1523 LHOB	202-225-6611	Natural Resources the Judiciary

2	Simpson, Mike	R	2312 RHOB	202-225-5531	Appropriations

Illinois

District	Name	Party	Room	Phone	Committee Assignment
1	Rush, Bobby L.	D	2188 RHOB	202-225-4372	Energy and Commerce
2	Kelly, Robin	D	1239 LHOB	202-225-0773	Foreign Affairs Oversight and Government
3	Lipinski, Daniel	D	2346 RHOB	202-225-5701	Science, Space, and Technology Transportation
4	Gutierrez, Luis	D	2408 RHOB	202-225-8203	the Judiciary
5	Quigley, Mike	D	2458 RHOB	202-225-4061	Appropriations Intelligence (Permanent)
6	Roskam, Peter J.	R	2246 RHOB	202-225-4561	Select Committee on Benghazi Ways and Means
7	Davis, Danny K.	D	2159 RHOB	202-225-5006	Ways and Means
8	Duckworth, Tammy	D	104 CHOB	202-225-3711	Armed Services Oversight and Government Select Committee on Benghazi
9	Schakowsky, Jan	D	2367 RHOB	202-225-2111	Energy and Commerce Select Panel
10	Dold, Bob	R	221 CHOB	202-225-4835	Ways and Means
11	Foster, Bill	D	1224 LHOB	202-225-3515	Financial Services Science, Space, and Technology
12	Bost, Mike	R	1440 LHOB	202-225-5661	Agriculture Transportation Veterans' Affairs
13	Davis, Rodney	R	1740 LHOB	202-225-2371	Agriculture House Administration Transportation
14	Hultgren, Randy	R	2455 RHOB	202-225-2976	Financial Services Science, Space, and Technology
15	Shimkus, John	R	2217 RHOB	202-225-5271	Energy and Commerce
16	Kinzinger, Adam	R	1221 LHOB	202-225-3635	Energy and Commerce
17	Bustos, Cheri	D	1009 LHOB	202-225-5905	Agriculture Transportation
18	LaHood,Darin	R	2464 RHOB	202-225-6201	Natural Resources Science, Space, and Technology

Indiana

District	Name	Party	Room	Phone	Committee Assignment
1	Visclosky, Peter	D	2328 RHOB	202-225-2461	Appropriations
2	Walorski, Jackie	R	419 CHOB	202-225-3915	Agriculture Armed Services Veterans' Affairs
3	Stutzman, Marlin	R	2418 RHOB	202-225-4436	Financial Services the Budget

4	Rokita, Todd	R	1717 LHOB	202-225-5037	Education and the Workforce the Budget Transportation
5	Brooks, Susan W.	R	1505 LHOB	202-225-2276	Energy and Commerce Ethics Select Committee on Benghazi
6	Messer, Luke	R	508 CHOB	202-225-3021	Education and the Workforce Financial Services
7	Carson, André	D	2453 RHOB	202-225-4011	Intelligence (Permanent) Transportation
8	Bucshon, Larry	R	1005 LHOB	202-225-4636	Energy and Commerce Select Panel
9	Young, Todd	R	1007 LHOB	202-225-5315	Ways and Means

Iowa

District	Name	Party	Room	Phone	Committee Assignment
1	Blum, Rod	R	213 CHOB	202-225-2911	Oversight and Government the Budget
2	Loebsack, David	D	1527 LHOB	202-225-6576	Energy and Commerce
3	Young, David	R	515 CHOB	202-225-5476	Appropriations
4	King, Steve	R	2210 RHOB	202-225-4426	Agriculture Small Business the Judiciary

Kansas

District	Name	Party	Room	Phone	Committee Assignment
1	Huelskamp, Tim	R	1110 LHOB	202-225-2715	Small Business Veterans' Affairs
2	Jenkins, Lynn	R	1526 LHOB	202-225-6601	Ways and Means
3	Yoder, Kevin	R	215 CHOB	202-225-2865	Appropriations
4	Pompeo, Mike	R	436 CHOB	202-225-6216	Energy and Commerce Intelligence (Permanent) Select Committee on Benghazi

Kentucky

District	Name	Party	Room	Phone	Committee Assignment
1	Whitfield, Ed	R	2184 RHOB	202-225-3115	Energy and Commerce
2	Guthrie, S. Brett	R	2434 RHOB	202-225-3501	Education and the Workforce Energy and Commerce
3	Yarmuth, John A.	D	403 CHOB	202-225-5401	Energy and Commerce the Budget
4	Massie, Thomas	R	314 CHOB	202-225-3465	Oversight and Government Science, Space, and Technology Transportation
5	Rogers, Harold	R	2406 RHOB	202-225-4601	Appropriations

6	Barr, Andy	R	1432 LHOB	202-225-4706	Financial Services

Louisiana

District	Name	Party	Room	Phone	Committee Assignment
1	Scalise, Steve	R	2338 RHOB	202-225-3015	Energy and Commerce
2	Richmond, Cedric	D	240 CHOB	202-225-6636	Homeland Security the Judiciary
3	Boustany Jr., Charles W.	R	1431 LHOB	202-225-2031	Ways and Means
4	Fleming, John	R	2182 RHOB	202-225-2777	Armed Services Natural Resources
5	Abraham, Ralph	R	417 CHOB	202-225-8490	Agriculture Science, Space, and Technology Veterans' Affairs
6	Graves, Garret	R	204 CHOB	202-225-3901	Natural Resources Transportation

Maine

District	Name	Party	Room	Phone	Committee Assignment
1	Pingree, Chellie	D	2162 RHOB	202-225-6116	Appropriations
2	Poliquin, Bruce	R	426 CHOB	202-225-6306	Financial Services

Maryland

District	Name	Party	Room	Phone	Committee Assignment
1	Harris, Andy	R	1533 LHOB	202-225-5311	Appropriations Select Panel
2	Ruppersberger, C. A. Dutch	D	2416 RHOB	202-225-3061	Appropriations
3	Sarbanes, John P.	D	2444 RHOB	202-225-4016	Energy and Commerce
4	Edwards, Donna F.	D	2445 RHOB	202-225-8699	Science, Space, and Technology Transportation
5	Hoyer, Steny H.	D	1705 LHOB	202-225-4131	
6	Delaney, John	D	1632 LHOB	202-225-2721	Financial Services
7	Cummings, Elijah	D	2230 RHOB	202-225-4741	Oversight and Government Select Committee on Benghazi Transportation
8	Van Hollen, Chris	D	1707 LHOB	202-225-5341	the Budget

Massachusetts

District	Name	Party	Room	Phone	Committee Assignment
1	Neal, Richard E.	D	341 CHOB	202-225-5601	Ways and Means
2	McGovern, James	D	438 CHOB	202-225-6101	Agriculture Rules

3	Tsongas, Niki	D	1714 LHOB	202-225-3411	Armed Services Natural Resources
4	Kennedy III, Joseph P.	D	306 CHOB	202-225-5931	Energy and Commerce
5	Clark, Katherine	D	1721 LHOB	202-225-2836	Education and the Workforce Science, Space, and Technology
6	Moulton, Seth	D	1408 LHOB	202-225-8020	Armed Services Small Business the Budget
7	Capuano, Michael E.	D	1414 LHOB	202-225-5111	Ethics Financial Services Transportation
8	Lynch, Stephen F.	D	2369 RHOB	202-225-8273	Financial Services Oversight and Government
9	Keating, William	D	315 CHOB	202-225-3111	Foreign Affairs Homeland Security

Michigan

District	Name	Party	Room	Phone	Committee Assignment
1	Benishek, Dan	R	514 CHOB	202-225-4735	Agriculture Natural Resources Veterans' Affairs
2	Huizenga, Bill	R	1217 LHOB	202-225-4401	Financial Services
3	Amash, Justin	R	114 CHOB	202-225-3831	Oversight and Government
4	Moolenaar, John	R	117 CHOB	202-225-3561	Agriculture Science, Space, and Technology the Budget
5	Kildee, Daniel	D	227 CHOB	202-225-3611	Financial Services
6	Upton, Fred	R	2183 RHOB	202-225-3761	Energy and Commerce
7	Walberg, Tim	R	2436 RHOB	202-225-6276	Education and the Workforce Oversight and Government
8	Bishop, Mike	R	428 CHOB	202-225-4872	Education and the Workforce the Judiciary
9	Levin, Sander	D	1236 LHOB	202-225-4961	Joint Taxation Ways and Means
10	Miller, Candice	R	320 CHOB	202-225-2106	Homeland Security House Administration Joint Library Transportation
11	Trott, Dave	R	1722 LHOB	202-225-8171	Foreign Affairs the Judiciary
12	Dingell, Debbie	D	116 CHOB	202-225-4071	Natural Resources the Budget
13	Conyers Jr., John	D	2426 RHOB	202-225-5126	the Judiciary
14	Lawrence, Brenda	D	1237 LHOB	202-225-5802	Oversight and Government Small Business

Minnesota

District	Name	Party	Room	Phone	Committee Assignment
1	Walz, Timothy J.	D	1034 LHOB	202-225-2472	Agriculture Armed Services Veterans' Affairs
2	Kline, John	R	2439 RHOB	202-225-2271	Armed Services Education and the Workforce
3	Paulsen, Erik	R	127 CHOB	202-225-2871	Ways and Means
4	McCollum, Betty	D	2256 RHOB	202-225-6631	Appropriations
5	Ellison, Keith	D	2263 RHOB	202-225-4755	Financial Services
6	Emmer, Tom	R	503 CHOB	202-225-2331	Financial Services
7	Peterson, Collin C.	D	2204 RHOB	202-225-2165	Agriculture
8	Nolan, Rick	D	2366 RHOB	202-225-6211	Agriculture Transportation

Mississippi

District	Name	Party	Room	Phone	Committee Assignment
1	Kelly, Trent	R	1427 LHOB	202-225-4306	Agriculture Small Business
2	Thompson, Bennie G.	D	2466 RHOB	202-225-5876	Homeland Security
3	Harper, Gregg	R	307 CHOB	202-225-5031	Energy and Commerce House Administration Joint Library
4	Palazzo, Steven	R	331 CHOB	202-225-5772	Appropriations

Missouri

District	Name	Party	Room	Phone	Committee Assignment
1	Clay Jr., William "Lacy"	D	2428 RHOB	202-225-2406	Financial Services Natural Resources Oversight and Government
2	Wagner, Ann	R	435 CHOB	202-225-1621	Financial Services
3	Luetkemeyer, Blaine	R	2440 RHOB	202-225-2956	Financial Services Small Business
4	Hartzler, Vicky	R	2235 RHOB	202-225-2876	Agriculture Armed Services Select Panel the Budget
5	Cleaver, Emanuel	D	2335 RHOB	202-225-4535	Financial Services
6	Graves, Sam	R	1415 LHOB	202-225-7041	Armed Services Transportation
7	Long, Billy	R	1541 LHOB	202-225-6536	Energy and Commerce
8	Smith, Jason	R	1118 LHOB	202-225-4404	Ways and Means

Montana

District	Name	Party	Room	Phone	Committee Assignment
At Large	Zinke, Ryan	R	113 CHOB	202-225-3211	Armed Services Natural Resources

Nebraska

District	Name	Party	Room	Phone	Committee Assignment
1	Fortenberry, Jeff	R	1514 LHOB	202-225-4806	Appropriations
2	Ashford, Brad	D	107 CHOB	202-225-4155	Agriculture Armed Services
3	Smith, Adrian	R	2241 RHOB	202-225-6435	Ways and Means

Nevada

District	Name	Party	Room	Phone	Committee Assignment
1	Titus, Dina	D	401 CHOB	202-225-5965	Transportation Veterans' Affairs
2	Amodei, Mark	R	332 CHOB	202-225-6155	Appropriations
3	Heck, Joe	R	132 CHOB	202-225-3252	Armed Services Education and the Workforce Intelligence (Permanent)
4	Hardy, Cresent	R	430 CHOB	202-225-9894	Natural Resources Small Business Transportation

New Hampshire

District	Name	Party	Room	Phone	Committee Assignment
1	Guinta, Frank	R	326 CHOB	202-225-5456	Financial Services the Budget
2	Kuster, Ann	D	137 CHOB	202-225-5206	Agriculture Veterans' Affairs

New Jersey

District	Name	Party	Room	Phone	Committee Assignment
1	Norcross, Donald	D	1531 LHOB	202-225-6501	Armed Services the Budget
2	LoBiondo, Frank	R	2427 RHOB	202-225-6572	Armed Services Intelligence (Permanent) Transportation
3	MacArthur, Tom	R	506 CHOB	202-225-4765	Armed Services Natural Resources
4	Smith, Chris	R	2373 RHOB	202-225-3765	Foreign Affairs
5	Garrett, Scott	R	2232 RHOB	202-225-4465	Financial Services the Budget
6	Pallone Jr., Frank	D	237 CHOB	202-225-4671	Energy and Commerce

7	Lance, Leonard	R	2352 RHOB	202-225-5361	Energy and Commerce
8	Sires, Albio	D	2342 RHOB	202-225-7919	Foreign Affairs Transportation
9	Pascrell Jr., Bill	D	2370 RHOB	202-225-5751	the Budget Ways and Means
10	Payne Jr., Donald	D	103 CHOB	202-225-3436	Homeland Security Small Business
11	Frelinghuysen, Rodney	R	2306 RHOB	202-225-5034	Appropriations
12	Watson Coleman, Bonnie	D	126 CHOB	202-225-5801	Homeland Security Oversight and Government Select Panel

New Mexico

District	Name	Party	Room	Phone	Committee Assignment
1	Lujan Grisham, Michelle	D	214 CHOB	202-225-6316	Agriculture Oversight and Government the Budget
2	Pearce, Steve	R	2432 RHOB	202-225-2365	Financial Services
3	Lujan, Ben R.	D	2446 RHOB	202-225-6190	Energy and Commerce

New York

District	Name	Party	Room	Phone	Committee Assignment
1	Zeldin, Lee	R	1517 LHOB	202-225-3826	Foreign Affairs Transportation Veterans' Affairs
2	King, Pete	R	339 CHOB	202-225-7896	Financial Services Homeland Security Intelligence (Permanent)
3	Israel, Steve	D	2457 RHOB	202-225-3335	Appropriations
4	Rice, Kathleen	D	1508 LHOB	202-225-5516	Homeland Security Veterans' Affairs
5	Meeks, Gregory W.	D	2234 RHOB	202-225-3461	Financial Services Foreign Affairs
6	Meng, Grace	D	1317 LHOB	202-225-2601	Foreign Affairs Small Business
7	Velázquez, Nydia M.	D	2302 RHOB	202-225-2361	Financial Services Small Business
8	Jeffries, Hakeem	D	1607 LHOB	202-225-5936	Education and the Workforce the Judiciary
9	Clarke, Yvette D.	D	2351 RHOB	202-225-6231	Energy and Commerce Ethics Small Business
10	Nadler, Jerrold	D	2109 RHOB	202-225-5635	Select Panel the Judiciary Transportation
11	Donovan, Daniel	R	1725 LHOB	202-225-3371	Foreign Affairs Homeland Security

12	Maloney, Carolyn	D	2308 RHOB	202-225-7944	Financial Services Oversight and Government
13	Rangel, Charles B.	D	2354 RHOB	202-225-4365	Joint Taxation Ways and Means
14	Crowley, Joseph	D	1436 LHOB	202-225-3965	Ways and Means
15	Serrano, José E.	D	2227 RHOB	202-225-4361	Appropriations
16	Engel, Eliot	D	2462 RHOB	202-225-2464	Energy and Commerce Foreign Affairs
17	Lowey, Nita	D	2365 RHOB	202-225-6506	Appropriations
18	Maloney, Sean Patrick	D	1529 LHOB	202-225-5441	Agriculture Transportation
19	Gibson, Chris	R	1708 LHOB	202-225-5614	Agriculture Armed Services Small Business
20	Tonko, Paul D.	D	2463 RHOB	202-225-5076	Energy and Commerce Science, Space, and Technology
21	Stefanik, Elise	R	512 CHOB	202-225-4611	Armed Services Education and the Workforce
22	Hanna, Richard	R	319 CHOB	202-225-3665	Small Business Transportation
23	Reed, Tom	R	2437 RHOB	202-225-3161	Ways and Means
24	Katko, John	R	1123 LHOB	202-225-3701	Homeland Security Transportation
25	Slaughter, Louise	D	2469 RHOB	202-225-3615	Rules
26	Higgins, Brian	D	2459 RHOB	202-225-3306	Foreign Affairs Homeland Security
27	Collins, Chris	R	1117 LHOB	202-225-5265	Energy and Commerce

North Carolina

District	Name	Party	Room	Phone	Committee Assignment
1	Butterfield, G.K.	D	2305 RHOB	202-225-3101	Energy and Commerce
2	Ellmers, Renee	R	1210 LHOB	202-225-4531	Energy and Commerce
3	Jones, Walter B.	R	2333 RHOB	202-225-3415	Armed Services
4	Price, David	D	2108 RHOB	202-225-1784	Appropriations
5	Foxx, Virginia	R	2350 RHOB	202-225-2071	Education and the Workforce Rules
6	Walker, Mark	R	312 CHOB	202-225-3065	Homeland Security House Administration Oversight and Government
7	Rouzer, David	R	424 CHOB	202-225-2731	Agriculture Transportation
8	Hudson, Richard	R	429 CHOB	202-225-3715	Energy and Commerce
9	Pittenger, Robert	R	224 CHOB	202-225-1976	Financial Services
10	McHenry, Patrick T.	R	2334 RHOB	202-225-2576	Financial Services
11	Meadows, Mark	R	1024 LHOB	202-225-6401	Foreign Affairs

					Oversight and Government Transportation
12	Adams, Alma	D	222 CHOB	202-225-1510	Agriculture Education and the Workforce Small Business
13	Holding, George	R	507 CHOB	202-225-3032	Ways and Means

North Dakota

District	Name	Party	Room	Phone	Committee Assignment
At Large	Cramer, Kevin	R	1032 LHOB	202-225-2611	Energy and Commerce

Northern Mariana Islands

District	Name	Party	Room	Phone	Committee Assignment
At Large	Sablan, Gregorio	D	423 CHOB	202-225-2646	Education and the Workforce Natural Resources

Ohio

District	Name	Party	Room	Phone	Committee Assignment
1	Chabot, Steve	R	2371 RHOB	202-225-2216	Foreign Affairs Small Business the Judiciary
2	Wenstrup, Brad	R	1318 LHOB	202-225-3164	Armed Services Intelligence (Permanent) Veterans' Affairs
3	Beatty, Joyce	D	133 CHOB	202-225-4324	Financial Services
4	Jordan, Jim	R	1524 LHOB	202-225-2676	Oversight and Government Select Committee on Benghazi the Judiciary
5	Latta, Robert E.	R	2448 RHOB	202-225-6405	Energy and Commerce
6	Johnson, Bill	R	1710 LHOB	202-225-5705	Energy and Commerce the Budget
7	Gibbs, Bob	R	329 CHOB	202-225-6265	Agriculture Transportation
8	Davidson, Warren	R	1011 LHOB	202-225-6205	Science, Space, and Technology Small Business
9	Kaptur, Marcy	D	2186 RHOB	202-225-4146	Appropriations
10	Turner, Michael	R	2239 RHOB	202-225-6465	Armed Services Intelligence (Permanent) Oversight and Government
11	Fudge, Marcia L.	D	2344 RHOB	202-225-7032	Agriculture Education and the Workforce
12	Tiberi, Pat	R	1203 LHOB	202-225-5355	Ways and Means
13	Ryan, Tim	D	1421 LHOB	202-225-5261	Appropriations the Budget
14	Joyce, David	R	1124 LHOB	202-225-5731	Appropriations

15	Stivers, Steve	R	1022 LHOB	202-225-2015	Financial Services Rules
16	Renacci, Jim	R	328 CHOB	202-225-3876	the Budget Ways and Means

Oklahoma

District	Name	Party	Room	Phone	Committee Assignment
1	Bridenstine, Jim	R	216 CHOB	202-225-2211	Armed Services Science, Space, and Technology
2	Mullin, Markwayne	R	1113 LHOB	202-225-2701	Energy and Commerce
3	Lucas, Frank	R	2405 RHOB	202-225-5565	Agriculture Financial Services Science, Space, and Technology
4	Cole, Tom	R	2467 RHOB	202-225-6165	Appropriations Rules the Budget
5	Russell, Steve	R	128 CHOB	202-225-2132	Armed Services Education and the Workforce Oversight and Government

Oregon

District	Name	Party	Room	Phone	Committee Assignment
1	Bonamici, Suzanne	D	439 CHOB	202-225-0855	Education and the Workforce Science, Space, and Technology
2	Walden, Greg	R	2185 RHOB	202-225-6730	Energy and Commerce
3	Blumenauer, Earl	D	1111 LHOB	202-225-4811	Ways and Means
4	DeFazio, Peter	D	2134 RHOB	202-225-6416	Transportation
5	Schrader, Kurt	D	2431 RHOB	202-225-5711	Energy and Commerce

Pennsylvania

District	Name	Party	Room	Phone	Committee Assignment
1	Brady, Robert	D	102 CHOB	202-225-4731	Armed Services House Administration Joint Library
2	Fattah, Chaka -- **Vacancy**	D	2301 RHOB	202-225-4001	
3	Kelly, Mike	R	1519 LHOB	202-225-5406	Ways and Means
4	Perry, Scott	R	1207 LHOB	202-225-5836	Foreign Affairs Homeland Security Transportation
5	Thompson, Glenn W.	R	124 CHOB	202-225-5121	Agriculture Education and the Workforce Natural Resources
6	Costello, Ryan	R	427 CHOB	202-225-4315	Transportation Veterans' Affairs
7	Meehan, Pat	R	434 CHOB	202-225-2011	Ethics

					Ways and Means
8	Fitzpatrick, Michael G.	R	2400 RHOB	202-225-4276	Financial Services
9	Shuster, Bill	R	2268 RHOB	202-225-2431	Armed Services Transportation
10	Marino, Tom	R	410 CHOB	202-225-3731	Foreign Affairs Homeland Security the Judiciary
11	Barletta, Lou	R	115 CHOB	202-225-6511	Education and the Workforce Homeland Security Transportation
12	Rothfus, Keith	R	1205 LHOB	202-225-2065	Financial Services
13	Boyle, Brendan	D	118 CHOB	202-225-6111	Foreign Affairs Oversight and Government
14	Doyle, Mike	D	239 CHOB	202-225-2135	Energy and Commerce
15	Dent, Charles W.	R	2211 RHOB	202-225-6411	Appropriations Ethics
16	Pitts, Joseph R.	R	420 CHOB	202-225-2411	Energy and Commerce Select Panel
17	Cartwright, Matthew	D	1419 LHOB	202-225-5546	Natural Resources Oversight and Government
18	Murphy, Tim	R	2332 RHOB	202-225-2301	Energy and Commerce

Puerto Rico

District	Name	Party	Room	Phone	Committee Assignment
At Large	Pierluisi, Pedro	D	2410 RHOB	202-225-2615	Natural Resources the Judiciary

Rhode Island

District	Name	Party	Room	Phone	Committee Assignment
1	Cicilline, David	D	2244 RHOB	202-225-4911	Foreign Affairs the Judiciary
2	Langevin, Jim	D	109 CHOB	202-225-2735	Armed Services Homeland Security

South Carolina

District	Name	Party	Room	Phone	Committee Assignment
1	Sanford, Mark	R	2201 RHOB	202-225-3176	the Budget Transportation
2	Wilson, Joe	R	2229 RHOB	202-225-2452	Armed Services Education and the Workforce Foreign Affairs
3	Duncan, Jeff	R	106 CHOB	202-225-5301	Foreign Affairs Homeland Security Natural Resources
4	Gowdy, Trey	R	1404 LHOB	202-225-6030	Ethics

					Oversight and Government Select Committee on Benghazi the Judiciary
5	Mulvaney, Mick	R	2419 RHOB	202-225-5501	Financial Services Oversight and Government
6	Clyburn, James E.	D	242 CHOB	202-225-3315	
7	Rice, Tom	R	223 CHOB	202-225-9895	Ways and Means

South Dakota

District	Name	Party	Room	Phone	Committee Assignment
At Large	Noem, Kristi	R	2422 RHOB	202-225-2801	Ways and Means

Tennessee

District	Name	Party	Room	Phone	Committee Assignment
1	Roe, Phil	R	407 CHOB	202-225-6356	Education and the Workforce Veterans' Affairs
2	Duncan Jr., John J.	R	2207 RHOB	202-225-5435	Oversight and Government Transportation
3	Fleischmann, Chuck	R	230 CHOB	202-225-3271	Appropriations
4	DesJarlais, Scott	R	413 CHOB	202-225-6831	Agriculture Foreign Affairs Oversight and Government
5	Cooper, Jim	D	1536 LHOB	202-225-4311	Armed Services Oversight and Government
6	Black, Diane	R	1131 LHOB	202-225-4231	Select Panel the Budget Ways and Means
7	Blackburn, Marsha	R	2266 RHOB	202-225-2811	Energy and Commerce Select Panel
8	Fincher, Stephen	R	2452 RHOB	202-225-4714	Financial Services
9	Cohen, Steve	D	2404 RHOB	202-225-3265	the Judiciary Transportation

Texas

District	Name	Party	Room	Phone	Committee Assignment
1	Gohmert, Louie	R	2243 RHOB	202-225-3035	Natural Resources the Judiciary
2	Poe, Ted	R	2412 RHOB	202-225-6565	Foreign Affairs the Judiciary
3	Johnson, Sam	R	2304 RHOB	202-225-4201	Joint Taxation Ways and Means
4	Ratcliffe, John	R	325 CHOB	202-225-6673	Homeland Security the Judiciary
5	Hensarling, Jeb	R	2228 RHOB	202-225-3484	Financial Services

6	Barton, Joe	R	2107 RHOB	202-225-2002	Energy and Commerce
7	Culberson, John	R	2372 RHOB	202-225-2571	Appropriations
8	Brady, Kevin	R	301 CHOB	202-225-4901	Joint Taxation Ways and Means
9	Green, Al	D	2347 RHOB	202-225-7508	Financial Services
10	McCaul, Michael T.	R	131 CHOB	202-225-2401	Foreign Affairs Homeland Security Science, Space, and Technology
11	Conaway, K. Michael	R	2430 RHOB	202-225-3605	Agriculture Armed Services Intelligence (Permanent)
12	Granger, Kay	R	1026 LHOB	202-225-5071	Appropriations
13	Thornberry, Mac	R	2208 RHOB	202-225-3706	Armed Services
14	Weber, Randy	R	510 CHOB	202-225-2831	Foreign Affairs Science, Space, and Technology
15	Hinojosa, Rubén	D	2262 RHOB	202-225-2531	Education and the Workforce Financial Services
16	O'Rourke, Beto	D	1330 LHOB	202-225-4831	Armed Services Veterans' Affairs
17	Flores, Bill	R	1030 LHOB	202-225-6105	Energy and Commerce
18	Jackson Lee, Sheila	D	2252 RHOB	202-225-3816	Homeland Security the Judiciary
19	Neugebauer, Randy	R	1424 LHOB	202-225-4005	Agriculture Financial Services Science, Space, and Technology
20	Castro, Joaquin	D	212 CHOB	202-225-3236	Foreign Affairs Intelligence (Permanent)
21	Smith, Lamar	R	2409 RHOB	202-225-4236	Homeland Security Science, Space, and Technology the Judiciary
22	Olson, Pete	R	2133 RHOB	202-225-5951	Energy and Commerce
23	Hurd, Will	R	317 CHOB	202-225-4511	Homeland Security Oversight and Government
24	Marchant, Kenny	R	2313 RHOB	202-225-6605	Ethics Ways and Means
25	Williams, Roger	R	1323 LHOB	202-225-9896	Financial Services
26	Burgess, Michael	R	2336 RHOB	202-225-7772	Energy and Commerce Rules
27	Farenthold, Blake	R	1027 LHOB	202-225-7742	Oversight and Government the Judiciary Transportation
28	Cuellar, Henry	D	2209 RHOB	202-225-1640	Appropriations
29	Green, Gene	D	2470 RHOB	202-225-1688	Energy and Commerce
30	Johnson, Eddie Bernice	D	2468 RHOB	202-225-8885	Science, Space, and Technology Transportation
31	Carter, John	R	2110 RHOB	202-225-3864	Appropriations
32	Sessions, Pete	R	2233 RHOB	202-225-2231	Rules
33	Veasey, Marc	D	414 CHOB	202-225-9897	Armed Services

					Science, Space, and Technology
34	Vela, Filemon	D	437 CHOB	202-225-9901	Agriculture Homeland Security
35	Doggett, Lloyd	D	2307 RHOB	202-225-4865	Ways and Means
36	Babin, Brian	R	316 CHOB	202-225-1555	Science, Space, and Technology Transportation

Utah

District	Name	Party	Room	Phone	Committee Assignment
1	Bishop, Rob	R	123 CHOB	202-225-0453	Armed Services Natural Resources
2	Stewart, Chris	R	323 CHOB	202-225-9730	Appropriations Intelligence (Permanent)
3	Chaffetz, Jason	R	2236 RHOB	202-225-7751	Oversight and Government the Judiciary
4	Love, Mia	R	217 CHOB	202-225-3011	Financial Services Select Panel

Vermont

District	Name	Party	Room	Phone	Committee Assignment
At Large	Welch, Peter	D	2303 RHOB	202-225-4115	Energy and Commerce Oversight and Government

Virgin Islands

District	Name	Party	Room	Phone	Committee Assignment
At Large	Plaskett, Stacey	D	509 CHOB	202-225-1790	Agriculture Oversight and Government

Virginia

District	Name	Party	Room	Phone	Committee Assignment
1	Wittman, Robert J.	R	2454 RHOB	202-225-4261	Armed Services Natural Resources
2	Rigell, Scott	R	418 CHOB	202-225-4215	Appropriations
3	Scott, Robert C.	D	1201 LHOB	202-225-8351	Education and the Workforce
4	Forbes, J. Randy	R	2135 RHOB	202-225-6365	Armed Services the Judiciary
5	Hurt, Robert	R	125 CHOB	202-225-4711	Financial Services
6	Goodlatte, Bob	R	2309 RHOB	202-225-5431	Agriculture the Judiciary
7	Brat, Dave	R	330 CHOB	202-225-2815	Education and the Workforce Small Business the Budget
8	Beyer, Don	D	431 CHOB	202-225-4376	Natural Resources

					Science, Space, and Technology
9	Griffith, Morgan	R	1108 LHOB	202-225-3861	Energy and Commerce
10	Comstock, Barbara	R	226 CHOB	202-225-5136	House Administration Science, Space, and Technology Transportation
11	Connolly, Gerald E. "Gerry"	D	2238 RHOB	202-225-1492	Foreign Affairs Oversight and Government

Washington

District	Name	Party	Room	Phone	Committee Assignment
1	DelBene, Suzan	D	318 CHOB	202-225-6311	Agriculture Select Panel the Judiciary
2	Larsen, Rick	D	2113 RHOB	202-225-2605	Armed Services Transportation
3	Herrera Beutler, Jaime	R	1130 LHOB	202-225-3536	Appropriations
4	Newhouse, Dan	R	1641 LHOB	202-225-5816	Agriculture Natural Resources Rules
5	McMorris Rodgers, Cathy	R	203 CHOB	202-225-2006	Energy and Commerce
6	Kilmer, Derek	D	1520 LHOB	202-225-5916	Appropriations
7	McDermott, Jim	D	1035 LHOB	202-225-3106	the Budget Ways and Means
8	Reichert, David G.	R	1127 LHOB	202-225-7761	Ways and Means
9	Smith, Adam	D	2264 RHOB	202-225-8901	Armed Services Select Committee on Benghazi
10	Heck, Denny	D	425 CHOB	202-225-9740	Financial Services

West Virginia

District	Name	Party	Room	Phone	Committee Assignment
1	McKinley, David	R	412 CHOB	202-225-4172	Energy and Commerce
2	Mooney, Alex	R	1232 LHOB	202-225-2711	Natural Resources the Budget
3	Jenkins, Evan	R	502 CHOB	202-225-3452	Appropriations

Wisconsin

District	Name	Party	Room	Phone	Committee Assignment
1	Ryan, Paul D.	R	1233 LHOB	202-225-3031	
2	Pocan, Mark	D	313 CHOB	202-225-2906	Education and the Workforce the Budget
3	Kind, Ron	D	1502 LHOB	202-225-5506	Ways and Means
4	Moore, Gwen	D	2245 RHOB	202-225-4572	Financial Services the Budget

5	Sensenbrenner, F. James	R	2449 RHOB	202-225-5101	Science, Space, and Technology the Judiciary
6	Grothman, Glenn	R	501 CHOB	202-225-2476	Education and the Workforce Oversight and Government the Budget
7	Duffy, Sean P.	R	1208 LHOB	202-225-3365	Financial Services Select Panel
8	Ribble, Reid	R	1513 LHOB	202-225-5665	Foreign Affairs Transportation

Wyoming

District	Name	Party	Room	Phone	Committee Assignment
At Large	Lummis, Cynthia M.	R	2433 RHOB	202-225-2311	Natural Resources Oversight and Government

A Note About Room Numbering

The three primary House office buildings—Cannon, Longworth and Rayburn—share a room numbering system for above-ground rooms that might confuse visitors at first. The system is fairly straight forward and can be used to identify most member and committee offices merely by knowing the correct room number regardless of building.

All Cannon above-ground rooms are three digits. As you would expect, the first digit indicates the floor level. For example, 303 Cannon is on the 3rd floor.

All above-ground Longworth rooms are four digits and start with the number 1. The second digit from the left indicates the floor. For example, 1309 is on the third floor of the Longworth building.

All above-ground Rayburn rooms are also four digits, but start with a 2. The second digit indicates the floor number. For example, 2125 is on the first floor of Rayburn.

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Washington, DC 20515
(202) 224-3121
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House Operating Status

Exhibit 2

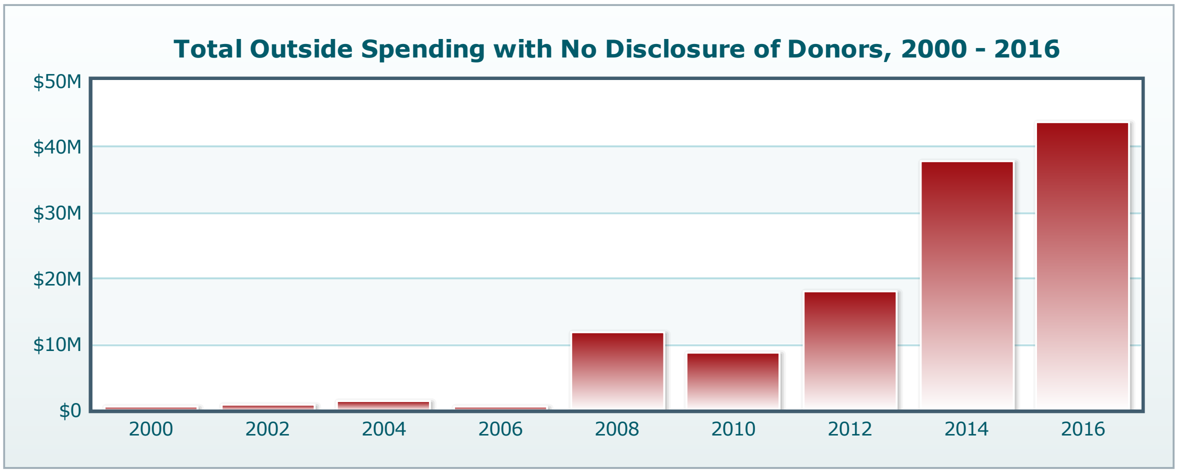
Political Nonprofits (Dark Money)

Politically active nonprofits – principally 501(c)(4)s and 501(c)(6)s – have become a major force in federal elections over the last three cycles. The term "**dark money**" is often applied to this category of political spender because these groups do not have to disclose the sources of their funding – though a minority do disclose some or all of their donors, by choice or in response to specific circumstances.

These organizations can receive unlimited corporate, individual, or union contributions that they do not have to make public, and though their political activity is supposed to be limited, the IRS – which has jurisdiction over these groups – by and large has done little to enforce those limits. Partly as a result, spending by organizations that do not disclose their donors has increased from less than $5.2 million in 2006 to well over $300 million in the 2012 presidential cycle and more than $174 million in the 2014 midterms.

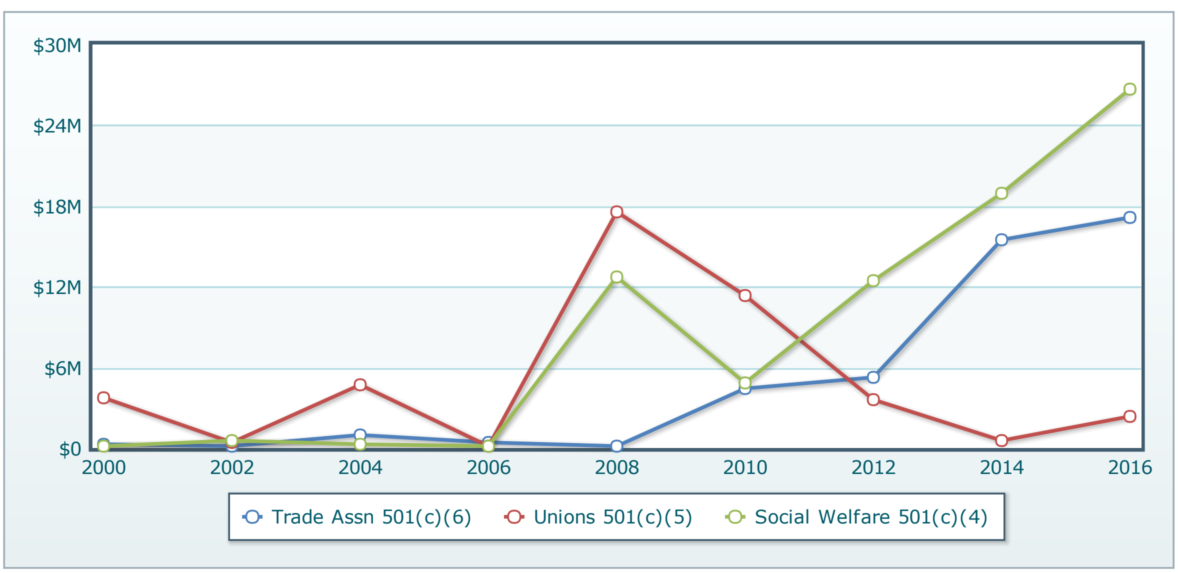
Filter by:
Cycle to date ▼

Outside Spending by Nondisclosing Groups, Cycle to Date, Excluding Party Committees



501(c) Spending, Cycle to Date, by Type

View totals by:
Type of groups ▼



Based on data released daily by the FEC. Last update on July 21, 2016.

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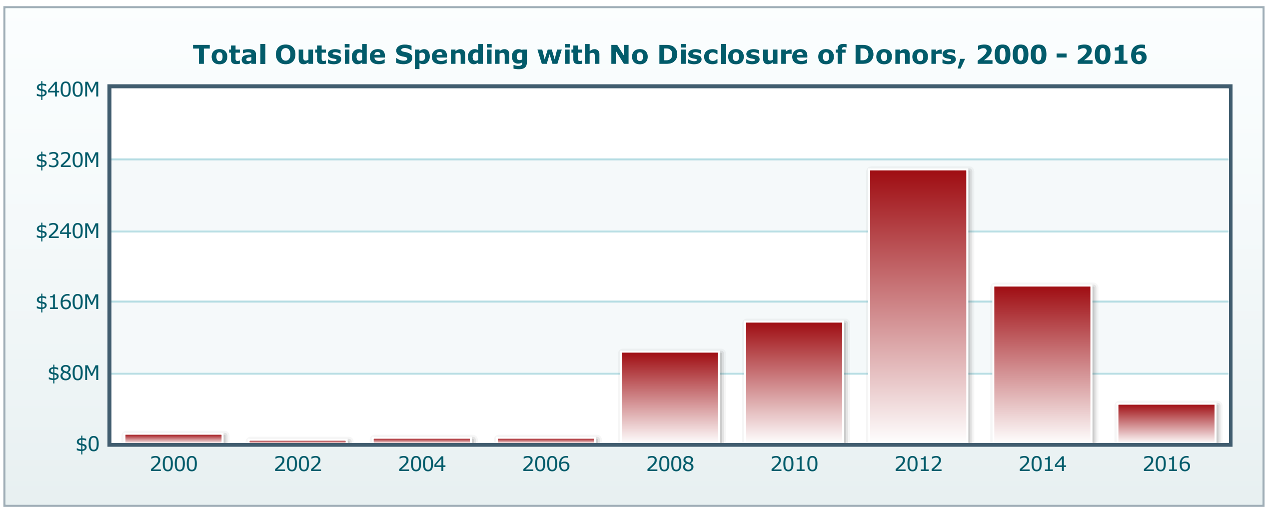
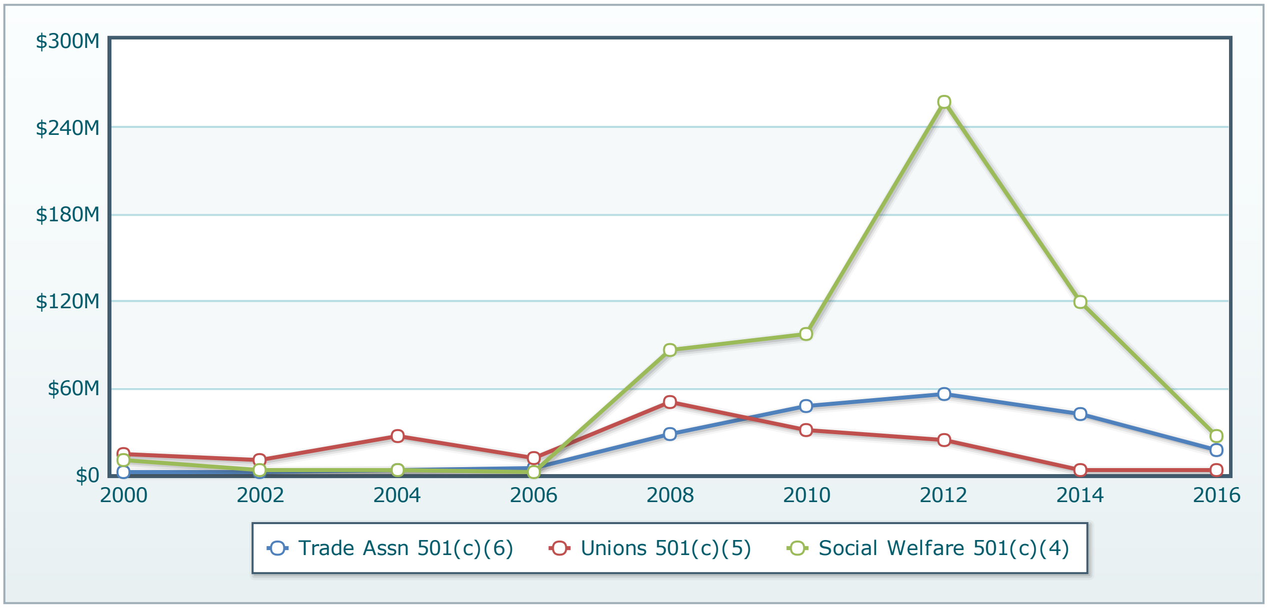
Filter by:
Cycle totals ▼

Outside Spending by Nondisclosing Groups, Cycle Totals, Excluding Party Committees



501(c) Spending, Cycle Totals, by Type

View totals by:
Type of groups ▼



Based on data released daily by the FEC. Last update on July 21, 2016.

Loading chart data. Please wait... Social Welfare 501(c)(4) 2016 **Total Outside Spending with No Disclosure of Donors, 2000 - 2016** 2016

Count Cash & Make Change.

OpenSecrets.org is your nonpartisan guide to money's influence on U.S. elections and public policy. Whether you're a voter, journalist, activist, student or interested citizen, use our free site to shine light on your government.

Exhibit 3

Advertising surges in presidential race; dark money dominating Senate contests

by **Robert Maguire** on May 13, 2016

As political advertising in the 2016 presidential contest hits new heights — fueled largely by outlays from super PACs and campaigns — the battles that will determine control of the Senate are seeing historic amounts of dark money spending.

A new report released yesterday by the Wesleyan Media Project — produced in partnership with the Center for Responsive Politics — shows that the volume of presidential advertising has more than doubled over 2012. And while both parties are contributing to that increase, their spending has taken significantly different forms.

On the Democratic side, the candidates themselves are driving the rise in airings. Longshot Democratic candidate Bernie Sanders tops the list of ad spots, with almost 125,000 airings, while frontrunner Hillary Clinton is close behind with more than 105,000. More than 99 percent of both candidates' ads were run by their respective campaigns, rather than allied super PACs or nonprofit.

That stands in stark contrast to the Republican nominating contest, where, on average, just 24 percent of the ads run were paid for by the campaigns themselves. The one outlier, as with everything else, is Donald Trump, the GOP's presumptive nominee; his 33,050 ads were all run by his campaign. But as WMP's Travis Ridout notes, Trump has benefited like no other candidate from his "amazing ability to attract free media." Indeed, the *New York Times* estimated in March that Trump had benefited from $2 billion worth of free or "earned" media.

The outside groups active in the 2016 presidential race are overwhelmingly super PACs, which account for more than 90 percent of the advertising not sponsored by the candidates themselves. And while super PACs generally have to disclose their donors, politically active nonprofits — mostly 501(c)(4) social welfare organizations and 501(c)(6) trade associations — are able to spend heavily on politics without disclosing the sources of their funding, and these groups are flooding Senate races right now.

Nearly 60 percent of the outside group spending in Senate races so far has come from 501(c) organizations. That is almost exactly where it stood at the end of April 2014, according to a 2014 WMP report, but up significantly from 2012 Senate races. While almost as many ads have been run in 2016 Senate races as at this point in 2012 — 98,247 and 100,676 ads, respectively — a 2012 WMP report shows that no single 501(c) had run more than 800 ad spots in a Senate race at this point in 2012. By contrast, in 2016, 10 nonprofits have bought more ads than that, and five of them have bought well into the thousands.

Pennsylvania, where there was a hard-fought Democratic Senate primary in preparation for what is expected to be a tight general election, has seen more than twice as many ads as any other state — 22,309 airings through May 8. Much of that has come from organizations that don't disclose their donors.

Dark money groups — 501(c) tax-exempt organizations — have been behind 28,551 ads in Senate races so far, compared with 16,102 paid for by super PACs.

Because Senate candidates can't rely on free media as much as presidential hopefuls can, they need to spend money to get their messages out and are "leaning more than ever on groups that can accept unlimited anonymous contributions," said Sheila Krumholz, executive director of the Center for Responsive Politics.

Several of these groups — most notably One Nation, run by the same operatives who run the Karl Rove-affiliated Crossroads GPS — have never reported their spending to the Federal Election Commission, since the spots are ostensibly "issue ads" that don't urge viewers to vote for or against a candidate. One Nation has run more than 4,000 ads in seven states where Republicans face tough election battles. Similarly, the Koch-affiliated Concerned Veterans for America, which also spent heavily in 2014 without reporting to the FEC, has run more than 1,500 ads without reporting anything.

As GOP leaders fret about what a Trump nomination means for down ballot races, this reliance on dark money isn't likely to abate any time soon.

Categories: 501(c) groups Campaign finance Congressional Elections Outside Money Presidential Presidential Election Super PACs

Tags: concern veterans for america, Crossroads GPS, dark money, Donald Trump, Karl Rove, koch, One Nation, politically active nonprofits, Robert Maguire, Wesleyan Media Project

Exhibit 4

BRENNAN CENTER FOR JUSTICE

TWENTY YEARS

SECRET SPENDING IN THE STATES

Chisun Lee, Katherine Valde, Benjamin T. Brickner, and Douglas Keith

Brennan Center for Justice *at New York University School of Law*

ABOUT THE BRENNAN CENTER FOR JUSTICE

The Brennan Center for Justice at NYU School of Law is a nonpartisan law and policy institute that seeks to improve our systems of democracy and justice. We work to hold our political institutions and laws accountable to the twin American ideals of democracy and equal justice for all. The Center's work ranges from voting rights to campaign finance reform, from ending mass incarceration to preserving Constitutional protection in the fight against terrorism. Part think tank, part advocacy group, part cutting-edge communications hub, we start with rigorous research. We craft innovative policies. And we fight for them — in Congress and the states, the courts, and in the court of public opinion.

ABOUT THE BRENNAN CENTER'S DEMOCRACY PROGRAM

The Brennan Center's Democracy Program works to repair the broken systems of American democracy. We encourage broad citizen participation by promoting voting and campaign finance reform. We work to secure fair courts and to advance a First Amendment jurisprudence that puts the rights of citizens — not special interests — at the center of our democracy. We collaborate with grassroots groups, advocacy organizations, and government officials to eliminate the obstacles to an effective democracy.

ABOUT THE BRENNAN CENTER'S PUBLICATIONS

Red cover | Research reports offer in-depth empirical findings.
Blue cover | Policy proposals offer innovative, concrete reform solutions.
White cover | White papers offer a compelling analysis of a pressing legal or policy issue.

ABOUT THE AUTHORS

Chisun Lee serves as senior counsel at the Brennan Center, focusing on money in politics. She previously covered legal issues as a staff reporter for *ProPublica,* where her work was co-published with *The New York Times, The Washington Post,* NPR, *The National Law Journal,* and PBS "Frontline," among other outlets, and earned industry honors. She has also represented indigent clients in federal trial and appeals courts as a criminal defense attorney and served as a law clerk to the Honorable Gerard E. Lynch, then of the U.S. District Court for the Southern District of New York. She received her A.B. from Brown University and her J.D. from Harvard Law School.

Katherine Valde served as a Research and Program Associate in the Brennan Center's Democracy Program. As part of the program's money in politics unit, she researched and advocated for reasonable reforms to expand political opportunity for all. She graduated with High Distinction and Phi Beta Kappa from the University of Iowa with honors degrees in Political Science and History.

Benjamin T. Brickner served as counsel to the Brennan Center's Democracy Program, where his work focused on money in politics. He joined the Brennan Center in 2014 after working as an associate at Debevoise & Plimpton LLP. He previously served as policy advisor to New Jersey Governor Richard J. Codey. Before joining the Brennan Center, Mr. Brickner authored *Reading Between the Lines: Congressional and State Legislative Redistricting*, a citizens' guide and prescription for reform of the redistricting process, and co-authored *Clean Elections: Public Financing in Six States*, a policy primer and multi-case study of publicly financed electoral campaigns.

Douglas Keith is the Katz Fellow in the Brennan Center's Democracy Program. Prior to joining the Brennan Center, he worked on voting rights litigation as a Ford Foundation Public Interest Law Fellow at Advancement Project, trained poll workers for the New York City Board of Elections, and organized election reform advocates in New York. He has also observed and analyzed democratic systems in North and West Africa, Central Asia and Eastern Europe. He received his J.D. from New York University School of Law.

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The authors are exceptionally grateful to Lawrence Norden, deputy director of the Brennan Center's Democracy Program, for providing excellent editorial guidance and leadership. We would also like to deeply thank current and former Research and Program Associates Eric Petry, Ava Mehta, Iris Zhang, and Avram Billig, and former legal intern Molly Danahy, for providing critical research support. We are also grateful for the important advice of Ian Vandewalker, Matthew Friedman, and Christopher Famighetti, respectively counsel, economics fellow, and voting rights researcher at the Brennan Center, through many phases of our research. Sincere thanks also go to General Counsel Elisa Miller, Counsel Brent Ferguson, Democracy Program Director Wendy Weiser, and President Michael Waldman of the Brennan Center for providing valuable comments. Naren Daniel provided important editorial insights and communications strategy, along with Jeanine Plant-Chirlin, Theresa Raffaele Jefferson, Jim Lyons, and Jessica Katzen.

We would also like to thank the many other individuals, including elected officials, government regulators, political strategists, policy experts, and voters, who, though we were not able to quote their views, took the time to speak with us and strengthened our understanding of undisclosed political spending and its real-world implications.

Finally, this report would not have been possible without the labor, expertise, and generosity of the nonpartisan National Institute on Money in State Politics, particularly Research Director Pete Quist and Researcher Calder Burgam, which compiled the campaign finance data we analyzed. The Institute's extensive data-gathering efforts have been essential to understanding problems of money in politics.

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INTRODUCTION

Six years after *Citizens United* enabled unfettered spending in our elections, the use of so-called dark money has become disturbingly common. Contrary to the Supreme Court's assumption that this unlimited spending would be transparent to voters, at the federal level powerful groups have since 2010 poured hundreds of millions of dollars into influencing elections while obscuring the sources of their funding.[1]

But it is at the state and local levels that secret spending is arguably at its most damaging. For a clear understanding of the degree to which dark money is warping American democracy, state ballot referenda and local school board contests may be a better starting point than the presidential campaign or even congressional races. As Chris Herstam, a former Republican majority whip in the Arizona House of Representatives and now lobbyist, put it, "In my 33 years in Arizona politics and government, dark money is the most corrupting influence I have seen."[2]

This report documents how far outside spending — election spending that is not coordinated with candidates — at the state and local levels has veered from the vision of democratic transparency the *Citizens United* Court imagined, drawing on an extensive database of news accounts, interviews with a range of stakeholders, campaign finance and tax records, court cases, and social science research. For the first time, it also measures changes in dark money — and a thus far unrecognized rise in what we term "gray money" — at the state level, by analyzing spender and contributor reports in six of nine states where sufficient usable data were available.[3] This set of six geographically and demographically diverse states, comprising Alaska, Arizona, California, Colorado, Maine, and Massachusetts, represents approximately 20 percent of the nation's population.

Altogether this review revealed several striking trends:

- **Our first-of-its-kind analysis showed that, on average, only 29 percent of outside spending was fully transparent in 2014 in the states we examined, sharply down from 76 percent in 2006.**
    - Dark money surged in these states by 38 times on average between 2006 and 2014.
    - State super PACs, which are legally required to disclose their donors and thus hold themselves out to be transparent, increasingly reported donations from nonprofit groups that are not, themselves, required to disclose their donors. Donations from dark groups to super PACs increased by 49 times in these states between 2006 and 2014, from less than $190,000 to over $9.2 million.

- **In a troubling new phenomenon we've identified, "gray money" has ballooned to nearly 60 percent of all outside spending in 2014, on average in the states we examined.**

  - Measuring dark money alone understates the extent of the transparency problem. We found a sharp rise in what we term "gray money": spending by state super PACs that reported other PACs as donors, making it impossible to identify original donors without sifting through multiple layers of PAC disclosures.

  - "Gray money" ballooned from 15 percent of all outside spending on average across the six states in 2006 to 59 percent of all outside spending by 2014.

- **Dark money at the state and local levels frequently flows from special interests with a direct and immediate economic stake in the outcome of the contest in which they are spending, in contrast to what is often portrayed as the more broadly ideological outside spending at the federal level.** When uncovered, secret money at this level has traced back to such sources as a mining company targeting a state legislator who held a key role opposing quicker mining permits, payday lenders supporting an attorney general who promised to shield them from regulation, and food companies battling a ballot measure to add labeling requirements.[4]

- **Lower costs make it relatively easy for dark money to dominate state and local elections.** For many of the contests we looked at, dark money groups outspent candidates themselves with amounts in the low $100,000s or even $10,000s — a modest business expense for special interests, but a major hurdle for many candidates and community groups.[5] At the federal level that degree of dominance can easily cost in the $10 millions.[6]

- **Strong disclosure laws and enforcement can make a real difference.** California, which saw many times more outside spending than any of the other states we examined, nevertheless saw a remarkably low amount of dark money in each cycle. It seems that the state's exceptionally tough disclosure requirements and active enforcement culture have helped to keep secretive spending at a relative minimum.

There are several reasons to be particularly concerned about the corrosive effects of dark and gray money at the state and local levels. First, regulatory power at these levels is more concentrated, and more often subject to direct election, than at the federal level. From attorney general to comptroller to water district director, numerous state and local elected offices are capable of directly impacting special interests' bottom lines. Also distinct from the federal level, voters in every state and innumerable counties and towns face ballot measures where they directly decide policy questions — education spending, collective bargaining, taxes — often with major financial consequences for a relatively small but economically powerful constituency.

Second, these are often low-information elections, where it may not take much advertising to sway voters. This is particularly true in nonpartisan contests, such as ballot measure elections and many local races, where voters do not have party affiliations as a signal. In such cases, special interest spenders can hope to have a greater influence on voters than in high-profile elections featuring many voices.

Finally, lower costs make it relatively easy for dark and gray money to flood state and local elections with unaccountable messages. Entities with deceptively community-minded names — Californians for Good Schools and Good Jobs, shielding a Texas oil company; Proper Role of Government Education Association, shielding payday lenders — can invest relatively modest amounts but still saturate the airwaves and mailboxes.[7]

How can this problem be fixed? One way would be to persuade the Supreme Court to overturn misguided decisions such as *Citizens United,* which empowered donors to funnel unlimited amounts of spending through opaque entities such as social welfare nonprofits and shell companies. Short of that, this report offers a set of practical reforms to improve electoral transparency while protecting truly vulnerable speakers. Though reform at the federal level has stagnated because of inaction at the Federal Election Commission, Internal Revenue Service, and Congress, a number of states and cities have been more eager and able to respond to recent onslaughts of dark money.

DARK AND GRAY MONEY EXPLAINED

In 2010, *Citizens United* set off a nationwide surge in **outside spending** — election advertising that is technically independent of candidates. But the Supreme Court didn't say the sources of that spending could be secret. The justices assumed that existing rules and enforcement mechanisms would enable "prompt disclosure" of the interests behind the money.[8]

That assumption couldn't be further from reality. The federal government has failed to enforce still-standing disclosure rules, let alone modernize those rules for the era of unlimited spending. The same is true in most states and cities. The result has been a rise in election spending by entities that do not publicly disclose their donors, commonly known as "**dark money**," and also by entities that disclose donors in a way that makes the original sources of money difficult or perhaps impossible to identify, a type of spending this report terms "**gray money**." We explain both phenomena below.

One major cause of dark money: disclosure rules overlook too many political *advertisers*. **Non-profit organizations** — particularly 501(c)(4) social welfare groups and 501(c)(6) trade associations — have become popular electioneering vehicles for donors seeking anonymity.[9] Unlike **political action committees** (PACs), which typically must disclose their donors publicly, these non-profit groups normally are required to make only nonpublic disclosures to the IRS.[10] While technically politics is not supposed to be their primary purpose, in the absence of effective rules and enforcement these groups have been able to devote a huge share of their resources to politics.[11]

The other major cause of dark money: disclosure rules also overlook too many political *advertisements*. Typically for ads that expressly urge voters to vote for or against a candidate, the identity of the spender and sometimes that of the funders must be disclosed.[12] But when it comes to so-called "electioneering communications" — ads that attack or promote candidates in the guise of advocating about an issue — only 26 states require disclosure of the spender, let alone disclosure of the spender's funders.[13]

What causes gray money? Disclosure rules that overlook the true sources of funding. **Super PACs** — PACs that are supposed to advertise independent of candidates and, after *Citizens United* and related cases, can raise and spend unlimited sums — typically must disclose their donors.[14] But increasingly they have disclosed not individuals or businesses, whose interests are relatively apparent, but rather other PACs. That money *might* be traceable, through multiple layers of PAC disclosures, to an original source. But most people lack the time to dig this deeply, and, increasingly, understaffed newsrooms do, too. (Super PACs sometimes disclose nonprofits as donors. Because nonprofits generally do not have to disclose their donors, we consider PAC spending derived from such sources to be dark money, not gray.)

I. THE RISE OF DARK MONEY IN THE STATES FROM 2006 THROUGH 2014

The scores of news accounts, official investigations, and interviews we compiled and reviewed suggest that dark money is becoming a bigger problem in many states than at the federal level. Our analysis of outside spending in six states with sufficient usable data from before and after *Citizens United* confirmed this supposition.[15]

In 2014, dark money was 38 times greater than in 2006, on average across the states we examined, while in federal elections it increased by 34 times over the same period.[16] Between the increases in dark and gray money, we found that fully transparent outside spending — where regular voters may learn the true funder of an election ad by looking up the spender and possibly its donor reports — declined sharply, from 76 percent transparent in 2006 on average across the states we examined to just 29 percent transparent in 2014.

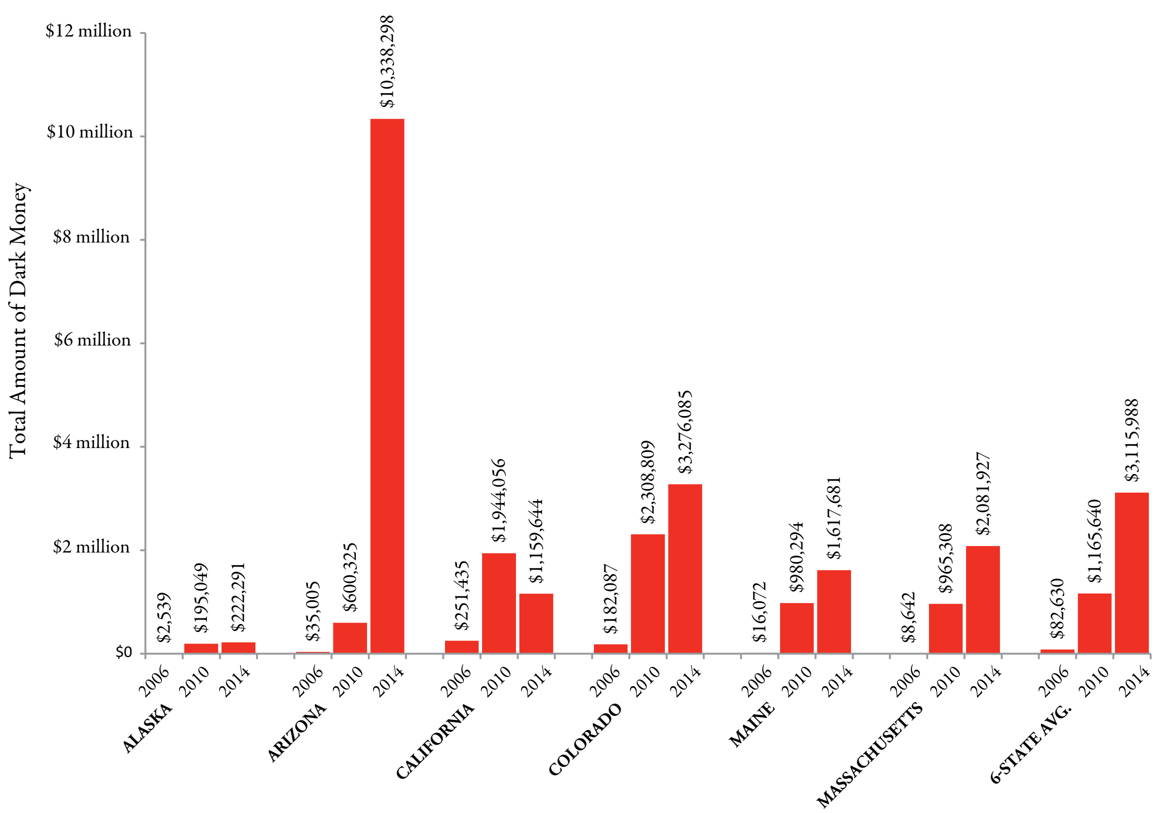
We reviewed outside spending in candidate elections in the 2006, 2010, and 2014 cycles in Alaska, Arizona, California, Colorado, Maine, and Massachusetts. We anticipated that the January 2010 *Citizens United* ruling, lifting limits on independent spending by unions and corporations including nonprofits, and an influential lower-court ruling that March, deregulating contributions to independent spenders, would affect outside spending trends beginning as soon as in the 2010 cycle.[17] We knew that these widely publicized changes in the law had also transformed the culture of outside spending, even in states where the technical effect on laws was not great.[18] Moreover, even as outside spending and giving were suddenly free to climb, old disclosure loopholes, such as the exemption of groups who claim not to have a primarily political purpose, remained.[19]

The following charts and analyses summarize our findings, some expected and many striking.

A. State-Level Dark Money Surged

While dark money exploded at both the federal and state levels between 2006 and 2014, the rate of increase was greater on average across the states we examined than in federal elections. In the states, dark money in 2014 was 38 times greater than in 2006, while in federal elections it increased by 34 times over the same period.[20]

Changes in Dark Money in Six States, 2006-2014



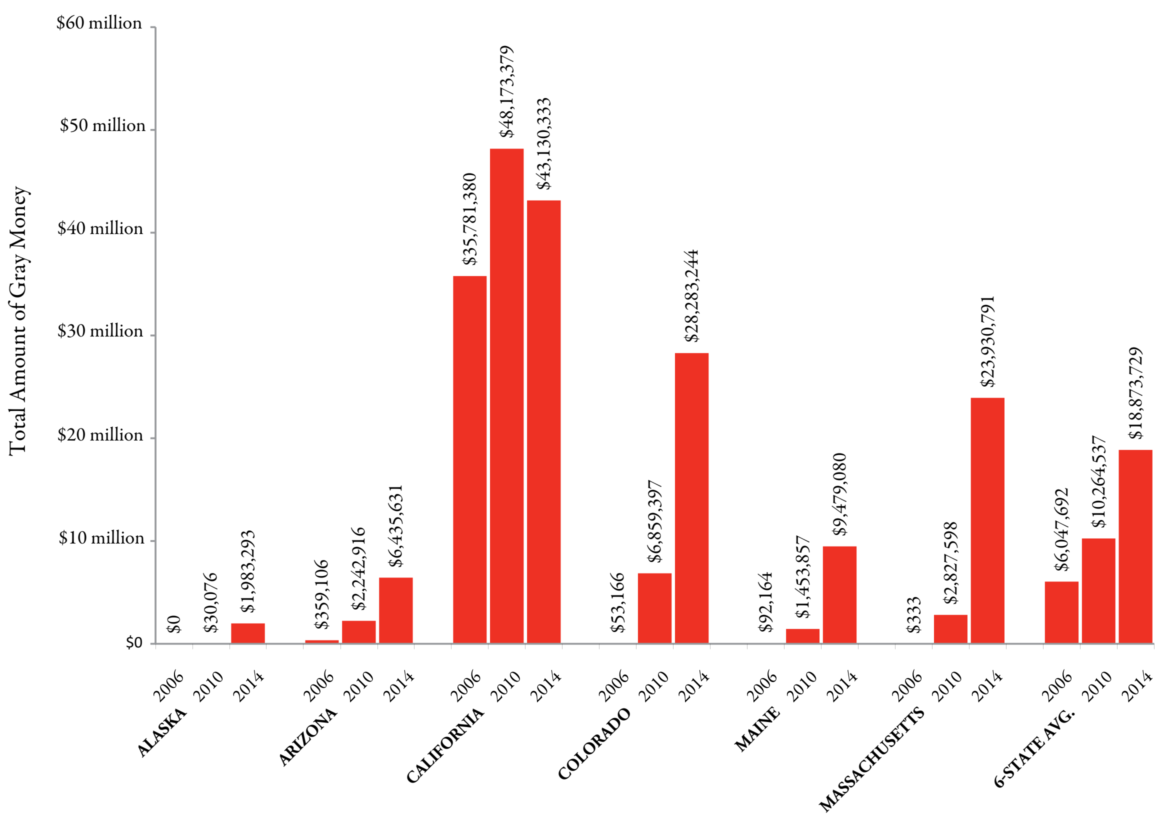
Trends in two outlier states are worth noting. Arizona saw by far the biggest surge in dark money, with the amount in 2014 rising to 295 times — nearly three hundred times — the level in 2006. By contrast, California saw remarkably little dark money over all cycles, especially considering the high levels of outside spending in the state. The major reason appears to be California's decades-long requirement that even nonprofits, the typical vehicle for dark money, disclose donors for their election spending.[21] Certain loopholes remained, but in 2014 the state enacted a measure to close one and likely reduce dark money even further in future elections.[22] These unusually tough rules, along with the state's robust enforcement culture, have enabled investigators and journalists to get to the bottom of many disclosure problems, which is why this report includes a disproportionately great number of incidents from California.

The overall rise in dark money partly reflects a spike in donations to super PAC spenders, which legally must disclose their donors, from nonprofit donors such as 501(c)(4) social welfare groups and 501(c)(6) trade associations that do not have to disclose their donors. Dark donations to technically transparent PACs increased by 49 times in the states we examined between 2006 and 2014, from less than $190,000 to more than $9.2 million.[23]

B. "Gray Money" Also Ballooned

State super PAC spending based on donations from other PACs — spending we term "gray money" — also surged over the period we reviewed, meaning that voters seeking the original source of funding increasingly would have to investigate multiple layers of PAC disclosures.[24] In 2006, 25 percent of contributions disclosed by such PACs came from other PACs, on average across the six states.[25] By 2014, 66 percent of contributions to such PACs on average came from other PACs.

Changes in Gray Money in Six States, 2006-2014



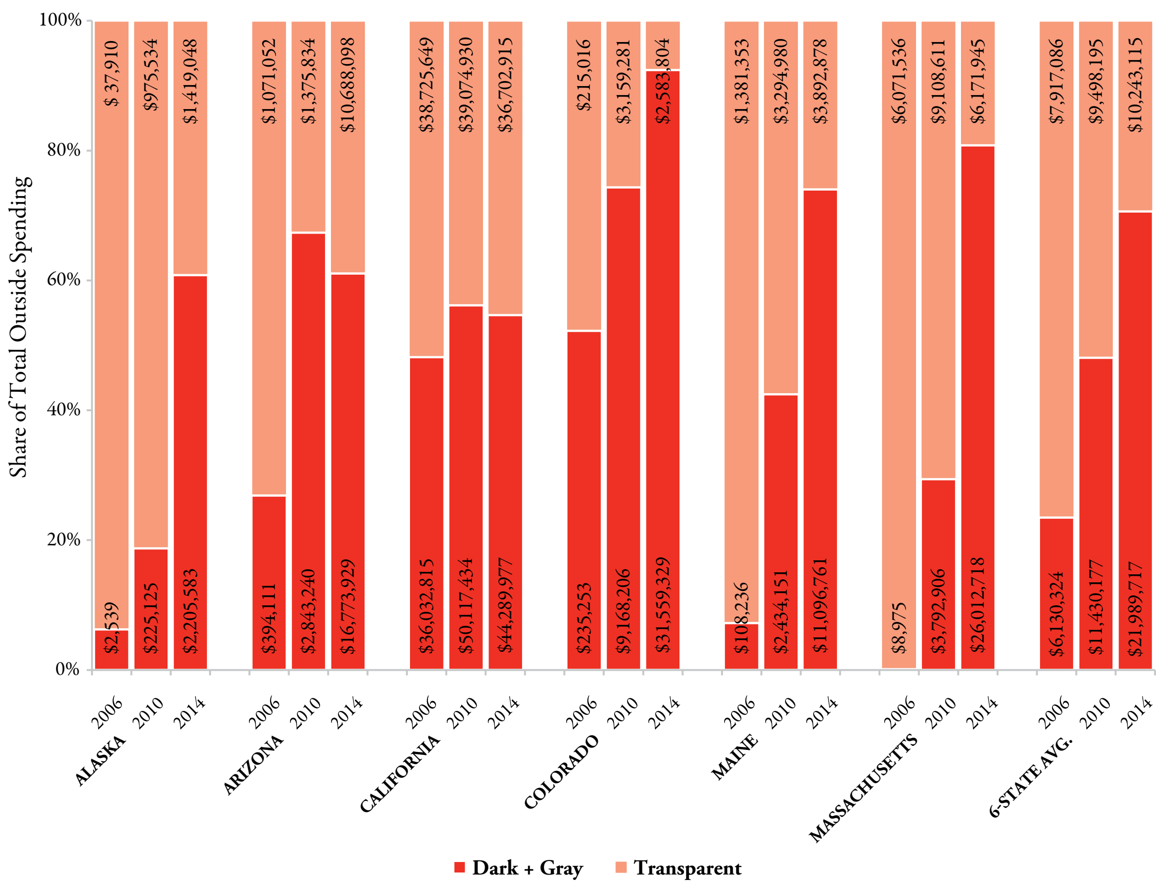
The amount of gray money increased dramatically in every state except California between 2006 and 2014. California nevertheless saw a significant amount of gray money spent in each cycle, as much as 54 percent of all outside spending in 2010.[26] This trend reflects California's unusual success in restricting *dark* money: For decades nearly all outside spenders have had to function as PACs that disclose their donors in relation to election spending.[27] Though it may still be onerous for members of the public to examine multiple layers of PAC donors to determine the ultimate source of gray money, it is at least possible to do so, especially under recent reforms that require disclosure of at least some underlying donors.[28]

Even with California's gray money numbers holding relatively steady across the three election cycles, the increase in gray money's share of all outside spending on average across the states was still stunning. Gray money ballooned from 15 percent of all outside spending on average in 2006 to 59 percent of all outside spending by 2014.[29]

C. Fully Transparent Outside Spending Declined Dramatically

The result of these rising trends in dark money and gray money has been a steep decline in the share of outside spending that, for a regular voter's purposes, is effectively transparent: from 76 percent in 2006 on average to just 29 percent in 2014 in the states we examined.

Changes in Fully Transparent Outside Spending in Six States, 2006-2014



II. HOW DARK MONEY WORKS IN STATE AND LOCAL ELECTIONS

Dark money poses special dangers at the state and local levels. We examined dozens of instances where dark money in a state or local contest was linked, usually through shoe-leather reporting or official investigation, to a specific special interest. Three key trends emerged: (1) At these levels, dark money sources often harbor a narrow, direct economic interest in the contest's outcome; (2) relatedly, contentious ballot measures that carry major economic consequences frequently attract dark money; and (3) in the relatively low-cost elections at these levels, it is easy for dark money to dominate with unaccountable messages that voters cannot meaningfully evaluate.

In Arizona, which at $10.3 million in 2014 had by far the greatest amount of dark money in any cycle of the states we examined, "politics have changed dramatically since *Citizens United* as a direct result of dark money," according to Chris Herstam, currently a lobbyist who once served as Republican majority whip in the state House and as chief of staff to a Republican governor.[30]

"In my 33 years in Arizona politics and government, dark money is the most corrupting influence I have seen," he said, criticizing a recent move by the legislature to end state oversight of nonprofit groups' political spending. He said that secretive special interest spending is making campaigning more costly, including in down-ticket contests, intimidating lawmakers from taking policy positions that might draw dark money attacks, and robbing voters of essential information.

"Without adequate disclosure laws, Arizonans do not know for sure who is purchasing their elected offices. And we, the citizens, don't have the proof to make it an issue and take a stand against it in any particular election," he said. He argued that the effect of dark money is more profound on a smaller political scale: "While dark money gets a lot of national publicity, it is having a monstrous effect in Arizona."

A. Dark Money Sources Often Hold Direct Economic Interests in the Election Outcome

Unlike many federal spenders who pursue broader or longer-term agendas, secretive special interests at the state and local levels often seek more immediate, direct benefits. In part, this focus reflects the fact that a great deal more regulatory power is up for election below the federal level. From statewide offices such as attorney general, secretary of state, and treasurer to seats on local utility boards, public hospital boards, and courts, a great deal of power over economic matters is subject to direct election where at the federal level it is up to presidential nomination and confirmation by the Senate. Forty-three states elect an attorney general, a state's top investigator and enforcer under laws banning fraud, environmental damage, employment discrimination, and a plethora of other business-relevant issues.[31] Thirty-six states elect a comptroller or equivalent, the CFO of the state.[32] Twelve states elect a commissioner of agriculture.[33] One even elects its mine inspectors.[34] Moreover, at the county and municipal levels, elections are frequently nonpartisan, leaving voters to depend especially heavily on other information about candidates, such as election ads.[35]

One political consultant, who advises state campaigns across the South, pointed to places like Louisiana as ripe for hidden political spending. Several localities have sued oil and gas companies seeking money for coastal restoration. The fate of this litigation, or potential litigation, often hinges on the decisions of parish councils or commissions, local judges, or even a sheriff. [36] He expects to see dark money in these contests because "there are a set of local officials that are in position that directly affects oil and gas companies."[37]

Sometimes the interest can be even more parochial. Two billionaires secretly funded attack ads in a 2012 Montana Supreme Court election that related to their long-litigated fight to keep locals from their waterfront estates, according to an investigation concluded last December by the state's election authority.[38] At the time of the election, voters saw only that Montana Growth Network, a nonprofit, was funding the ads.[39]

Where weak disclosure rules allow special interests to buy influence through veiled election ads, these circumstances, at worst, risk corruption of the very officials meant to police those interests. More commonly, the lack of ad sponsor disclosure deprives voters of key information for evaluating messages.

Our review of dozens of elections since 2010 showed how dark money has served specific economic ends in many state and local elections, unbeknownst to voters at the time. Some of the most striking instances include:

Payday Lenders and the Utah Attorney General

> At the egregious extreme is the confluence of economic incentives, unlimited outside spending, and absence of transparency laws that colored the campaign of successful 2012 Utah attorney general candidate John Swallow. With no incumbent running, the race was a real contest, though at the Republican primary stage in the solidly red state.[40]
>
> More than one year after Swallow's victory, and nearly $4 million, 165 witnesses, and tens of thousands of documents later, a state legislative committee determined that Swallow had "hung a veritable 'for sale' sign on the Office door that invited moneyed interests to seek special treatment and favors."[41] The committee's 214-page report details how one industry, payday loan companies, worked with Swallow's campaign to use a web of generically-named PACs and nonprofits to obscure approximately $450,000 in donations for nominally independent election ads.[42] The lenders sought Swallow's protection from newly toughened consumer rights rules.[43] His advisors asked the lenders to donate to dark money groups that would not disclose their donors rather than to his campaign in order not to "make this a payday race" funded by an industry often seen as preying on struggling families, according to the investigation.[44]
>
> The biggest conduit for undisclosed lender support of Swallow was a nonprofit called the Proper Role of Government Education Association.[45] Proper Role funneled money via other nonprofits to an out-of-state super PAC called It's Now or Never, which then ran attack ads against Swallow's primary opponent.[46] At the time Swallow's campaign manager denied any

connection to the attack ads, saying, "We're actually really proud of the fact that we've been running a positive campaign from the very beginning."[47]

Swallow handily won his party's primary and the general election.[48] Underscoring the special problem of corruption for elected offices such as the attorney general, the House Special Investigative Committee later wrote: "While the corruption of any public office is unacceptable, the corruption of the office specifically tasked with ensuring equal justice under law is particularly harmful because it undermines the public's faith that justice in the State is being dispensed equally and without regard to economic, social or political status."[49]

Swallow was later arrested on unrelated bribery charges, and resigned.[50] The House committee turned over its findings to law enforcement authorities.[51] Swallow pleaded not guilty to the bribery charges and as of May 2016 was awaiting trial.[52]

Mining and the Wisconsin State Senate

An inadvertent court disclosure exposed how an out-of-state mining company in 2012 had secretly poured $700,000 into ads attacking Wisconsin legislators who opposed speeding up mine permits. The Florida-based business had bought mining options in Wisconsin's Penokee Hills in 2010.[53] Soon after, it began lobbying for a law to expedite environmental review of mining applications.[54] The bill failed by one vote in the senate.[55]

State Senator Jessica King, who had cast a key vote against expediting, faced re-election in 2012. The Wisconsin Manufacturers & Commerce Issues Mobilization Council, registered as a social welfare nonprofit, launched ads attacking King as a jobs-killer, including one that misrepresented as disapproving a union leader who actually supported King.[56] The nonprofit received funding from another nonprofit, the Wisconsin Club for Growth, which in turn received the $700,000 from the Florida company, according to court filings in a separate matter first reported by ProPublica in 2014 — two years too late for voters.[57] King lost by less than 1 percent of the vote.[58] Shortly after the election, in the next legislative session, King's opponent cast the deciding vote in favor of the pro-mining legislation.[59]

The nonprofits involved have refused to disclose any details of their political spending including donor names.[60] Indeed, they seem to exemplify the notion that anonymity in political advertising is power. One group told donors in 2012: "Last night conservatives flipped the state senate and grew our majority in the state assembly . . . . Thanks to your support, once again Wisconsin Club for Growth played a pivitol [*sic*] role in last nights [*sic*] results."[61] The other group's website declares: "Unlimited corporate donations are allowed under law, and are held strictly confidential — **we have never disclosed our donors, and never will.**"[62]

Power Suppliers and Arizona's Utilities Commission

A shift in Arizona's energy policy away from industry sources to homeowner-generated solar presaged an exponential surge of dark money in elections for the state's five-member public utilities commission. Within a few years of the commission's solar-friendly policy change in 2010, nearly half a million Arizonans had joined a program meant to reduce industry-supplied power consumption by 22 percent.[63]

The 2014 election to replace two term-limited commissioners drew an astonishing $3.2 million in dark money ads — more than double the combined spending, $1.2 million, of all six candidates in the primary and general elections, and almost 50 times the $67,000 in dark money spent in races for three commission seats in 2012.[64] In 2008, before the solar policy, all outside spending in the commission races amounted to only $3,298, and none of it was dark.[65]

"It's like a John Grisham-type setting because of how powerful the ads are," recalled Vernon Parker, a Republican who ran in 2014 as a pro-solar candidate and lost at the primary stage after facing a flood of attack ads.[66] An African American who had previously won elections for city council and mayor in the conservative, majority-white town of Paradise Valley, Parker described the dark money onslaught as a political challenge of unprecedented magnitude. "I wouldn't wish this on anyone," he said.[67]

News outlets have since reported that a major source of dark money funds likely was the state's largest utility business, Arizona Public Service Company (APS).[68] Former commissioner Bill Mundell has accused APS of creating a "circle of corruption," using profits from consumers to secretly fund ads to elect candidates who will favor APS over consumers.[69] "Who do you think those commissioners are going to listen to when there's a rate case pending? Are they going to listen to you or me, or will they listen to the APS executives?" he said at a 2016 appearance in his campaign to rejoin the commission, according to the *Payson Roundup*.[70]

The company has not confirmed or denied funding specific ads.[71] In 2014 it responded to stories of its alleged dark-money dealings with the general statement that "we routinely support public officials, candidates and causes that are pro-business and supportive of a sustainable energy future for Arizona," stressing its "right to participate in the political process."[72] The company told the utilities commission in 2013 that it had spent $3.7 million on "public relations work" to support a tax on solar households.[73] It confirmed one six-figure donation to a social welfare nonprofit that donated to a super PAC advertising in the 2012 elections.[74] But, because of gaping loopholes in Arizona's disclosure laws, it is impossible to know the full extent of the company's election-related activity through official records.

With the 2014 election, the composition of the five-member commission shifted from a majority that backed solar energy to one that had signaled openness to increasing solar's cost to consumers.[75] But the commission has been slow to act on the utility company's requests to levy extra charges on solar consumers, because, according to some observers including one commission member, it is now sensitive to accusations of being influenced by dark money.[76]

Charter Schools and the Los Angeles School Board

Though the nationwide debate about charter schools involves more than economic issues, it does fundamentally involve a tussle over where public education dollars should go. Our review of election accounts showed that many school board contests, once low-cost races funded mainly by local residents, drew significant amounts of dark money from charter school supporters along with big spending from opponents such as teachers' unions. The 2015 Los Angeles school board election stands out, not just for the massive amounts of dark money spent in the nation's most expensive school board contest, but also for the spender's admitted use of one dark-money technique: disguising non-local big money behind a local group, the better to woo voters.[77]

A key operative explained the technique to the *Los Angeles Times*, after the paper, months after the election, reported the true funders of a local PAC called Parent Teacher Alliance in Support of Rodriguez, Galatzan, and Vladovic for School Board 2015.[78] "Local committees are established across the state to give a local flavor to each race, including [a] local name on disclaimers for campaign materials," Richard Garcia, director of elections communications for the California Charter Schools Association, said.[79] "This is a common practice as campaign consultants believe it best to maintain local name ID," he explained.[80] The local group's name betrayed nothing about the original sponsors of its $2.3 million in ads, who included billionaire Michael Bloomberg and the family behind Wal-Mart.[81] The group's public contributor reports named only Garcia's statewide PAC, which had received and passed along the original donors' money.[82] One of the four open seats went to a pro-charter candidate, the co-founder of a large network of charter schools in California.[83]

B. Dark Money Targets Ballot Measure Elections

Sometimes more even than candidate elections, state and local ballot measure elections tend to draw heavy anonymous spending by economically motivated special interests. The reasons are simple, according to Kory Langhofer, an Arizona-based lawyer who advises nonprofits on their political spending: "With ballot measures the economic interests are much sharper than with candidate campaigns."[84] Ballot measure elections, which do not exist at the federal level, ask voters to directly decide specific questions about policies such as taxes, business oversight, and collective bargaining.[85] Interest groups can spend tens of millions getting precisely the policies they want before voters and then promoting them, a more direct route to achieving their goals than lobbying law makers.[86]

The reason such spending may be anonymous, Langhofer explained, is that anonymity keeps voters from dismissing an ad's message based on "the financial self-interest of a ballot measure supporter."[87]

This shielding effect is arguably good for the political process, said Langhofer, because disclosure may cause voters to judge the messenger rather than seriously consider the message, particularly with controversial speakers.

Federal Election Commissioner Ann Ravel, who as then-chair of the California Fair Political Practices Commission helmed an investigation into $15 million in dark money spent on two 2012 ballot measures, disagrees.[88] "When it comes to the influence of dark money in a place when the voter is sitting as the legislator of the day, the voter is being forced to make a legislative decision with insufficient information," she said.[89]

All 50 states allow some form of statewide ballot measure, on everything from constitutional amendments to the minimum wage to tax proposals, and all of them also permit local ballot measures.[90] The wording of these measures can be, notoriously, arcane. Voters might rely to an unusual degree on ads telling them how to vote.

Due to the often high stakes and potential for great influence, business spenders have flocked to ballot measure contests. In 2014 at least $200 million in *disclosed* funding alone for ballot ads came from for-profit corporations or business groups, according to a review by the Center for Public Integrity.[91] This year political groups have already raised more than $125 million as of May in an attempt to place over 800 proposed measures on state ballots — a 74 percent increase from the amount raised for ballot measures at the same point in the 2014 election cycle.[92]

Instances where dark money played a significant role in recent ballot measure elections include:

Food Labeling in Washington

In 2013 Washingtonians faced a ballot proposal to require the labeling of genetically modified foods, a financially high-stakes measure that prompted record spending.[93] The No on 522 committee, opposing the initiative, amassed the most money ever raised to defeat a Washington ballot initiative, more than $22 million.[94] This March a county judge ruled that No on 522's biggest donor had violated state disclosure laws by concealing the role of numerous household-brand companies, including PepsiCo, Nestle, Coca-Cola, Campbell Soup, and Kellogg, in pouring $11 million into the effort.[95]

Initially, a group called Moms for Labeling had filed a lawsuit demanding disclosure during the 2013 election battle.[96] "The motivation was largely about getting the truth out there *during* the campaign, so that we had a chance of winning," said Knoll Lowney, an attorney for the group that described itself in court papers as "mothers who are harmed by the concealment of the true donors of the No on 522 Campaign."[97] A judge dismissed that complaint on procedural grounds.[98] The state's attorney general, Bob Ferguson, then took up the fight.

After the long-awaited decision this year, Ferguson told reporters, "This ruling sends an unequivocal message: Big money donors cannot evade Washington law and hide from public scrutiny." [99]

The donor in question, the Washington, D.C.-based Grocery Manufacturers Association (GMA), a 501(c)(6) trade association, had raised $14 million from high-profile companies for a special "Defense of Brands" account to combat the GMO-labeling initiative.[100] These were no mere dues paid by members to support a trade association, Thurston County Superior Court Judge Anne Hirsch ruled, but rather donations for a political purpose that should have been disclosed to the public as such.[101] Though voters might have seen from the GMA name that grocery businesses, generally, were behind the ads, GMA's strategy was to "shield individual companies from public disclosure and possible criticism," according to an internal GMA document revealed in the lawsuit.[102] Judge Hirsch concluded,"[T]he GMA intentionally took steps to create and then hide the true source of the funds in the DOB [Defense of Brands] account from the voting public of Washington state."[103]

A poll taken seven weeks before the ballot measure election in 2013 had shown that 66 percent of potential voters supported GMO labeling.[104] After a barrage of commercials over subsequent weeks opposing labeling, though, 51 percent of voters ultimately rejected the measure.[105]

School Funding in Arizona

In 2012, the generically named Americans for Responsible Leadership (ARL), a nonprofit reported to be funded by the Koch brothers,[106] funded more than half the advertising to block a citizens' ballot initiative to maintain a one-cent-per-dollar sales tax that helped fund Arizona's public schools.[107] The state legislature had in previous years cut other K-12 education funding by nearly one-fifth.[108] Anti-initiative ads issued dire warnings: "Prop 204 raises taxes $1 billion a year, not to support students but to fund bigger bureaucracy with no education reform. And with no guarantee the money will ever reach the classroom."[109]

That same year California authorities sued ARL over its secretive spending there, forcing some degree of disclosure of ARL's donors a few days before Arizonans voted on the school-funding measure.[110] But that disclosure revealed merely a list of other nonprofit groups and PACs.[111] The tax measure was soundly defeated.[112] A year later, Arizona's per-pupil spending ranked third-lowest in the nation.[113] By 2015 more than 40 of Arizona's 230 school districts had shrunk the school week to four days, to save on electricity and other basic costs.[114]

Collective Bargaining in Michigan

Facing a closely contested 2012 ballot proposal to strengthen collective bargaining rights in Michigan, one major employer headquartered in the state, Dow Chemical, gave more than $2.5 million to groups that then gave money to advertisers opposing the measure, but did not disclose its role until the next year.[115] With 48 percent of respondents supporting the measure, 43 percent opposing, and 9 percent undecided, in a poll taken two months before the election, it seemed advertising could make all the difference.[116]

Opposition ads stoked parental fears, claiming that Proposal 2 "would eliminate safety rules for school bus drivers" and "could prohibit schools from removing employees with criminal records."[117] One ad claimed, "If Proposal 2 passes, teachers caught drunk on the job get five chances."[118] Another warned, "Instead of just worrying about our kids' grades, we'll have to pray for their safety."[119] The advertisements named only "Protecting Michigan Taxpayers" as the sponsor.[120]

Dow's donations came to light only because it voluntarily posted on its website, well after the Michigan vote, contributions greater than $50,000 to trade associations and social welfare nonprofits.[121] The Center for Public Integrity then reported the posting.[122] As with many voluntary disclosures, which some large corporations have embraced, it's not possible to verify the accuracy or completeness of the numbers.

Voters ultimately rejected the measure.[123] To be sure, Dow was just one of many funders who together gave more than $20 million to oppose the collective bargaining measure, with roughly the same amount going to support it — a record in fundraising over a ballot proposal in Michigan.[124] The multilayered structure of funding that initially hid Dow's role likely shielded other donors on both sides of the measure.

C. Dark Money Can Dominate Local Contests

Dark money can be particularly powerful in state and local contests, simply because it is easier in lower-cost elections for special interests to dominate the political discourse. In Montana, where a typical state legislative campaign can cost less than $20,000, "the effect of dark money can really be important," said Duane Ankney, a Republican state senator who was the primary sponsor of a bipartisan law enacted in 2015 to increase outside spending transparency.[125] For many of the contests we looked at, a dark money group could have outspent candidates with amounts in the low $100,000s or even $10,000s — a modest business expense for special interests, but a major hurdle for many candidates and community groups.[126] At the federal level, that degree of domination can easily cost in the $10 millions.[127] On the smaller scale, the power of dark money to mislead voters, intimidate or malign candidates, and even discourage would-be candidates and ballot measure advocates, can come relatively cheap.

In California, misleading mailers opposing a local ballot measure to raise taxes on oil companies turned out to have been funded by… an oil company, according to a post-election investigation by the state's Fair Political Practices Commission.[128] The company, Phillips 66, was based in Texas but owned operations in Rialto, California.[129] Using the mantle of Californians for Good Schools and Good Jobs, the company, secretly spent $38,000 on the 2012 mail campaign.[130] The mailers showed only the shell organization's civic-minded name, not the name of the oil company.[131] Announcing Phillips 66's agreement to settle the case this year, state officials concluded that the Texas company had "misled the voters of Rialto."[132] The order seemed to emphasize the critical difference that the mailers may have made in the fairly low-profile contest: it noted that the measure to raise oil company taxes failed by just 1,154 votes.[133] The $38,000 investment by a company that netted just over $4 billion in 2012 paid off.[134]

For candidates used to modest budgets and low-key campaigning, dark money can prove an unfair and expensive obstacle, possibly discouraging potential candidates from deciding to compete. "Candidates have less control over their own races," said Herstam, the Arizona lobbyist and former state legislator, because of unaccountable, unlimited special interest advertising.[135] "Legislative and state candidates now realize that more money is likely to be infused in their campaigns by outside expenditures than by their actual campaigns, and unfortunately the majority is funded by dark money."[136]

In the traditionally low-cost, low-information city council elections of Mountain View, California, candidates recalled, relatively big spending by a secretive group in 2014 had a significant impact. The folksy-sounding Neighborhood Empowerment Coalition (NEC) was the biggest spender in the election at $83,000, spending more than half of what all nine candidates spent, combined.[137] Driving issues in the contest included land use and rent control.[138] The NEC described itself as "a coalition of community members interested in collaborative decision making." [139] Only after the election did the public learn, from NEC's untimely disclosure filings, that the NEC represented not local residents, as the "neighborhood" in its name might suggest, but rather was funded by the state branch PAC of the nation's largest property owners' association.[140]

Candidates were unsettled by the size and secrecy of NEC's spending. "What makes Mountain View distinct," said City Councilmember Lenny Siegel, "is how inexpensive our campaigns are."[141] Costs typically maxed out at $22,000, he said, and candidates campaigned by participating in "public forums, and knocking on doors." But, shortly before Election Day, NEC began to inundate voters with mailers supporting three candidates, not mentioning rent control.

The added boost to name recognition alone for the NEC-backed candidates was "a big deal," said Greg Unangst, who ran unsuccessfully for a council seat.[142] "In a community like this, most people are hardworking and not paying very much attention," he said. Two of the three candidates the NEC supported won.[143] "The money [the NEC] spent was effective," Unangst said. In spite of substantial constituent support for rent control, the newly composed city council declined to pursue it.[144]

The flood of dark money into once low-cost elections has discouraged some otherwise interested candidates from running. Last year a 15-year veteran of the school board in Sarasota County, Florida, announced that he would not run for re-election because of the unprecedentedly large sums involved in the previous year's contest.[145] In 2014 a PAC called Citizens Against Taxation, promoting a pro-charter schools candidate, had raised $278,000, though state records do not specify how much it spent on the race.[146] One contributor was an out-of-state limited liability company that gave $45,000, according to news reports.[147] Citizens Against Taxation donated $10,000 to another group, called Sarasota Citizens for Our Schools, that supported the pro-charter candidate.[148] A third group, the nonprofit Florida Federation for Children, which spent nearly $1.3 million in various state elections, also advertised on behalf of that candidate.[149] The four competitors for one seat spent more than $135,000 in total.[150]

Explaining his decision not to run for re-election in 2016, board veteran Frank Kovach cited the influx of outside money into the 2014 contest, telling reporters that the process had been "corrupted by cash."[151] "That's not the way school board races have been," he said.[152] "It has always been closest-to-the-people kind of races, where you build support financially and otherwise by word of mouth and reputation. Historically for school board races, if you raised $10,000 or $12,000, that was a well-funded school board race. Now all of a sudden you need $100,000 to run for school board."[153]

Oklahoma-based political consultant Jennifer Carter said that dark money has changed the nature of state campaigns. In 2010 she advised a successful campaign for state schools superintendent in a race that saw no dark money. Four years later, $195,000 in outside spending by a nonprofit called

Oklahomans for Public School Excellence — the sole outside spender — tipped the balance, she believes, against her candidate.[154] "When thinking about your strategy" these days, she said, "you have to budget for the very real possibility that dark money will be spent in your campaign."[155] The lack of accountability, more than the amounts, is what troubles her. She said she opposes limits on political money, "but I do believe it is important for people to know who is speaking."[156]

The challenge of competing with deep-pocketed anonymous spenders may also be discouraging smaller groups from pursuing policy change through a type of ballot measure initiated by gathering voter signatures.[157] So-called citizens' initiatives can be costly and complex to get on the ballot, let alone sustain against opponents with far greater resources. In Florida, proponents of a renewable-energy initiative this year got cold feet once the opposition received millions of dollars from non-disclosing nonprofits as well as power companies. "The fact that the utility companies spent $7 million to stop our initiative scared some of our donors," Steven Smith, chair of the Floridians for Solar Choice ballot committee, told Bloomberg News. "They may spend $30 million to block it if we got on the ballot," he said.[158]

Even when candidates win, the threat of dark money may influence policy making once the candidate is in office. "I believe far too many Republican elected officials are now intimidated by the possibility of dark money-backed candidates running against them in their primaries," said Herstam, the Arizona-based lobbyist and former lawmaker.[159] "That has a very bad effect on public policy making in our state. Special interests that make use of dark money in our political campaigns now have an advantage in the state capital."[160]

Whether or not elected officials are actually influenced by secretive special interests, it is a problem if the public perceives that they are, according to Robert Burns, a member of the Arizona public utilities commission where elections saw a $3.2 million increase in dark money between 2006 and 2014 after a policy shift toward renewable energy. In a November 2015 public letter to the utility company reported to be behind much of the dark money, Burns criticized the company's refusal to disclose its political giving. "[T]he public appears to look upon the Commission with suspicion and mistrust because of your alleged campaign contributions," he wrote.[161] "I understand that you have an interest in supporting candidates who may agree with your views. However, in my opinion, your support for any particular candidate should be open and transparent. Your unwillingness to disclose this information leads to a variety of unfortunate perceptions."[162]

D. Disclosure Can Make a Difference

It's not just the relative ease of market-domination by unaccountable interests that is troubling, but also that the anonymity breeds a particularly troubling and effective type of advertising. According to candidates, political consultants, and social science research, it matters whether an election message can be tied to the real messenger.

With dark money ads, "donors get the political benefit of a hit piece, while still protecting their identity," said Andy Billig, a Washington state senator who recently introduced legislation to reduce the practice of funneling donations through multiple layers of groups.[163]

Anonymous attack ads are effective, social science research shows, precisely because viewers have little information to evaluate besides the content of the ad. When viewers learn more about an ad's sponsor—for instance, that it's an out-of-state group or a group that does not report its donors — they may become not only more skeptical about the ad's message but also more critical of the ad's intended beneficiary.[164]

One political consultant, who advises state candidates in the South and has strategized ad campaigns using both transparent and non-disclosing entities, agreed that it is more effective to advertise through non-disclosing groups. When he used super PACs, which had to disclose their donors, "people would try to label our group as special interests and delegitimize us based on that," he said.[165] "With a 501(c)(4), critics don't know. They have an idea they can attack, but their claims [of special interests] are kind of baseless," he said, because there is no public record of who funds 501(c)(4) nonprofits, also known as social welfare groups. Not a fan of disclosure laws, the consultant urged that anonymity is important for business interests that want to engage in politics to advance their goals but "don't want to see their business affected because they are going up against someone in power."

Ankney, the Republican state senator from Montana, disagrees that businesses' fear of exposure justifies secrecy in election spending. "The voters need to know where this money is coming from, and then they need to know what kind of agenda is being pushed. With this dark money, it's damn sure not an agenda being supported by people in the district," he said.[166] "It's big money trying to rally their troops to get legislation passed that don't have a damn thing to do with the ranchers, the small businessmen, the people of this state," he added. In Montana, critics of dark money have claimed the biggest spending flows from out-of-state businesses drawn to the state's rich natural resources.[167]

On occasion a secretive spender actually has been compelled to disclose its backers in advance of Election Day, and the information appeared to matter to voters. Relatedly, when special interests have launched ad blitzes transparently, disclosing exactly who was backing the ads, voters were unpersuaded by the messages even though they far outnumbered any ads by the opposition. Instances where sponsorship information appeared to matter to voters include:

Idaho Education Ballot Measure

In 2012 Idaho voters faced a ballot measure to expand the online component of the state's high school education requirements. A social welfare nonprofit called Education Voters of Idaho spent heavily to promote the expansion, but the source of its money was a mystery.[168] One week before Election Day, acting on a complaint from Republican Secretary of State Ben Ysursa, an Idaho court ordered the nonprofit to disclose its donors.[169] The disclosure revealed a number of nationally known wealthy and out-of-state donors who did not appear to live up to the group's name. It also revealed that Education Voters of Idaho's biggest funder was an investor who had previously profited from online education services.[170] News outlets spread the word.

In ordering the disclosure Judge Michael Wetherell wrote, "The voters have a right to the most full, most accurate information they can get in spite of money obstacles placed in their way by those who would prefer to hide behind catchy, vague names."[171] Invoking an unusual state sunshine law, he continued, "The fact that the federal disclosure laws, apparently by omission, create a 'loophole' as to reporting requirements for [social welfare nonprofits] through which it appears truckloads of millions of dollars drive through, does not bind either the voters of Idaho or their legislature."[172] Ultimately, Idahoans voted against putting more public education dollars into online systems.[173]

California Ballot Measures to Raise Taxes and Limit Union Fundraising

A high-profile investigation by California's elections agency, beginning in 2012, exposed a web of dark money groups that had used shell organizations to try to dodge the state's unusually strong disclosure requirements for millions in advertising about two statewide ballot measures.[174] The revelation and the great publicity it generated came on the eve of the election, in time for voters to react.

Just weeks before the election, a California group called the Small Business Action Committee PAC had received $11 million from an undisclosed source.[175] The group issued ads warning against Proposition 30, which sought to raise personal income and sales taxes, and supporting Proposition 32, which sought to limit union fundraising through automatic payroll deductions.[176] (Ironically one of the group's ads said that Prop 32 promised "real tough campaign finance reform, no loopholes, no exceptions.")[177] A watchdog group, California Common Cause, complained about the PAC's lack of donor disclosure, prompting the investigation.[178] The probe revealed that the $11 million contribution, the largest anonymous donation in California campaign history, came from the Koch brothers-backed Arizona nonprofit, Americans for Responsible Leadership.[179] But the trail didn't end there.

Forced by a court order, Americans for Responsible Leadership disclosed that its funding for the $11 million contribution to the California PAC had come through two other nonprofit organizations: from the Center to Protect Patient Rights, which in turn had received funds from the Virginia-based trade association Americans for Job Security.[180] Forking off into another trail, Americans for Job Security had sent another $7 million through the Center to Protect Patient Rights to the American Future Fund, an Iowa-based nonprofit, which then gave $4 million to its California affiliate PAC to spend on the ballot contests, bringing the total dark money uncovered by the state to $15 million.[181] The investigation made headlines. Voters ultimately rejected these spenders' messages, adopting the tax increase but nixing the limit on union fundraising.[182]

Chevron in Richmond, California, Municipal Elections

In a cautionary tale brandished by corporate opponents of disclosure, the multinational giant Chevron spent more than $3 million in transparent dollars attacking a slate of municipal candidates in 2014 — dwarfing combined spending by nine candidates by nearly 5 to 1 — only to see straight losses.[183] The election focused on Chevron's compensation to the city of Richmond, California, after an August 2012 fire at its local refinery sent 15,000 residents to the hospital with respiratory problems.[184] Richmond's largest employer and taxpayer, Chevron had spent generous sums in previous city elections, but the fire and officials' responses raised the stakes.[185] Disparaging a settlement the company had struck with state and county prosecutors in 2013 for $2 million, Richmond officials went to court for more, alleging "years of neglect, lax oversight, and corporate indifference to necessary safety inspection and repairs" and a "corporate culture which places profits and executive pay over public safety."[186] Chevron called the lawsuit "a waste of the city's resources and yet another example of its failed leadership," according to the *San Francisco Chronicle.*[187]

Under California's unusually robust disclosure laws, Chevron election spending was public knowledge.[188] It almost singlehandedly funded a trio of political committees that, in the weeks before Election Day, launched a blitz of television advertisements, billboards, and mailers, averaging roughly $72 per registered voter.[189] But a state rule required each communication to bear a disclaimer ending with "major funding by Chevron," among other transparency measures.[190] Reacting to the ad blitz, one voter told Al Jazeera America, "I not only think it turned off voters. I think it inspired voters to come out and take a stand against the attempt to buy our elections."[191]

Voters rejected all of Chevron's preferred candidates for mayor and city council in 2014.[192] In *The Richmond Standard*, the company wrote, "Chevron has been fully transparent regarding our participation in this election . . . . As the city's largest employer and with such a large investment in this city, Chevron chose to participate in the election to make sure its voice was heard, and to provide the resources to help voters."[193] Ultimately, as a Chevron spokesman told the *San Francisco Chronicle*, "The voters have spoken."[194]

California Ballot Measure to Restrict Regulation of Utilities

In 2010, Pacific Gas & Electric Co, a private utility company and California's largest supplier, spent $46 million on television, radio, print, and mailed ads promoting a ballot measure to limit the power of local governments to create public utilities.[195] The company's role was out in the open, because California law requires that political ads contain a disclaimer identifying the sponsor.[196] Thus, one television ad claiming that "politicians want $2.5 billion in public funds to pay for government-run electricity without voter approval" ended with the text: "Major funding from Pacific Gas and Electric Company."[197] Though opponents raised just $90,000 to counter the company's $46 million in ads, voters still rejected the ballot measure that would have protected the ads' sponsor from competition and restricted consumer choice.[198]

III. WHAT SHOULD BE DONE

Voters want more transparency. A November 2015 poll by the Associated Press showed 76 percent of respondents agreeing that "all groups that raise and spend unlimited money to support candidates should be required to publicly disclose their contributors," with 87 percent believing that disclosure would be at least somewhat effective at reducing the influence of money in politics.[199] Moreover, even while it has steadily dismantled other campaign finance laws, the Supreme Court has consistently upheld disclosure measures.[200]

Increasing transparency will not be easy. The sheer numbers and variety of vehicles for dark money will challenge the most robust rules and toughest enforcer. As long as artificial entities enjoy unlimited fundraising and spending power under the law, anonymous political advertising will continue to pose a significant risk of misleading voters, unfairly attacking and even discouraging candidates, and, whether as carrot or stick, unduly influencing the decisions of elected representatives. But while many work toward achieving a course correction at the Supreme Court, certain reforms are likely to make a measurable difference in achieving transparency.

Recently, a growing number of jurisdictions have shown that it is possible to take concrete steps against dark money. When it comes to reform, the very scale that enables dark money to have an outsize effect at the state level can also be an asset, enabling relatively quick action compared to at the federal level. Jonathan Motl, Montana's top enforcer of campaign finance laws as its commissioner of political practices, pointed out that dark money was able to have a "profound effect" in the state because of its relatively small political arena.[201] "But that's also why we're able to take quick action" to enact a legislative response, he said. In 2015, a bipartisan coalition of Montana legislators enacted a sweeping set of transparency laws, with members of both major parties disgusted by the influx of out-of-state dark money into primaries and general elections in 2012 and 2014.[202] Even a politically much larger state, California, has shown that strong disclosure laws and vigorous enforcement can result in remarkably low amounts of dark money, as our analysis of spending data in Section One indicated.

Our review of the major loopholes and recent efforts to close them yields a clear set of recommendations for reasonably and effectively improving transparency. In general, most longstanding regimes require disclosure of donors only by registered political committees or in other limited circumstances that minimally sophisticated donors and spenders can too easily dodge. This approach fails to capture how outside spending actually occurs in the post-*Citizens United* era. A modern and more effective approach should do the following:

Close loopholes that allow nonprofits to keep donors secret even when they spend money on politics.

- **Require disclosure by all groups that spend a substantial amount of money on politics.**

  Currently the sources of huge swaths of political spending can remain anonymous because most jurisdictions require disclosure of all donors only for groups that register with the government as political committees, which typically is required only if a group's primary purpose is deemed to be political.[203] Other groups can avoid disclosure by claiming to have another primary purpose, such as to promote social welfare, even as they take and spend sizeable sums for electoral advocacy.

Two states recently enacted reforms to close this loophole. Changes in California and Montana recognize that groups may give or spend substantial amounts of money for election advertising, even if that's not their primary purpose, and that the public should know as much about these groups' political funding as about full-blown political committees'.[204] Both states' laws apply explicitly to the types of nonprofit groups — social welfare organizations and trade associations — that are notorious conduits for anonymous electioneering.[205]

- **Require disclosure of both express advocacy ads and issue ads that mention candidates.**

Fifteen states require outside spenders to disclose only their spending on "express advocacy" communications — ads that specifically urge their audience to vote for or against a candidate.[206] But this narrow category of ads encompasses only a fraction of independent spending. More common are so-called electioneering communications, or issue ads that attack or praise candidates in the guise of addressing an issue during election season but stop short of express advocacy. In these states, advertisers can easily dodge disclosure simply by avoiding the use of certain words. Moreover, some states require disclosure only of the fact that an entity *spent* on an election-related ad, no matter how explicitly political, not of where the entity got the money to spend.[207]

Federal law, recognizing the reality of election-season issue ads, requires advertisers to disclose spending and funding for any ad that names a candidate during election season — 60 days before a general election and 30 days before a primary election — and targets potential voters.[208] Compliance with the donor disclosure requirement, however, is minimal, because of a loophole in the current interpretation of the law.[209] A pending bill would extend the disclosure period to the entire year of an election.[210] It will be crucial to identify a period long enough to capture most communications intended to influence an election, but not so long as to capture other issue advocacy unconnected to an upcoming election.

- **Require disclosure of donors to political spending even if they don't "earmark" their contributions.**

Delaware and Montana recently embraced the federal model and now require outside spenders to disclose funding sources for issue ads that are actually electioneering communications.[211] Delaware now requires disclosure of all donors to groups that buy these types of ads.[212] Montana's law is more limited and requires disclosure only of donors who earmark their contributions for the electioneering ad in question, an approach that some states and to some extent the federal government already follow.[213]

Requiring disclosure only of earmarked contributions poses some risk of evasion, by spenders or donors who take care to keep fundraising solicitations and contributions unspecified while still intending the money for election ads. In 2014, California enacted a novel approach to closing this potential loophole. The reform requires a spender to disclose enough contributions to account for all of its political advertising in a given cycle, even if the spender claims that not all the contributors gave specifically for those ads. The spender cannot go back in time and disclose long-ago contributors — which could help to conceal the true interests behind currently relevant ads — but rather must report the contributions made closest in time to the ads in question.[214]

Ensure that voters and regulators know who is really behind the spending.

- **Extend disclosure to organizations that donate to spender organizations.**

Often when a transparent spender such as a PAC discloses its donors, a substantial amount of reported contributions come from entities that themselves received donations but do not have to disclose their donors. The spender is able to appear transparent, but voters cannot know the true source of the money spent. Campaign finance reformers sometimes refer to this problem as the "Russian nesting doll" problem — because the identity of the original donor may be nested within multiple organizations — or as the "covered transfer" problem, to describe funds raised by one organization but passed on for election spending to another organization.

States should require disclosure of the donors underlying these so-called "covered transfers." Under California's 2014 law, for example, even nonprofits must disclose the donors underlying any covered transfers to organizations that engage in outside spending.[215] A pending bill in Missouri would require not only outside spenders to disclose their donors, but also require the same disclosure of donors to that spender, donors to the first-level donor, and donors to the second-level donor.[216] A bill introduced in Washington state attempts to limit covered transfers in the first place, by prohibiting a political committee from receiving more than 70 percent of its funds from any other political committee.[217]

To be sure, even if multiple layers of organizations must disclose their donors, voters may still have a tough time piercing all those layers to identify the original source of the money. This is what we have called the gray money problem. One solution would be a requirement that the outside spender report all of the lower layers of contributions in its own filings — putting the onus on the spender, rather than on the general public. Connecticut, for example, requires a spender to list the names of its own contributors, as well as the five biggest contributors to any of its donors that themselves receive covered transfers.[218] California requires outside spenders to list the top two donors who gave at least $50,000.[219] In any case, election ad funding that is ultimately disclosed, even several layers down, is better than funding that remains secret.

- **Require disclosure of the people in charge of opaque spending entities.**

  Campaign finance disclosures often list artificial entities — nonprofit corporations or limited liability companies, for instance — as spenders or contributors. There is no requirement that the names of these entities reflect their actual purpose or interests, and many use generic or even misleading names that obscure the nature of their funding. The widespread use of artificial entities to spend and donate election ad money risks robbing the public of any meaningful benefit from disclosure laws.

  Some states and localities are already addressing this problem. Delaware's new law requires entity contributors to provide "one responsible party" for the entity.[220] Similarly, 2014 amendments to the New York City charter require that entities contributing to organizations engaging in outside spending disclose "at least one individual who exercises control over the activities of such contributing entity controlling party."[221] Such reforms should make it easier for voters, regulators, journalists, and other members of the public to know who is really funding a particular ad.

Require disclosure before Election Day.

Some states' disclosure schedules allow significant gaps between campaign spending and reporting, in some cases leaving the sources of major election spending undisclosed until just before or even well *after* voters have cast their ballots.[222] Belated disclosures, though better for accountability than no disclosure at all, risk depriving voters of crucial information about who is seeking to influence them in time for voters to act on that information.

The new disclosure laws in Montana and Delaware require additional reporting before an election, including more frequent reporting by groups that sponsor election ads even if their primary purpose is not political.[223] Both states also extended the pre-election period during which accelerated reporting of large expenditures is required.[224] A pending federal bill seeks to make all outside spenders, including super PACs and politically active nonprofit groups, disclose their major donors more frequently as their spending increases, rather than on a fixed schedule.[225]

States can also require spenders to disclose their top contributors in their advertisements themselves, informing voters in real time. Washington state requires political advertisers to identify their top five contributors in either a text or spoken disclaimer.[226] Connecticut has a similar requirement and further requires that if any of the donors listed in that disclaimer are recipients of covered transfers, the underlying donors making those transfers must be listed in the spender's filings.[227]

Include reasonable accommodations that ensure disclosure rules are not overly burdensome.

The goals of disclosure are to deter corruption and inform the voting public, not to chill political speech. Donors and spenders should not have to face unduly burdensome requirements. Yet this year in Arizona anti-disclosure voices took any legitimate concerns to the extreme in gutting the state's law to exempt most nonprofit groups from state disclosure requirements, seemingly ignoring that transparency has long been a part of American democracy.[228] As the late Justice Antonin Scalia wrote, agreeing in a 2010 decision to uphold disclosure of signatures on a voters' petition to create a ballot measure, "[R]equiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed."[229] Well-crafted rules can ensure meaningful disclosure of big money without sacrificing political speech or legitimate privacy needs. Potential accommodations include:

- **Set reasonable monetary thresholds.**

  In some cases, extensive disclosure requirements may risk hindering participation by some spenders. Ad hoc community groups, for instance, may lack the resources or expertise to readily comply, and potential small donors may be discouraged by the possibility of outsize consequences — for instance, adverse action by a disapproving employer — for modest contributions.[230] Moreover, small contributions and expenditures do not raise the risks of corruption or distorting influence that disclosure laws ideally serve to mitigate.[231] Setting reasonable dollar thresholds at which spenders must disclose, and at which donors must be made public, balances the need to achieve transparency at levels of spending that pose a risk to democracy with the desire to ease political participation for under-resourced speakers.

  The level of a reasonable threshold will, of course, vary by jurisdiction. In Illinois, entities need to report their outside spending only if they spend at least $3,000 in a 12-month period.[232] And outside spenders in Georgia do not have to disclose donors of $1,000 or less in their pre-election reports.[233] Both of these thresholds are significantly higher than the $250 threshold for disclosure in several other states, yet likely do not increase the risk to the political process.[234] While $3,000 and $1,000 thresholds may be appropriate for statewide races in Illinois and Georgia, they may be too high to capture even major spending in local races in many states.

- **Permit reasonable exemptions.**

  For certain vulnerable participants, the publicity associated with disclosure as a donor could risk real harm. Survivors of domestic violence and similarly situated individuals may have a reasonable basis to fear the standard disclosure of name, address, and employer for political donors. Disclosure is also not appropriate when there is evidence that past disclosure exposed a group's members to severe retaliation such as "loss of employment, threat of physical coercion, and other manifestations of public hostility," as with the National Association for the Advancement of Colored People in the Jim Crow South.[235] Carefully drawn exemptions can protect these individuals' demonstrated need for privacy without meaningfully reducing the anticorruption or informational value of disclosure by others. Thirty-five states currently provide confidentiality-protecting measures for survivors of domestic violence who would otherwise be expected to provide their home address to government agencies.[236] These programs apply to applications for voter registration, drivers' licenses, and campaign finance disclosure. [237]

- **Make other reasonable accommodations.**

  States should avoid capturing non-political spending in their campaign finance disclosure laws. As under California's recent reforms, individual donors should be able to expressly prohibit a recipient organization from using their money for political purposes and thus avoid having to be disclosed.[238] Jurisdictions can also enable spenders whose primary purpose is not political to establish separate accounts exclusively for political spending, subjecting only those funds to disclosure. The DISCLOSE Act of 2010 called these Campaign-Related Activity Accounts, and as of 2013 Connecticut allows for the creation of dedicated independent expenditure accounts.[239] For multipurpose organizations that do not separate their political spending, disclosure laws should still prioritize publicizing the information that is most valuable to voters. For instance, California requires nonprofits that have spent on a particular election ad to disclose donors who gave closest to the time of the spending, as these donors are most likely to have given to support that political spending.[240] This approach absolves groups with significant non-political income and expenses from having to reveal all of their financial activity.

- **Make penalties proportional.**

  Any penalty for failure to disclose should fit the severity of the violation. Small or technical lapses should not face onerous adjudication procedures or big fines, and any penalties should be predictable.[241] Recognizing the need for proportionality, in 2000 the Federal Election Commission created a separate enforcement track for minor violations such as failure to disclose small-dollar campaign finance activities. Previously, these matters had gone through the same, extensive enforcement process as more serious violations.[242] Proportional and predictable compliance enforcement can minimize any burdens on speech while still deterring intentional violations.

CONCLUSION: WHERE TO LOOK FOR DARK MONEY IN FUTURE ELECTIONS

The problem is not that dark money will flood every state and local election or even most. Rather, it's that dark money is most likely to turn up where the stakes are particularly valuable, in amounts that could make all the difference in persuading voters. Our review offers a number of indicators for when voters may see significant dark money and for figuring out who may be behind it.

Elections for offices that hold specific regulatory or enforcement powers with economic consequences are likely targets for dark money. Those elections may be for utilities regulator or school official or state judge. But they may also be for legislative seats in states or towns where the pressing questions of the day affect specific economic interests, such as whether to speed up development of natural resources or sue oil companies for environmental damage.

With many areas considered to be "safe" in terms of voter partisanship, the real contest may be at the primary stage. Motl, the Montana elections regulator, said that in his state, "The traditional place for undisclosed spending has been in Republican primary elections in which a more conservative candidate gets outside support" — one reason why the state's 2015 disclosure reform law received bipartisan support. Similarly, voters in the utilities commission elections in Arizona, a solidly Republican state, have seen most of the millions in dark money ads spent before the primary.

Ballot measure elections with economic consequences for deep-pocketed interests are also likely to draw dark money. Observers agree that it is too early to know exactly which measures voters will see this year, as ballot questions are not finalized until later. But Thomas Collins, executive director of the Arizona Citizens Clean Elections Commission, says measures having to do with the minimum wage and political spending disclosure are already on the radar in his state. "The spectrum suggests that there will be a lot of money spent and not a lot of it will be disclosed," Collins said.

As for where the dark money will come from, the good guesses can sometimes be obvious. It can be as simple as identifying who holds the big ownership interests in line to be affected: The chemicals manufacturer and the state ballot measure on collective bargaining where the manufacturer is headquartered. The oil company and the local ballot measure to raise taxes on oil companies. The gas company and the local elections in a state where the company stands accused by local officials of damaging the environment.

It also makes sense to wonder who or what is behind the biggest outside spending in a given contest — behind the TV ad blitzes and mountains of mailers — as it is simply so easy for well-resourced interests to dominate advertising in smaller contests through benignly-named entities. Moreover, with more dark money appearing in the guise of seemingly transparent PAC spending, via donations funneled through multiple groups, it is worth scrutinizing even PACs for their actual sponsors. The oil company fighting the local tax measure in Rialto disguised its outsized spending on mailers through a shell PAC claiming to care about education.

Areas with weak disclosure laws and enforcement are open country for dark money spenders. Collins, the Arizona official, said that the state's enormous spike in dark money in 2014 in part reflected spenders' taking advantage of regulatory confusion following legislative efforts to cut back state oversight of nonprofits' political activity. Those efforts also caused "trepidation on the part of those responsible for enforcement," he said. By contrast, California, a robust disclosure law and enforcement state, saw Chevron spend $3 million in a small municipal election, but *transparently*.

To be sure, strong rules and enforcement are not sufficient to end the tide of unlimited, unaccountable spending in an era where artificial entities are free to raise and spend whatever they like on politics. A fundamental change in campaign finance law, based on a pro-democracy interpretation of the Constitution, is required. But smart rules and real consequences that incentivize compliance can make a real difference in providing voters information that matters to their decisions and in keeping elected officials accountable to the public.

Where disclosures laws are weak and "as long as *Citizens United* isn't overturned," said Herstam, the former Arizona legislator, "the wealthy donors further solidify their power and maintain their corrupt influence for years to come."

APPENDIX: METHODOLOGY

Below we explain our approach to the research and conclusions reflected in this report.

For the accounts of particular candidate or ballot measure contests, we drew from a set we compiled of approximately 50 instances since 2010 where dark money could be linked to a particular type of, or an exact, sponsor. We began with a comprehensive scan of news databases for relevant accounts, finding most mentions in reporting by state or local news outlets. We further researched many of these instances, through review of campaign finance, tax, and/or court records where possible and through interviews of stakeholders.

For the analysis of outside election spending in six states from 2006 through 2014, we used data gathered by the National Institute for Money in State Politics (NIMSP), a nonpartisan research organization that maintains a verifiable database of campaign finance spending.[243] This analysis would not have been possible without NIMSP's efforts and expertise. We also consulted hundreds of state campaign finance filings, state corporate registration forms, federal tax returns, and federal 527 disclosure reports.[244]

We selected the first six states in alphabetical order of nine that (1) held statewide elections in 2006, 2010 (the year of the *Citizens United* decision) and 2014; (2) supplied verifiable data compiled by NIMSP; and (3) tracked outside spending (also known as independent expenditures) on both political ads expressly calling for a candidate's election or defeat and also ads mentioning candidates in connection with issues.[245] States that do not track candidate-related issue advertising, also known as electioneering communications, ignore an enormous amount of real-world spending and thus were not worth selecting for review.[246] Analyzing the tens of thousands of disclosure reports by spenders and their contributors in all nine states was not feasible in the time we had. Thus, we stopped at six states: Alaska, Arizona, California, Colorado, Maine, and Massachusetts.

Of course the significance of our analysis is limited by the small though objectively-selected sample. But it is also worth noting that the data we reviewed for our empirical analysis excluded ballot measure spending, keeping our analysis in line with federal analyses where there are no ballot measures but likely excluding huge amounts of dark money based on the anecdotal evidence we gathered. Moreover, our calculations risked *undercounting* amounts of dark money, as will be further discussed below. Overall our findings, all adjusted for inflation, provide a conservative picture of any increases in dark money in the states.

In each state and election we analyzed, we counted spending by individuals, for-profit businesses, and labor organizations as transparent, because the interests behind these entities are usually apparent and because labor organizations are subject to extensive and public donor disclosure requirements by the U.S. Department of Labor.[247] In each state except California, we counted most spending by 501(c)(3), (4) and (6) groups as dark, because in the other five states these entities are not legally required to disclose their donors, and we have found that they rarely do so voluntarily. If a state required normally non-disclosing nonprofits nevertheless to disclose any donor who contributed specifically for the purpose of supporting an election-related communication, and a nonprofit actually disclosed a donor under that requirement, we did not treat the relevant spending as dark but rather evaluated its transparency on its own merits.[248]

Seeking to understand whether disclosures by transparent outside spenders such as political action committees provided the public meaningful information about the source of funding, we also analyzed for transparency all but the smallest donors to each PAC that spent in an election cycle.[249] As with our classifications of reported spending, we classified as "transparent" any contributions to these PACs by individuals, for-profit businesses, or labor organizations. We classified as "dark" any contributions to these PACs by donors, such as 501(c)(4) nonprofits, that were not themselves subject to disclosure. We classified as "gray" any contributions to these PACs by donors that themselves received contributions and were subject to disclosure, making it perhaps possible but not at all straightforward to identify the ultimate source of the money spent. Most often, this is money transferred from one PAC to another PAC. Whenever the total contributions to a PAC we analyzed exceeded the total spending reported by that PAC for a given cycle, we applied the proportions of transparent, dark, and/or gray contributions to the total amount of spending.

Our approach to analyzing the transparency of outside spending closely follows that of several other nonpartisan organizations that have undertaken significant efforts to quantify dark money at the federal level, including the Center for Responsive Politics and the Sunlight Foundation.[250] We deviated from these organizations' approaches in a few respects, as explained below, both to address particular challenges of studying state-level election spending and to provide a more detailed picture of transparency across the country.

- Analyses of federal spending have distinguished businesses with a genuine commercial purpose from so-called "shells," organized as for-profit companies but whose real purpose is to engage in political activity. Our analysis considers all businesses to be transparent, because, unlike with the smaller set of spenders at the federal level, it was not feasible to individually investigate the purpose of the many thousands of business spenders in our data set. Had we done so, the amount of dark money we uncovered likely would have been much greater.

- Accounts of federal spending have also investigated whether a politically active group that is not legally required to disclose has done so voluntarily. We did not try to account for any voluntary disclosures by such groups, in part because the number of nonprofits across our six states would not have been feasible to investigate individually. Voluntary disclosure is also not one of our recommendations for ensuring election spending transparency, as there is no reliable way to ensure that it is accurate. Moreover, according to the Center for Responsive Politics, voluntary disclosure is exceedingly rare.[251] We believe that accounting for voluntary disclosure would have had little to no impact on our findings.

- For the most part federal spending studies have not investigated spenders' disclosures to assess whether they provided true transparency or rather disclosed still other entities that themselves took money from donors, raising the problem of gray money.[252]

ENDNOTES

1 *Outside Spending by Disclosure, Excluding Party Committees*, Ctr. for Responsive Politics, http://www.opensecrets.org/outsidespending/disclosure.php (last visited May 17, 2016).

2 Telephone Interview with Chris Herstam, Lobbyist and former State Senator, Ariz. (May 9, 2016).

3 For further details about our selections and calculations, see this report's Appendix: Methodology.

4 Theodoric Meyer, *In Wisconsin, Dark Money Got a Mining Company What It Wanted*, ProPublica (Oct. 14, 2014), http://www.propublica.org/article/in-wisconsin-dark-money-got-a-mining-company-what-it-wanted; Nicholas Confessore, *A Campaign Inquiry in Utah Is the Watchdogs' Worst Case*, N.Y. Times, Mar. 18, 2014, *available at* http://www.nytimes.com/2014/03/18/us/politics/a-campaign-inquiry-in-utah-is-the-watchdogs-worst-case.html; Seattle Times Staff, *AG Says More Campaign Money Hidden in I-522 Food-Label Fight*, Seattle Times, Nov. 20, 2013, *available at* http://www.seattletimes.com/seattle-news/ag-says-more-campaign-money-hidden-in-i-522-food-label-fight/.

5 In 2013, the Koch-affiliated nonprofit Americans for Prosperity invested a self-estimated $350,000 to successfully back four candidates for county school board in a Denver suburb—outspending all eight candidates by more than $130,000. In one 2012 Utah state senate primary, secretive spending exceeded the two candidates' combined spending by $15,000, accounting for almost 60 percent of total election spending. Dark money spending outstripped candidate spending by more than $360,000, on average, in a 2014 primary for Arizona's secretary of state. *See* Stephanie Simon, *Koch vs. Unions in Schools Race*, Politico (Nov. 2, 2013), http://www.politico.com/story/2013/11/koch-group-unions-battle-over-colorado-schools-race-99252.html; Robert Gehrke, *Lawmaker Says PAC Attacking Him is Hiding Donors*, Salt Lake Tribune, May 19, 2013, *available at* http://www.sltrib.com/sltrib/politics/54142501-90/bill-daw-donors-government.html.csp; *Public Search*, State of Utah Fin. Disclosures, http://disclosures.utah.gov/Search/PublicSearch (search query, data, and calculations on file with the Brennan Center); Mary Jo Pitzl, *Arizona Free Enterprise Club Doles Out Big Money in Election Races*, Ariz. Republic, Aug. 5, 2014, *available at* http://www.azcentral.com/story/news/arizona/politics/2014/08/03/arizona-free-enterprise-money-election-season/13537793/; *Campaign Finance & Reporting*, Ariz. Sec'y of State, http://www.azsos.gov/elections/campaign-finance-reporting (search query, data, and calculations on file with the Brennan Center).

6 In the 2014 U.S. Senate elections, dark money groups had to lay out a minimum of $33 million to outstrip combined candidate spending in a single race. *See* Ian Vandewalker, Brennan Ctr. for Justice, Election Spending 2014: Outside Spending in Senate Races Since *Citizens United* 13 (2015), https://www.brennancenter.org/publication/election-spending-2014-outside-spending-senate-races-citizens-united.

7 Phillips 66, No. 16/111 (Cal. Fair Political Practices Comm'n Mar. 17, 2016) (stipulation, decision, and order); Utah House of Representatives, Report of the Special Investigative Committee (2014), *available at* http://le.utah.gov/investigative/Final_Report_simple.pdf.

8 Citizens United v. FEC, 558 U.S. 310, 352 (2010).

9 Brian Naylor, *One Reason To Apply For Tax-Exempt Status: Anonymity*, NPR (May 15, 2013), http://www.npr.org/2013/05/15/184223558/one-reason-to-apply-for-tax-exempt-status-anonymity.

10 *See* Internal Revenue Serv., Form 990 Schedule B – Schedule of Contributors 5 (2015), https://www.irs.gov/pub/irs-pdf/f990ezb.pdf. Moreover, organizations can alter the timing of disclosure by changing their fiscal year. *See* Internal Revenue Serv., Instructions for Form 990 – Return of Organization Exempt From Income Tax 5–6 (2015), http://www.irs.gov/pub/irs-pdf/i990.pdf.

11 *See* 26 U.S.C. § 501(c)(4); Treas. Reg. § 1.501(c)(4)-1(a)(2)(ii); I.R.S. Gen. Couns. Mem. 34233 (Dec. 3, 1969); Van Hollen v. IRS, Nos. 13-0732, 13-1276 (D.D.C. dismissed Dec. 5, 2013); Sarah Muller, *"Exclusively" vs. "Primarily": IRS Law a "Disaster Waiting to Happen"*, MSNBC (May 23, 2013, updated Oct. 2, 2013), http://www.msnbc.com/the-last-word/exclusively-vs; *Outside Spending by Disclosure, Excluding Party Committees*, Ctr. for Responsive Politics, https://www.opensecrets.org/outsidespending/disclosure.php (last visited May 17, 2016).

12 *See*, *e.g.*, 11 C.F.R. § 100.22 (defining express advocacy as any communication using particular phrases arguing for the support or defeat of a particular candidate, or any communication that "[w]hen 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)"); 52 U.S.C. § 30104(c)(2)(C) (requiring disclosure of any donors contributing more than $200 for the purpose of furthering an independent expenditure).

13 Pete Quist, Nat'l Inst. on Money in State Politics, Scorecard: Essential Disclosure Requirements for Independent Spending (2014), *available at* http://www.followthemoney.org/research/institute-reports/scorecard-essential-disclosure-requirements-for-independent-spending-2014/.

14 *See Citizens United*, 558 U.S. at 369; Speechnow.Org v. FEC, 599 F.3d 686 (D.C. Cir. 2010). At the time of the *Citizens United* decision, 25 states already permitted unlimited independent spending by unions and corporations. Keith E. Hamm, Michael J. Malbin, Jaclyn J. Kettler & Brendan Glavin, *Independent Spending in State Elections: 2006-2010: Vertically Networked Political Parties Were the Real Story, Not Business*, 12 Forum 305, 308 (2014).

15 All calculations have been adjusted for inflation. For further details, see Appendix: Methodology.

16 *See Outside Spending by Disclosure, Excluding Party Committees,* Ctr. for Responsive Politics, https://www.opensecrets.org/outsidespending/disclosure.php?range=tot (last visited May 17, 2016).

17 *See Citizens United*, 558 U.S. at 369; *Speechnow.Org*, 599 F.3d at 686.

18 Of the six states where this report analyzes outside spending trends, four (Alaska, Arizona, Colorado and Massachusetts) banned independent spending by corporations and unions prior to *Citizens United*, while two (California and Maine) did not. *See* Douglas M. Spencer & Abby K. Wood, *Citizens United, States Divided: An Empirical Analysis of Independent Political Spending*, 89 Ind. L.J. 315, 336 n. 107 (2014). Alaska also prohibited unlimited contributions by individuals to political committees. *See* Alaska Pub. Offices Comm'n, Advisory Opinion AO 12-09-CD (June 6, 2012) (advising that contribution limits would no longer apply to groups spending only on independent expenditures), *available at* http://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=4781. *See also* Chisun Lee, Brent Ferguson & David Earley, Brennan Ctr. For Justice, After Citizens United: *The Story in the States* 5 (2014), http://www.brennancenter.org/sites/default/files/publications/After Citizens United_Web_Final.pdf.

19 Lawrence Norden, Brent Ferguson & Douglas Keith, Brennan Ctr. For Justice, Five to Four (2016), https://www.brennancenter.org/publication/five-four.

20 *See Outside Spending by Disclosure, Excluding Party Committees,* Ctr. for Responsive Politics, https://www.opensecrets.org/outsidespending/disclosure.php?range=tot (last visited May 17, 2016).

21 *See* Cal. Gov't Code §§ 82013, 84200, 84211; Cal. Code Regs. tit. 2, § 18215. *See also* Cal. Fair Political Practices Comm'n, Diane M. Fishburn Advice Letter No. A–06–075, at *4 (June 9, 2006) (detailing the reporting obligations these provisions placed on nonprofit organization).

22 *See* Cal. Gov't Code §§ 84222(e)(5).

23 Data and calculations on file with the Brennan Center.

24 The term "super PAC"—a PAC capable of unlimited fundraising and election spending as long as not coordinating with a candidate—emerged only after *Citizens United* and related decisions in 2010. *See Citizens United*, 558 at 369; *Speechnow.Org*, 599 F.3d at 686; Dave Levinthal, *Genesis of a Super Name*, Politico (Jan. 10, 2012), http://www.politico.com/story/2012/01/genesis-of-a-super-name-071285. Yet some states had permitted the legal equivalent of super PACs before 2010. *See* Ill. Campaign Fin. Reform Task Force, Independent Expenditures and Illinois Elections 25 (2013), *available at* http://www.elections.il.gov/downloads/campaigndisclosure/pdf/iereport3202013.pdf (discussing the few states that had to change or clarify their provisions on contribution limits after *SpeechNow*); *see also supra* note 18 (discussing the effect, if any, of *Citizens United* in the six states we examined).

25 Data and calculations on file with the Brennan Center.

26 *Id.*

27 *See* Cal. Gov't Code §§ 82013, 84200, 84211; Cal. Code Regs. tit. 2, § 18215.

28 Telephone Interview with Hyla Wagner, Gen. Counsel, Cal. Fair Political Practices Comm'n (May 13, 2016); *see*, *e.g.*, Cal. Gov't Code § 89501 *et seq.*; Cal. Code Regs. tit. 2, §§ 18450.1-18450.5; *Top 10 Contributor Lists*, Cal. Fair Political Practices Comm'n, http://www.fppc.ca.gov/transparency/top-contributors.html (last visited June 7, 2016).

29 Data and calculations on file with the Brennan Center.

30 Telephone Interview with Chris Herstam, Lobbyist and former State Senator, Ariz. (May 9, 2016).

31 Nat'l Assoc. of Attorneys General, http://www.naag.org/naag/about_naag.php (last visited May 11, 2016).

32 *Treasurer*, Ballotpedia, https://ballotpedia.org/Treasurer (last visited June 7, 2016).

33 Louis Jacobson, *Where Have All the Democratic Agriculture Commissioners Gone?*, Governing (Feb. 26, 2016), http://www.governing.com/topics/politics/gov-agriculture-commissioners.html.

34 *Running for Statewide Office*, Ariz. Sec'y of State, http://www.azsos.gov/elections/running-office/running-statewide-office (last visited May 12, 2016).

35 *Partisan vs. Nonpartisan Elections*, Nat'l League of Cities, http://www.nlc.org/build-skills-and-networks/resources/cities-101/city-officials/partisan-vs-nonpartisan-elections.

36 Jeff Adelson, *Louisiana Attorney General Moves to Take Over Coastal Lawsuits Filed by 3 Parishes Against Oil, Gas Firms*, Advocate (Mar. 15, 2016), http://theadvocate.com/news/neworleans/neworleansnews/15197922-133/louisiana-attorney-general-moves-to-take-over-coastal-lawsuits-filed-by-3-parishes-against-oil-gas-f.

37 Telephone Interview with Anonymous, Political Consultant (April 21, 2016).

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204 California recognizes a "multipurpose organization" that includes most 501(c) nonprofit groups. *See* Cal. Gov't Code §§ 84222(a); 2014 Cal. Stat. ch. 16 § 6. A recent Montana law defined an incidental committee to include groups that may be treated like political committees on account of their political activity. 2015 Mont. Laws ch. 259 § 2. Though incidental committees need only report donors who contributed in order to support a specified candidate or ballot measure. *Id*. at § 14.

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208 11 C.F.R. § 104.20.

209 Only donations made *for the purpose* of making the reportable spending must be disclosed. But this almost never happens because the manifest intent (earmarking) required to find such a purpose is easy to avoid. 11 C.F.R. § 104.20(c)(9). The D.C. Circuit Court of Appeals recently upheld as reasonable this interpretation by the Federal Election Commission of a statutory requirement of disclosure of electioneering communications by corporations and unions. Van Hollen v. FEC, 811 F. 3d 486 (2016). Other persons making electioneering communications still must report *all* donors regardless of their purpose. *Id.* at 491.

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217 S.B. 5528, 64th Leg., 2015 Reg. Sess. (Wash. 2015).

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222 In Utah, for example, groups other than political committees that make political expenditures file their final pre-election report seven days before the election, covering the period up until the twelfth day before the election. Expenditures made after the twelfth day before an election are not reported until after Election Day. Groups that make $1,000 or more of independent expenditures have thirty days to report that activity, regardless of how close to Election Day the expenditures are made. Utah Code §§ 20A-11-701, 11-1704.

223 2015 Mont. Laws ch. 259 §§ 11(4) and (5); 78 Del. Laws ch. 400 § 8.

224 2015 Mont. Laws ch. 259 §§ 11(4) and (5); 78 Del. Laws ch. 400 § 8. At the same time, however, Montana also reduced the speed at which accelerated reports must be filed during the extended pre-election period, from one to two business days after receiving a triggering contribution or making a triggering expenditure.

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245 Of the 26 states that track spending on electioneering communications, only 12 record their data in such a way that NIMSP has been able to develop a complete record of such spending from 2006 through 2014; three of these states held statewide elections in 2008 and 2012, providing only two cycles to compare.

246 The Supreme Court rested a portion of its *McConnell* decision on this belief, citing a trove of supporting evidence. *See, e.g.*, McConnell v. FEC, 540 U.S. 93, 193 (2003) ([T]he unmistakable lesson from the record in this litigation . . . is that *Buckley*'s magic-words requirement [defining the narrower category of express advocacy] is functionally meaningless. Not only can advertisers easily evade the line by eschewing the use of magic words, but they would seldom choose to use such words even if permitted." (internal citations omitted)). *See also* Pete Quist, Nat'l Inst. on Money in State Politics, Scorecard: Essential Disclosure Requirements for Independent Spending (2014), *available at* http://www.followthemoney.org/research/institute-reports/scorecard-essential-disclosure-requirements-for-independent-spending-2014/.

247 We count spending by Section 501(c)(5) labor organizations as transparent because, unlike other 501(c) nonprofits, labor organizations are subject to extensive reporting requirements by the Department of Labor. *See* 29 U.S.C. § 431(b); 29 C.F.R. § 403.2. In particular, large labor organizations (those with annual receipts of $250,000 or more) must disclose the source of all receipts of $5,000 or more, and the recipient of all expenditures for political activities, no matter the amount. *See* Dep't of Labor, Instructions for Form LM-2 Labor Organization Annual Report 1 and 25 (2010), http://www.dol.gov/olms/regs/compliance/GPEA_Forms/LM-2_Instructions4-2015_techrev.pdf. Smaller labor organizations (those with annual receipts of less than $250,000) are subject to less extensive reporting requirements and are not required to itemize their receipts or expenditures. Our analysis has found that large labor organizations (those required to itemize) are responsible for nearly all political spending by labor organizations in the United States. *See Union Search*, U.S. Dep't of Labor, https://olms.dol-esa.gov/query/getOrgQry.do (last visited June 7, 2016).

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Exhibit 5

The Washington Post

Post Politics

IRS approves tax-exempt status of Crossroads GPS after more than five years

By Matea Gold February 9

The Internal Revenue Service has granted tax-exempt status to Crossroads GPS, a conservative group that has aggressively pioneered in a new form of political engagement by nonprofit groups sanctioned by the Supreme Court's Citizens United decision.

The decision by the IRS -- first reported by OpenSecrets.org, the website of the nonpartisan Center for Responsive Politics -- means that Crossroads GPS has been deemed a "social welfare" nonprofit under Section 501(c)(4) of the tax code. Such groups can raised unlimited sums from individuals and corporations and spend money on direct political activity, as long as they do not spend the majority of their funds on campaigns. Unlike political committees, they are not required to reveal their donors.

“We have always taken compliance very seriously, so we’re not surprised by the final result," president Steven Law said in a statement. "What we were surprised by was how long it took and how people outside the IRS improperly tried to influence and politicize the process, not just against us but against many other law-abiding advocacy groups.”

Crossroads GPS, which was was established in June 2010, was one of the first major politically active nonprofits to spring up in the wake of Citizens United. The group was formed as a companion to American Crossroads, a Republican super PAC co-founded by GOP strategists Karl Rove and former Republican National Committee chairman Ed Gillespie.

While Crossroads GPS was waiting for the IRS to consider its application for 501(c)(4) status, it raised more than $330 million and reported spending at least $112 million on direct political activity, according to CRP. Much of its money has been spent on TV ads lambasting President Obama and congressional Democrats. The organization spent tens of millions more on grants to other conservative groups, as well as to run "issue ads" that do not explicitly call for the election or defeat of a candidate.

The group said in 2013 that it believed it was among the nonprofits subjected to extra scrutiny by the IRS, which admitted to improperly singling out organizations with words such as "tea party" and "patriot" in their name. The IRS finally approved Crossroads' application in November, granting it 501(c)(4) status retroactive to June 2010, spokesman Ian Prior confirmed.

Advocates for stricter enforcement of campaign finance rules criticized the ruling.

"This decision by the IRS belies reality and cannot be justified," said Fred Wertheimer, president of the advocacy group Democracy 21. "Crossroads GPS is anything but a 'social welfare' organization. It is a political organization formed and operated to influence federal elections."

Matea Gold is a national political reporter for The Washington Post, covering money and influence.
Follow @mateagold

Exhibit 6

Details for Committee ID : C90011719

Two-Year Period 2012

New Search

Export Options: Metadata XML CSV JSON

2012 COMMITTEE INFORMATION C90011719

Name: CROSSROADS GRASSROOTS POLICY STRATEGIES

Address: 1401 NEW YORK AVENUE, NWSTE. 1200, WASHINGTON, DC 20005

Treasurer Name:

Type: I - INDEPENDENT EXPENDITURE - PERSON OR GROUP NOT A COMMITTEE

Designation: U - UNAUTHORIZED

Party:

Report Year	Report Type	Total Contributions	Total Independent Expenditures	Coverage Start Date	Coverage End Date
2012	YEAR-END	$0	$50,410,783	10/01/2012	12/31/2012
2012	OCTOBER QUARTERLY	$0	$20,558,081	07/01/2012	09/30/2012

Details for Committee ID : C90011719

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Two-Year Summary Report Summaries Filings

Two-Year Period 2014

New Search

Export Options: Metadata XML CSV JSON

2014 COMMITTEE INFORMATION C90011719

Name: CROSSROADS GRASSROOTS POLICY STRATEGIES

Address: 1401 NEW YORK AVENUE, NWSTE. 1200, WASHINGTON, DC 20005

Treasurer Name:

Type: I - INDEPENDENT EXPENDITURE - PERSON OR GROUP NOT A COMMITTEE

Designation: U - UNAUTHORIZED

Party:

Report Year	Report Type	Total Contributions	Total Independent Expenditures	Coverage Start Date	Coverage End Date
2014	YEAR-END	$0	$16,114,241	10/01/2014	12/31/2014
2014	OCTOBER QUARTERLY	$0	$9,900,929	07/01/2014	09/30/2014

Exhibit 7

Details for Committee ID : C90011230

Two-Year Summary | **Report Summaries** | Filings

Two-Year Period 2012 ▼ **New Search**

Export Options: Metadata XML CSV JSON

2012 COMMITTEE INFORMATION **C90011230**

Name: AMERICAN ACTION NETWORK INC

Address: 555 13TH STREET NWSUITE 510 WEST, WASHINGTON, DC 20004

Treasurer Name:

Type: I - INDEPENDENT EXPENDITURE - PERSON OR GROUP NOT A COMMITTEE

Designation: U - UNAUTHORIZED

Party:

Report Year	Report Type	Total Contributions	Total Independent Expenditures	Coverage Start Date	Coverage End Date
2012	YEAR-END	$0	$9,055,489	10/01/2012	12/31/2012
2012	OCTOBER QUARTERLY	$0	$1,895,749	07/01/2012	09/30/2012
2012	JULY QUARTERLY	$0	$738,196	04/01/2012	06/30/2012

Details for Committee ID : C90011230

Two-Year Period 2014

New Search

Export Options: Metadata XML CSV JSON

2014 COMMITTEE INFORMATION C90011230

Name: AMERICAN ACTION NETWORK INC
Address: 1747 PENNSYLVANIA AVENUE5TH FLOOR, WASHINGTON, DC 20006
Treasurer Name:
Type: I - INDEPENDENT EXPENDITURE - PERSON OR GROUP NOT A COMMITTEE
Designation: U - UNAUTHORIZED
Party:

Report Year	Report Type	Total Contributions	Total Independent Expenditures	Coverage Start Date	Coverage End Date
2014	YEAR-END	$0	$7,314,196	10/01/2014	12/31/2014
2014	OCTOBER QUARTERLY	$0	$932,740	07/01/2014	09/30/2014
2014	JULY QUARTERLY	$0	$254,552	04/01/2014	06/30/2014
2014	APRIL QUARTERLY	$0	$472,617	01/01/2014	03/31/2014

Details for Committee ID : C90011230

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Two-Year Summary | Report Summaries | Filings

Two-Year Period 2016

New Search

Export Options: Metadata XML CSV JSON

2016 COMMITTEE INFORMATION C90011230

Name: AMERICAN ACTION NETWORK INC

Address: 1747 PENNSYLVANIA AVENUE5TH FLOOR, WASHINGTON, DC 20006

Treasurer Name:

Type: I - INDEPENDENT EXPENDITURE - PERSON OR GROUP NOT A COMMITTEE

Designation: U - UNAUTHORIZED

Party:

Report Year	Report Type	Total Contributions	Total Independent Expenditures	Coverage Start Date	Coverage End Date
2016	JULY QUARTERLY	$0	$401,522	04/01/2016	06/30/2016
2016	APRIL QUARTERLY	$0	$200,485	01/01/2016	03/31/2016

Exhibit 8

Top Election Spenders

Who are the biggest Dark Money Spenders?

Disclosure requirements mandate that direct political expenditures must be reported to the Federal Election Commission (FEC). However, expenses by Dark Money groups that are earmarked as *educational* or *membership building* fall outside of these requirements. Despite this, these groups do report a large portion of what they spend during election cycles.

This spending has changed over time as organizations have evolved, new rules are established, and requirements are loosened. Some of the most important milestones are outlined below.

Timeline: Important Campaign Finance Milestones

- **1976: *Buckley v. Valeo* - Supreme Court decision** that allowed unlimited campaign expenditures by individuals.
  - **Before 2007:** Much of the outside spending consisted of communications to their members — known as "communication costs" — with a little express advocacy, known as "independent expenditures," such as radio or TV ads.
- **2007: *FEC v. Wisconsin Right to Life* Supreme Court decision** ruled that issue ads can be aired in the months leading up to an election.
  - **2008 Election Cycle:** There was an explosion in electioneering communications, which are issue ads made within certain pre-election and pre-convention time periods.
- **2010: *Citizens United v. FEC* Supreme Court decision** loosened restrictions on corporate spending and made it possible for Dark Money groups to ramp up their independent expenditures.
- **2010: *SpeechNow v. FEC* Appeals Court decision** allowed unlimited contributions to political action committees (PACs) by individuals.
  - **2010 Election Cycle:** Spending in the 2010 Election cycle grew by 196% up to $135.61 million.
  - **2012 Election Cycle:** The vast majority of the spending by politically active nonprofits was in the form of direct appeals to vote for or against particular candidates and spending grew by 227% from the previous election cycle to $308.69 million.
  - **2014 Election Cycle:** Spending was up again this election cycle when adjusted to account for additional spending associated with the 2012 presidential election.
  - **2016 Election Cycle:** Thus far this election cycle, Dark Money spending has increased more than 34 percent over this point in the 2014 midterm elections — a five-fold leap over this date in the last presidential cycle.

The totals below refer to the amount of political spending that 501(c)(4) and 501(c)(6) groups reported to the FEC. They can be filtered by election cycle. The additional columns show whether or not each group has been granted exempt status by the Internal Revenue Service (IRS), and, if so, when that occurred. The total spending amount does not include spending by super PACs or PACs that may be affiliated with that organization.

Chart: Top Election Spenders, by Election Cycle

Select cycle:
2016 ▼

Organization	Parent	Amount FEC	IRS Exempt?	Type	Ruling Date
US Chamber of Commerce		$16,653,027	Y	501(c)(6)	11/1940
American Future Fund		$9,550,928	Y	501(c)(4)	10/2008
Club for Growth		$3,553,259	Y	501(c)	06/2006

				(4)	
League of Conservation Voters		$2,232,250	Y	501(c)(4)	12/1991
Americans for Prosperity		$2,002,081	Y	501(c)(4)	10/2004
Ending Spending		$1,618,140	Y	501(c)(4)	03/2011
Majority Forward		$1,177,070	N	501(c)(4)	
NARAL Pro-Choice America		$967,889	Y	501(c)(4)	10/1971
Right Way Initiative		$703,489	N	501(c)(4)	
VoteVets.org		$623,379	N	501(c)(4)	
Environmental Defense Action Fund	Environmental Defense Fund	$461,723	Y	501(c)(4)	09/2003
Citizens for Responsible Energy Solutions		$450,377	N	501(c)(4)	
Citizens for a Sound Government		$412,975	Y	501(c)(4)	09/2013
American Action Network		$394,382	Y	501(c)(4)	04/2010
America Next		$392,648	Y	501(c)(4)	06/2014
NRA Institute for Legislative Action	National Rifle Assn	$363,728	Y	501(c)(4)	04/1944
Enterprise Freedom Action Cmte	Berman & Co	$355,206	Y	501(c)(4)	01/2008
Planned Parenthood Action Fund	Planned Parenthood	$335,754	Y	501(c)(4)	02/1990
National Assn of Realtors		$323,176	Y	501(c)(6)	12/1934
Main Street Advocacy		$250,000	Y	501(c)(4)	01/2010
SecureAmericaNow.org	SecureAmericaNow.org.org	$194,723	Y	501(c)(4)	06/2013
Patriot Majority USA		$175,308	N	501(c)(4)	

West Virginia Chamber of Commerce	$169,414	Y	501(c)(6)	06/1937
Human Rights Campaign	$119,612	Y	Other	03/1991
Catalyst Oklahoma	$57,870	Y	501(c)(4)	01/2015
Susan B Anthony List	$50,119	Y	501(c)(4)	07/2001
Patriotic Veterans	$50,000	Y	501(c)(4)	04/2009

Based on information released to the FEC. Last update on July 21, 2016.

Count Cash & Make Change.

OpenSecrets.org is your nonpartisan guide to money's influence on U.S. elections and public policy. Whether you're a voter, journalist, activist, student or interested citizen, use our free site to shine light on your government.

Exhibit 9

ORIGINAL

Form **990-EZ**

Department of the Treasury
Internal Revenue Service

Short Form
Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

▶ **Do not enter social security numbers on this form as it may be made public.**

▶ **Information about Form 990-EZ and its instructions is at *www.irs.gov/form990*.**

OMB No. 1545-1150

2014

Open to Public Inspection

A For the 2014 calendar year, or tax year beginning January 1 , 2014, and ending December 31 , 20 14

B Check if applicable:
- ☐ Address change
- ☐ Name change
- ☐ Initial return
- ☑ Final return/terminated
- ☐ Amended return
- ☐ Application pending

C Name of organization: Arizona Future Fund

Number and street (or P O box, if mail is not delivered to street address): 1900 M Street, NW — Room/suite: 600

City or town, state or province, country, and ZIP or foreign postal code: Washington, D.C. 20036

D Employer identification number: 46-4739838

E Telephone number: 202-530-3332

F Group Exemption Number ▶ N/A

G Accounting Method: ☑ Cash ☐ Accrual Other (specify) ▶

H Check ▶ ☐ if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF).

I Website: ▶ N/A

J Tax-exempt status (check only one) — ☐ 501(c)(3) ☑ 501(c) (4) ◀ (insert no.) ☐ 4947(a)(1) or ☐ 527

K Form of organization: ☐ Corporation ☐ Trust ☐ Association ☑ Other Unincorporated association of individuals.

L Add lines 5b, 6c, and 7b to line 9 to determine gross receipts. If gross receipts are $200,000 or more, or if total assets (Part II, column (B) below) are $500,000 or more, file Form 990 instead of Form 990-EZ . . . ▶ $

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (see the instructions for Part I)

Check if the organization used Schedule O to respond to any question in this Part I . . . ☐

Section	Line	Description	Sub-line	Sub-amount	Line	Amount
Revenue	1	Contributions, gifts, grants, and similar amounts received			1	474600.00
	2	Program service revenue including government fees and contracts			2	0.00
	3	Membership dues and assessments			3	0.00
	4	Investment income			4	0.00
	5a	Gross amount from sale of assets other than inventory	5a	0.00		
	b	Less: cost or other basis and sales expenses	5b	0.00		
	c	Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a)			5c	0.00
	6	Gaming and fundraising events				
	a	Gross income from gaming (attach Schedule G if greater than $15,000)	6a	0.00		
	b	Gross income from fundraising events (not including $ ____ of contributions from fundraising events reported on line 1) (attach Schedule G if the sum of such gross income and contributions exceeds $15,000)	6b	0.00		
	c	Less: direct expenses from gaming and fundraising events	6c	0.00		
	d	Net income or (loss) from gaming and fundraising events (add lines 6a and 6b and subtract line 6c)			6d	0.00
	7a	Gross sales of inventory, less returns and allowances	7a	0.00		
	b	Less: cost of goods sold	7b	0.00		
	c	Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a)			7c	0.00
	8	Other revenue (describe in Schedule O)			8	0.00
	9	**Total revenue.** Add lines 1, 2, 3, 4, 5c, 6d, 7c, and 8 ▶			9	474,600.00
Expenses	10	Grants and similar amounts paid (list in Schedule O)			10	0.00
	11	Benefits paid to or for members			11	0.00
	12	Salaries, other compensation, and employee benefits			12	0.00
	13	Professional fees and other payments to independent contractors			13	463,227.47
	14	Occupancy, rent, utilities, and maintenance			14	11,372.53
	15	Printing, publications, postage, and shipping			15	0.00
	16	Other expenses (describe in Schedule O)			16	0.00
	17	**Total expenses.** Add lines 10 through 16 ▶			17	474,600.00
Net Assets	18	Excess or (deficit) for the year (Subtract line 17 from line 9)			18	0.00
	19	Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)			19	0.00
	20	Other changes in net assets or fund balances (explain in Schedule O)			20	0.00
	21	Net assets or fund balances at end of year. Combine lines 18 through 20 ▶			21	0.00

50 12

Part II **Balance Sheets** (see the instructions for Part II)

Check if the organization used Schedule O to respond to any question in this Part II . . . . ☐

		(A) Beginning of year		(B) End of year
22	Cash, savings, and investments	0.00	22	0.00
23	Land and buildings	0.00	23	0.00
24	Other assets (describe in Schedule O)	0.00	24	0.00
25	**Total assets**	0.00	25	0.00
26	**Total liabilities** (describe in Schedule O)	0.00	26	0.00
27	**Net assets or fund balances** (line 27 of column (B) **must** agree with line 21)	0.00	27	0.00

Part III **Statement of Program Service Accomplishments** (see the instructions for Part III)

Check if the organization used Schedule O to respond to any question in this Part III . . ☐

Expenses (Required for section 501(c)(3) and 501(c)(4) organizations, optional for others.)

What is the organization's primary exempt purpose? **Public policy issue development and messaging.**

Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. In a clear and concise manner, describe the services provided, the number of persons benefited, and other relevant information for each program title.

			Expenses
28	**Public broadcast issue advertising in Arizona media markets discussing the need for job creation and economic development tied to lower state and local taxes.**		
	(Grants $ **None**) If this amount includes foreign grants, check here . . . . ▶ ☐	28a	432,500.00
29			
	(Grants $) If this amount includes foreign grants, check here . . . . ▶ ☐	29a	
30			
	(Grants $) If this amount includes foreign grants, check here . . . . ▶ ☐	30a	
31	Other program services (describe in Schedule O)		
	(Grants $) If this amount includes foreign grants, check here . . . . ▶ ☐	31a	
32	**Total program service expenses** (add lines 28a through 31a) . . . ▶	32	432,500.00

Part IV **List of Officers, Directors, Trustees, and Key Employees** (list each one even if not compensated—see the instructions for Part IV)

Check if the organization used Schedule O to respond to any question in this Part IV . . . . ☐

(a) Name and title	(b) Average hours per week devoted to position	(c) Reportable compensation (Forms W-2/1099-MISC) (if not paid, enter -0-)	(d) Health benefits, contributions to employee benefit plans, and deferred compensation	(e) Estimated amount of other compensation
Lee Cowen - Executive Director/Treasurer	2.0	5000.00	0.00	0.00
David Beightol - Vice President/Secretary	0.5	0.00	0.00	0.00
W.B. Canfield - General Counsel	8.0	21,277.47	0.00	0.00

Part V **Other Information** (Note the Schedule A and personal benefit contract statement requirements in the instructions for Part V) Check if the organization used Schedule O to respond to any question in this Part V ☐

			Yes	No
33	Did the organization engage in any significant activity not previously reported to the IRS? If "Yes," provide a detailed description of each activity in Schedule O	33		✓
34	Were any significant changes made to the organizing or governing documents? If "Yes," attach a conformed copy of the amended documents if they reflect a change to the organization's name. Otherwise, explain the change on Schedule O (see instructions)	34		✓
35a	Did the organization have unrelated business gross income of $1,000 or more during the year from business activities (such as those reported on lines 2, 6a, and 7a, among others)?	35a		✓
b	If "Yes," to line 35a, has the organization filed a Form 990-T for the year? If "No," provide an explanation in Schedule O	35b		
c	Was the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization subject to section 6033(e) notice, reporting, and proxy tax requirements during the year? If "Yes," complete Schedule C, Part III	35c		✓
36	Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If "Yes," complete applicable parts of Schedule N	36	✓	
37a	Enter amount of political expenditures, direct or indirect, as described in the instructions ▶ 37a 0.00			
b	Did the organization file **Form 1120-POL** for this year?	37b		✓
38a	Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee or were any such loans made in a prior year and still outstanding at the end of the tax year covered by this return?	38a		✓
b	If "Yes," complete Schedule L, Part II and enter the total amount involved 38b			
39	Section 501(c)(7) organizations. Enter:			
a	Initiation fees and capital contributions included on line 9 39a			
b	Gross receipts, included on line 9, for public use of club facilities 39b			
40a	Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under: section 4911 ▶ ______ ; section 4912 ▶ ______ ; section 4955 ▶ ______			
b	Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year, or did it engage in an excess benefit transaction in a prior year that has not been reported on any of its prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I	40b		✓
c	Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958 ▶ 0.00			
d	Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Enter amount of tax on line 40c reimbursed by the organization ▶ 0.00			
e	All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If "Yes," complete Form 8886-T	40e		✓

41 List the states with which a copy of this return is filed ▶ District of Columbia

42a The organization's books are in care of ▶ W.B Canfield Telephone no. ▶ 202-530-3332
Located at ▶ 1900 M Street, N.W., Washington, D.C. ZIP + 4 ▶ 20036

			Yes	No
b	At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? If "Yes," enter the name of the foreign country: ▶ See the instructions for exceptions and filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).	42b		✓
c	At any time during the calendar year, did the organization maintain an office outside the U.S.? If "Yes," enter the name of the foreign country: ▶	42c		✓

43 Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of **Form 1041**—Check here ▶ ☐ and enter the amount of tax-exempt interest received or accrued during the tax year ▶ 43

			Yes	No
44a	Did the organization maintain any donor advised funds during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ	44a		✓
b	Did the organization operate one or more hospital facilities during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ	44b		✓
c	Did the organization receive any payments for indoor tanning services during the year?	44c		✓
d	If "Yes" to line 44c, has the organization filed a Form 720 to report these payments? *If "No," provide an explanation in Schedule O*	44d		
45a	Did the organization have a controlled entity within the meaning of section 512(b)(13)?	45a		✓
b	Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," Form 990 and Schedule R may need to be completed instead of Form 990-EZ (see instructions)	45b		✓

			Yes	No
46	Did the organization engage, directly or indirectly, in political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I	46		✓

Part VI **Section 501(c)(3) organizations only**

All section 501(c)(3) organizations must answer questions 47–49b and 52, and complete the tables for lines 50 and 51.

Check if the organization used Schedule O to respond to any question in this Part VI ☐

			Yes	No
47	Did the organization engage in lobbying activities or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II	47		
48	Is the organization a school as described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E	48		
49a	Did the organization make any transfers to an exempt non-charitable related organization?	49a		
b	If "Yes," was the related organization a section 527 organization?	49b		

50 Complete this table for the organization's five highest compensated employees (other than officers, directors, trustees and key employees) who each received more than $100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and title of each employee	(b) Average hours per week devoted to position	(c) Reportable compensation (Forms W-2/1099-MISC)	(d) Health benefits, contributions to employee benefit plans, and deferred compensation	(e) Estimated amount of other compensation

f Total number of other employees paid over $100,000 ▶

51 Complete this table for the organization's five highest compensated independent contractors who each received more than $100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and business address of each independent contractor	(b) Type of service	(c) Compensation

d Total number of other independent contractors each receiving over $100,000 ▶

52 Did the organization complete Schedule A? **Note.** All section 501(c)(3) organizations must attach a completed Schedule A ▶ ☐ Yes ☐ No

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge

Sign Here

▶ [signature] Signature of officer — Date 2/12/14

▶ **William B. Canfield - General Counsel**
Type or print name and title

Paid Preparer Use Only	Print/Type preparer's name	Preparer's signature	Date	Check ☐ if self-employed	PTIN
	Firm's name ▶			Firm's EIN ▶	
	Firm's address ▶			Phone no	

May the IRS discuss this return with the preparer shown above? See instructions ▶ ☐ Yes ☐ No

SCHEDULE N
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Liquidation, Termination, Dissolution, or Significant Disposition of Assets

▶ Complete if the organization answered "Yes" to Form 990, Part IV, lines 31 or 32; or Form 990-EZ, line 36.
▶ Attach certified copies of any articles of dissolution, resolutions, or plans.
▶ Attach to Form 990 or 990-EZ.
▶ Information about Schedule N (Form 990 or 990-EZ) and its instructions is at *www.irs.gov/form990.*

OMB No. 1545-0047
2014
Open to Public Inspection

Name of the organization: Arizona Future Fund
Employer identification number: 46-4739838

Part I **Liquidation, Termination, or Dissolution.** Complete this part if the organization answered "Yes" to Form 990, Part IV, line 31, or Form 990-EZ, line 36. Part I can be duplicated if additional space is needed.

1 (a) Description of asset(s) distributed or transaction expenses paid	(b) Date of distribution	(c) Fair market value of asset(s) distributed or amount of transaction expenses	(d) Method of determining FMV for asset(s) distributed or transaction expenses	(e) EIN of recipient	(f) Name and address of recipient	(g) IRC section of recipient(s) (if tax-exempt) or type of entity
Administrative Services Fee	12/17/14	5,000.00	Invoice	267796957	Cowan Consulting LLC	
					14 Rock Falls Ct. Rockville MD 20854	N/A
Broadcast Issue Ad Disclosure Filing Fee	12/17/14	10,000.00	Written Agreement	N/A	State of Arizona (CCEC) Suite 110	
			w/ State of Arizona		1616 W Adams, Phoenix AZ 85007	N/A
Legal Services Fee	12/17/14	4977.47	Invoice	47-3009530	Canfield Law Office	
					Suite 600, 1900 M Street NW,	
					Washington, DC 20036	N/A

2 Did or will any officer, director, trustee, or key employee of the organization:

		Line	Yes	No
a	Become a director or trustee of a successor or transferee organization?	2a		✓
b	Become an employee of, or independent contractor for, a successor or transferee organization?	2b		✓
c	Become a direct or indirect owner of a successor or transferee organization?	2c		✓
d	Receive, or become entitled to, compensation or other similar payments as a result of the organization's liquidation, termination, or dissolution?	2d		✓

e If the organization answered "Yes" to any of the questions on lines 2a through 2d, provide the name of the person involved and explain in Part III. ▶

Part I Liquidation, Termination, or Dissolution *(continued)*

Note. If the organization distributed all of its assets during the tax year, then Form 990, Part X, column (B), line 16 (Total assets), and line 26 (Total liabilities), should equal -0-.

		Line	Yes	No
3	Did the organization distribute its assets in accordance with its governing instrument(s)? If "No," describe in Part III	3	✓	
4a	Is the organization required to notify the attorney general or other appropriate state official of its intent to dissolve, liquidate, or terminate?	4a		✓
b	If "Yes," did the organization provide such notice?	4b		✓
5	Did the organization discharge or pay all of its liabilities in accordance with state laws?	5		✓
6a	Did the organization have any tax-exempt bonds outstanding during the year?	6a		✓
b	If "Yes" to line 6a, did the organization discharge or defease all of its tax-exempt bond liabilities during the tax year in accordance with the Internal Revenue Code and state laws?	6b		✓
c	If "Yes" to line 6b, describe in Part III how the organization defeased or otherwise settled these liabilities. If "No" to line 6b, explain in Part III.			

Part II Sale, Exchange, Disposition, or Other Transfer of More Than 25% of the Organization's Assets.

Complete this part if the organization answered "Yes" to Form 990, Part IV, line 32, or Form 990-EZ, line 36. Part II can be duplicated if additional space is needed.

1

(a) Description of asset(s) distributed or transaction expenses paid	(b) Date of distribution	(c) Fair market value of asset(s) distributed or amount of transaction expenses	(d) Method of determining FMV for asset(s) distributed or transaction expenses	(e) EIN of recipient	(f) Name and address of recipient	(g) IRC section of recipient(s) (if tax-exempt) or type of entity
N/A						

		Line	Yes	No
2	Did or will any officer, director, trustee, or key employee of the organization:			
a	Become a director or trustee of a successor or transferee organization?	2a		✓
b	Become an employee of, or independent contractor for, a successor or transferee organization?	2b		✓
c	Become a direct or indirect owner of a successor or transferee organization?	2c		✓
d	Receive, or become entitled to, compensation or other similar payments as a result of the organization's significant disposition of assets?	2d		✓
e	If the organization answered "Yes" to any of the questions on lines 2a through 2d, provide the name of the person involved and explain in Part III ▶			

Part III **Supplemental Information.** Provide the information required by Part I, lines 2e and 6c, and Part II, line 2e. Also complete this part to provide any additional information.

The purposes of the social welfare organization having been accomplished and all outstanding invoices duly paid, the Board of the Arizona Future Fund, by resolution dated december 30, 2014, terminated its activities and closed its books prepatory to notifying the Internal Revenue Service of such termination through the filing of a terminating Form 990 EZ. A copy of the Resolution of the Board as adopted on Dcember 30, 2014 is attached hereto.

Arizona Future Fund

A Tax-Exempt Social Welfare Organization

EIN: 46-4739838

Resolution of the Board

The Board of the Arizona Future Fund, an unincorporated association of individuals, with its place of business in Washington, D.C. , having determined that the social welfare purpose for which the association was created having been achieved within calendar year 2014 and that no additional purpose exists as to which the association might become engaged, has this 30TH day of December, 2014 agreed, by unanimous consent, to a Resolution to **terminate** immediately the activities of the Arizona Future Fund and to notify the Internal Revenue Service of said decision by the filing of a termination Form 990-EZ before the close of the entity's tax year on December 31, 2014.

AGREED TO:

Lee Cowen

Executive Director/Treasurer

David Beightol

Vice President/Secretary

ATTEST:

William B. Canfield – General Counsel

Exhibit 10

STATE OF ARIZONA

CITIZENS CLEAN ELECTIONS COMMISSION

In the Matter of: Arizona Future Fund, Respondent	MUR Nos. 14-014 **CONCILIATION AGREEMENT**

Pursuant to ARS § 16-957(A), the Citizens Clean Elections Commission (the "Commission"), the Arizona Attorney General's Office and Arizona Future Fund ("AFF" or "Respondent") enter this Conciliation Agreement (the "Conciliation Agreement") in the manner described below:

A. On December 18, 2014, the Commission adopted the Statement of Reasons (the "Statement of Reasons"), a copy of which is attached hereto and incorporated herein by reference, setting forth the recommendation of the Executive Director that there is reason to believe Respondent may have committed a violation of the Citizens Clean Elections Act and Commission rules (collectively, the "Act").

B. Any person making independent expenditures must abide by the Clean Elections Act and Rules and the Commission has authority to enforce the Act and Rules pursuant to A.R.S. § 16-956(A)(7), including penalties that apply for failure to file reports.

C. Respondent made independent expenditures and filed no reports.

D. The Arizona Secretary of State issued a reasonable cause notice to Respondent concluding there was reason to believe Respondent violated A.R.S. §§ 16-914.02(A)(1); -914.02(F) and -914.02(K), and other applicable statutes.

E. This Conciliation Agreement concludes the Commission's enforcement proceeding respecting the facts outlined in the attached Statement of Reasons. The Arizona Attorney General's Office agrees to be bound by this agreement and concludes its enforcement based on the Reasonable Cause notice described above.

WHEREFORE, the Commission enters the following orders in lieu of any other action regarding this matter:

1. Respondent acknowledges that pursuant to A.R.S. §§ 16-941(D) and -958 any person who makes an independent expenditure above a threshold set forth in the Clean Elections Act must file reports required by the person and that under A.R.S. § 16-942(B) the statutory penalty for any reporting violation is up to $860 per day up to twice the value of the unreported amount.
2. Respondent acknowledges the violations set forth in the attached Statement of Reasons.
3. Respondent agree to settles this matter for $10,000.00.
4. To satisfy the debt amount acknowledged above, Respondent shall pay to the Commission $10,000.00 by December 26, 2014.
5. Respondent agrees to file reports accounting for all independent expenditures and agrees to provide the Commission with receipts verifying the amount of the expenditures. The receipts shall be provided no later than December 26, 2014 and the filing shall be completed no later than December 26, 2014. Respondent agrees to provide Commission staff with any supplemental information necessary in view of Commission staff to verify their existing, amended or proposed amended reports.
6. All payments shall be made by check or money order payable to the Citizens Clean Elections Fund and delivered to the Citizens Clean Elections Commission, 1616 West Adams, Suite 110, Phoenix, Arizona, 85007.

7. The Commission shall not commence any legal action against Respondent to collect the claims so long as they are not in default.

8. Respondent shall be in default of this Agreement and any outstanding matters will be forwarded to the Office of the Attorney General upon the occurrence of any of the following:

   a. Respondent fails to make any payment required hereunder within five (5) working days following the date due;

   b. Respondent files a petition under the bankruptcy laws or any creditor of the Respondent files any petition under said laws against the Respondent;

   c. Any creditor of Respondent commences a foreclosure action to foreclose (by suit or trustee sale) on real property of the Respondent or commences garnishment, attachment, levy or execution against the Respondent's property; or;

   d. Respondent provides false information to the Commission.

9. In the event of default hereunder, at the option of the Commission, all unpaid amounts hereunder shall be immediately due and payable. In addition, interest shall accrue on the unpaid balance from the date that the payments become due and payable. Interest shall accrue at the statutory rate of ten percent (10%) pursuant to A.R.S. § 44-1201(A).

10. Nothing contained in this Agreement shall be construed to prevent any state agency which issues licenses for any profession from requiring that the debt in issue be paid in full before said agency will issue Respondent a new license.

11. The Commission may waive any condition of default without waiving any other condition of default and without waiving its rights to full, timely future performance of the conditions waived.

12. In the event legal action is necessary to enforce collection hereunder, Respondent shall additionally pay all costs and expenses of collection, including without limitation, reasonable attorneys' fees in an amount equal to thirty-five percent (35%) of monies recovered.

13. The Attorney General's Office has exercised its discretion and concluded not to take additional enforcement actions against Respondent beyond this Conciliation Agreement.

14. Respondent acknowledges that all obligations payable pursuant to this Agreement constitute a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit, and not compensation for actual pecuniary loss; and that pursuant to 11 USC § 523 such obligations are not subject to discharge in bankruptcy.

15. This Agreement shall be construed under the laws of the State of Arizona.

16. In the event that any paragraph or provision hereof shall be ruled unenforceable, all other provisions hereof shall be unaffected thereby.

17. This Agreement shall constitute the entire agreement between the parties regarding the subject matter. This Agreement shall not be modified or amended except in a writing signed by all parties hereto.

18. This Agreement shall not be subject to assignment.

19. No delay, omission or failure by the Commission to exercise any right or power hereunder shall be construed to be a waiver or consent of any breach of any of the terms of this Agreement by the Respondent.

20. Respondent has obtained independent legal advice in connection with the execution of this Agreement or have freely chosen not to do so. Any rule construing this Agreement against the drafter is inapplicable and is waived.

21. This Agreement shall be void unless executed by the Respondent and delivered to the Commission not later than December 19, 2014.

22. All proceedings commenced by the Commission in this matter will be terminated and the matter closed upon receipt of the final payment of the civil penalty and compliance with the other terms set forth in this Agreement. The Arizona Attorney General's Office agrees to conclude any enforcement matter pending from the Reasonable Cause notice identified in the recitals and be bound by this Agreement.

Dated this 18th day of December, 2014.

By: [signature]
Thomas M. Collins, Executive Director
Citizens Clean Elections Commission

By: Paula S. Bickett
Paula S. Bickett, Chief Counsel, Civil Appeals
Arizona Attorney General's Office

By: [signature] 12/19/14
Bill Canfield for AFF, Respondent

Exhibit 11

Sara Larsen

From:	William Canfield <canfieldwilliam@gmail.com>
Sent:	Tuesday, December 23, 2014 9:26 AM
To:	Sara Larsen; Read, Nancy
Subject:	Fwd: Scan from a Xerox WorkCentre
Attachments:	DOC.PDF

Sara: I managed to make a copy of the IE expenditure report before I hit the submit button. Nancy Read suggested that I send the attached PDF of thate report to you and to her just as a back-up in case the report wasn't received via the Secretary of State's website. Thanks for all of your help. Bill Canfield.

-----Original Message-----
From: XRX5790@smcalaw.com [mailto:XRX5790@smcalaw.com]
Sent: Tuesday, December 23, 2014 11:08 AM
To: JPena
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: machine location not set
Device Name: XRX0000AADDD0BA

For more information on Xerox products and solutions, please visit http://www.xerox.com

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William B. Canfield III
Attorney at Law
Suite 600
1900 M Street, N.W.
Washington, D.C. 20036
(202) 530-3332 - office
(202) 345-5547 - mobile
canfieldwilliam@gmail.com
iiicapitolsa@gmail.com

All Transactions for Committee: 201600031 *

Transactions Between 7/28/2014 and 12/23/2014

		Date	Amount
Name:	Clear Channel Outdoora	07/28/2014	$40000.00 Cash*
Address:	4686 E Van Buren St, Ste 200, Phoenix, AZ 85008		
Category:	Communications - Advertising — BILLBOARDS		
Trans. Type:	Independent Expenditure - Pay Cash/Check		
Name:	Moret Associates	08/06/2014	$32500.00 Cash*
Address:	1517 N Wilmot Rd, # 305, Tucson, AZ 85712		
Category:	Communications - Newspapers		
Trans. Type:	Independent Expenditure - Pay Cash/Check		
Name:	Campaign Solutions	08/10/2014	$27500.00 Cash*
Address:	117 N Saint Asaph St, Alexandria, VA 22314		
Category:	Communications - Advertising — WEBSITE AND SOCIAL MEDIA		
Trans. Type:	Independent Expenditure - Pay Cash/Check		
Name:	Meridian Strategies	08/11/2014	$215575.00 Cash*
Address:	1215 19th St NW, Fl 3, Washington, DC 20036		
Category:	Communications - TV		
Trans. Type:	Independent Expenditure - Pay Cash/Check		

TOTAL $315,575.00

* ARIZONA FUTURE FUND
INDEPENDENT EXPENDITURES
SMITH GOVERNOR 2014

* This transaction has not been filed with the Secretary of State

Printed: 12/23/2014 8:55:54AM

Exhibit 12

McConnell's request was not heeded by all. (Rob Kunzig/Morning Consult)

Inside the GOP's Effort to Consolidate the Super PAC Universe

REID WILSON (HTTPS://MORNINGCONSULT.COM/AUTHOR/REID/) | MARCH 24, 2016 (HTTPS://MORNINGCONSULT.COM/2016/03/24/INSIDE-THE-GOPS-EFFORT-TO-CONSOLIDATE-THE-SUPER-PAC-UNIVERSE/)

As Republicans prepared to assume control of the Senate a little more than a year ago, incoming Majority Leader Mitch McConnell delivered a clear message to the members of his conference: Don't set up your own super PAC.

McConnell, a keen student of politics, wanted Republicans to follow a model established by Senate Democrats, who steer their big donors to a single outside group. Doing so, he told fellow Republicans, would allow the single entity to raise and spend money in the best interest of the new majority, keep down costs and coordinating messages across the country.

At a meeting held at the NRSC, the Senate GOP's campaign arm, McConnell and his top political adviser, Josh Holmes, told Republican senators they should steer big donors to One Nation and the Senate Leadership Fund, two groups tied to the American Crossroads network of organizations.

In previous cycles, "there were a number of super PACs, all of which complicated the broader messaging that would have helped the candidates," Holmes said in an interview. "Donors asked that that be fixed for this cycle."

The man who heads the two groups, Steven Law — like Holmes, a former McConnell chief of staff — would use their monetary power to keep vendor costs down and prevent the kind of rampant profit-taking that has plagued some candidate-specific super PACs. They could also ensure that Republican efforts to keep the Senate would not be hampered by multiple outside groups stepping over each other and muddling messages.

McConnell "looked at what happened with the Democrats, and they have much greater consolidation in the super PAC world," said a Republican strategist, one of half a dozen with knowledge of the meeting who spoke on condition of anonymity to avoid antagonizing colleagues. "He thought we should do that on our side, and there would be more efficiency in helping our candidates."

Left unsaid at the meeting: Organizing one clearinghouse for major donors would reduce competition for contributions from big donors.

In the year since, Republicans have made a significant leap toward consolidating the number of outside groups helping Republicans defend their majority. The Senate Leadership Fund, a super PAC, has reported raising $13.6 million for the cycle through the end of February. One Nation, a 501(c)(4) that does not have to report its funding totals as often, raised $10.3 million through the end of 2015.

By contrast, the Senate Majority PAC, the main conduit of outside money on the Democratic side, has raised $9.2 million through the end of February, according to reports filed with the Federal Election Commission.

"We can't comment on how other groups are doing, but fundraising for the new Senate Leadership Fund and One Nation has been robust and is only accelerating," said Ian Prior, a spokesman for both groups.

But McConnell's call to unite under a single banner did not sit well with every Republican incumbent seeking re-election this year. When top officials at the NRSC called around for an update a few days later, several aides to senators up this year informed them they would be setting up a candidate-specific PAC.

"No way in hell we're going to tell our donors to go that way," one senator present at the meeting told his top aide.

A super PAC backing Sen. Rob Portman (R-Ohio), the Fighting for Ohio Fund, has raised $2.3 million. Prosperity for Pennsylvania, a super PAC supporting Sen. Pat Toomey (R-Pa.), has raised more than $1.1 million. Sens. Mike Lee (R-Utah) and Ron Johnson (R-Wis.) have their own outside groups, too. Others are taking steps toward establishing their own groups.

At least one candidate, Sen. Kelly Ayotte (R-N.H.), has had her supportive super PAC included within the Senate Leadership Fund umbrella.

Related: Morning Consult's Senate Race Rankings (https://morningconsult.com/2016/03/senate-race-rankings-evaluating-trump-effect/)

Several Republicans involved in the 2016 campaign said their clients chafed at the notion of pooling resources. Coordinating resources may be good for the majority as a whole, but when crunch time arrives, a single national organization must make difficult decisions between incumbents who might all need help. Giving up an individual super PAC, some senators worry, could mean being left high and dry during the critical stretch run.

For examples, Republicans needed to look no further than the Democrats they are trying to emulate. Senate Democrats' chief campaign arm cut advertising buys late in 2010 and 2014 in states such as Arkansas, Kentucky and Louisiana, where polls showed Democratic candidates trailing badly. That sounded a death knell for Democrats who went on to lose by double digit margins.

Some Republicans wondered, too, why they had to play by different rules than McConnell himself. Facing what appeared to be a difficult road to re-election in 2014, McConnell received support from two outside groups, the Kentucky Opportunity Coalition and Kentuckians for Strong Leadership, run by his allies. McConnell's No. 2 in the Senate, Majority Whip John Cornyn, got help from Texans for a Conservative Majority, run by his own former advisers.

"What everyone wanted was the same thing that Mitch McConnell and John Cornyn had. They had super PACs set up and they made sure their people were running their super PACs, so they had confidence in the product at the end of the day," the Republican strategist said. "Why should Pat Toomey have to live by a different set of rules than Mitch McConnell lived by? You can't tell that to Rob Portman. You can't tell that to Pat Toomey."

Holmes said much of the internal debate has been driven by the very consultants who stand to make money from the super PACs they form.

"As long as there are political consultants, there will be entities formed by them," he said.

There is little tension today among Senate Republicans, many of whom have come to accept the current structure — one "mothership," as several strategists referred to Law's group, surrounded by smaller orbiting groups. Senators want the Senate Leadership Fund and One Nation to succeed, those strategists said, but at the same time, they want a backup plan.

"Entreprenurialism and individualism are values on our side," said another aide to a Republican seeking re-election this year. "There are some donors who will only give to super PACs that are dedicated to one candidate. Not all donors are that way. Other donors want to be in a herd."

On the Democratic side, two contenders still running for Senate seats have established their own outside PACs. One backing former Rep. Joe Sestak (D-Pa.) is on air with ads in Pennsylvania, while Rep. Patrick Murphy (D-Fla.) has a super PAC funded in part by his wealthy father. Both Sestak and Murphy face competitive primaries later this year. One of Murphy's would-be rivals, Florida Lt. Gov. Carlos Lopez-Cantera (R), is backed by a super PAC that has raised almost $1 million on its own.

TWEET THIS (HTTP://TWITTER.COM/SHARE?URL=HTTPS%3A%2F%2FMORNINGCONSULT.COM%2F2016%2F03%2F24%2FINSIDE-THE-GOPS-EFFORT-TO-CONSOLIDATE-THE-SUPER-PAC-UNIVERSE%2F&TEXT=INSIDE THE GOP'S EFFORT TO CONSOLIDATE THE SUPER PAC UNIVERSE)

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Reid Wilson

See all posts by Reid (https://morningconsult.com/author/reid/)

NEWS TICKER

Dozens of Speakers Announced for DNC (https://morningconsult.com/alert/dozens-speakers-announced-dnc/)

Exhibit 13

Public Opinion Quarterly Advance Access published March 15, 2016
Public Opinion Quarterly

REPRESENTING THE PREFERENCES OF DONORS, PARTISANS, AND VOTERS IN THE US SENATE

MICHAEL J. BARBER*

Abstract Who do legislators best represent? This paper addresses this question by investigating the degree of ideological congruence between senators and constituents on a unified scale. Specifically, I measure congruence between legislators and four constituent subsets—donors, co-partisans, supporters, and registered voters. To estimate the preferences of these groups, I use a large survey of voters and an original survey of campaign contributors that samples both in- and out-of-state contributors in the 2012 election cycle. I find that senators' preferences reflect the preferences of the average donor better than any other group. Senators from both parties are slightly more ideologically extreme than the average co-partisan in their state and those who voted for them in 2012. Finally, senators' preferences diverge dramatically from the preference of the average voter in their state. The degree of divergence is nearly as large as if voters were randomly assigned to a senator. These results show that in the case of the Senate, there is a dearth of congruence between constituents and senators—unless these constituents are those who write checks and attend fund-raisers.

Introduction

How well do legislators represent their constituents? This is a central question in the study of democratic politics. Over the past several decades, numerous theories and empirical tests of these theories have argued over the degree

Michael Barber is an assistant professor in the Department of Political Science at Brigham Young University, Provo, UT, USA. The author wishes to thank Brandice Canes-Wrone, Nolan McCarty, and Kosuke Imai for helpful feedback. Additionally, Lynn Vavreck, Greg Huber, Michael Herron, Michael Peress, and Andrew Hall offered helpful comments and suggestions. Moreover, the author is grateful for helpful comments and suggestions from members of the Princeton Methodology Working Group, members of the Princeton American Politics Working Group, participants at the 2014 Yale CSAP Conference in American Politics, and participants at the 2014 Center for the Study of Elections and Democracy Workshop at Brigham Young University. *Address correspondence to Michael Barber, Brigham Young University, Political Science Department, 744 SWKT, Provo, UT 84602, USA; e-mail: barber@byu.edu.

doi:10.1093/poq/nfw004

to which legislators represent the preferences of their constituents (e.g., Miller and Stokes 1963; Fenno 1978; Achen 1978; Gilens 2005; Butler and Nickerson 2011). Scholars have noted that legislators may pay closer attention to the preferences of particular groups of constituents, such as the median voter (Downs 1957), the wealthy (Bartels 2010; Gilens 2012), or fellow partisans (Brady, Han, and Pope 2007). Furthermore, recent research suggests that legislators pay little attention to the preferences of constituents altogether, instead taking positions that are far more extreme than even their most partisan supporters (Bafumi and Herron 2010). In this paper, I provide a first look at the degree of congruence between the voting behavior of legislators and the preferences of a group of people who exert substantial influence over the electoral process: campaign contributors.

While studies of representation have noted the importance of donors' preferences, few have systematically surveyed the preferences of these contributors.[1] Those who have often fail to fully consider the unique geography of the donor population. While voters can select only candidates who appear on their local ballot, donors are free to support any candidate they want, regardless of their geographic location. This means that a legislator's "financial constituency" can span the entire country. Thus, surveys that ask whether a respondent contributed money often do not allow researchers to identify exactly whom they supported financially. Moreover, surveys that ask about donating behavior rely on self-reported indicators of donations rather than validated donation amounts. Finally, large surveys of voters are not intended to accurately represent the population of contributors, and thus the donors sampled therein are not representative of the population of contributors.

Against this backdrop, this study provides a first critical look at the degree of congruence between the voting behavior of legislators and campaign contributors' preferences. To measure the preferences of donors, I use data from an original survey of contributors to reelection-seeking senators in the 2012 general election. This survey provides a unique and previously unavailable in-depth look at the preferences and demographics of a difficult-to-reach population that scholarship as well as conventional wisdom suggests wields significant influence in government (Page, Bartels, and Seawright 2013).

To compare the degree to which donors' preferences align with the preferences of legislators and voters, I incorporate additional survey data and roll-call voting and estimate the preferences of these different groups of people on a unified ideological scale. Based on the joint ideological scaling of donors, voters, and senators, this paper reports three main findings. First, legislators closely represent the ideology of campaign contributors. Among both Republicans and Democrats, senators are ideologically closest to their contributors, further from their co-partisans (voters who share the party of their legislator), and further still from the average voter. Moreover, senators and

1. Bafumi and Herron (2010) and Francia et al. (2003) are notable exceptions.

contributors are nearly identical to one another in levels of income and wealth, while the average voter has nowhere near the financial resources of these two groups. Second, in contrast to the recent findings of Bafumi and Herron (2010), the results show that while legislators are ideologically polarized, they are not alone in their polarized positions. In 50 percent of states where incumbent senators stood for reelection, the median donor is *more* extreme than the senator they contributed to. In more than two-thirds of the states, more than one-third of donors are more ideologically extreme. Simply put, if donors have the ability to influence the types of people elected to office, the direction of this influence is likely toward the ideological extremes. Finally, senators from both parties are much more ideologically extreme than the median voter in their state. The degree of distance between senators and the typical voter is often as large as if voters had been randomly assigned a senator. Given that contributors are a small minority of the population (< 5 percent), these results could be worrisome for democratic governance and policymaking.

Whom Do Legislators Best Represent?

CONTRIBUTORS

Legislators spend a significant portion of their time fund-raising and place a high priority on raising significant sums of money (Francia and Herrnson 2001; Powell 2012). There are a number of reasons why legislators would devote such a significant proportion of their time to raising money. One of legislators' primary objectives is to win reelection (Mayhew 2004), and fund-raising is an important component of a successful election (or reelection) strategy. Conventional wisdom dictates that having more money to spend in a campaign provides candidates an electoral advantage (Stone and Simas 2010). This advantage may come through persuading undecided voters or mobilizing core supporters in a variety of ways. Better-funded candidates can advertise more often, canvass and mobilize a greater number of supporters, send more direct mail, and hire more and better-trained campaign staff. All of these expenditures have been shown to benefit candidates electorally (Brader 2005; Green and Gerber 2008; Hillygus and Shields 2009; Masket 2009; Levendusky and Darr 2013).

Additionally, fund-raising is a component of the electoral process that candidates can continuously measure and control. Candidates are constantly aware of the amount of money they have raised and can work to increase their financial reserves through additional fund-raising for months and years leading up to Election Day. This is one of only a few mechanisms by which candidates can continually work to improve their electoral prospects. Finally, even if candidates are relatively certain of their electoral success in the most immediate election cycle, farsighted candidates may raise money in the short term as insurance against the possibility of difficult campaigns in years to come. There may also be a variety of non-electoral goals that legislators may achieve through raising large sums of money. Candidates can use their war chests to signal to voters, potential challengers, the media, and other legislators their quality and ability as a viable candidate (Leal 2003).

Given these factors, the ideology of contributors should be an ever-present concern for candidates, and we would therefore expect candidates to hew closely to the preferences of their financiers. With this in mind, recent work suggests that individual donors are politically extreme and ideologically motivated when deciding whom to support (Bonica 2014). Given the primacy of ideological agreement when deciding whom to support, deviations from the preferences of contributors increase the possibility that donors may abandon the incumbent for another, more ideologically suitable candidate (Francia et al. 2005; Magleby, Goodliffe, and Olsen 2015). And while candidates may also raise money from access-oriented interest groups, in recent years the overwhelming bulk of senators' money comes from individual contributions (Jacobson 2013).

PRIMARY ELECTORATE

Legislators who lose their party's nomination in a primary election are either barred from running in the general election, or face significant disadvantages after losing the party's nomination. Thus, we may expect legislators to cater to the preferences of primary voters, who are ideologically extreme compared to voters who turn out only in general elections (Fiorina 1999). The literature, however, is mixed as to the degree to which primary elections cause legislators to be ideologically extreme. Brady, Han, and Pope (2007) find that primaries do have a polarizing effect. They show that moderate candidates perform worse in primary contests. This suggests that polarization of candidates may be due to candidates choosing to locate near the median of their primary electorate (Aldrich 1983; Owen and Grofman 2006).

However, recent work suggests that more open primary systems designed to encourage moderate, independent voters to participate have little effect on legislators' ideologies (Bullock and Clinton 2011; McGhee et al. 2014). A possible reason for this null effect could be the fact that ideological donors remain a constant influence regardless of the composition of the primary electorate. Thus, candidates still face financial incentives to remain extreme regardless of the primary system in their state. We can further evaluate these claims by looking at the ideological congruence between legislators and voters of the same party, since these voters are the majority of the primary electorate.

MEDIAN VOTER

Many spatial models of elections begin with Downs's (1957) model of party ideology. This class of models predicts that when voters select the candidate who is most similar to them ideologically, the winning candidate will hold the same ideological position as the median voter. Yet, numerous studies find that this basic model of candidate positioning does not hold in practice. Intervening factors such as partisan loyalties (Bartels 2000), persuasion efforts by candidates (Ashworth 2006), and non-ideological voters (Tausanovitch and Warshaw 2014) can allow candidates to take ideologically extreme positions. We can directly investigate these claims by looking at the degree of ideological congruence of legislators and the median voter in their state.

Several theoretical and empirical treatments of this question find that candidates can perform better by raising more money from ideologues at the possible expense of alienating the median voter (Baron 1994; Stone and Simas 2010). In addition to the value of raising money, the typical voter may simply not consider ideology when deciding whom to vote for. This would allow candidates to position themselves at the ideological extremes without fear of electoral consequences. Given the preeminence of party in determining vote choice, voters may forgive ideologically distant candidates of the same party even when a spatially closer candidate of the opposite party is available (Sniderman and Stiglitz 2012).

DESCRIPTIVE REPRESENTATION

Beyond the strategic considerations of candidates to appeal to the preferences of campaign contributors, it may be the case that legislators reflect the preferences of donors simply because candidates are demographically similar to contributors. Studies of descriptive representation suggest that "shared experiences" may be the underlying reason a representative prefers the interests of the group she most closely reflects (Mansbridge 1999). If the average legislator is demographically similar to the average campaign contributor (Carnes 2013), it may simply be the case that legislators reflect their preferences because they have more experience with the issues, concerns, and interests of these people. Empirically, if legislators are simply representing the preferences of the wealthy, it may also be the case that non-donors with similar demographic characteristics to donors are represented equally well.

Data and Methods

DONOR SURVEY

I measure the ideological preferences of donors with an original survey of campaign contributors conducted during the summer and fall of 2013.[2] Using

2. The donor survey was sponsored by Princeton University Department of Politics and funded by internal funding from the department, the Woodrow Wilson School of Public and International Affairs, and the Princeton Program in Political Economy. The survey was in the field from June 30, 2013, to November 25, 2013.

a survey that is drawn completely from the donor population provides a more accurate picture of the preferences of contributors than using surveys of the population that also ask whether the respondent contributed money. To illustrate this point, figure 1 shows the proportion of individual donations among Congressional candidates that came from small donors (those giving less than $200). The black lines show the same proportion of donors in the 2012 and 2010 CCES surveys. We see that the CCES survey dramatically oversamples small donors in relation to the typical Congressional fund-raising portfolio. This difference should come as no surprise, since the CCES is not intended to be representative of the donor population.

In the donor survey, the target population is donors who have given more than $200 to reelection-seeking senators and donors from the same party within these senators' states, regardless of whether they gave money to their particular senator. The sampling frame is drawn from the publicly available list of contributors that is compiled by the Federal Election Commission. An additional feature of the donor survey is that the sampling frame is based on validated donation data. The Federal Election Commission (FEC) requires that any contributor who gives more than $200 to a federal candidate register their name, contribution amount, contribution recipient, and address. Using the list of donors and addresses, I mailed 20,500 letters to contributors who are associated with the twenty-two senators who sought reelection in 2012. The

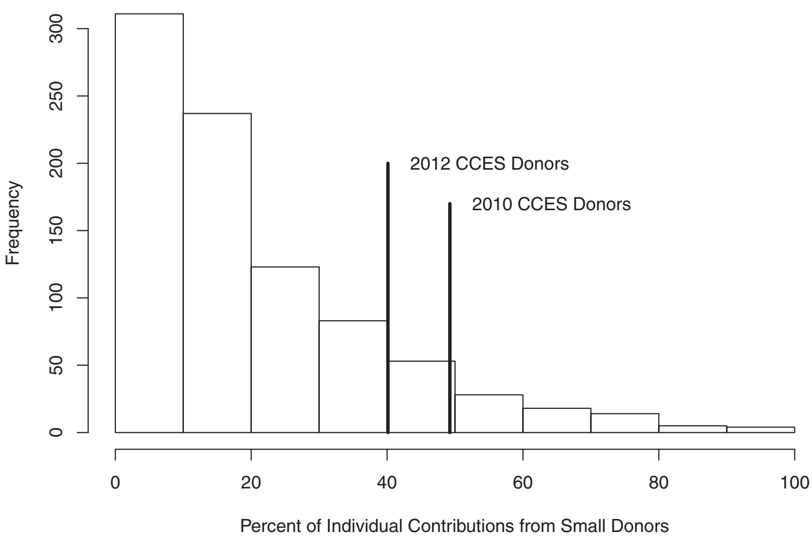

Figure 1. Percent of Individual Donations from Small Donors (< $200). The black lines indicate the proportion of donors in the CCES survey who qualify as small donors. The CCES contains many more small donors than most Congressional candidates' fund-raising portfolios.

letter asked the donors to complete an online survey regarding their political opinions. A detailed description of the survey invitation is available in section C of the online supplementary materials.

To draw the survey sample, I stratified the population of donors in four different ways. First, the sample is stratified by senator. Within each senator, I then randomly draw respondents from three different groups. The first group is donors who reside outside the senator's state yet contributed to the senator in the 2012 election cycle. This is an important population of contributors who are often missed in traditional surveys that identify respondents as contributors. This would not be concerning when studying the preferences of donors if senators raised a small proportion of their money from out-of-state sources. However, this is not the case. In fact, every reelection-seeking senator raised a significant proportion of individual contributions from out-of-state donors. Figure 2 shows that on average, incumbent senators seeking reelection raised nearly 50 percent of their individual contributions from out-of-state sources.

After sampling out-of-state donors, I next drew a random sample of within-state donors for each senator. These are contributors who both gave to the senator in the 2012 election cycle and reside in his or her state.

Finally, I drew a random sample of donors who reside in the same state as the senator, are of the same party as the senator, but did not contribute to the senator in this election cycle. The reason for sampling these same-party and same-state donors who did not give directly to the senator is illustrated in the right panel of figure 2. While incumbents raise a great deal of their individual contributions from out of state, the majority of challenger money comes from donors inside the challenger's state. Thus, incumbent senators may pay particular attention to in-state donors' preferences even if they are not giving directly to the senator, since any potential primary challenger is likely to raise most of her money from these people.

Figure A2 in the online supplementary materials shows the proportion of donors in each of these strata by senator. In addition, section A in the online

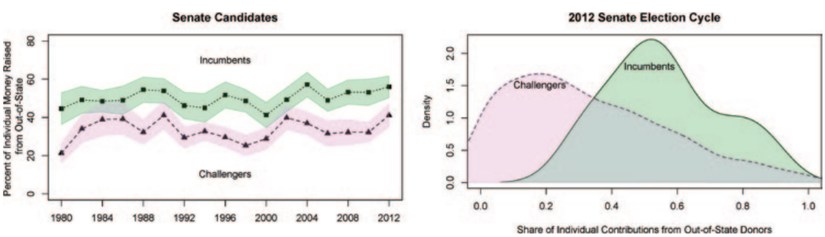

Figure 2. Out-of-State Individual Money. The left panel shows this relationship over time. Since 1980, incumbents have raised more of their individual money from out-of-state donors than challengers have (shown with 90 percent confidence intervals). The right panel shows the distribution of average shares of individual money coming from out-of-state donors in 2012.

supplementary materials discusses incentives used to increase response rates and survey weighting that brings the set of respondents closer to being representative of the population of donors. Of course, if those who responded to the survey are unrepresentative of the population of donors, this would bias any results derived from the survey. Low response rates, however, are less concerning if respondents are representative of the population of interest. For example, in a meta-analysis of surveys, Groves and Peytcheva (2008) finds no relationship between response rate and response bias. After applying post-survey weights, respondents are representative of the population of donors on donation amount, state of residence, and proportion of money given to either party, suggesting that the survey is a representative picture of donors' preferences.[3]

Within the survey, respondents were asked to state their preferences on a variety of policy questions as well as indicate how they would have voted if they had been asked to cast a roll-call vote for nine important votes that took place in the 112th Congress.[4] In addition, respondents also indicated their party affiliation, ideology, and approval for their representative, senator, and the president. Finally, they were asked a series of demographic questions. I use these responses in a statistical model to estimate each respondent's ideal point. The method of estimation is discussed later. The list of questions asked in the survey that are used in this model is included in section D of the supplementary materials online.

CCES SURVEY

To identify the ideal points of non-donating voters, I use responses to the 2012 Cooperative Congressional Election Study (CCES 2012). The 2012 CCES is a nationally representative survey of individuals conducted in October and November 2012. More than 50,000 people participated in the survey, providing ample responses to estimate the preferences of voters at the state level.[5] Similar to the donor survey, several of the questions in the CCES ask respondents to express their preferences on currently debated policies and political

3. To increase response rates, each letter contained a $1 bill as a token of appreciation for completing the survey. This technique has been shown to increase response rates dramatically (James and Bolstein 1990). The overall survey response rate was 14 percent (AAPOR response rate 1).
4. The roll-call questions asked of contributors were 1. Blocking EPA Regulations, 2. Payroll Tax Holiday, 3. US–Colombia FTA, 4. Patriot Act Renewal, 5. ACA Birth Control Coverage, 6. Affordable Care Act, 7. Bush Tax Cuts Extension, 8. Dodd Frank Bill, 9. End Don't Ask, Don't Tell.
5. The CCES survey was sponsored and funded by the various participating universities as well as through funding from the National Science Foundation. The response rate to the CCES survey was 35 percent (AAPOR response rate 1). In the CCES survey, the target population is the adult American public. In constructing the survey, YouGov/Polimetrix first take a random sample from the target population. This sample is a true probability sample. Second, for each member of the sample, they select one or more matching members from a pool of opt-in respondents. This is called the matched sample. The result is a sample of respondents who have the same measured characteristics as the target sample.

issues. Additionally, respondents are asked to indicate how they would have voted on a number of roll-call votes that took place in the 112th Congress.[6] A full list of questions used to estimate voters' ideal points is included in section D of the supplementary materials online.

SENATE ROLL-CALL VOTES

To estimate the ideological preferences of senators, I use the roll calls cast in the Senate during the 112th Congress. These data are collected and organized by Keith Poole (Poole 2014), and have previously been used to estimate the ideological positions of legislators on a number of occasions (Poole and Rosenthal 1997; Clinton, Jackman, and Rivers 2004; McCarty, Poole, and Rosenthal 2006). In the 112th Congress, senators cast 486 roll-call votes.

Statistical Model

To estimate the ideological positions of voters, donors, and legislators on a unified scale, I use a standard one-dimensional ideal-point model that produces one value for each respondent (Clinton, Jackman, and Rivers 2004). This parameter is a representation of the degree to which a person is liberal or conservative on a unidimensional policy scale. While ideal points are latent values, they are estimated by using observed data. In their most common application, these observed data have been roll-call votes cast in Congress where legislators either vote "yea" or "nay" for each proposal (Poole and Rosenthal 1997). However, the statistical estimation of ideal points is a burgeoning field in the study of American politics. Recent work has expanded the use of ideal-point models to incorporate a variety of actors, such as voters (Gerber and Lewis 2004), the president (Bailey 2007), Supreme Court justices (Martin and Quinn 2002), and state legislators (Shor and McCarty 2011). In the case of voters, scholars often use expressions of support for policies on a survey as a "yea" vote. It is this method that I use to estimate the ideal points of voters and donors.

One limitation of ideal-point models is that the estimated parameters are comparable only across actors who cast votes on the same questions. Following Bafumi and Herron (2010), I use questions that appear on both surveys as bridge votes. Moreover, to link survey respondents' ideologies to senators' ideal points, several questions in both surveys probe respondents' preferences on roll-call votes cast by senators. In the ideal-point model, there are 54,535 voters in the CCES survey who answered fifty questions used to

6. The specific roll-call votes are 1. Ryan Budget Bill, 2. Simpson-Bowles Budget Plan, 3. Middle Class Tax Cut Act, 4. Tax Hike Prevention Act, 5. ACA Birth Control Coverage, 6. US–Korea FTA, 7. Repeal Affordable Care Act, 8. Keystone Pipeline, 9. Affordable Care Act, 10. End Don't Ask, Don't Tell.

create binary responses. Similarly, in the donor survey there are 2,905 donors who answered fifty-three questions. Between these two surveys, twenty-three of the questions appear on both surveys and act as bridge votes. Senators cast 486 votes. Eleven of those votes appear on the CCES survey and the donor survey. A complete list of bridge votes for each survey is given in section D of the online supplementary materials.

To obtain the ideal points, I estimate a Bayesian item response model of the following form:

$$\Pr(y_{ij} = 1) = \Phi(\beta_{j'} x_i - \alpha_j). \tag{1}$$

In this model, which follows Clinton, Jackman, and Rivers (2004), y_{ij} is the expressed preference of legislator (or voter or donor) i on policy j, with $y_{ij} = 1$ indicating support for the policy. This vote is determined by the voter's latent ideal point x_i as well as parameters β_j and α_j, which are specific to each proposal.[7]

VALIDITY OF IDEAL POINTS

I validate each group of ideal-point estimates separately to show that the estimates align with other commonly used measures of political ideology. First, to validate the ideal points of senators in the 112th Congress, I compare each senator's estimated ideal point from the joint scaling method described above with his or her corresponding DW-NOMINATE score. The first panel in figure 3 shows that this bivariate correlation is extremely high (.98). Points represented by Xs show senators who were running for reelection.

To validate the estimates of voters' ideal points, I plot the distribution of estimated ideal points (*y*-axis) for respondents who indicated their self-placed ideology on a standard seven-point liberal to conservative scale (*x*-axis). The second panel in figure 3 shows that there is good internal consistency between voters' self-assessed ideologies and their estimated ideal points. The correlation is quite high (.77). Figure A8 in the supplementary materials online shows that this correlation exists when dividing voters by their party affiliation. Furthermore, figure A7 in the supplementary materials online shows that the ideal-point estimates of voters correlate well with external measures of ideology such as presidential vote shares at the state level.

To show that the estimated ideal points of donors are sensible, I make the same comparison as with voters. Donors' self-placed ideology is mapped on the *x*-axis of the right panel of figure 3. For each of the seven possible responses, I show the median estimated ideal point along with the 10th and 90th percentile estimate on the *y*-axis. Again, we see excellent consistency

7. While Clinton, Jackman, and Rivers (2004) provide a more detailed discussion of this statistical framework, a few specific features of the model are discussed in section E of the supplementary materials online.

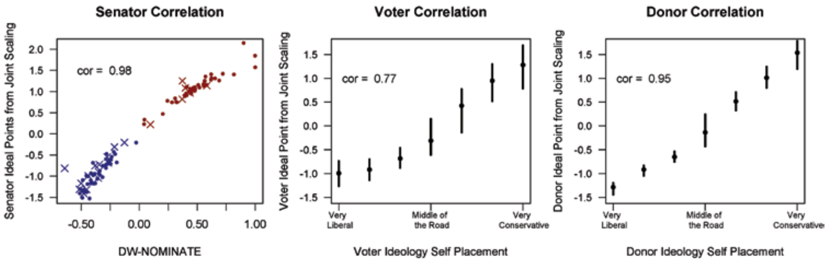

Figure 3. Validity of Ideal Point Estimates. The left panel shows the correlation between the ideal points of senators as estimated from the joint scaling procedure and the same senators' ideal points as estimated using DW-NOMINATE. The middle panel shows the correlation between voters' self-reported ideology in the CCES survey and their estimated ideologies using the joint scaling method. Each point is the average ideal point among voters for each option on a seven-point ideology question (with 10th to 90th percentiles shown). The right panel shows the correlation among donors from the donor survey.

with a correlation between the two measures of .95. Figure A9 in the supplementary materials online shows that this strong positive correlation exists when dividing donors by their party affiliation. Furthermore, section B.3 in the supplementary materials online demonstrates that moderates according to the ideal-point model are indeed politically moderate rather than simply inconsistent in their issue positions.

CONGRUENT REPRESENTATION

Using the estimated ideal points, I calculate the pairwise ideological distance between senators and donors, co-partisan voters, and all voters in the senator's state. Figure 4 shows distributions of the average pairwise distance between senators and voters (left panel) and senators and their donors (right panel). A value of zero indicates close ideological alignment between the voter (or donor) and the senator. With this in mind, we see much more congruence between senators and their donors than among their voters. In each panel, the two parties are plotted separately. The blue distribution (dashed line) shows the congruence among Democratic senators, and the red distribution (solid line) shows congruence among Republicans. The right panel of figure 4 indicates that congruence with donors is very high for senators of both parties. The left panel shows that senators from both parties are more extreme than the typical voter. The Republican (Democratic) distribution is shifted right (left), indicating that Republican (Democratic) senators are more conservative (liberal) than most of their voters.

Figure 5 considers ideological congruence with a number of important constituencies. Specifically, we see the average pairwise distance between senators

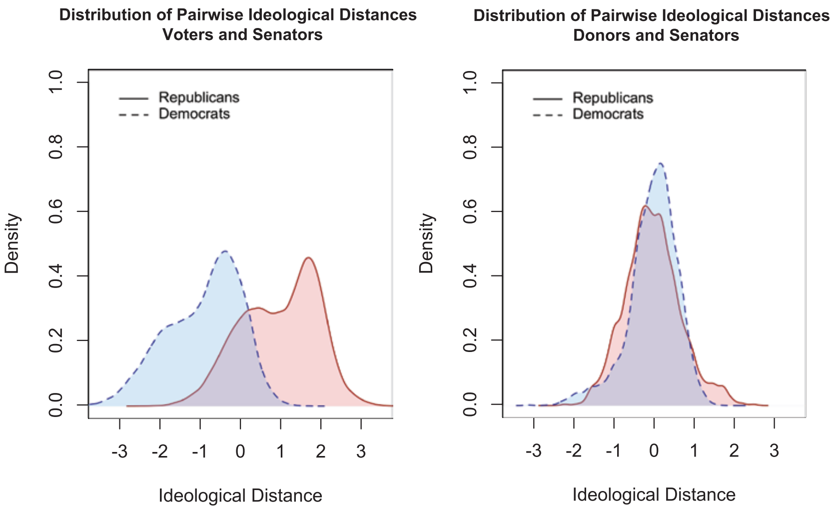

Figure 4. Distribution of Ideological Distances. The left panel shows the distribution of ideological distances between senators and all voters in their state. The right panel shows the distribution of ideological distances between senators and their donors. Senators' ideologies are quite similar to their donors'.

and voters, their co-partisans (potential primary voters), and their contributors. Across both Republican and Democratic senators, we see the greatest congruence between senators and contributors (N_{Dem} = 5,421, N_{Rep} = 1,384). Among co-partisans (N_{Dem} = 8,662, N_{Rep} = 1,306), there is less congruence (particularly among Democrats). Supporters are defined as voters who indicated that they voted for the senator in the 2012 election cycle. Here, we see slightly less congruence than among co-partisans and senators (N_{Dem} = 11,823, N_{Rep} = 1,885). Finally, there is a stark lack of congruence between senators and voters altogether (N_{Dem} = 16,741, N_{Rep} = 2,794). In other words, for both Republicans and Democrats, the average pairwise ideological distance between senators and contributors is significantly smaller than the average distance between senators and all voters in their state.

When divergence occurs, the estimates are in the direction of the ideological extremes. That is, Democratic senators are, on average, more liberal than their voters (a negative distance measure) and Republican senators are more conservative than their voters (a positive distance measure). Figure 5 shows the average distance among all senators and reelection-seeking senators so as to be comparable to the donor measure (the top point in figure 5), which looks only at donors and senators who sought reelection. These results are consistent with the theory outlined earlier that predicted legislators would be more ideologically similar to donors than to the average voter. Figure A10 in the supplementary materials online shows similar results using the

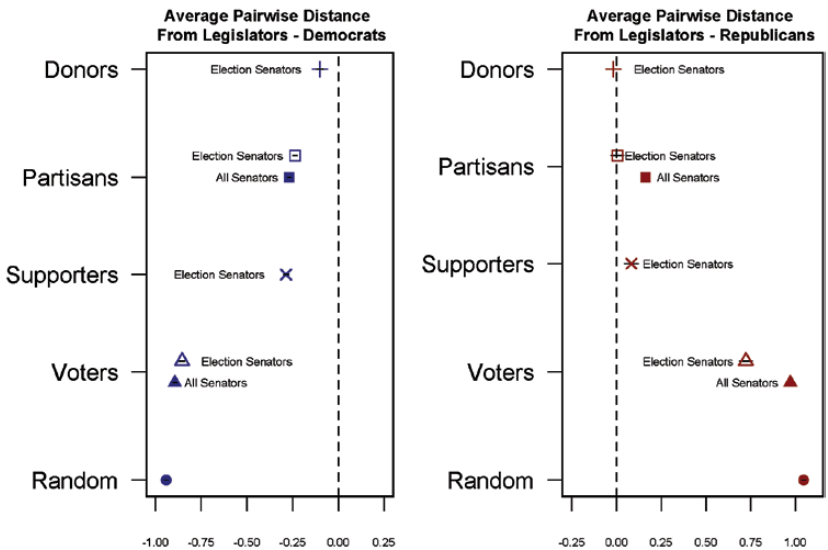

Figure 5. Average Distance between Legislators and Donors, Partisans, Supporters, and Voters. The distance is calculated by taking the mean of the difference between the senator's ideal point and voters' ideal points (or co-partisans, or donors, etc.). The degree of congruence between senators and donors is higher (the distance is nearly zero) than among any other group. Furthermore, we see no more congruence between senators and their voters than if legislators had been randomly assigned to voters. Points contain 95 percent confidence intervals, but are often too small to be seen.

median pairwise distance rather than the average ideological distance, as reported here.

How large are these differences? To give a sense of scale, I randomly assign each voter to a senator and calculate the distance between the voter and their randomly assigned senator. This provides a way of comparing the degree of congruence in the real world with a hypothetical system of "random representation." Insofar as the average distance between senators and their constituents is smaller than when randomly assigned, we can say that senators better represent their constituents on average than if these constituents had been randomly assigned representation. The results, however, are bleak for the average voter. As shown in figure 5, the average distance between Democratic senators and voters is –.89. This is only 5 percent smaller than the average distance between voters and their randomly assigned Democratic senator (–.94). The results for reelection-focused Democrats and their voters is slightly better. The average distance from voters in this case is –.85, which is 9 percent smaller than random assignment. The results among Republican senators is nearly the same. The average distance between Republican senators and their voters (.97) is only 6 percent smaller than the average distance between voters and a randomly assigned Republican senator (1.04). Again, reelection-seeking Republicans perform better. In this case, the average distance is .71, which is 30 percent smaller than random assignment.

Comparatively, congruence is much stronger when considering donors. Among Republicans, the average pairwise distance between senators and donors is indistinguishable from zero, indicating that on average, legislators espouse the ideological positions of donors nearly perfectly. This relationship also holds among Democratic senators. The average distance between donors and Democratic senators (–.12) is smaller than the distance between Democratic senators and any other group. Among both Republicans and Democrats, the average ideological congruence between senators and donors is nearly perfect.

Among partisans, congruence is better than the connection between voters and senators, but not as tight as the relationship between donors and senators. However, on average, Republican senators seeking reelection do as good a job of representing co-partisans as they do representing donors. Among Democrats, the average distance between senators and their co-partisans (–.27) is 72 percent smaller than random assignment and 66 percent smaller than the actual representation of voters by Democratic senators. Among reelection-seeking Democrats, congruence increases. The average distance between reelection-seeking Democratic senators and co-partisans decreases to –.24. This distance is still twice as large as the average distance among Democratic senators and contributors. Among Republicans, the average distance between senators and their co-partisans (.16) is 84 percent smaller than random assignment and 78 percent smaller than actual congruence between voters and Republican senators. Looking only at reelection-seeking Republicans, the average distance from co-partisans decreases to nearly zero.

Figure 6 shows the average ideological distance between senators and donors (circles) and senators and voters (triangles) for each state.[8] We see that in each state (except for two), the distance between donors and senators is smaller than voters and senators on average. The two cases where this is not true are Senators McCaskill in Missouri and Brown in Massachusetts. In both cases, the senator's party does not align with the party of the typical voter in the state. Given the partisan mismatches between the incumbent senator and voters, in these cases it is possible that these senators must pay particular attention to the preferences of average voters.

Another way of measuring representation among senators is to calculate the percentage of voters, co-partisans, and donors who are more extreme than the senator. To calculate this, I find the percentage of donors that have ideal points

8. The average number of donor responses per state is 346. The average number of voter responses per state is 754.

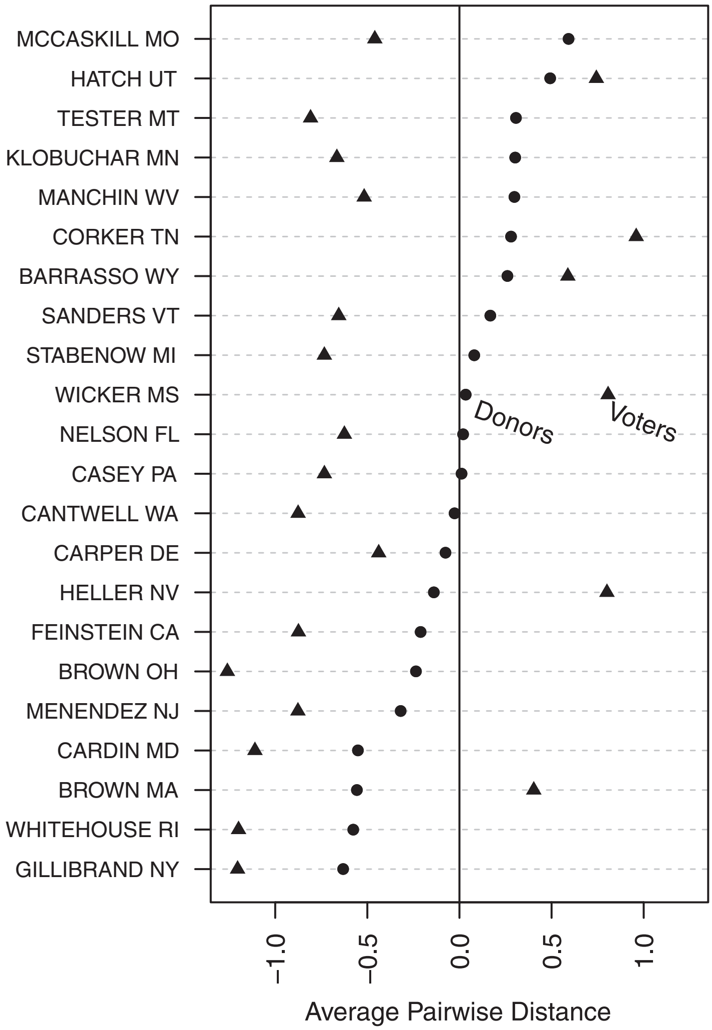

Figure 6. Average Ideological Distance by State. In twenty of the twenty-two cases, the average distance between donors and the senator is less than the average distance between voters and the senator.

to the left of Democratic senators or to the right of Republican senators. Figure 7 shows that contributors consistently hold ideological positions that are more extreme than the senator.[9] The story is quite different among voters and even supporters. In nearly every case, 75 percent of voters are less extreme than the senator, and in most cases a majority of supporters are less extreme than the senator.

9. The average number of supporter responses per state is 428.

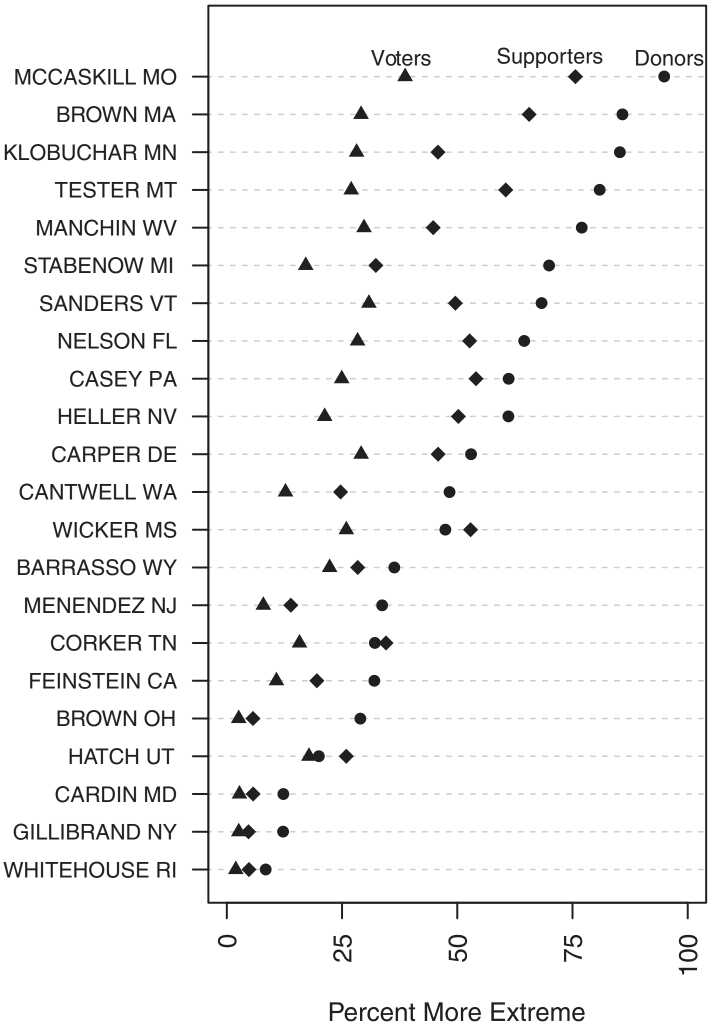

Figure 7. Percent of Respondents Who Are More Extreme Than Their Senator. In more than half of the cases, the majority of donors are more extreme than the senator. More extreme is defined as having an ideal point to the left of a Democratic senator or to the right of a Republican senator. Senators near the bottom of the figure are more extreme than nearly all voters, supporters, and donors.

While these results suggest dramatic difference in representation, they cannot directly speak to any causal effects. Nevertheless, the observational patterns are inconsistent with a number of prominent theories of legislative behavior. This inconsistency should cause us to reconsider many of these existing theories. First, the data do not comport with a story of legislators aligning with the median voter of their district. In every case, each senator is ideologically distant from the median voter in the state. Moreover, the data are also inconsistent with a theory of legislators strategically locating between some weighted ideological average between the median primary voter and the median general election voter. These are two commonly referenced theories of legislative behavior. The data are, however, consistent with a theory of legislators responding to and representing the average position of their donors. This congruence could be due to the pressures legislators feel to represent an important constituency that they consistently rely upon to fund their expensive campaigns. However, we should also note that these data alone cannot completely rule out the possibility that legislators share the average position of donors for some alternative reason. Future research should build upon these new findings to further establish strong causal relationships between donors' preferences and legislators' behavior in office. Establishing initial empirical patterns while also showing the causal pathways is a tall order for any one particular study.

DESCRIPTIVE REPRESENTATION

The previous section demonstrated tight congruence between donors' and senators' ideologies. Descriptive representation is another important consideration that allows us to disentangle a story of donors' influence over policy from a story of representation of donors' preferences based purely on demographic similarities between legislators and contributors.

Detailed measures of the income of campaign contributors are difficult to find.[10] Measures of donors' net wealth have never before been measured. Yet, numerous surveys show that the wealthy often hold distinctly different preferences from the poor and middle class (Gelman 2008; Page and Hennesey 2010; Page, Bartels, and Seawright 2013). Furthermore, scholars suggest that policy better reflects the preferences of the wealthy over the preferences of more numerous yet less affluent electorate (Bartels 2010; Gilens 2012). Thus, if the wealth of donors aligns more closely with the demographics of the Senate, this provides an additional piece of evidence to suggest that contributors are well represented by those in government. Furthermore, the ideological congruence between donors and senators provides a potential mechanism for previous findings that the preferences of the affluent are more often translated into policy: legislators listen to the preferences of the wealthy in order to obtain or maintain the flow of campaign contributions. Finally, large differences in the wealth of voters and their senators show yet another way in which there is a lack of congruence between voters and their senators (Carnes 2013).

10. Francia et al. (2003) is a notable exception.

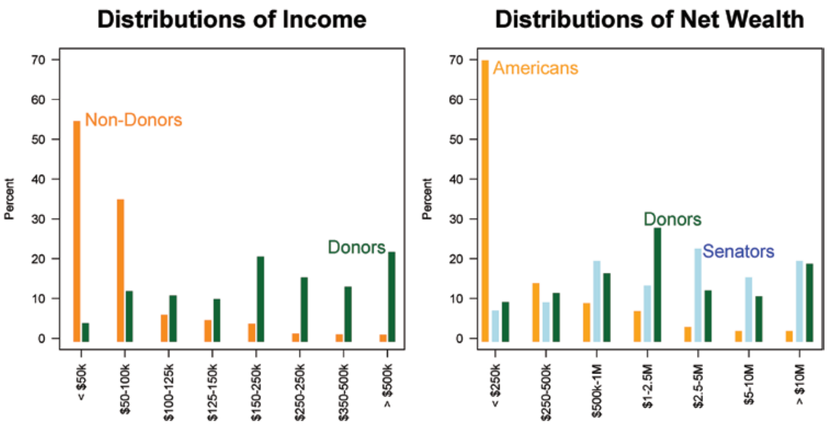

Figure 8. Income and Net Wealth of Americans, Donors, and Senators. The left panel shows the difference in distributions between voters who did not contribute money and donors surveyed in the donor survey. The green bars show the distribution of reported income of donors. The orange bars show the distribution of income of respondents in the CCES survey who did not contribute money. The right panel shows the distribution of reported wealth among Americans, donors, and senators in the 112th Congress. Data for Americans are reported by the Federal Reserve.

Figure 8 shows the distribution of income for non-donors from the CCES and contributors from the donor survey. On average, donors are much wealthier than non-donors. Among non-donors, more than half reported having an estimated annual family income of less than $50,000. This stands in sharp contrast to the less than 3 percent of donors who reported having a similar income. On the other hand, more than 30 percent of donors reported having a family income larger than $350,000, while less than 5 percent of non-donors have equally high incomes.

The difference between voters and their senators and the similarity between donors and senators becomes even more apparent when looking at wealth rather than income. To measure wealth of non-donors, I use the Federal Reserve's Survey of Consumer Finances calculation of American households' net worth. To measure senators' wealth, I use data provided by the Center for Responsive Politics (CRP 2014). The right panel of figure 8 shows that the distribution of wealth among donors is quite similar to the distribution of wealth among senators. Among both groups, a large proportion report a net worth of more than $10 million. This stands in stark contrast to the 69 percent of Americans who fall in the bottom category of the figure. These results show us that not only are contributors well represented in terms of policy, they are also well represented descriptively according to measures of income and wealth. The story is quite different among voters. Similar to the results for political preferences, legislators and voters are very different from one another when looking at income and wealth.

Is it the case, however, that the congruence between legislators' and contributors' political preferences is simply due to demographic similarities between these two groups? If the average legislator is demographically similar to the average campaign contributor, it may simply be the case that legislators reflect their preferences because they have more experience with the issues, concerns, and interests of wealthy people. If this is the case, then the theory suggesting that legislators choose to represent the preferences of donors because of their *influence* over legislators' electoral fates is less convincing.

Figure 9 shows that the story of donors' influence better fits the data than a story of purely descriptive representation. To test the influence theory against a story of descriptive representation, I look at the ideological congruence between legislators and equally wealthy non-donor voters. To do so, I subset the CCES data to only voters who reported having an income of $150,000 or more and recomputed the average pairwise distance between their ideal points and the ideal point of their legislator. This subset consists of the richest 4 percent of the CCES survey and represents the wealthiest 10 percent of Americans. The left panel in figure 9 shows that congruence between donors (N_{Dem} = 1,905, N_{Rep} = 954) remains stronger than among wealthy non-donors (N_{Dem} = 6,271, N_{Rep} = 4,527). Among Democrats and Republicans, the average pairwise distance for donors is smaller than the same measure for non-donors.

As a final test, I consider only those donors and voters with incomes less than $125,000 and calculate the average pairwise distance between these respondents and their senator. This subset contains the overwhelming majority (93 percent) of CCES survey respondents while including only the bottom

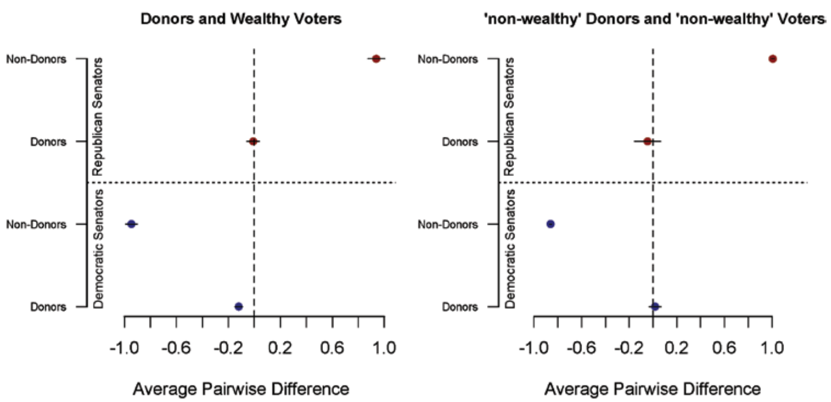

Figure 9. Average Distance between Senators, Donors, and Wealthy Voters. We see that even when considering only wealthy voters, congruence is larger among donors than among non-donors.

25 percent of donors. The right panel of figure 9 shows that ideological congruence among these less affluent donors (N_{Dem} = 664, N_{Rep} = 289) remains high while the distance between legislators and voters is still much larger (N_{Dem} = 36,866, N_{Rep} = 30,532).

Figure A12 in the supplementary materials online shows these same comparisons but considers only wealthy and less affluent co-partisans rather than all voters in a senator's state. In both cases, donors retain the smallest average ideological distance from senators, even when looking only among the wealthy.

Discussion and Conclusion

Whom do legislators represent while in office? This paper shows that senators are most representative of campaign contributors. I illustrate this point by estimating the ideological positions of legislators, voters, and contributors on a unified ideological scale. I do this by linking roll-call votes by senators in the 112th Congress with survey responses of voters in the CCES and of donors in an original survey of campaign contributors. Results show that legislators' ideologies most closely align with the preferences of campaign contributors while senators' ideal points are quite distant from the ideological preferences of the average voter. The distance between voters and their senator is nearly as large as if voters were randomly assigned to their senator, indicating that congruence between voters and their representatives in Congress is quite weak. However, in states in which senators' parties do not align with the majority of the voters in their state, the tie between legislators and the median voter appears to be stronger. In these cases, the average distance between voters and their senator is significantly smaller while the distance between legislators and contributors increases. In addition to closely representing the policy preferences of contributors, senators are also very similar to contributors demographically on measures of income and wealth. On the other hand, they are significantly wealthier than the average non-contributing voter.

The results presented above are consistent with a theory in which legislators adhere to the ideological preferences of their contributors. However, it could also be the case that we could observe perfect congruence between legislators and donors in a hypothetical scenario in which legislators were more moderate. The logic behind this hypothetical argument is that if donors choose to support the legislator that is ideologically closest to them, then regardless of where legislators position themselves, we should observe ideological congruence between donors and legislators. The problem with this argument is that there is a distinct lack of moderate donors. Thus, if legislators were to locate at the center, they would expose themselves to the possibility of another candidate entering with an ideologically extreme position that aligns more closely with the typical donor.

Another important consideration is that the present study cannot completely answer the question of causality—that is, if we were to exogenously change the ideological composition of a legislator's donors, would that legislator adjust his or her ideology accordingly? Uncovering this relationship in a causal framework would be a difficult and impressive undertaking. However, before establishing this important relationship, it is equally important to first demonstrate the fact that the ideologies of contributors and legislators are so similar. This empirical fact in and of itself has thus far been difficult to establish. Thus, future work should take up the important next step of showing not only whom senators best represent, but also why.

Many scholars of democratic governance suggest that successful democratic governance requires that legislators represent the preferences of their constituents (Dahl 1971; Gilens 2005). The results presented here illustrate that the level of representation is not distributed uniformly—rather, it is highly correlated with a person's willingness to support a legislator financially, which in turn is a function of wealth and income. This relationship has large implications for the direction of public policy, but may also impact feelings of efficacy, trust, and political equality among the American public.

Appendix

Wording and presentation of roll-call questions in the donor survey:

The following is a list of bills that have recently been voted on by Congress. Please indicate whether or not you support or oppose each of the following policies.

* EPA Amendment: Vote to repeal the EPA's finding that greenhouse gases endanger human health and the environment as well as block the EPA from regulating greenhouse gases and weaken fuel economy standards.
* Extension of the Payroll Tax Holiday and Unemployment Insurance Benefits: Vote to extend through the end of 2012 the payroll tax holiday and unemployment insurance benefits.
* US–Colombia Free Trade Agreement: Vote to approve a free trade agreement between the United States and Colombia.
* Patriot Act Renewal: Vote to renew the government's Patriot Act powers to search records and conduct roving wiretaps in pursuit of terrorists.
* Birth Control Coverage: Vote to prevent employers from opting out of birth control coverage in health policies unless the employer is a religious organization with moral objections.
* Affordable Care Act: Vote to require all Americans to purchase health insurance, set up health insurance exchanges, and increase taxes on those making more than $280,000 a year.
* American Tax Payer Relief Act: Vote to permanently extend the Bush-era tax cuts for individuals making less than $400,000 per year.

* Dodd-Frank Financial Reform Bill: Vote to increase oversight of financial institutions and establish a Bureau of Consumer Financial Protection.
* End Don't Ask, Don't Tell: Vote to allow gays to openly serve in the armed services.

Wording and presentation of roll-call questions in the CCES Survey:

Congress considered many important bills over the past two years. For each of the following, tell us whether you support or oppose the legislation in principle.

* 2011 House Budget Plan. The Budget plan would cut Medicare and Medicaid by 42 percent. Would reduce debt by 16 percent by 2020.
* Simpson-Bowles Budget Plan. Plan would make 15 percent cuts across the board in Social Security, Medicare, Medicaid, and Defense, as well as other programs. Eliminate many tax breaks for corporations. Would reduce debt by 21 percent by 2020.
* The Middle Class Tax Cut Act. Would extend Bush-era tax cuts for incomes below $200,000. Would increase the budget deficit by an estimated $250 billion.
* The Tax Hike Prevention Act. Would extend Bush-era tax cuts for all individuals, regardless of income. Would increase the budget deficit by an estimated $405 billion.
* Birth Control Exemption. A bill to let employers and insurers refuse to cover birth control and other health services that violate their religious beliefs.
* US–Korea Free Trade Agreement. Would remove tariffs on imports and exports between South Korea and the United States.
* Repeal Affordable Care Act. Would repeal the Affordable Care Act.
* Keystone Pipeline. A bill to approve the Keystone XL Pipeline from Montana to Texas and provide for environmental protection and government oversight.
* Affordable Care Act of 2010. Requires all Americans to obtain health insurance. Allows people to keep current provider. Sets up health insurance option for those without coverage. Increases taxes on those making more than $280,000 a year.
* End Don't Ask, Don't Tell. Would allow gays to serve openly in the armed services.

Supplementary Data

Supplementary data are freely available online at http://poq.oxfordjournals.org/.

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Exhibit 14

Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens

Martin Gilens and Benjamin I. Page

Each of four theoretical traditions in the study of American politics—which can be characterized as theories of Majoritarian Electoral Democracy, Economic-Elite Domination, and two types of interest-group pluralism, Majoritarian Pluralism and Biased Pluralism—offers different predictions about which sets of actors have how much influence over public policy: average citizens; economic elites; and organized interest groups, mass-based or business-oriented.

A great deal of empirical research speaks to the policy influence of one or another set of actors, but until recently it has not been possible to test these contrasting theoretical predictions against each other within a single statistical model. We report on an effort to do so, using a unique data set that includes measures of the key variables for 1,779 policy issues.

Multivariate analysis indicates that economic elites and organized groups representing business interests have substantial independent impacts on U.S. government policy, while average citizens and mass-based interest groups have little or no independent influence. The results provide substantial support for theories of Economic-Elite Domination and for theories of Biased Pluralism, but not for theories of Majoritarian Electoral Democracy or Majoritarian Pluralism.

Who governs? Who really rules? To what extent is the broad body of U.S. citizens sovereign, semi-sovereign, or largely powerless? These questions have animated much important work in the study of American politics.

While this body of research is rich and variegated, it can loosely be divided into four families of theories: *Majoritarian Electoral Democracy*, *Economic-Elite Domination*, and two types of interest-group pluralism—*Majoritarian Pluralism*, in which the interests of all citizens are more or less equally represented, and *Biased Pluralism*, in which corporations, business associations, and professional groups predominate. Each of these perspectives makes different predictions about the independent influence upon U.S. policy making of four sets of actors: the *Average Citizen* or "median voter," *Economic Elites,* and *Mass-based* or *Business-oriented Interest Groups* or industries.

Each of these theoretical traditions has given rise to a large body of literature. Each is supported by a great deal of empirical evidence—some of it quantitative, some historical, some observational—concerning the importance of various sets of actors (or, all too often, a single set of actors) in U.S. policy making. This literature has made important contributions to our understanding of how American politics works and has helped illuminate how democratic or undemocratic (in various senses) our policy making process actually is. Until very recently, however, it has been impossible to test the differing predictions of these theories against each other within a single statistical model that permits one to analyze the independent effects of each set of actors upon policy outcomes.

Here—in a tentative and preliminary way—we offer such a test, bringing a unique data set to bear on the problem. Our measures are far from perfect, but we hope that this first step

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A permanent link to supplementary materials provided by the authors precedes the References section.

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will help inspire further research into what we see as some of the most fundamental questions about American politics.

The central point that emerges from our research is that economic elites and organized groups representing business interests have substantial independent impacts on U.S. government policy, while mass-based interest groups and average citizens have little or no independent influence. Our results provide substantial support for theories of Economic-Elite Domination and for theories of Biased Pluralism, but not for theories of Majoritarian Electoral Democracy or Majoritarian Pluralism.

In what follows, we briefly review the four theoretical traditions that form the framework for our analyses and highlight some of the most prominent empirical research associated with each. We then describe our data and measures and present our results. We conclude by discussing the implications of our work for understanding American democracy and by identifying some of the directions for future research that our findings suggest.

Four Theoretical Traditions

Each of the four theoretical traditions we are addressing has produced a body of literature much too vast to review in detail here. We can only allude to a few central pieces of work in each tradition. And we must acknowledge that a particular scholar's work does not always fall neatly into a single category. Some scholars work across—or independently of—our theoretical categories, embracing multiple influences and complex processes of policy making. Here we focus on ideal types of theory, for the purpose of outlining certain distinctive predictions that those types of theory tend to make. Given the nature of our data, we focus on the societal *sources* of influence that these theories posit, rather than on the *mechanisms* of influence that they discuss.

Majoritarian Electoral Democracy

Theories of majoritarian electoral democracy, as positive or empirical theories, attribute U.S. government policies chiefly to the collective will of average citizens, who are seen as empowered by democratic elections. Such thinking goes back at least to Tocqueville, who (during the Jacksonian era) saw American majorities as "omnipotent"—particularly at the state level—and worried about "tyranny of the majority."[1] It is encapsulated in Abraham Lincoln's reference to government "of the people, by the people, for the people," and was labeled by Robert Dahl "populistic democracy."[2]

An important modern incarnation of this tradition is found in rational choice theories of electoral democracy, in which vote-seeking parties or candidates in a two-party system tend to converge at the mid-point of citizens' policy preferences. If preferences are jointly single-peaked so that they can be arrayed along a single dimension, the "median voter theorem"—posited verbally by Harold Hotelling, proved by Duncan Black, and popularized by Anthony Downs in his *Economic Theory of Democracy*—states that two vote-seeking parties will both take the same position, at the center of the distribution of voters' most-preferred positions. Under the relevant assumptions, public policy that fits the preferences of the median voter is not only the empirically-predicted equilibrium result of two-party electoral competition; as the "Condorcet winner" it also has the normative property of being the "most democratic" policy, in the sense that it would be preferred to any alternative policy in head-to-head majority-rule voting by all citizens.[3]

Subsequent "chaos" results by social choice theorists, starting with Kenneth Arrow, have indicated that the median voter prediction follows logically only for unidimensional politics. If citizens' preference orderings are not unidimensional and are sufficiently diverse, majority rule—hence also two-party electoral competition—might not lead to any equilibrium outcome at all.[4] It is important to note, however, that what *might* theoretically happen will not necessarily ever happen in practice. Real-world outcomes depend upon how institutions are organized and how preferences are actually configured.

Despite the "chaos" results, and despite many criticisms of the median-voter theorem as simplistic and empirically inapplicable or wrong,[5] a good many scholars—probably more economists than political scientists among them—still cling to the idea that the policy preferences of the median voter tend to drive policy outputs from the U.S. political system. A fair amount of empirical evidence has been adduced—by Alan Monroe; Benjamin Page and Robert Shapiro; Robert Erikson, Michael MacKuen, and James Stimson (authors of the very influential *Macro Polity*); and others—that seems to support the notion that the median voter determines the results of much or most policy making. This evidence indicates that U.S. federal government policy is consistent with majority preferences roughly two-thirds of the time; that public policy changes in the same direction as collective preferences a similar two-thirds of the time; that the liberalism or conservatism of citizens is closely associated with the liberalism or conservatism of policy across states; and that fluctuations in the liberal or conservative "mood" of the public are strongly associated with changes in the liberalism or conservatism of policy in all three branches of government.[6]

The fly in the ointment is that none of this evidence allows for, or explicitly assesses, the impact of such variables as the preferences of wealthy individuals, or the preferences and actions of organized interest groups, which may independently influence public policy while perhaps being positively associated with public opinion—thereby producing a spurious statistical relationship between opinion and policy.

Recent research by Larry Bartels and by one of the present authors (Gilens), which explicitly brings the preferences of "affluent" Americans into the analysis along with the preferences of those lower in the income distribution, indicates that the apparent connection between public policy and the preferences of the average citizen may indeed be largely or entirely spurious.[7]

The "electoral reward and punishment" version of democratic control through elections—in which voters retrospectively judge how well the results of government policy have satisfied their basic interests and values, and politicians enact policies in anticipation of judgments that they expect will later be made by what V.O. Key, Jr., called "latent" public opinion—might be thought to offer a different prediction: that policy will tend to satisfy citizens' underlying needs and values, rather than corresponding with their current policy preferences.[8] We cannot test this prediction because we do not have—and cannot easily imagine how to obtain—good data on individuals' deep, underlying interests or values, as opposed to their expressed policy preferences. But the evidence that collective policy preferences are generally rather stable over time suggests that expressed collective policy preferences may not often diverge markedly from subsequently manifested "latent" preferences. They may do so only under special circumstances, such as economic recessions or disastrous wars.[9] If so, the electoral-reward-and-punishment type of democratic theory, too, predicts that most of the time public policy will respond to the current policy preferences of the average citizen.

Economic-Elite Domination

A quite different theoretical tradition argues that U.S. policy making is dominated by individuals who have substantial economic resources, i.e., high levels of income or wealth—including, but not limited to, ownership of business firms.

Not all "elite theories" share this focus. Some emphasize social status or institutional position—such as the occupancy of key managerial roles in corporations, or top-level positions in political parties, in the executive, legislative, or judicial branches of government, or in the highest ranks of the military. Some elite theories postulate an amalgam of elites, defined by combinations of social status, economic resources, and institutional positions, who achieve a degree of unity through common backgrounds, coinciding interests, and social interactions.

For example, C. Wright Mills' important book, *The Power Elite*, offers a rather nuanced account of how U.S. social, economic, political, and military elites have historically alternated in different configurations of dominance. Mills noted that his elites derived in substantial proportions from the upper classes, including the very rich and corporate executives, but their elite status was not defined by their wealth.[10] Our focus here is on theories that emphasize the policy-making importance of *economic* elites.

Analyses of U.S. politics centered on economic elites go back at least to Charles Beard, who maintained that a chief aim of the framers of the U.S. Constitution was to protect private property, favoring the economic interests of wealthy merchants and plantation owners rather than the interests of the then-majority small farmers, laborers, and craft workers. A landmark work in this tradition is G. William Domhoff's detailed account of how elites (working through foundations, think-tanks, and an "opinion-shaping apparatus," as well as through the lobbyists and politicians they finance) may dominate key issues in U.S. policy making despite the existence of democratic elections. Philip A. Burch has exhaustively chronicled the economic backgrounds of federal government officials through American history. Thomas Ferguson's analysis of the political importance of "major investors" might be seen as a theory of economic elites. Most recently, Jeffrey Winters has posited a comparative theory of "Oligarchy," in which the wealthiest citizens—even in a "civil oligarchy" like the United States—dominate policy concerning crucial issues of wealth and income protection.[11]

Our third and fourth theoretical traditions posit that public policy generally reflects the outcome of struggle among organized interest groups and business firms.[12]

Majoritarian Pluralism

The roots of what we can characterize as theories of "majoritarian" interest-group pluralism go back to James Madison's *Federalist Paper* No. 10, which analyzed politics in terms of "factions"—a somewhat fuzzy concept that apparently encompassed political parties and even popular majorities, as well as what we would today consider organized interest groups, business firms, and industrial sectors. Madison argued that struggles among the diverse factions that would be found in an extensive republic would lead to policies more or less representative of the needs and interests of the citizenry as a whole—or at least would tend to defeat "tyrannical" policies, including the much-feared issuance of inflationary paper money that might cater to local majority factions of farmer-debtors but would be costly to merchant creditors.[13]

In the twentieth century, Arthur Bentley's *The Process of Government* and then David Truman's monumental *The Governmental Process* put groups at the center of political analysis, laying out a detailed picture of how organized interest groups might get their way. Truman offered a comprehensive and still-interesting catalogue of lobbying techniques and other methods of group influence. He also added an ingenious gloss to Madison that tends to increase both the plausibility and the normative appeal of majoritarian interest-group pluralism: the assertion that *all* interests have at least a minimum of influence in group-dominated policy making, because policy makers must (in order to avoid subsequent punishment) heed all "potential" groups that would form if their interests were trampled upon.[14]

Robert Dahl's analysis of New Haven city politics was Madisonian or Truman-like in its insistence that many (all?) diverse interests were represented, though Dahl focused as much on active members of the general public as on organized groups. Dahl's analyses of American politics in terms of "polyarchy" or "pluralist democracy" also come close to our ideal type of majoritarian pluralist theory, since they imply that the wants or needs of the average citizen tend to be reasonably well served by the outcomes of interest-group struggle. Several contemporary analysts of interest-group politics likewise appear to accept (at least implicitly) a picture of group struggle that results in more or less majoritarian results.[15]

A major challenge to majoritarian pluralist theories, however, is posed by Mancur Olson's argument that collective action by large, dispersed sets of individuals with individually small but collectively large interests tends to be prevented by the "free rider" problem. Barring special circumstances (selective incentives, byproducts, coercion), individuals who would benefit from collective action may have no incentive to personally form or join an organized group. If everyone thinks this way and lets George do it, the job is not likely to get done. This reasoning suggests that Truman's "potential groups" may in fact be unlikely to form, even if millions of peoples' interests are neglected or harmed by government. Aware of the collective action problem, officials may feel free to ignore much of the population and act against the interests of the average citizen.[16]

Biased Pluralism

Olson's argument points toward an important variant line of thinking within the pluralist tradition: theories of "*biased*" pluralism, which posit struggles among an unrepresentative universe of interest groups—characterized by E.E. Schattschneider as a heavenly chorus with an "upper-class accent," and more recently dubbed by Kay Lehman Schlozman, Sidney Verba, and Henry Brady an "unheavenly chorus." Theories of biased pluralism generally argue that both the thrust of interest-group conflict and the public policies that result tend to tilt toward the wishes of corporations and business and professional associations.[17]

Schattschneider suggested that policy outcomes vary with the "scope of conflict": for example, that business-oriented interest groups tend to prevail over ordinary citizens when the scope is narrow and visibility is low. Grant McConnell added the idea that the actual "constituencies" of policy implementers can consist of powerful groups. George Stigler (articulating what some economists have scorned as "Chicago Marxism") analyzed the politics of regulation in terms of biased pluralism: the capture of regulators by the regulated. Charles Lindblom outlined a number of ways—including the "privileged position" of business—in which business firms and their associations influence public policy. Thomas Ferguson has posited an "investment theory" of politics in which "major investors"—especially representatives of particular industrial sectors—fund political parties in order to get policies that suit their economic interests. Fred Block's "neo-Polanyian" analysis emphasizes groups. Jacob Hacker and Paul Pierson's analysis of "winner-take-all-politics," which emphasizes the power of the finance industry, can be seen as a recent contribution to the literature of biased pluralism.[18]

Marxist and neo-Marxist theories of the capitalist state hold that economic *classes*—and particularly the bourgeoisie, the owners of the means of production—dominate policy making and cause the state to serve their material interests. As the *Communist Manifesto* put it, "The bourgeoisie has . . . conquered for itself, in the modern representative State, exclusive political sway. The executive of the modern State is but a committee for managing the common affairs of the whole bourgeoisie."[19] We cannot precisely test the predictions of such theories, because we lack good measures of policy preferences by economic class. (In Marxist theory, neither income nor wealth accurately signals class position.) We can note, however, that certain "instrumentalist" Marxist theories, including the important version put forth by Ralph Miliband, make predictions resembling those of theories of Biased Pluralism: that interest groups and corporations representing "large scale business" tend to prevail.[20]

As to empirical evidence concerning interest groups, it is well established that organized groups regularly lobby and fraternize with public officials, move through revolving doors between public and private employment, provide self-serving information to officials, draft legislation, and spend a great deal of money on election campaigns.[21] Moreover, in harmony with theories of biased pluralism, the evidence clearly indicates that most interest groups and lobbyists represent business firms or professionals. Relatively few represent the poor or even the economic interests of ordinary workers, particularly now that the U.S. labor movement has become so weak.[22]

But do interest groups actually influence policy? Numerous case studies have detailed instances in which all but the most dedicated skeptic is likely to perceive interest-group influence at work. A leading classic remains Schattschneider's analysis of the 1928 enactment of the Smoot-Hawley tariff, an astounding orgy of pork-barrel politics.[23] Still, many quantitatively-oriented political scientists seem to ignore or dismiss such non-quantitative evidence. There have also been some efforts (particularly during the Cold War era, when unflattering depictions of U.S. politics may have been thought unpatriotic) to demonstrate that interest groups have no influence on policy at all. Raymond Bauer, Ithiel Pool, and Lewis Anthony Dexter argued that business had little or no effect on the renewal of reciprocal trade authority. Lester Milbrath, having conducted interviews with lobbyists and members of Congress, rated lobbyists' influence as very low.

More recently, Fred McChesney has made the ingenious argument that campaign contributions from interest groups may not represent quid pro quo bribery attempts by groups, but instead result from extortion by politicians who threaten to harm the groups' interests.[24]

Very few studies have offered quantitative evidence concerning the impact of interest groups based on a number of different public policies. Important exceptions include the work of Mark Smith and that of Frank Baumgartner, Jeffrey Berry, Marie Hojnacki, David Kimball, and Beth Leech.[25]

Mark Smith examined 2,364 "business unity" issues—over a period of four decades—on which the U.S. Chamber of Commerce (arguably a reasonable proxy for business groups as a whole, on this particular set of issues where most businesses agreed) took a public stand for or against. He then calculated six measures of the Chamber's annual rate of "success" at getting the action or inaction it favored from Congress.[26] The Chamber's average success rate in terms of proportion of bills enacted or defeated appears to have been fairly high,[27] but Smith did not argue that such success necessarily demonstrates influence. (A batting-average approach to influence would have to assume that stand-taking is unrelated to expectations of success. Further, in order to gauge business's independent impact and avoid spurious results, data on stands taken by other actors would need to be included as well.) Instead, Smith devoted most of his effort to analyzing the over-time correlates of high or low success, such as variations in the public "mood" and in the partisan composition of Congress.

Frank Baumgartner and his colleagues, in their meticulous examination of 98 cases of congressional policy making in which interest groups were active, investigated whether the magnitude of group resources that were deployed was related to outcomes across those cases. In their multivariate analyses, Baumgartner et al. found a modest tendency for policy outcomes to favor the side that enjoyed greater resources (PAC contributions, lobbying expenditures, membership size, etc.).[28]

Prior to the availability of the data set that we analyze here, no one we are aware of has succeeded at assessing interest-group influence over a comprehensive set of issues, while taking into account the impact of either the public at large or economic elites—let alone analyzing all three types of potential influences simultaneously.

Testing Theoretical Predictions

What makes possible an empirical effort of this sort is the existence of a unique data set, compiled over many years by one of us (Gilens) for a different but related purpose: for estimating the influence upon public policy of "affluent" citizens, poor citizens, and those in the middle of the income distribution.

Gilens and a small army of research assistants[29] gathered data on a large, diverse set of policy cases: 1,779 instances between 1981 and 2002 in which a national survey of the general public asked a favor/oppose question about a proposed policy change. A total of 1,923 cases met four criteria: dichotomous pro/con responses, specificity about policy, relevance to federal government decisions, and categorical rather than conditional phrasing. Of those 1,923 original cases, 1,779 cases also met the criteria of providing income breakdowns for respondents, not involving a Constitutional amendment or a Supreme Court ruling (which might entail a quite different policy-making process), and involving a clear, as opposed to partial or ambiguous, actual presence or absence of policy change. These 1,779 cases do not constitute a sample from the universe of all possible policy alternatives (this is hardly conceivable), but we see them as particularly relevant to assessing the public's influence on policy. The included policies are not restricted to the narrow Washington "policy agenda." At the same time—since they were seen as worth asking poll questions about—they tend to concern matters of relatively high salience, about which it is plausible that average citizens may have real opinions and may exert some political influence.[30]

For each case, Gilens used the original survey data to assess responses by income level. In order to cope with varying income categories across surveys, he employed a quadratic logistic regression technique to estimate the opinions of respondents at the tenth income percentile (quite poor), the fiftieth percentile (median), and the ninetieth percentile (fairly affluent).[31]

Here we use these policy preference data to measure—imperfectly, but, we believe, satisfactorily—two independent variables posited as major influences upon policy making in the theoretical traditions discussed above.

Policy preferences at the fiftieth income percentile—that is, the preferences of the *median-income* survey respondent—work quite well as measures of the preferences of the average citizen (or, more precisely, the median non-institutionalized adult American), which are central to theories of Majoritarian Electoral Democracy.[32] In all cases in which the relationship between income and preferences is monotonic, and in all cases in which there is no systematic relationship at all between the two, the preferences of the median-income respondent are identical to those of the median-preference respondent. In the remaining cases the two are very close to each other.[33]

We believe that the preferences of "affluent" Americans at the ninetieth income percentile can usefully be taken as proxies for the opinions of wealthy or very-high-income Americans, and can be used to test the central predictions of Economic-Elite theories. To be sure, people at the ninetieth income percentile are neither very rich nor very elite; in 2012 dollars, Gilens' "affluent" respondents received only about $146,000 in annual household income. To the extent that their policy preferences differ from those of average-income citizens, however, we would argue that there are likely to be similar but bigger differences between average-income citizens and the truly wealthy.

Some evidence for this proposition comes from the 2011 Cooperative Congressional Election Study.[34] Based on 13 policy-preference questions asked on this survey, the preferences of the top 2 percent of income earners (a group that might be thought "truly wealthy") are much more highly correlated with the preferences of the top 10 percent of earners than with the preferences of the average survey respondent ($r=.91$ versus $.69$).[35] Thus, the views of our moderately high-income "affluent" respondents appear to capture useful information about the views of the truly wealthy.

In any case, the imprecision that results from use of our "affluent" proxy is likely to produce *under*estimates of the impact of economic elites on policy making. If we find substantial effects upon policy even when using this imperfect measure, therefore, it will be reasonable to infer that the impact upon policy of truly wealthy citizens is still greater.[36]

In order to measure interest-group preferences and actions, we would ideally like to use an index of the sort that Baumgartner and his colleagues developed for their ninety-eight policy issues: an index assessing the total resources brought to bear by all major interest groups that took one side or the other on each of our 1,779 issues. But it is not feasible to construct such an index for all our cases; this would require roughly twenty times as much work as did the major effort made by the Baumgartner research team on their cases. Fortunately, however, Baumgartner et al. found that a simple proxy for their index—the number of reputedly "powerful" interest groups (from among groups appearing over the years in *Fortune* magazine's "Power 25" lists) that favored a given policy change, minus the number that opposed it—correlated quite substantially in their cases with the full interest-group index ($r=0.73$).[37]

Gilens, using a modified version of this simple count of the number of "powerful" interest groups favoring (minus those opposing) each proposed policy change, developed a measure of *Net Interest Group Alignment*. To the set of groups on the "Power 25" lists (which seemed to neglect certain major business interests) he added ten key industries that had reported the highest lobbying expenditures. (For the final list of included industries and interest groups, refer to Appendix 1.) For each of the 1,779 instances of proposed policy change, Gilens and his assistants drew upon multiple sources to code all engaged interest groups as "strongly favorable," "somewhat favorable," "somewhat unfavorable," or "strongly unfavorable" to the change. He then combined the numbers of groups on each side of a given issue, weighting "somewhat" favorable or somewhat unfavorable positions at half the magnitude of "strongly" favorable or strongly unfavorable positions. In order to allow for the likelihood of diminishing returns as the net number of groups on a given side increases (an increase from 10 to 11 groups likely matters less than a jump from 1 to 2 does), he took the logarithms of the number of pro groups and the number of con groups before subtracting. Thus,

> Net Interest-Group Alignment = ln(# Strongly Favor + [0.5 * # Somewhat Favor] + 1) - ln(# Strongly Oppose + [0.5 * # Somewhat Oppose] + 1).[38]

We also report here results for comparable group alignment indices that were computed separately for the mass-based and for the business-oriented sets of groups listed in Appendix 1.

Our dependent variable is a measure of whether or not the policy change proposed in each survey question was actually adopted within four years after the question was asked. (It turns out that most of the action occurred within two years). Of course there was nothing easy about measuring the presence or absence of policy change for each of 1,779 different cases; Gilens and his research assistants spent many hours poring over news accounts, government data, *Congressional Quarterly* publications, academic papers and the like.[39]

In order to test among our theoretical traditions, we begin by considering all organized interest groups together, not distinguishing between mass-based and business-oriented groups. Within a single statistical model, we estimate the independent impact upon our dependent variable (policy change) of each of three independent variables: the average citizen's policy preferences (preferences at the fiftieth income percentile); the policy preferences of economic elites (measured by policy preferences at the ninetieth income percentile); and the stands of interest groups (the Net Interest-Group Alignment Index).

Later, in order to distinguish clearly between Majoritarian Pluralism and Biased Pluralism, we will use two separate measures of net interest-group alignment, one involving only mass-based interest groups and the other limited to business and professional groups. The main hypotheses of interest, summarized in table 1, follow fairly straightforwardly from our discussion of our four ideal types of theory.

In their pure form, theories of Majoritarian Electoral Democracy (for example, rational models of electoral competition that include no societal actors other than average citizens), predict that the influence upon policy of average citizens is positive, significant, and substantial, while the influence of other actors is not.

Theories of Economic-Elite Domination predict positive, significant, and substantial influence upon policy by economic elites. Most such theories allow for some (though not much) independent influence by average citizens, e.g., on non-economic social issues. Many also

Table 1
Theoretical predictions concerning the independent influence of sets of actors upon policy outcomes

	Sets of Actors				
Theory (ideal type)	Average Citizens	Economic Elites	All Interest Groups	Mass Interest Groups	Business Interest Groups
Majoritarian Electoral Democracy	Y	n	n	n	n
Dominance by Economic Elites	y	Y	y	n	y
Majoritarian Pluralism	y	n	Y	Y	Y
Biased Pluralism	n	n	y	y	Y

n = little or no independent influence

y = some independent influence

Y = substantial independent influence

allow for some independent influence by business interest groups—and therefore probably by interest groups taken as a whole—though their emphasis is on wealthy individuals.

In general, theories of interest-group pluralism predict that only organized interest groups will have positive, significant, and substantial effects upon public policy. Influence proceeds from groups, not from wealthy (or other) individuals. Depending upon the type of pluralist theory, average citizens may or may not be well represented through organized groups, but they do not have a great deal of independent influence on their own.

Theories of Majoritarian Pluralism predict that the stands of organized interest groups, all taken together, rather faithfully represent (that is, are positively and substantially correlated with) the preferences of average citizens. But since most political influence proceeds *through* groups, a multivariate analysis that includes both interest-group alignments and citizens' preferences should show far more independent influence by the groups than the citizens. Truman's idea of "potential groups" does, however, leave room for some direct influence by average citizens.

Theories of Biased Pluralism, too, see organized interest groups as having much more influence than average citizens or individual economic elites. But they predict that business-oriented groups play the major role.

Recognizing the complexity of the political world, we must also acknowledge the possibility that more than one of these theoretical traditions has some truth to it: that several—even all—of our sets of actors may have substantial, positive, independent influence on public policy. And we must consider the null hypothesis that *none* of these theoretical traditions correctly describes even part of what goes on in American politics.

Influence upon Policy of Average Citizens, Economic Elites, and Interest Groups

Before we proceed further, it is important to note that even if one of our predictor variables is found (when controlling for the others) to have no independent impact on policy at all, it does not follow that the actors whose preferences are reflected by that variable—average citizens, economic elites, or organized interest groups of one sort or another—always "lose" in policy decisions. Policy making is not necessarily a zero-sum game among these actors. When one set of actors wins, others may win as well, if their preferences are positively correlated with each other.

It turns out, in fact, that the preferences of average citizens are positively and fairly highly correlated, across issues, with the preferences of economic elites (refer to table 2). Rather often, average citizens and affluent citizens (our proxy for economic elites) want the same things from government. This bivariate correlation affects how we should interpret our later multivariate findings in terms of "winners" and "losers." It also suggests a reason why serious scholars might keep adhering to both the Majoritarian Electoral Democracy and the Economic-Elite Domination theoretical traditions, even if one of them may be dead wrong in terms of causal impact. Ordinary citizens, for example, might often be observed to "win" (that is, to get their preferred policy outcomes) even if they had no independent effect whatsoever on policy making, if elites (with whom they often agree) actually prevail.

But net interest-group stands are *not* substantially correlated with the preferences of average citizens. Taking all interest groups together, the index of net interest-group alignment correlates only a non-significant .04 with average citizens' preferences! (Refer to table 2.) This casts grave doubt on David Truman's and others' argument that

Table 2
Correlations among independent variables

	Average citizens' preferences	Economic elites' preferences	All interest groups	Mass public interest groups	Business interest groups
Average citizens' preferences	—				
Economic elites' preferences	.78***	—			
All interest groups	.04	.05	—		
Mass public interest groups	.12***	.01	.47***	—	
Business interest groups	-.10***	-.02	.96***	-.05	—

***p<.001; n=1779.

Note: Entries are correlation coefficients corrected for measurement error as explained in Appendix 2.

organized interest groups tend to do a good job of representing the population as a whole. Indeed, as table 2 indicates, even the net alignments of the groups we have categorized as "mass-based" correlate with average citizens' preferences only at the very modest (though statistically significant) level of .12.

Some particular U.S. membership organizations—especially the AARP and labor unions—do tend to favor the same policies as average citizens. But other membership groups take stands that are unrelated (pro-life and pro-choice groups) or negatively related (gun owners) to what the average American wants.[40] Some membership groups may reflect the views of corporate backers or their most affluent constituents. Others focus on issues on which the public is fairly evenly divided. Whatever the reasons, all mass-based groups taken together simply do not add up, in aggregate, to good representatives of the citizenry as a whole. Business-oriented groups do even worse, with a modest *negative* over-all correlation of -.10.

Nor do we find an association between the preferences of economic elites and the alignments of either mass-based or business-oriented groups. The latter finding, which surprised us, may reflect profit-making motives among businesses as contrasted with broader ideological views among elite individuals. For example, economic elites tend to prefer lower levels of government spending on practically everything, while business groups and specific industries frequently lobby for spending in areas from which they stand to gain. Thus pharmaceutical, hospital, insurance, and medical organizations have lobbied for more spending on health care; defense contractors for weapons systems; the American Farm Bureau for agricultural subsidies, and so on.

Initial Tests of Influences on Policy Making

The first three columns of table 3 report *bivariate* results, in which each of three independent variables (taking all interest groups together, for now) is modeled separately as the sole predictor of policy change. Just as previous literature suggests, each of three broad theoretical traditions—Majoritarian Electoral Democracy, Economic-Elite Domination, and interest-group pluralism—seems to gain support. When taken separately, each independent variable—the preferences of average citizens, the preferences

Table 3
Policy outcomes and the policy preferences of average citizens, economic elites, and interest groups

	Model 1	Model 2	Model 3	Model 4
Preferences of average citizens	.64 (.08)***	—	—	.03 (.08)
Preferences of economic elites	—	.81 (.08)***	—	.76 (.08)***
Alignment of interest groups	—	—	.59 (.09)***	.56 (.09)***
R-sq	.031	.049	.028	.074

***p<.001

Note: All predictors are scaled to range from 0 to 1. The dependent variable is the policy outcome, coded 1 if the proposed policy change took place within four years of the survey date and 0 if it did not. Predictors are the logits of the imputed percent of respondents at the fiftieth ("average citizens") or ninetieth ("economic elites") income percentile that favor the proposed policy change, and the Net Interest-Group Alignment Index described in the text. Standard errors are asymptotically distribution-free, and all analyses reflect estimated measurement error in the predictors, as described in Appendix 2. The standardized coefficients for model 4 in this table are .01, .21, and .16 for average citizens, economic elites, and interest groups, respectively. N=1,779.

of economic elites, and the net alignments of organized interest groups—is strongly, positively, and quite significantly related to policy change. Little wonder that each theoretical tradition has its strong adherents.

But the picture changes markedly when all three independent variables are included in the multivariate Model 4 and are tested against each other. The estimated impact of average citizens' preferences drops precipitously, to a non-significant, near-zero level. Clearly the median citizen or "median voter" at the heart of theories of Majoritarian Electoral Democracy does not do well when put up against economic elites and organized interest groups. The chief predictions of pure theories of Majoritarian Electoral Democracy can be decisively rejected. Not only do ordinary citizens not have *uniquely* substantial power over policy decisions; they have little or no independent influence on policy at all.

By contrast, economic elites are estimated to have a quite substantial, highly significant, independent impact on policy. This does not mean that theories of Economic-Elite Domination are wholly upheld, since our results indicate that individual elites must share their policy influence with organized interest groups. Still, economic elites stand out as quite influential—more so than any other set of actors studied here—in the making of U.S. public policy.

Similarly, organized interest groups (all taken together, for now) are found to have substantial independent influence on policy. Again, the predictions of pure theories of interest-group pluralism are not wholly upheld, since organized interest groups must share influence with economically-elite individuals. But interest-group alignments are estimated to have a large, positive, highly significant impact upon public policy.

These results suggest that reality is best captured by mixed theories in which both individual economic elites and organized interest groups (including corporations, largely owned and controlled by wealthy elites) play a substantial part in affecting public policy, but the general public has little or no independent influence.

The rather low explanatory power of all three independent variables taken together (with an R-squared of just .074 in Model 4) may partly result from the limitations of our proxy measures, particularly with respect to economic elites (since our "affluent" proxy is admittedly imperfect) and perhaps with respect to interest groups (since only a small fraction of politically-active groups are included in our measure). Again, the implication of these limitations in our data is that interest groups and economic elites actually wield *more* policy influence than our estimates indicate. But it is also possible that there may exist important explanatory factors outside the three theoretical traditions addressed in this analysis. Or there may be a great deal of idiosyncrasy in policy outputs, or variation across kinds of issues, that would be difficult for any general model to capture. With our present data we cannot tell.

The magnitudes of the coefficients reported in table 3 are difficult to interpret because of our transformations of the independent variables. A helpful way to assess the relative influence of each set of actors is to compare how the predicted probability of policy change alters when moving from one point to another on their distributions of policy dispositions, while holding other actors' preferences constant at their neutral points (50 percent favorable for average citizens and for economic elites, and a net interest-group alignment score of 0). These changing probabilities, based on the coefficients in model 4 of table 3, are line-graphed in figure 1 along with bar graphs of the underlying preference distributions.

Clearly, when one holds constant net interest-group alignments and the preferences of affluent Americans, it makes very little difference what the general public thinks. The probability of policy change is nearly the same (around 0.3) whether a tiny minority or a large majority of average citizens favor a proposed policy change (refer to the top panel of figure 1).

By contrast—again with other actors held constant—a proposed policy change with low support among economically-elite Americans (one out of five in favor) is adopted only about 18 percent of the time, while a proposed change with high support (four out of five in favor) is adopted about 45 percent of the time. Similarly, when support for policy change is low among interest groups (with five groups strongly opposed and none in favor) the probability of that policy change occurring is only .16, but the probability rises to .47 when interest groups are strongly favorable (refer to the bottom two panels of figure 1).[41]

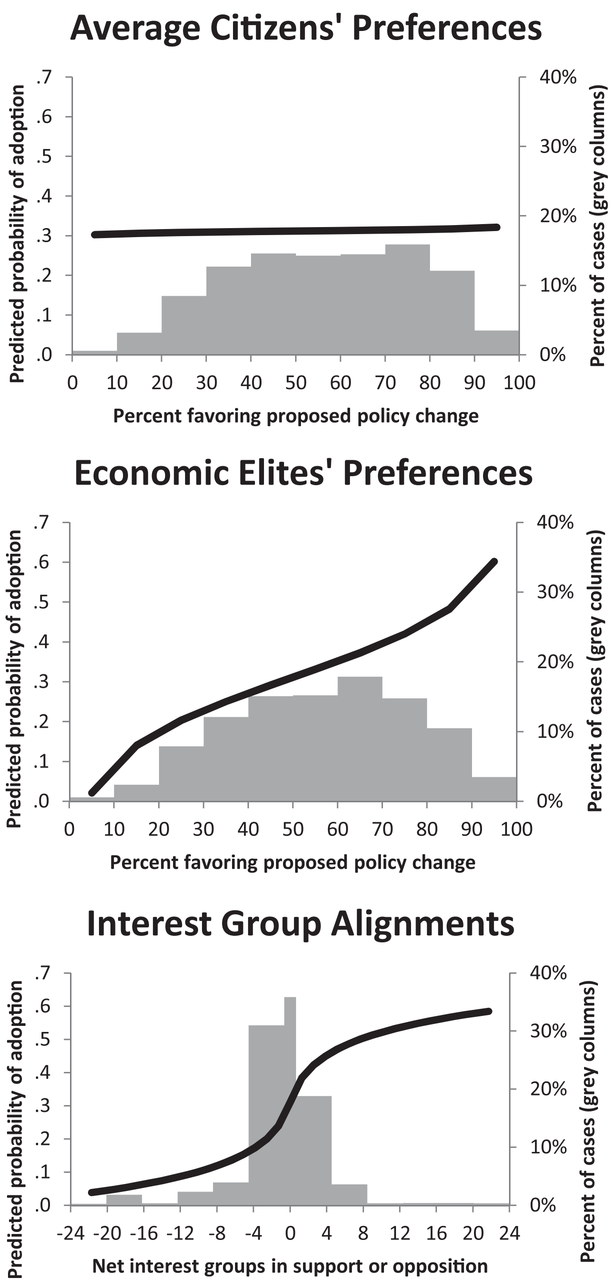
When both interest groups and affluent Americans oppose a policy it has an even lower likelihood of being adopted (these proposed policies consist primarily of tax increases). At the other extreme, high levels of support among both interest groups and affluent Americans increases the probability of adopting a policy change, but a strong status quo bias remains evident. Policies with strong support (as defined above) among both groups are only adopted about 56 percent of the time (strongly favored policies in our data set that failed include proposed cuts in taxes, increases in tax exemptions, increased educational spending for K–12, college support, and proposals during the Clinton administration to add a prescription drug benefit to Medicare).

Majoritarian Electoral Democracy

What are we to make of findings that seem to go against volumes of persuasive theorizing and much quantitative research, by asserting that the average citizen or the "median voter" has little or no independent influence on public policy?

As noted, our evidence does *not* indicate that in U.S. policy making the average citizen always loses out. Since

Figure 1
Predicted probability of policy adoption (dark lines, left axes) by policy disposition; the distribution of preferences (gray columns, right axes)



the preferences of ordinary citizens tend to be positively correlated with the preferences of economic elites, ordinary citizens often win the policies they want, even if they are more or less coincidental beneficiaries rather than causes of the victory. There is not necessarily any contradiction at all between our findings and past bivariate findings of a roughly two-thirds correspondence between actual policy and the wishes of the general public, or of a close correspondence between the liberal/conservative "mood" of the public and changes in policy making.[42] Our main point concerns causal inference: if interpreted in terms of actual causal impact, the prior findings appear to be largely or wholly spurious.

Further, the issues about which economic elites and ordinary citizens disagree reflect important matters, including many aspects of trade restrictions, tax policy, corporate regulation, abortion, and school prayer, so that the resulting political losses by ordinary citizens are not trivial. Moreover, we must remember that in our analyses the preferences of the affluent are serving as proxies for those of truly wealthy Americans, who may well have more political clout than the affluent, and who tend to have policy preferences that differ more markedly from those of the average citizens. Thus even rather slight measured differences between preferences of the affluent and the median citizen may signal situations in which economic-elites want something quite different from most Americans and they generally get their way.

A final point: Even in a bivariate, descriptive sense, our evidence indicates that the responsiveness of the U.S. political system when the general public wants government *action* is severely limited. Because of the impediments to majority rule that were deliberately built into the U.S. political system—federalism, separation of powers, bicameralism—together with further impediments due to anti-majoritarian congressional rules and procedures, the system has a substantial status quo bias. Thus when popular majorities favor the status quo, opposing a given policy change, they are likely to get their way; but when a majority—even a very large majority—of the public favors change, it is not likely to get what it wants. In our 1,779 policy cases, narrow pro-change majorities of the public got the policy changes they wanted only about 30 percent of the time. More strikingly, even overwhelmingly large pro-change majorities, with 80 percent of the public favoring a policy change, got that change only about 43 percent of the time.

In any case, normative advocates of populistic democracy may not be enthusiastic about democracy by coincidence, in which ordinary citizens get what they want from government only when they happen to agree with elites or interest groups that are really calling the shots. When push comes to shove, actual influence matters.

Economic Elites

Economic-Elite Domination theories do rather well in our analysis, even though our findings probably understate the political influence of elites. Our measure of the preferences of wealthy or elite Americans—though useful, and the best we could generate for a large set of policy cases—is probably less consistent with the relevant preferences than are our measures of the views of ordinary citizens or the alignments of engaged interest groups. Yet we found substantial estimated effects even when using this imperfect measure. The real-world impact of elites upon public policy may be still greater.

What we cannot do with these data is distinguish definitively among different versions of elite theories. We cannot be sure whether we are capturing the political influence of the wealthiest Americans (the top 1 percent of wealth-holders? the top one-tenth of 1 percent?), or, conceivably, the less affluent but more numerous citizens around the ninetieth income percentile whose preferences are directly gauged by our measure.

In any case, we need to reiterate that our data concern *economic* elites. Income and wealth tend to be positively correlated with other dimensions of elite status, such as high social standing and the occupancy of high-level institutional positions, but they are not the same thing. We cannot say anything directly about the non-economic aspects of certain elite theories, especially those that emphasize actors who may not be highly paid, such as public officials and political party activists.

Organized Interest Groups

Our findings of substantial influence by interest groups is particularly striking because little or no previous research has been able to estimate the extent of group influence while controlling for the preferences of other key non-governmental actors. Our evidence clearly indicates that—controlling for the influence of both the average citizen and economic elites—organized interest groups have a very substantial independent impact upon public policy. Theories of interest-group pluralism gain a strong measure of empirical support.

Here, too, the imperfections of our measure of interest-group alignment (though probably less severe than in the case of economically-elite individuals) suggest, *a fortiori*, that the actual influence of organized groups may be even greater than we have found. If we had data on the activity of the thousands of groups not included in our net interest-group alignment measure, we might find many cases in which a group (perhaps unopposed by any other groups) got its way. This might be particularly true of narrow issues like special tax breaks or subsidies aimed at just one or two business firms, which are underrepresented in our set of relatively high-salience policies. (Our data set includes only policies thought to be important enough for a national opinion survey to ask a question about it.)

An important feature of interest group influence is that it is often deployed *against* proposed policy changes. On the 1,357 proposed policy changes for which at least one interest group was coded as favoring or opposing change, in only 36 percent of the cases did most groups favor change, while in 55 percent of the cases most groups opposed change. (The remaining cases involved equal numbers for and against.)[43]

Distinguishing between Majoritarian Pluralism and Biased Pluralism

Can we say anything further about whether processes of interest-group influence more closely resemble Truman-like, broadly representative Majoritarian Pluralism, or Schattschneider-style "Biased" Pluralism, in which business interests, professional associations, and corporations play the dominant part?

We have already reported several findings that cast serious doubt upon Majoritarian Pluralism. If the net results of interest-group struggle were to help average citizens get their way—with organized groups perhaps representing citizens more effectively than politically-inattentive Americans could do for themselves—we would expect that the net alignment of interest groups would be positively and strongly correlated with the policy preferences of the average citizen. But we know from table 2 that they are not in fact significantly correlated at all. Interest-group alignments are almost totally unrelated to the preferences of average citizens. Moreover, there is no indication that officials' anticipation of reactions from "potential groups" brings policies in line with what citizens want.[44] Empirical support for Majoritarian Pluralism looks very shaky, indeed. We also know that the composition of the U.S. interest-group universe is heavily tilted toward corporations and business and professional associations.[45] This fact certainly points toward Biased rather than Majoritarian Pluralism.

To go a step further, theories of Majoritarian Pluralism predict relatively more independent influence upon policy by mass-based interest groups than do theories of Biased Pluralism. It may be useful, therefore, to distinguish between mass-based and business-oriented interest groups and to investigate how much policy influence each group actually has.

Accordingly, we computed separate net-interest-group-alignment indices for business-oriented and for mass-based groups (refer to Appendix 1 for lists of each) and included both of them in a new multivariate analysis, along with the preferences of average citizens and economic elites—dropping our previous measure of the net alignment of *all* interest groups.

The results of this analysis are given in table 4. Clearly the predictions of Biased Pluralism theories fare substantially better than those of Majoritarian Pluralism theories. The influence coefficients for both mass-based and business-oriented interest groups are positive and highly significant statistically, but the coefficient for business groups is nearly twice as large as that for the mass groups.

Table 4
The separate policy impact of business-oriented and mass-based interest groups

Average citizens' preferences	.05 (.08)
Economic elites' preferences	.78 (.08)***
Mass-based interest groups	.24 (.07)***
Business interest groups	.43 (.08)***
R-sq	.07

***p<.001

Note: All predictors are scaled to range from 0 to 1. The dependent variable is the policy outcome, coded 1 if the proposed policy change took place within four years of the survey date and 0 if it did not. Predictors are the logits of the imputed percent of respondents at the fiftieth ("average citizens") or ninetieth ("economic elites") income percentile that favor the proposed policy change, and the Net Interest-Group Alignment Indices described in the text. Standard errors are asymptotically distribution-free, and all analyses reflect estimated measurement error in the predictors, as described in Appendix 2. N=1,779.

Moreover, when we restricted this same analysis to the smaller set of issues upon which both types of groups took positions—that is, when we considered only cases in which business-based and mass-based interest groups were directly engaged with each other—the contrast between the estimated impact of the two types of groups was even greater.[46]

The advantage of business-oriented groups in shaping policy outcomes reflects their numerical advantage within the interest-group universe in Washington, and also the infrequency with which business groups are found simultaneously on both sides of a proposed policy change.[47] Both these factors (numerical dominance and relative cohesion) play a part in the much stronger correlation of the overall interest-group alignment index with business groups than with mass-oriented groups (.96 versus .47, table 2). The importance of business groups' numerical advantage is also revealed when we rescale our measures of business and mass-oriented interest-group alignments to reflect the differing number of groups in each of these categories. Using this rescaled measure, a parallel analysis to that in table 4 shows that *on a group-for-group basis* the average individual business group and the average mass-oriented group appears to be about equally influential. The greater total influence of business groups in our analysis results chiefly from the fact that more of them are generally engaged on each issue (roughly twice as many, on average), not that a single business-oriented group has more clout on average than a single mass-based group.[48]

Taken as a whole, then, our evidence strongly indicates that theories of Biased Pluralism are more descriptive of political reality than are theories of Majoritarian Pluralism. It is simply not the case that a host of diverse, broadly-based interest groups take policy stands—and bring about actual policies—that reflect what the general public wants. Interest groups as a whole do not seek the same policies as average citizens do. "Potential groups" do not fill the gap. Relatively few mass-based interest groups are active, they do not (in the aggregate) represent the public very well, and they have less collective impact on policy than do business-oriented groups—whose stands tend to be *negatively* related to the preferences of average citizens. These business groups are far more numerous and active; they spend much more money; and they tend to get their way.

Table 4 also confirms our earlier findings about economic elites and median voters. When the alignments of business-oriented and mass-based interest groups are included separately in a multivariate model, average citizens' preferences continue to have essentially zero estimated impact upon policy change, while economic elites are still estimated to have a very large, positive, independent impact.

American Democracy?

Each of our four theoretical traditions (Majoritarian Electoral Democracy, Economic-Elite Domination, Majoritarian Interest-Group Pluralism, and Biased Pluralism) emphasizes different sets of actors as critical in determining U.S. policy outcomes, and each tradition has engendered a large empirical literature that seems to show a particular set of actors to be highly influential. Yet nearly all the empirical evidence has been essentially bivariate. Until very recently it has not been possible to test these theories against each other in a systematic, quantitative fashion.

By directly pitting the predictions of ideal-type theories against each other within a single statistical model (using a unique data set that includes imperfect but useful measures of the key independent variables for nearly two thousand policy issues), we have been able to produce some striking findings. One is the nearly total failure of "median voter" and other Majoritarian Electoral Democracy theories. When the preferences of economic elites and the stands of organized interest groups are controlled for, the preferences of the average American appear to have only a minuscule, near-zero, statistically non-significant impact upon public policy.

The failure of theories of Majoritarian Electoral Democracy is all the more striking because it goes against the likely effects of the limitations of our data. The preferences of ordinary citizens were measured more directly than our other independent variables, yet they are estimated to have the least effect.

Nor do organized interest groups substitute for direct citizen influence, by embodying citizens' will and ensuring that their wishes prevail in the fashion postulated by theories of Majoritarian Pluralism. Interest groups do have substantial independent impacts on policy, and a few groups (particularly labor unions) represent average citizens' views reasonably well. But the interest-group system as a whole does not. Overall, net interest-group alignments are not significantly related to the preferences of average citizens. The net alignments of the most influential, business-oriented groups are *negatively* related to the average citizen's wishes. So existing interest groups do not serve effectively as transmission belts for the wishes of the populace as a whole. "Potential groups" do not take up the slack, either, since average citizens' preferences have little or no independent impact on policy after existing groups' stands are controlled for.

Furthermore, the preferences of economic elites (as measured by our proxy, the preferences of "affluent" citizens) have far more independent impact upon policy change than the preferences of average citizens do. To be sure, this does not mean that ordinary citizens always lose out; they fairly often get the policies they favor, but only because those policies happen also to be preferred by the economically-elite citizens who wield the actual influence.

Of course our findings speak most directly to the "first face" of power: the ability of actors to shape policy outcomes on contested issues. But they also reflect—to some degree, at least—the "second face" of power: the ability to shape the agenda of issues that policy makers consider. The set of policy alternatives that we analyze is considerably broader than the set discussed seriously by policy makers or brought to a vote in Congress, and our alternatives are (on average) more popular among the general public than among interest groups. Thus the fate of these policies can reflect policy makers' refusing to consider them rather than considering but rejecting them. (From our data we cannot distinguish between the two.) Our results speak less clearly to the "third face" of power: the ability of elites to shape the public's preferences.[49] We know that interest groups and policy makers themselves often devote considerable effort to shaping opinion. If they are successful, this might help explain the high correlation we find between elite and mass preferences. But it cannot have greatly inflated our estimate of average citizens' influence on policy making, which is near zero.

What do our findings say about democracy in America? They certainly constitute troubling news for advocates of "populistic" democracy, who want governments to respond primarily or exclusively to the policy preferences of their citizens. In the United States, our findings indicate, the majority does *not* rule—at least not in the causal sense of actually determining policy outcomes. When a majority of citizens disagrees with economic elites or with organized interests, they generally lose. Moreover, because of the strong status quo bias built into the U.S. political system, even when fairly large majorities of Americans favor policy change, they generally do not get it.

A possible objection to populistic democracy is that average citizens are inattentive to politics and ignorant about public policy; why should we worry if their poorly-informed preferences do not influence policy making? Perhaps economic elites and interest-group leaders enjoy greater policy expertise than the average citizen does. Perhaps they know better which policies will benefit everyone, and perhaps they seek the common good, rather than selfish ends, when deciding which policies to support.

But we tend to doubt it. We believe instead that—collectively—ordinary citizens generally know their own values and interests pretty well, and that their expressed policy preferences are worthy of respect.[50] Moreover, we are not so sure about the informational advantages of elites. Yes, detailed policy knowledge tends to rise with income and status. Surely wealthy Americans and corporate executives tend to know a lot about tax and regulatory policies that directly affect them. But how much do they know about the human impact of Social Security, Medicare, food stamps, or unemployment insurance, none of which is likely to be crucial to their own well-being? Most important, we see no reason to think that informational expertise is always accompanied by an inclination to transcend one's own interests or a determination to work for the common good.

All in all, we believe that the public is likely to be a more certain guardian of its own interests than any feasible alternative.

Leaving aside the difficult issue of divergent interests and motives, we would urge that the superior wisdom of economic elites or organized interest groups should not simply be assumed. It should be put to empirical test. New empirical research will be needed to pin down precisely who knows how much, and what, about which public policies.

Our findings also point toward the need to learn more about exactly which economic elites (the "merely affluent"? the top 1 percent? the top one-tenth of 1 percent?) have how much impact upon public policy, and to what ends they wield their influence. Similar questions arise about the precise extent of influence of particular sets of organized interest groups. And we need to know more about the policy preferences and the political influence of various actors not considered here, including political party activists, government officials, and other non-economic elites. We hope that our work will encourage further exploration of these issues.

Despite the seemingly strong empirical support in previous studies for theories of majoritarian democracy, our analyses suggest that majorities of the American public actually have little influence over the policies our government adopts. Americans do enjoy many features central to democratic governance, such as regular elections, freedom of speech and association, and a widespread (if still contested) franchise. But we believe that if policymaking is dominated by powerful business organizations and a small number of affluent Americans, then America's claims to being a democratic society are seriously threatened.

Notes

1 Tocqueville 2000, 235–49. Tocqueville focused on state governments, which he said "really direct[ed]" American society; he noted that the Founders had imposed limits on direct democracy in the federal government (235, n. 1.) Yet he asserted in general terms that "[t]he laws of democracy . . . emanate from the majority of all citizens"; 222.

2 Lincoln 1863. Dahl 1956, ch. 2, defined "populistic democracy" in terms of pure majority rule and traced its theoretical roots to Aristotle's political equality, Locke's "majority power," Rousseau's "general will" of the majority, and James Madison's "republican principle," and critically analyzed its normative properties.

3 Hotelling 1929; Black 1948, 1958; Downs 1957. In his full-information ch. 2, Downs offers a clever though somewhat indeterminate non-dimensional version of the theory; in ch. 8 he explicates a variant of Hotelling's single-dimensional version. For extensions to multiple dimensions see Davis, Hinich, and Ordeshook 1970. May's Theorem establishes that simple majority rule is the only collective decision rule for choosing between two alternatives that satisfies the Arrow-type democratic conditions of decisiveness, anonymity, neutrality, and positive responsiveness to individuals' preferences; May 1952.

4 Arrow 1963, McKelvey 1976. See Sen 1970.

5 A particularly trenchant critique is given in Ferguson 1995 (Appendix: "Deduced and Abandoned").

6 Monroe 1979, 1998; Page and Shapiro 1983; Erikson, Wright, and McIver 1993; Stimson, MacKuen, and Erikson 1995; Erikson, MacKuen, and Stimson 2002.

7 Bartels 2008, Gilens 2012. See also Jacobs and Page 2005, which indicates that the general public may have little or no influence on U.S. foreign policy, when the preferences of business leaders and other elites are taken into account.

8 Key 1961, ch. 11 and 472–76; Fiorina 1981; Zaller 2003. A variant on this logic that focuses on the possibility of politicians "pandering" to current preferences under certain conditions is given in Canes-Wrone, Herron, and Shotts 2001. "Latent" preferences are the collective policy preferences that citizens would derive from their basic needs and values if they had accurate information about the future unfolding of policy results. Such "latent" preferences are related to the ideal, "authentic" preferences that some political theorists see as superior to, and more worthy of governmental responsiveness than, the policy preferences that citizens actually express. This can be seen as adding normative appeal to an electoral-reward-and-punishment system of democratic control. See Mansbridge 2003.

9 See Page and Shapiro 1992.

10 Mills 1959, ch. 12, especially 279. Robert Michels 2001, a founder of modern elite theory, emphasized positions of leadership in political parties.
Some of Theda Skocpol's early work (e.g., Skocpol and Finegold 1982) can be seen as based on a state-centric elite theory that emphasizes public officials. Beginning with *Protecting Soldiers and Mothers* (1992), however, Skocpol's analyses of American politics have paid more attention to non-state elites, social movements, organized interest groups, and the preferences of the general public. Thus Skocpol's work, like that of a number of other important scholars of American politics (e.g., Katznelson 2013), does not fit neatly into our simple theoretical categories.

11 Beard 1913; Domhoff 2013; Burch 1980–1981; Ferguson 1995; Winters 2011; Winters and Page 2009. The boundary between elite theories that focus on economically-elite individuals, and interest group theories that focus on organized corporate interests (discussed later), is not always a sharp one. Here we treat most theories that emphasize corporate organizations or industrial sectors (e.g., Block 2007, Ferguson 1995) as primarily constituting "interest group" rather than elite theories. We categorize self-identified elite theorists like Domhoff as such even if they emphasize business elites and treat corporate organizations as important mechanisms of influence. Winters 2011 may come closest to an exclusive focus on wealthy individuals rather than organizations.
One might argue that the economic *classes* central to classical Marxist theories amount to "economic elites." But Marxist theorists see class position as only imperfectly related to wealth or income, and their focus on ownership of the means of production suggests that business firms and business associations may be the key political actors. Hence we will discuss these theories in connection with corporations and organized interest groups, noting the kinship of "instrumentalist" Marxist theories to theories of biased pluralism.

12 The term "interest group" tends to evoke images of membership groups like the League of Women Voters or the National Rifle Association, but many politically important "groups" are in fact business corporations.

13 Hamilton, Madison, and Jay 1961, 77–84.

14 Bentley 1908; Truman 1971, especially 511.

15 Dahl 1956, 1989. Berry 1999 emphasizes the rising power of "citizen groups."

16 Olson 1965.

17 Schattschneider 1960, 35; Schlozman, Verba, and Brady 2012, ch. 10–14.

18 Schattschneider 1960, ch. 1; McConnell 1966; Stigler 1971; Lindblom 1977, parts IV and V; Ferguson 1995; Block 2007; Hacker and Pierson 2010.

19 Marx and Engels 1972. This English-language text comes from the 1888 publication edited by Engels.

20 Miliband 1969, ch. 6. Fred Block (1977) makes a critical distinction between "instrumentalist" Marxist theories like Miliband's, in which politically conscious members of ruling class use their economic resources to shape state action in their own material interests, and "structural" theories, in which the capitalist economic system itself tends to shape state policies and the preferences of its citizens—including workers, who are compelled to accept low wages and high capitalist profits for the sake of future investment and growth. On alternative Marxist theories of power, see also Isaac 1987b. For a formalized structural Marxist theory, see Przeworski and Wallerstein 1982.

21 Again, our data can do little to distinguish among these or other *mechanisms* of political influence. We focus on possible *sources* of influence among individuals and groups in society.

22 Schlozman, Verba, and Brady 2012, ch. 10–14, especially 321, 329, 356.

23 Schattschneider 1935.

24 Bauer, Pool, and Dexter 1963; Milbrath 1963; McChesney 1997.

25 Smith 2000; Baumgartner et al. 2009.

26 Smith 2000, ch. 3.

27 Numerical success rates are not reported in Smith 2000, but the "enactment scorecard" line in figure 4.1 (83) appears to show Chamber success on 60 percent or more of the bills in most years, with very substantial variation from year to year.

28 Baumgartner et al. 2009, 233, 235. These multivariate results may be biased downwards because the regressions include as independent variables congressional and executive branch officials' active support for (or opposition to) policy changes. Since officials' behavior may well have been influenced by the interest groups themselves, the inclusion of these predictors restricts the estimates of group influence to *direct* effects, excluding any indirect impact that was channeled through interest groups' influence over officials.
On the other hand, the omission of other influential actors from the analysis could (if their preferences were positively correlated with those of interest groups) produce spuriously inflated estimates of interest-group influence. A further complexity in assessing interest-group influence involves policy cases in which groups take no stand at all, which are not included in the analysis by either Smith or Baumgartner et al. Inclusion of no-stand cases would be necessary if one sought to assess the extent to which groups affect over-all policy results—though not for assessing the extent of group influence in the cases where influence attempts are actually made.

29 Appreciation for their fine work in assisting with the colossal task of collecting and coding these data goes to Marty Cohen, Jason Conwell, Andrea Vanacore, and Mark West at UCLA, and Oleg Bespalov, Daniel Cassino, Kevin Collins, Shana Gadarian, Raymond Hicks, and Lee Shaker at Princeton.

30 Arguments for the normative and empirical relevance of the "survey agenda" are discussed in Gilens 2012, 50–56. Note that if (as we find) the public has little or no influence on our issues, which tilt toward high salience, it is unlikely that the public has much influence on more technical or obscure matters.

31 In 2012, the tenth percentile of household income was about \$12,200, the fiftieth percentile about \$51,000, and the ninetieth percentile about \$146,000 (U.S. Census Bureau, 2013). For further detail on these data, see Gilens 2012, 57–66.

32 Of course the average (median) citizen is not identical to the eligible or actual "median voter." But the generally small magnitude of differences between the policy preferences of voters and those of all citizens (Wolfinger and Rosenstone 1980, 109–114; Schlozman, Verba, and Brady 2012, 120–21) suggests that our measure captures the spirit of median voter theories. To the extent that differences exist, we consider the average citizen to be of greater normative—though less empirical—importance.

33 To make an approximate assessment of the fit between the preferences of the median-preference respondent and those of the median-income respondent we calculated the median preference within each of five income groups (at the tenth, thirtieth, fiftieth, seventieth, and ninetieth percentiles). For example, if, on a particular non-monotonic item, the five income groups had imputed median preferences of .50, .60, .70 .65 and .55 (for the tenth to ninetieth income percentiles, respectively), then the estimated over-all median preference would be .60 (in this case equaling the preference at the thirtieth income percentile). In most cases the over-all median preference is the same as the median income (fiftieth percentile) preference. When it is not, the preference differences across income levels tend to be small. Using this technique, the median over-all preferences and the median-income preferences track each other very closely: $r=.997$.

34 This study is one of the few surveys that meets the two criteria of having a sufficiently large sample size ($n=20{,}150$) and a high enough top-coded income

category to provide information on the policy preferences of very affluent Americans.

35 Correlations of the policy preferences of the top 2 percent with those of the top 10 percent are based on the 76 CCES respondents who reported at least \$350,000 in family income. Using the 179 CCES respondents who reported at least \$250,000 (roughly the top 4.5 percent of the income distribution), the corresponding correlations are .97 and .76. Some corroborating evidence comes from a comparison of the Survey of Economically Successful Americans (Page, Bartels, and Seawright 2013), based on a local sample of the wealthiest 1 percent or 2 percent of Americans, and the Inequality Survey (Page and Jacobs 2009), which was based on a representative sample of the American public. Eight policy-preference questions that were included on both surveys showed that the preferences of the top 25 percent of income earners generally fell about half way between those of the average citizen and those of the wealthy. For similar findings concerning the policy preferences of the top 4 percent or so of income earners, see Page and Hennessy 2008.

36 We distinguish conceptually between two sorts of deficiencies in our measures: flaws that affect the relationship between our indictors and their underlying concepts (such as the random and correlated measurement errors we discuss in the appendix), and flaws that arise from the imperfect fit between those concepts and the characteristics we would prefer to measure. For example, the adjustments described in the appendix help us to improve our estimates of the preferences of Americans at the ninetieth income percentile, but they cannot help to make those estimates any more accurate as indicators of the preferences of the truly rich Americans whose views we would prefer to include in our models.

37 Baumgartner et al. 2009, 225. We believe that our measure of net interest group alignment (described later) is actually superior to the Fortune 25 proxy examined by Baumgartner et al. because it includes industries that do not lobby through centralized trade organizations, it is nonlinear in net number of groups, and it reflects the extent to which a particular issue is central to the concerns of an interest group or industry.

38 For more detail on the Index of Net Interest Group Alignment, see Gilens 2012, 127–30.

39 On the measurement of policy change, see Gilens 2012 (60) and note 18 (284).

40 For correlations of individual groups' positions with average citizens' preferences see Gilens 2012, 156–57.

41 These particular values for low and high levels of support among affluent Americans and interest groups were chosen because about 15 percent of all proposed policy changes generated either less than 20 percent or more than 80 percent support among the affluent, and about fifteen percent of all proposed changes on which interests groups took a position generated a raw net interest group score of either more than five groups strongly in favor or more than five groups strongly opposed (counting "somewhat" favorable or opposed as one-half of a group).

42 See Monroe 1979, 1998; Page and Shapiro 1983; Stimson, MacKuen, and Erikson 1995.

43 Perhaps counterintuitively, it turns out that business groups tilted somewhat *less* toward opposing proposed changes (33 percent opposed, 26 percent in favor) than mass-based groups did (38 percent opposed, 20 percent in favor.)

44 Even if existing organized groups did not reflect the wishes of average citizens, officials' anticipated reactions to unformed "potential groups" might in theory provide some representation for average citizens, as David Truman argued they do. But our table 3 finding of negligible independent influence by average citizens when existing organized interest groups' positions are controlled for, leaves little room for potential groups (and officials' anticipation of them) to advance the preferences of ordinary citizens.

45 Schlozman, Verba, and Brady 2012, ch. 10–14, especially 321, 329, 356.

46 For the 369 out of 1,779 cases in which both business-based and mass-based interest groups took a stand, the coefficients are just .09 (n.s.) for mass groups but .48** ($p<.001$) for business groups.

47 For those proposed policy changes on which at least one business-oriented group took a position, another business-oriented group was found on the opposite side less than 5 percent of the time. Interestingly, mass-based groups were somewhat more likely to take stands on both sides of an issue, for example pro-life and pro-choice groups on abortion, or the AARP which opposed the Clinton health reform plan and the AFL-CIO that favored it.

48 For the analysis in table 4, both the business and mass interest group indices were scaled to run from 0 to 1. When we rescaled these indices to reflect the differing numbers of business and mass-based groups engaged on each issue, the standard deviation of the business alignment index was .158 and the mass-oriented index .096; their associations with policy outcomes (analogous to those shown in table 4) were almost identical, at .38 ($p<.01$) and .40 ($p<.001$), respectively.

49 Bachrach and Baratz 1962, Lukes 1974. See Isaac 1987a.

50 On the normative argument, see Dahl 1989, especially ch. 7. For empirical evidence that its conditions tend to be satisfied, see Page and Shapiro 1992 and Gilens 2011.

Supplementary Materials

- Business- and Mass-Based Interest-Groups Included in Net Group Alignment Indices
- Correcting for Measurement Error
- Table A1. Ordinary least squares analysis parallel to the structural equation model presented in table 3.
- Data/code for replicating results http://dx.doi.org/10.1017/S1537592714001595

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Exhibit 15

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 2804
American Israel Public Affairs Committee	)	
	)	

STATEMENT OF REASONS

On June 9 and 16, 1992, the Federal Election Commission ("Commission") considered the General Counsel's recommendations in MUR 2804 to find probable cause to believe that the American Israel Public Affairs Committee ("AIPAC") violated 2 U.S.C. § 441b and to approve a proposed conciliation agreement.

The General Counsel's May 29, 1992 Report maintained that AIPAC had violated Section 441b by making contributions to or expenditures on behalf of federal candidates in the form of communications to a group of persons that AIPAC considered its members. The General Counsel concluded that this group of persons did not meet the Commission's membership requirements for purposes of the Federal Election Campaign Act of 1971, as amended ("the Act"). In interpreting and applying the decision in FEC v. National Right to Work Committee, 459 U.S. 197 (1982) ("NRWC"), and subsequent Commission advisory opinions, the General Counsel concluded that the group of persons AIPAC claimed as its members lacked a sufficient right to participate in the governance of the organization to meet the Commission's membership criteria. The General Counsel principally cited the fact that group members at issue here had no right to vote for the governing body (the Executive Committee) of AIPAC. The General Counsel acknowledged that those members of AIPAC who attended the annual Policy

Conference, only a small percentage of the total "members", could vote on the Policy Statement. He concluded however, that this right without more did not meet the Commission's criteria for voting rights or organizational attachment, though he recognized this situation presented a close question. In opposition to the General Counsel's position, AIPAC strenuously argued that it constitutes the quintessential membership organization established to support a particular idea or purpose and that the General Counsel was being unnecessarily rigid in applying the NRWC decision and Commission advisory opinions.

We agreed with the General Counsel's conclusion that AIPAC did not meet the Commission's membership criteria as provided in a series of advisory opinions following the NRWC decision. Thus, we found probable cause to believe AIPAC violated 2 U.S.C. § 441b. We also agreed with the General Counsel that the AIPAC situation presented a close question, and that the Commission should clarify its membership definition before imposing penalties in close cases such as this, where the organization came close to meeting the "spirit" of the Commission's membership criteria, but failed on a specific point.

Accordingly, given the facts of this case, we decided to exercise our prosecutorial discretion, see, Heckler v. Chaney, 470 U.S. 821 (1985), and to take no further action with respect to the finding on Section 441b.[1] We emphasize that the circumstances of this decision not to proceed against an organization failing to meet the Commission's definition of membership are narrow. Further we anticipate the Commission soon will conduct a regulatory proceeding to review its membership criteria in an effort to eliminate confusion about these requirements.

27 July 1992
Date

Scott E. Thomas
Vice Chairman

27 July 1992
Date

John Warren McGarry
Commissioner

July 27, 1992
Date

Danny Lee McDonald
Commissioner

July 27, 1992
Date

Trevor Potter
Commissioner

92040923326

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1. To the extent that any of the violations of Section 441b outlined by the General Counsel in his brief and report are not dependent on the membership issue, we concluded that such instances, i.e., distributing candidate position papers or suggesting to candidate fundraisers who to contact, did not warrant further pursuit since the record did not reflect that these were significant violations.

Exhibit 16

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 19 2014

Paul E. Sullivan, Esq.
Sullivan & Associates, PLLC
601 Pennsylvania Ave., NW
Suite 900
Washington, DC 20004

14044353947

RE: MUR 6413

Dear Mr. Sullivan:

On May 14, 2014, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of violations of 2 U.S.C. §§ 434(f) and 441d, provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Mark Shonkwiler
Assistant General Counsel

Enc:
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of	)	
	)	MUR 6413
Taxpayer Network	)	
	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Alissa Ko and California Young Democrats. The Federal Election Commission ("Commission") found probable cause to believe that Taxpayer Network ("Respondent") violated 2 U.S.C. §§ 434(f) and 441d.

NOW, THEREFORE, the Commission and the Respondent, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding.

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Taxpayer Network was a section 501(c)(4) non-profit corporation. It filed its Certificate of Dissolution with the California Secretary of State on January 9, 2014, and is now dissolved. It is not and never was registered with the Commission as a political committee.

2. The Federal Election Campaign Act of 1971, as amended (the "Act"), requires that every person who makes aggregate disbursements of $10,000 or more to produce and air electioneering communications must file disclosure reports with the Commission within 24 hours of making the communication. 2 U.S.C. § 434(f). The Act defines "electioneering

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communication" as a broadcast, cable, or satellite communication that refers to a clearly identified federal candidate, is publicly distributed within 60 days before a general election or 30 days before a primary election, and is targeted to the relevant electorate. 2 U.S.C. § 434(f)(3)(A); 11 C.F.R. § 100.29.

3. When a person who is not a candidate or authorized political committee makes a disbursement for an electioneering communication, such communication must include a disclaimer stating the name and permanent street address, telephone number or World Wide Web address of the person who paid for the communication, and state that the communication was not authorized by any candidate or candidate's committee. 2 U.S.C. § 441d(a); 11 C.F.R. § 110.11(b)(3). Further, disclaimers on television ads must include an audio statement as to who or what group is responsible for the content of the advertisement. 2 U.S.C. § 441d(d)(2); 11 C.F.R. § 110.11(c)(4)(i)-(ii).

4. During the 60 day period prior to the 2010 general election, Taxpayer Network aired two television advertisements in California that referred to and included photographs of one of the U.S. Senators from California, Barbara Boxer, who was a candidate for re-election at the time. Taxpayer Network spent $192,185 to produce and air these advertisements ("Boxer Ads"), which constitute electioneering communications, but did not file any electioneering communication reports with the Commission.

5. The Boxer Ads both included a written disclaimer stating, "Paid for by Taxpayer Network," but did not include Taxpayer Network's permanent street address, its telephone number or World Wide Web address, a statement that the communication was not authorized by a candidate or candidate's committee, or an audio statement as to who or what group is responsible for the content of the advertisement.

V. 1. Respondent violated 2 U.S.C. § 434(f) by failing to report the Boxer Ads to the Commission.

2. Respondent violated 2 U.S.C. § 441d by failing to fully comply with the disclaimer requirements for electioneering communications.

VI. 1. In ordinary circumstances, the Commission would seek a substantially higher civil penalty based on the violations outlined in this agreement. However, the Commission is taking into account the fact that Taxpayer Network is a dissolved corporation that represents that it has limited funds and no ability to raise additional funds. Respondent will pay a civil penalty to the Commission in the amount of $5,000, pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondent will cease and desist from committing violations of 2 U.S.C. §§ 434(f) and 441d.

3. Respondent will file electioneering communication reports disclosing the activity referenced in Paragraph IV.4 within 30 days.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained within this written agreement shall be enforceable.

FOR THE COMMISSION:

Lisa J. Stevenson
Deputy General Counsel for Law

BY: ______________________ Date 5/16/14
Daniel A. Petalas
Associate General Counsel
for Enforcement

FOR THE RESPONDENT:

______________________ Date 5/2/14
Paul E. Sullivan
Counsel to Taxpayer Network