

Campaign Legal Center • Common Cause • Democracy 21

League of Women Voters • People For the American Way

Public Citizen

July 13, 2010

Dear Senator Collins,

Our organizations strongly urge you to support the DISCLOSE Act, expected to be considered by the Senate later this month to oppose any efforts to filibuster this legislation.

The organizations include the Campaign Legal Center, Common Cause, Democracy 21, the League of Women Voters, People For the American Way and Public Citizen.

Your vote on the DISCLOSE Act will be a vote on the most important government integrity reform measure to be considered thus far by the Senate in this Congress. This critical “transparency” legislation deserves your support. Any effort to filibuster the DISCLOSE Act deserves your opposition.

The disclosure provisions of the DISCLOSE Act are modeled on the disclosure provisions established for “electioneering communications” in the Bipartisan Campaign Reform Act of 2002 (BCRA). We appreciated the important leadership you provided for the passage of BCRA and ask you again to play an important leadership role to help pass the DISCLOSE Act.

The legislation responds to the *Citizens United* decision by the Supreme Court earlier this year which allowed corporations and labor unions for the first time in more than 60 years to make unlimited campaign expenditures to influence federal elections and government decisions.

The DISCLOSE Act is about the basic right of American voters to know the identity of the groups spending money to influence their elections and the donors funding these expenditures. The public’s right to know this information was clearly and unequivocally recognized by the Supreme Court in the *Citizens United* case.

The DISCLOSE Act establishes new disclosure requirements for corporations, labor unions, advocacy groups and trade associations. It is fair and equitable legislation that does not favor either political party. It must be effective for the 2010 congressional elections in order to provide voters with campaign finance information they have a fundamental right to know.

The Supreme Court in the *Citizens United* case upheld the constitutionality of the disclosure provisions in BCRA and, in so doing, recognized the basic right of citizens to

know the sources of money behind campaign expenditures being made to influence their votes.

By an 8 to 1 vote, the Court in *Citizens United* found that disclosure laws “do not prevent anyone from speaking,” and serve governmental interests in “providing the electorate with information” about the sources of money spent to influence elections so that voters can “make informed choices in the political marketplace.”

The Court specifically noted the problems that result when groups run ads “while hiding behind dubious and misleading names,” thus concealing the true source of the funds being used to make campaign expenditures.

The Court in *Citizens United* stated:

With the advent of the Internet, prompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation’s political speech advances the corporation’s interest in making profits, and citizens can see whether elected officials are “‘in the pocket’ of so-called moneyed interests.” 540 U. S., at 259 (opinion of SCALIA, J.); see *MCFL*, supra, at 261. The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.

Passage of the DISCLOSE Act is essential to providing voters with critical information about which groups are spending money to influence federal elections and the identity of the donors funding these expenditures.

If you have concerns about any specific provisions in the DISCLOSE Act, we strongly urge you to resolve those issues through discussions with the sponsors of the legislation and not by voting to kill the legislation and thereby sacrificing the right of voters to know about the campaign money being spent to influence their votes.

As *The Washington Post* stated in an editorial (June 17, 2010) endorsing the House version of the DISCLOSE Act:

Under existing rules, those who want to spend money to influence campaigns without revealing their identities can operate through nonprofit organizations or trade associations. The House measure would require these groups to reveal their donors, just as so-called 527 organizations were called on to report contributors after they emerged as important, but shadowy, political players. For those who believe that disclosure is the best defense against corrupting the political process, this new reporting is crucial.

As an important leader in the past for effective campaign finance laws, including disclosure laws, we ask you to again play an important leadership role by supporting the DISCLOSE Act, which has been made essential by the *Citizens United* decision.

We strongly urge you to oppose any efforts to filibuster the DISCLOSE Act, to oppose any amendments to undermine or kill the bill and to vote for passage of the legislation.

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