**Citizens’ United Changed Everything**

**By Anne S. Schneider, PhD.[[1]](#endnote-1) December, 2014.**

At its national convention in June **2014,** the League of Women Voters approved a motion to begin a comprehensive three-part program of study and review focusing on three specific structures of American democracy:

* A study of the process of amending the U.S. Constitution;
* A review and update of the League position on campaign finance in light of forty years of change; and
* A review of the redistricting process for the U.S. Congress.

These topics are being discussed by the LWVMP at its **Wednesday,** September **10,** October **8** and November **12** meetings. For each topic, there will be a short issue paper circulated in advance, a few suggested readings, a 20 minute or so presentation on the topic and a facilitated discussion. The issue papers and presentations will be led by League member Dr. Anne L. Schneider, retired professor of political science and Dean Emerita, College of Public Programs, Arizona State University.

This is the second in the three-part series.

 From the very beginning, designers of the U.S. democracy have been concerned about undue influence of the very wealthy. Strategies to regulate the role of money in politics have changed with each new innovation in communication as people try to balance the need to protect the idea of at least a reasonably equitable system of elections (“one person, one vote”) with the importance of freedom of speech.

 The purposes of this paper are to review briefly the League of Women Voters (LWV) position on campaign finance, clarify what the Supreme Court decision Citizens’ United actually did, show the impact on elections beginning in 2012 after that decision was made, and then discuss some of the strategies that are being suggested for overturning the Citizens’ United decision and bringing about greater equity in elections without thwarting freedom of speech.

**The League Positions**

 The LWV has been involved in efforts to control the role of money in politics for decades, having taken an official position as early as 1974. Its current position reads as follows:[[2]](#endnote-2)

 The League of Women Voters of the United States believes that the methods of financing political campaigns should ensure the public’s right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office and allow maximum citizen participation in the political process.

 The League also focuses on two tracks:

 Incremental reforms where possible in the short run and

 Build support for public financing as the best long term solution

**What Did the Citizens’ United Decision Actually Do?**

 Campaign finance rules have been complicated for decades, but the Citizens United decision, along with clever new strategies by those trying to take advantage of the relaxation of rules, have made the situation even more complicated.[[3]](#endnote-3)

 Citizens United, in a nutshell, opened the door to unlimited expenditures to influence elections by **independent** groups that have no connection to the candidate or to issues on the ballot. But it isn’t quite that simple, since there are different rules for different types of donors, and different rules on whether the organization has to identify who the donors actually are.

 Table 1 clarifies what the rules are and to whom they apply. Across the top, there are three different conditions that may apply: whether the contribution is made directly to a candidate and controlled by the candidate or whether the contribution is made to an independent group that is “outside” the control of the candidate and his/her committee, and whether donors have to be disclosed.

 The contributions to “independent” organizations are at the heart of what Citizens United changed. Independent organizations may use the money to support or oppose a candidate, but this support cannot be “coordinated” with the candidate’s committee or any organization he/she controls.

 These contributions also can be used for “electioneering communications” that focus on an issue, are spent within 30 days of a primary or 60 days of a general election, and for which there is no other reasonable interpretation except that they support or oppose one of the candidates on the ballot. For example, an issue ad on television might focus on the “dangerousness” of people coming across the Mexican border. The ad might go on to say that your current congressman is responsible for this, as he has voted for amnesty legislation and refused to help secure the border. This ad does not say to vote for or against a candidate, but the only reasonable interpretation is that its sponsors oppose the incumbent.

 The third condition is whether the donors have to be disclosed so that the public can discern who gave the money, or whether the organization itself can refuse to reveal where the money came from. The rules differ, however, depending on who the donors are (see the first column in Table 1).

|  |
| --- |
| **Table 1 Citizens United Impact, by Type of Donor** |
| **Donor** | **Contributions directly to a candidate controlled by candidate** | **Independent Expenditures (support or oppose; issue advocacy)** | **Disclosure**  |
| Corporation / Union | Prohibited  | **Unlimited****Citizens United overturned previous limits; now unlimited (super PACs), Disclosure required** | Disclosure  |
| Individuals | Limited  **McCutcheon decision** prohibits aggregate limits across several candidates  | Unlimited  | Disclosure  |
| 501 c 3 non profits | Prohibited by IRS or lose tax exempt status | Mixed: Prohibits Support or opposition for CANDIDATES . May advocate for/against issues if small part of mission (15%)  | Disclosure  |
| 501 c 4 non profits SUPER SUPER PACS | prohibited. May endorse candidate, but not donate to one.  | **Unlimited Citizens United overturned previous limits; now unlimited.**  | Disclosure NOT required (DARK MONEY) |
| Regular PACs (raise money from members) | Limited by law | Unlimited.  | Disclosure  |
| Notes: Regular PAC – CANNOT take money from corps, assoc, unions and LIMITED to $5000 or $5,200 per candidate depending on the race. SUPER pacs – can raise money from ANYONE, but cannot contribute it to candidate; have to use it “independently” The best organizational choice is 501 c 4 if they do not want to disclose donors. (Table prepared by the author, Anne Schneider)  |

 **Corporations and unions** are still prohibited from making contributions directly to a candidate or the candidate’s committee and in the past there also were limits on how much they could give to an independent organization to support or oppose the candidate or an issue. Citizens United changed that. Corporations and unions now can expend an unlimited amount on ads or other activities supporting or opposing a candidate provided that they do not “coordinate” this with the candidate. The corporation or union does have to disclose who the donors are, however.

 **Individual contributions** can still be limited by limiting the amount that a particular candidate can receive, but the McCutcheon decision removed aggregate limits. For example, an individual may give $2,600 to a candidate for a federal office for each election (primary and general) and, without aggregate limits, can contribute that amount to as many different candidates as the person wants.[[4]](#endnote-4) Conceivably, someone could donate to all of the congressional races in the United States provided they did not exceed the limit for any individual candidate. Individual contributions to independent organizations are unlimited, but the organization does need to disclose who they are, UNLESS it is a 501 c 4 social welfare organization (see below).

 There are three different kinds of nonprofit organizations relevant to this discussion (see Table 1). 501 c 3 organizations are religious, educational, or charitable organizations to which contributions are tax exempt. 501 c 3 organizations are tightly regulated by the IRS and may not contribute to a candidate nor can they even endorse one without risking loss of their tax exempt status. They may engage in a limited amount of “issue advocacy” but have been warned not to take positions on issues close to an election that clearly favor one or another candidate or party. IRS rules permit a small amount of this kind of non profit’s efforts (or money) to be used for issue advocacy, typically no more than 15%.[[5]](#endnote-5) These organizations have to reveal where they get their money, and this information can be gleaned from individual tax returns if needed because since the money is tax deductible, the taxpayer has to specify who it went to.

 The second kind of nonprofit is the 501 c 4 “social welfare” organization that now is at the heart of the debate about “dark money.”[[6]](#endnote-6) The mission of these organizations must be to promote the general welfare, which can include educational efforts. They may endorse candidates, but not contribute directly to a candidate. The statute creating the 501 c 4 organizational category says that their mission has to be **exclusively** devoted to the social welfare which was intended to preclude them engaging in any “political” activity. The IRS rules, however, regarding their tax exempt status simply says that their activities have to be “primarily” involved in social welfare. This is being interpreted as 50%. Citizens United overturned previous limitations on the amount they could use for independent expenditures in campaigns. Most tea party organizations, for example, are 501 c 4s.[[7]](#endnote-7) Most importantly, social welfare non profits do NOT have to disclose who has made the contributions to them. Since these funds are not tax deductible, the tax return of the individual who made the contribution will not even indicate that such a contribution was made. These are the primary sources of “dark money,” since it is untraceable, unless the 501 c 4 organization volunteers to reveal where the money came from. It is these 501 c 4 organizations that have become the mechanism of choice for wealthy individuals, corporations, unions, and others who want to hide who is actually paying for the political communication.

 The final type of organization shown in Table 1 is the traditional political action committee (PAC) that can raise money on behalf of a candidate. Although contributions to candidates are limited by law, these organizations can contribute all they want to independent groups but they have to disclose who the donors are.

 So, to avoid disclosure and contribute as much as possible, wealthy individuals, corporations, unions, and other organizations can create a 501 c 4 that ostensibly is a “social welfare” organization engaged presumably in educational efforts to further the general welfare and contribute to the public interest. Half of the money raised can be used to support or oppose candidates without the donor being revealed and the other half can be used in educational efforts related to issues. An individual or corporation, union, or other organization can create many of these 501 c 4 organizations and further disguise the amount of money going to support particular candidates so long as it is “independent”.

 There also are ways for money laundering to occur.[[8]](#endnote-8) A wealthy individual in one state, for example, can contribute a large amount to each of many political action committees in other states (up to the limit set by state law). These organizations, in turn, contribute that money to (for example) the national political party organization, each contributing up to the limit permitted by law. The national political party committee can then contribute these funds to state political action committees (or 501 c 4 groups) back in the original individual’s home state which can then contribute it directly to a candidate up to the limit set by law for each of these kinds of non profits. And, they can use it for independent expenditures. This makes it almost impossible to trace the funds back to the original donors. A national party organization, for example, probably has thousands of donors. So when it then contributes money to a PAC in a state that in turn provides it to a candidate or uses it for issue ads, the names of the original donors are obscured.

**Impact of Citizens United on Campaign Expenditures**

It comes as no surprise that independent expenditures have absolutely exploded in the wake of the Citizens United decision. Figure 1 shows national data on the amount (in millions of dollars) categorized as independent expenditures.[[9]](#endnote-9) These were almost nonexistent in 1990, slowly growing as the ability to contribute directly to candidates was limited and as wealthy individuals and corporations or unions became reluctant to reveal themselves. In 2012, more than a billion dollars was spent through independent organizations to influence this Presidential election, about four times as much as in 2008. Midyear elections do not attract quite as much spending, but the 2010 midyear election was about $300,000 and the 2014 midyear was almost twice that.

 **OpenSecrets, Dec. 12, 2014**

Figure 2 shows independent expenditures in Arizona, as reported by the Arizona Secretary of State web site. [[10]](#endnote-10) The amount spent in 2012 was about three times as much as 2008 and 2010; the amount spent in 2014 four times as much as even in the Presidential election of 2012.

 In the Governor’s race, there were enormous sums spent in the primaries, and also in the general election. Independent organizations supporting Doug Ducey spent more than a million dollars on ads for him and another 6.5 million on ads attacking his opponent, Fred Duval. Duval, the Democrat, had very little money supporting him but groups spent almost $700,000 opposing Ducey.

 The race for Attorney General also attracted independent organizations as groups supporting Brnovich spent about three million dollars and those supporting Rotellini spent about half that (Fig. 4).

 Contests for corporation commission typically are “down ballot” and attract very little attention, but this is not the case in 2014 in Arizona, as the Corporation commission has become the battle ground over environmental regulations. Over two million dollars was spent in the Republican primary alone by independent groups. Some groups spent $887,334 in independent funds, not disclosed, to defeat one of the Republican primary candidates, Vernon Parker. In the general election, no groups contributed independent expenditures on behalf of Jim Holway, one of the Democratic candidates, but some spent $1.3 million in attacking the other Democratic candidate, Sandra Kennedy. The two Republican candidates each had about 120,000 in independent expenditures supporting their candidacy.

 In the contest for Secretary of State, the Republican candidate Michelle Reagan had more than $600,000 in independent expenditures supporting her while Terry Goddard, the Democrat had less than $100,000. In the Republican primary, some group spent almost $200,000 independently against Republican candidate Will Cardon and groups spent more than $400,000 trying to elect Justin Pierce as the Republican candidate. Someone spent almost $100,000 trying to defeat Michele Reagan in the Republican primary.

Even the race for Superintendentof Public Instruction attracted outside independent expenditures as David Garcia had over $500,000 used to support him and almost $300,000 attacking Diane Douglas, who won the race. She had almost no independent expenditures (just over $1,000).

**Strategies for Controlling “Money in Politics:” National Efforts**

 The issue with the Supreme Court decision, Citizens United vs. Federal Election Commission, is not whether it should be overturned. Hundreds of local city councils, state legislatures, newspapers and advocacy groups agree that it should be.[[11]](#endnote-11) In congress, 54 Senators and 119 Representatives have endorsed overturning the ruling.[[12]](#endnote-12) Public opinion polls indicate that 75 to 80 percent of the people support repeal of Citizens United. The issue is not whether, but how this can be done, and there isn’t all that much agreement yet on a united strategy. (The “united4thepeople” website, referenced in the endnotes, contains the full text of the Congressional resolutions and the resolutions passed by the states and local governments).

 One prominent proposal is for Congress to pass and send to the states an amendment to the Constitution that would overturn the decision. There is no consensus, however, on how this new constitutional amendment should be worded so that it effectively overturns Citizens United without creating negative unintended consequences. Two states, California and Vermont, have passed resolutions requesting Congress to call a constitutional convention for the purpose of overturning Citizens United and related court rulings. There also are legislative alternatives to a constitutional amendment, including support for publically-funded campaigns at the state level such as the “Clean elections” program in Arizona.

 The Court’s rationale in Citizens United was that supporting or opposing a candidate for office is a matter of free speech under the first amendment, and that free speech cannot be prohibited, regardless of whether the speaker is an individual or a corporation:[[13]](#endnote-13)

“...government may not suppress political speech on the basis of the speaker's corporate identity. No sufficient governmental interest justifies limits on the political speech of nonprofit or for-profit corporations.”

 The majority of the court in the 5-4 decision went on to argue that these expenditures in support or opposition to a candidate for office do not lead to corruption, which was narrowly conceptualized as quid pro quo corruption – that is, a direct bribe.

 At the Congressional level, 13 different proposals have been introduced in 2012 through 2014 to amend the constitution.[[14]](#endnote-14) The focus of these proposals typically includes one of several themes.

 **1. “Corporations are not people and money is not speech.”** This is the slogan used by Move to Amend-- arguably the most active national organization attempting to overturn Citizens United. The proposed amendment also flatly states that constitutional rights belong only to natural persons and that corporations have no constitutional rights. Here is the full text of their proposed amendment:[[15]](#endnote-15)

**Section 1.** [Artificial Entities Such as Corporations Do Not Have Constitutional Rights]

The rights protected by the Constitution of the United States are the rights of [natural persons](https://movetoamend.org/wethepeopleamendment) only.

[Artificial entities](https://movetoamend.org/wethepeopleamendment) established by the laws of any State, the United States, or any foreign state shall have [no rights](https://movetoamend.org/wethepeopleamendment) under this Constitution and are subject to [regulation](https://movetoamend.org/wethepeopleamendment) by the People, through Federal, State, or local law.

The [privileges](https://movetoamend.org/wethepeopleamendment) of artificial entities shall be determined by the People, through Federal, State, or local law, **and shall not be construed to be** [**inherent or inalienable**](https://movetoamend.org/wethepeopleamendment)**.**

**Section 2. [Money is Not Free Speech]**

Federal, State, and local government shall regulate, limit, or prohibit contributions and expenditures, including [a candidate's own contributions and expenditures](https://movetoamend.org/wethepeopleamendment), to ensure that all citizens, regardless of their economic status, have access to the political process, and that no person gains, as a result of their money, substantially more access or ability to influence in any way the election of any candidate for public office or any [ballot measure](https://movetoamend.org/wethepeopleamendment).

Federal, State, and local government shall require that any permissible contributions and expenditures be [**publicly disclosed**](https://movetoamend.org/wethepeopleamendment).

The judiciary shall not construe the spending of money to influence elections to be [**speech under the First Amendment**](https://movetoamend.org/wethepeopleamendment)

 Although the slogan is quite attractive, (“Corporations are not people; money is not speech”) the legal implications of this are somewhat unknown. For example, the ACLU opposes any amendment that takes away all constitutional rights of corporations on the grounds that this would have unintended consequences for free speech rights of groups.[[16]](#endnote-16) LWV also has reservations about unintended consequences of saying that corporations have NO constitutional rights.[[17]](#endnote-17)

 Included among the groups that would no longer have any constitutional rights are non profits, churches, associations, and basically all groups of people who organize for any purpose under the laws of their state. It is the “corporate” designation that enables non profits as well as businesses and churches to sign contracts, to open a bank account, to have a mortgage, to have the right of free speech, religion, assembly, and press as a collectivity of people rather than just as an individual.

 In spite of these kinds of possible unintended consequences, three of the proposed constitutional amendments take this approach (Nolan, Tester, and McGovern), as do three of the state resolutions (IL, MT, and VT). Their contention is that these rights for corporations should be secured by statute, without claiming them as constitutional rights. They also argue that this is the only way to completely negate the kinds of legal arguments that have culminated in the Citizen United decision.

 2. **Affirming that Congress and the states have the right to regulate contributions and expenditures.** This wording makes clear that Federal and State governments may regulate both the raising and spending of money directly to the candidate or on behalf of the candidate. This is the gist of the Udall proposal (SJR19), that passed the Senate 54 to 46 in 2014, but did not have the 60 votes needed to block the Republican filibuster. This type of proposal avoids the problems of declaring that corporations have absolutely no constitutional rights. In addition to the Udall proposal, those introduced by Sanders/Deutsch, Nolan, Tester, Schroder, Kopter, Baucus/Tester, Edwards, and Schiff include this theme about the right to regulate. Of the 16 states that have passed resolutions, four use this approach (Maine, WVA, CO, RI).

**3. Corporations do not have all the SAME rights as natural people**. One of the proposed amendments that has gotten significant attention is that of Sen. Bernie Sanders and Sen. Ted Deutch where they use an analogy of the right to vote, which belongs only to natural people, and therefore contributions and expenditures belong only to natural people. This does not deny other kinds of constitutional protections for corporations and other groups, but makes clear that corporations do not have all the same constitutional rights as natural people. The resolutions by Oregon, Hawaii, and New Jersey use this language.

**5. Publically funded campaigns.** A newly-organized campaign in Arizona, “Cleanby19” and the “Grand Coalition” mandate that all state and national elections should be publically funded. The brainchild of Jim Pullaro, this proposal begins by pressuring Congressional candidates to sign a pledge that they will support a constitutional amendment proposal within 100 days of their election. The pledge reads, in part:

* “Rights protected by the United States Constitution limited to natural persons...do not include corporations, limited liability companies, or other corporate entities...”
* “...Candidate campaigns for Senate...House.. state, county, and municipal campaigns, financed entirely with ...public funds... No gifts or contributions permitted including the candidate, and no third party expenditures of any kind ...
* “...elected officials leaving the employment of government shall not lobby government, or work for, consult on a board of any company that lobbies... for three (3) years.

The proposed amendment introduced in 2014 by Sen. Yarmuth, mandates that all federal elections be publically funded and no private money of any kind allowed. The Sanders/Deutsch proposal and Schiff’s proposal also include an explicit point that publically-funded campaigns are permitted but these do not preclude private money as well.

6. **General, “Restore Democracy.”** Several of the states and many of the local resolutions simply call on Congress to propose an amendment that would overturn Citizens United along with language such as “restore democracy to the people.” This approach leaves it to Congress to (eventually) choose the most acceptable wording. A constitutional amendment has to be approved by 2/3 of the Congress and ¾ of the states. Thus, the language needs have wide appeal and also make “good law.”

**Strategies for Overturning Citizens United: State and Local Actions**

 Given the composition of government at the federal level, people who wish to overturn Citizens United increasingly are turning to state and local activities. Here are a few of the strategies that might be pursued.

  **Public funding of elections** has long been one of the primary mechanisms for limiting the role of money in elections, especially in Arizona. Public funding equalizes the amounts available to be spent and it enables those without wealthy donors to compete in the elections on a reasonably level playing field.

 Arizona has had one of the best publically-funded election programs in the United States. At least, that has been the general opinion up until the past couple of years when an important court case limited the amount of money that “clean elections” candidates will have and legislation has raised the amount that traditional candidates can receive, but without changing the rules to enable “clean election” candidates to keep up.

 Any candidate in Arizona is able to choose whether to run as a publically-funded candidate, or as a privately funded candidate. Those running on the “clean” program are required to raise $5 from a large number of individuals to get their names on the ballot. These candidates receive a funding grant from the state. Originally, there was a “trigger” point so that when a privately funded candidate spent more than the grant to the publically funded candidate, the latter would receive an additional grant of funds to keep the election reasonably equal between candidates. However, the U.S. Supreme Court in Arizona Free Enterprise Club Freedom Club PAC v. Bennett ruled 5-4 that the “trigger” option is unconstitutional because it limits the free speech of others.[[18]](#endnote-18)

 Justice Roberts found that Arizona’s program “plainly forces the privately financed candidate to ‘shoulder a special and potentially significant burden’ when choosing to exercise his First Amendment right to spend funds on behalf of his candidacy.”[[19]](#endnote-19)

 In dissent, Justice Kagan had this to say: “Except in a world gone topsy-turvy, additional campaign speech and electoral competition is not a First Amendment injury.” And she continued: “This suit, in fact, may merit less attention than any challenge to a speech subsidy ever seen in this Court….Arizona, remember, offers to support any person running for state office. Petitioners here refused that assistance. So they are making a novel argument: that Arizona violated their First Amendment rights by disbursing funds to other speakers even though they could have received (but chose to spurn) the same financial assistance. Some people might call that chutzpah.”[[20]](#endnote-20)

 So far, there are no obvious ways around this court ruling, although the National Fair Elections Now act (reintroduced in 2013, but not passed) proposed to enable a publically-financed candidate who is being outspent by a well-financed opponent or by independent expenditures to continue raising small donations (under $100) that would then be matched 5:1 by public funds. [[21]](#endnote-21)

 2. **Raise awareness and pressure Congress to act.** Sixteen states have passed resolutions asking Congress to propose a constitutional amendment.[[22]](#endnote-22) The Arizona legislature considered a resolution in 2012 that would have placed on the ballot a referendum instructing the Arizona representatives to support a constitutional amendment to overturn Citizens United. This resolution was introduced by Rep. Debbie McCune-Davis (District 30, west central Phoenix). It did not pass and was not reintroduced in 2013 or 2014. Local governments also can pass resolutions asking Congress to act. In Arizona, Tucson and flagstaff have both passed such resolutions.[[23]](#endnote-23)

 As noted previously, “Clean by 19” is an Arizona-based advocacy group promoting a complete ban on the use of private money in elections at the state and national levels. Headed by Jim Pullaro of Prescott, the strategy is to gain sufficient signatures supporting clean elections to convince candidates to sign a pledge that they will support a constitutional amendment proposing publically-funded elections and the overturning of the citizens united decision.[[24]](#endnote-24)

 There also are some excellent advocacy programs in Arizona that support Clean Elections and monitor legislative activity including the Arizona Advocacy Coalition. **[[25]](#endnote-25)**

 **3. Shareholders United Legislation**. Another proposal is to pass state legislation that will require any corporation organized in that state to obtain permission from shareholders before participating in any election.State Senator Jamie Raskin of Maryland is planning to introduce legislation to this effect in the Maryland legislature in 2015. [[26]](#endnote-26)

 **4. Individual action.** There are some things that individuals can personally do to support clean elections and other strategies to control the use of money in politics. One of these is to sign the “democracy pledge” that is on the United 4 the people web site. The pledge reads as follows:

**I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ declare my support for amending the Constitution of the United States to restore the rights of the American people undermined by Citizens United and related cases, to protect the integrity of elections, and to limit the corrosive influence of money in our democratic process.**

**Conclusions**

 Few would argue with the conclusion that Citizens United and other related decisions have already given wealthy people and wealthy organizations a great advantage in influencing the outcome of elections. The logic underlying the decision—that money is speech and cannot be limited – casts an ominous shadow over what might be done and how much worse the situation may become. It is obvious that organizations such as the League of Women Voters need to review their strategies and help provide leadership to those who want to make progress toward more equitable elections and continue working toward public funding of all elections. There are actions that can be taken at the local, state, and national levels. It is possible that regime change will be required before Citizens United can be overturned or before Congress will be able to take effective action.

**References**

 American Civil Liberties Union (2014). Free Speech and Citizens United. <https://www.aclu.org/free-speech/aclu-and-citizens-united>

 Arizona Advocacy Coalition (2014). <http://www.azadvocacy.org>.

 Arizona Secretary of State (2014). <http://www.azsos.gov/cfs/CandidateSummarySearch.aspx>

 Brennan Center for Justice (2014). The Arizona Free Enterprise Case. <http://www.brennancenter.org/legal-work/arizona-free-enterprise-club-v-bennett>

 Clean by 19 (2014). <https://www.cleanby19.org/>

 Federal Election Commission (2014). Federal Election Commission brochure on contributing to candidates.

 Federal election Commission (2014). Federal election Commission brochure on independent expenditures.

 Internal Revenue Service (2014). Tax Guide for Charities and Non Profits

 Internal Revenue Service (2014). Tax Guide for Other Non profits. <http://www.irs.gov/pub/irs-pdf/p4221nc.pdf>

 Internal Revenue Service (2014). [http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/The-Restriction-of-Political-Campaign-Intervention-by-Section-501(c)(3)-Tax-Exempt-Organizations](http://www.irs.gov/Charities-%26-Non-Profits/Charitable-Organizations/The-Restriction-of-Political-Campaign-Intervention-by-Section-501%28c%29%283%29-Tax-Exempt-Organizations)

League of Women Voters (2014). Money in Politics: Developing a Common Understanding of the Issues, LWV, 2014). <http://www.lwv.org/content/money-politics-developing-common-understanding-issues>

 Mother Jones (2014)s. Explaining the Tea Party Scandal <http://www.motherjones.com/politics/2013/05/irs-tea-party-scandal-congress-nonprofit-obama>

 Mother Jones (2014). Money Laundering <http://www.motherjones.com/politics/2012/01/republican-governors-association-perry-michigan>

 Move to Amend (2014). <https://movetoamend.org/wethepeopleamendment>

 Open Secrets (2014). Dark Money Spending <http://www.opensecrets.org/news/2014/04/dark-money-spending-three-times-more-than-at-same-time-in-2012-cycle-crp-testifies.html>.

 Public Campaign Organization (2014). Fair elections Now Act. <http://www.publicampaign.org/fair-elections-now-act>

 Pullaro, Jim (2014). Cleanby19 and the Grand Coalition. See <https://www.cleanby19.org/>

 Raskin, Jamie (2014). Raskin’s op ed piece and gist of his legislation can be found in his op ed piece in the Washington Post. <http://www.washingtonpost.com/opinions/a-shareholder-solution-to-citizens-united/2014/10/03/5e07c3ee-48be-11e4-b72e-d60a9229cc10_story.html>

 U.S. Supreme Court (2014). <http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/08-205.htm>

 United4thepeople. (2014) <http://www.united4thepeople.org>

 Washington Post (2014) <http://www.washingtonpost.com/blogs/the-fix/wp/2014/01/21/how-citizens-united-changed-politics-in-6-charts/>

 Washington Times (2014). Understanding the Tea Party Scandal [http://www.washingtontimes.com/news/2014/may/22/irs-start-over-rules-governing-tea-party-groups-ot/?page=all#](http://www.washingtontimes.com/news/2014/may/22/irs-start-over-rules-governing-tea-party-groups-ot/?page=all)! for a more liberal perspective, see the Mother Jones write-up

1. Anne Larason Schneider, PhD is policy coordinator for UUJAZ (Unitarian Universalist Justice Arizona network). She is a retired political science professor and former dean of the College of Public Programs at Arizona State University. Anne.schneider@asu.edu [↑](#endnote-ref-1)
2. See Money in Politics: Developing a Common Understanding of the Issues, LWV, 2014). <http://www.lwv.org/content/money-politics-developing-common-understanding-issues> “ [↑](#endnote-ref-2)
3. United4thePeople is a website portal to groups that endorse overturning Citizen United and also contains the full text of Congressional resolutions to amend, as well as the full text of state and local resolutions to overturn. <http://www.united4thepeople.org/>. Over 350 organizations have endorsed some form of constitutional amendment to overturn Citizens United http://united4thepeople.org/orgs.html [↑](#endnote-ref-3)
4. See Federal Election Commission brochures <http://www.fec.gov/pages/brochures/contrib.shtml> FEC brochure on contributions to candidates. And <http://www.fec.gov/pages/brochures/indexp.shtml> [↑](#endnote-ref-4)
5. See IRS publications for non profits: http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/The-Restriction-of-Political-Campaign-Intervention-by-Section-501(c)(3)-Tax-Exempt-Organizations [↑](#endnote-ref-5)
6. See IRS publications for other nonprofits <http://www.irs.gov/pub/irs-pdf/p4221nc.pdf> [↑](#endnote-ref-6)
7. There are numerous perspectives on the “tea party” scandal in which the IRS was accused of focusing undue attention on conservative groups seeking 501 c 4 status. For a conservative point of view, see the Washington Times report [http://www.washingtontimes.com/news/2014/may/22/irs-start-over-rules-governing-tea-party-groups-ot/?page=all#](http://www.washingtontimes.com/news/2014/may/22/irs-start-over-rules-governing-tea-party-groups-ot/?page=all)! for a more liberal perspective, see the Mother Jones write-up http://www.motherjones.com/politics/2013/05/irs-tea-party-scandal-congress-nonprofit-obama [↑](#endnote-ref-7)
8. See the Mother Jones article for an explanation of money laundering. <http://www.motherjones.com/politics/2012/01/republican-governors-association-perry-michigan> [↑](#endnote-ref-8)
9. For more graphs and information, see the Washington Post, Open Secrets, and the Center for Responsive Politics Washington Post, January 21, images are from Open Secrets. <http://www.opensecrets.org/news/2014/04/dark-money-spending-three-times-more-than-at-same-time-in-2012-cycle-crp-testifies.html>. Also see Washington Post, <http://www.washingtonpost.com/blogs/the-fix/wp/2014/01/21/how-citizens-united-changed-politics-in-6-charts/> [↑](#endnote-ref-9)
10. The Arizona Secretary of State web site has expenditure data for each candidate, each year, back to 2000. <http://www.azsos.gov/cfs/CandidateSummarySearch.aspx> [↑](#endnote-ref-10)
11. See the united4thepeople web site, above. [↑](#endnote-ref-11)
12. See the united4thepeople web site above. [↑](#endnote-ref-12)
13. See <http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/08-205.htm> for links to the oral arguments and the decision itself. [↑](#endnote-ref-13)
14. See the united4thepeople web site for full text of congressional resolutions and the state actions. [↑](#endnote-ref-14)
15. See the Move to Amend web site <https://movetoamend.org/wethepeopleamendment> [↑](#endnote-ref-15)
16. For the ACLU position, which includes expanding public financing of elections, see https://www.aclu.org/free-speech/aclu-and-citizens-united [↑](#endnote-ref-16)
17. See the “Money in Politics” primer, referenced above. [↑](#endnote-ref-17)
18. See <http://www.brennancenter.org/legal-work/arizona-free-enterprise-club-v-bennett> [↑](#endnote-ref-18)
19. See <http://www.brennancenter.org/legal-work/arizona-free-enterprise-club-v-bennett> [↑](#endnote-ref-19)
20. See the Brennen center web site in note above. [↑](#endnote-ref-20)
21. See http://www.publicampaign.org/fair-elections-now-act [↑](#endnote-ref-21)
22. See the “united4thepeople” web site for full text. [↑](#endnote-ref-22)
23. See “united4thepeople” web site for full text. [↑](#endnote-ref-23)
24. See <https://www.cleanby19.org/> for more information. [↑](#endnote-ref-24)
25. The Arizona Advocacy Coalition web site is <http://www.azadvocacy.org>. They have a radio show each Friday from 2 to 3 on 1480.. [↑](#endnote-ref-25)
26. Raskin’s op ed piece and gist of his legislation can be found in his op ed piece in the Washington Post. <http://www.washingtonpost.com/opinions/a-shareholder-solution-to-citizens-united/2014/10/03/5e07c3ee-48be-11e4-b72e-d60a9229cc10_story.html> [↑](#endnote-ref-26)