



Chairman Grove, Chairman Conklin and Members of the Committee:

Thank you for the opportunity to share some thoughts on a critical issue. My name is Khalif Ali. I am the Executive Director of Common Cause Pennsylvania. As you may know, Common Cause PA is a nonpartisan, good government organization that has been dedicated to working toward a government that is accountable to We the People since 1970. We have over 35,000 members and supporters across the Commonwealth.

Common Cause has long advocated against the dark money in politics and for additional transparency and disclosure requirements for campaign finance. In order for us to truly have a government of We the People, we must be able to know who funds campaigns and provides candidates the money they need to be elected. Of course, reasonable people can, and do, debate the level at which disclosure is appropriate. We do not advocate for a system in which all small-dollar donors must be disclosed. Rather, when donations are substantial enough such that there is an appearance of potential undue influence, those donors are the ones who must be made public.

Accordingly, we strongly recommend that the General Assembly consider and adopt a campaign finance disclosure scheme that closely resembles the DISCLOSE Act, introduced in the US Congress by Senator Sheldon Whitehouse and Representative Cicilline:

- The DISCLOSE Act requires organizations spending money in elections – including super PACs and 501(c)(4) dark money groups – to promptly disclose donors who have given \$10,000 or more during an election cycle. This will permit Americans to see who is really spending to influence elections.
- The bill includes measures to prevent political operatives from using layers of front groups to hide donor identities. It includes provisions to crack down on the use of shell corporations to hide the identity of the donor by requiring companies spending money in elections to disclose their true owners.
- It contains a “stand by your ad” provision requiring corporations, unions, and other organizations to identify those behind political ads – including disclosing an organization’s top five funders at the end of television ads.
- In addition to election disclosure requirements, the DISCLOSE Act requires groups that spend money on ads supporting or opposing judicial nominees to disclose their donors.

Given the events of 2021, it is more important than ever that Pennsylvanians have the protection of a DISCLOSE Act – type law. On July 1 of 2021, the United States Supreme Court made a ruling in the case of *Americans for Prosperity Foundation v. Bonta, Attorney General of California*, striking down a California law that required charitable organizations that raise tax-deductible funds to disclose their larger donors to the State Attorney General. The result of this decision is to undermine reasonable disclosure requirements in the name of privacy. Passing legislation such as a Pennsylvania version of the DISCLOSE Act would mitigate the impact of dark money on our democracy, while respecting the Supreme Court’s decision.

To be clear, the Supreme Court’s decision in *Americans for Prosperity* is a narrow decision finding a specific and unique California law was unconstitutional but does not affect disclosure regulations that have been repeatedly upheld by the Supreme Court. Nothing in that decision should be read to preclude states like Pennsylvania from passing legislation that would require that major donors to political campaigns be disclosed.

In [Citizens United](#), the Court said

the public has an interest in knowing who is speaking about a candidate shortly before an election. ... 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.” ...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.

Justice Antonin Scalia had a memorable quote, in a [separate case](#) later that year, that I think should be remembered as you consider donor disclosure and campaign finance regulations:

Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed. For my part, I do not look forward to a society which, thanks to the Supreme Court, campaigns anonymously . . . hidden from public scrutiny and protected from the accountability of criticism. This does not resemble the Home of the Brave.

Passing a Pennsylvania version of the DISCLOSE Act -- requiring disclosure of any significant donation to organizations spending money on elections, including judicial elections, and requiring “top-five” funder disclosures in advertisements -- is essential to removing the insidious impact of dark money from our politics. We strongly urge the General Assembly to take concrete steps toward a more transparent future for Pennsylvania.

Again, I want to thank the committee for the opportunity to testify today and for coming together in a bipartisan effort to improve our elections system. Thank you.