



Rockefeller Brothers Fund  
Money-in-Politics Grantmaking  
Impact Assessment

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# **MONEY-IN-POLITICS GRANTMAKING IMPACT ASSESSMENT**

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## EXECUTIVE SUMMARY

The framework for the Rockefeller Brothers Fund's Democratic Practice—U.S. program, established in late 2002, emphasized fostering civic engagement and working for responsive and effective governance. Early on, staff identified money in politics as an important topic, and found public funding of political campaigns to be a promising solution. In June 2004, the trustees approved initial grants to two organizations active in promoting public financing, and over the 10 years since, money in politics has continued to be one of the central themes of the program.

Big money has long dominated our elections, and a small minority of wealthy donors, whose policy preferences differ from those of the majority of Americans, play an outsized and undemocratic role in American politics. To combat this, reform groups have worked to try to curb undue influence of donors on policy, to ensure the public has access to information about political contributions, and to promote policies that enable more candidates to compete for public office and allow average citizens to participate in the political process. The Bipartisan Campaign Reform Act of 2002 was a major victory for campaign finance reform supporters, but a series of Supreme Court decisions over the years since have overturned major provisions of the law. These culminated in the January 2010 decision in *Citizens United v. Federal Election Commission*, which struck down major components of the Act. The ruling immediately opened federal campaigns across the nation to unlimited spending by groups or individuals independent of, and not coordinated with, candidates' committees. While total spending on elections has continued to climb exponentially, advocates for campaign finance reform are hopeful. Public opinion polls show the *Citizens United* decision is immensely unpopular among Americans across all parties. Furthermore, the decision has galvanized the reform movement, and there have been a number of positive trends, including new organizations and funders entering the field.

The money-in-politics field includes a diverse collection of organizations. There are groups that work on transparency, data, research, and analysis; groups that pursue legal and judicial strategies, using litigation as their main tool; groups that focus on policy campaigns and communications; and groups that work to engage a broader set of participants in campaign reform efforts and change the public dialogue. Since 2004, when the RBF's first grants addressing money in politics were made, just under \$7.5 million has been awarded in 97 separate grants to organizations working on many of these related approaches. Almost 70 percent of the grants supported efforts related to public campaign financing and other democracy reforms; 23 percent, or \$1.67 million, focused on transparency. Roughly eight percent of the grants went to a variety of other organizations and projects, including journalism projects focused on money in politics, efforts to bring transparency and accountability to corporate political spending, and efforts to shine a light on the role campaign contributions play in judicial elections. Over half of the grants went to 10 key organizations that are mainstays in the campaign finance arena. Over a third of the grants were awarded for general support, to cover organizations' core costs and provide resources to respond to emerging priorities.

The Fund's money-in-politics grantmaking has been characterized by consistent support for key organizations over time; a provision of general operating support; multiyear grants; regranteeing through collaborative funding structures; the use of The Pocantico Center for funder and grantee convenings at pivotal moments; and participation in formal and informal funder collaborations. Peers in the funding community praise staff's collegial approach and willingness to collaborate and share information. New funders investigating the money-in-politics field were particularly appreciative.

The report identifies both progress that has been made toward achieving the program's goals and setbacks that have been encountered. The RBF identified public funding of political campaigns as a

promising approach early in the development of the money-in-politics portfolio and has invested in a variety of institutions over the years. A number of states have instituted public financing programs for various offices since the RBF entered the field, from one state that passed a comprehensive system covering all statewide and legislative offices, to cities and counties with systems that cover local officials, to states that cover judicial elections. When instituted, the programs are very successful and widely utilized by candidates of all parties. Advocates also have battled a series of attacks by opponents of clean elections—including legal challenges and legislative fights, although there have been setbacks as well. Voters in Portland, Oregon, ended the city’s program in 2010 and a new conservative majority repealed North Carolina’s law in 2013.

At the federal level, small-donor public financing bills have been introduced in Congress, but it is unlikely that legislation will be seriously considered, as Republican leaders in both the House and the Senate oppose almost any campaign finance reform. Advocates continue to work with supportive congressional leaders to raise the profile of the issue, but see states as the best opportunity to advance public financing in the short term. At the same time, increasing numbers of candidates and public officials at the state and federal levels are endorsing public financing, and in some cases it is becoming a major campaign issue.

On the transparency front, thanks to the efforts of several RBF grantees, there has been an increase in the amount of government data and information routinely available online, as well as in the number of civic organizations using these data in powerful and compelling ways. Some progress is also being made in persuading more corporations to disclose or curtail their political spending.

A number of recent developments are bringing renewed energy to the money-in-politics field. These include renewed funder interest, as a number of major funders are assessing new programs and investments in the field. Individual donors have also become engaged, thanks to both the Fund for the Republic, which is seeking to organize new individual donors concerned with money in politics, and Friends of Democracy, a super PAC founded by Jonathan Soros, which is becoming directly involved in candidate elections. The field is also becoming broader and more inclusive as organizations and funders in other sectors, such as the environment, labor, and civil rights, have begun to understand the connections between their issue work and campaign finance reform. These include several national, constituency-based organizations that have the potential to engage large numbers of their members in the issue.

The report recommends that the RBF continue its funding pattern over the next two to three years, and in particular continue to assess whether grantees have been able to increase the number of states with public financing systems, including a “major” state. Progress on this indicator has stalled in recent years. Public financing victories in additional states and jurisdictions will be critical to reestablish momentum. The report also encourages the RBF to continue to collaborate with other funders in this area, based on a belief that the it can play an important leadership role in convening and organizing campaign finance reform funders.

## INTRODUCTION

In late 2002, the Rockefeller Brothers Fund established the Democratic Practice program, a new formulation and a new area of focus. The framework for the program, as approved by the trustees in October 2002, declared: “The RBF’s program on Democratic Practice will support efforts to strengthen democracy in the United States, in other nation states, and in transnational decision making.” The framework for the U.S. program emphasized fostering civic engagement and working for responsive and effective governance. When the program was launched in January 2003, staff explored the wide range of opportunities presented by these broad goals, identifying and supporting promising leaders and organizations and building on the track records of these grantees to develop the specifics of the program through practice. (The U.S. program guidelines were later refined and amended in 2010 and 2013.) Early on, staff identified money in politics as an important topic, and found public funding of political campaigns to be a promising solution. In June 2004, initial grants to two organizations active in promoting public financing—the [Piper Fund of the Proteus Fund](#), and [Public Campaign](#)—were approved by the trustees. During the 10 years since, money in politics has continued to be one of the central themes of the Democratic Practice program portfolio focused on the United States, constituting 22 percent of its grantmaking during this period. The Democratic Practice program also has a portfolio devoted to global governance that is beyond the scope of this assessment.

In June 2013, the RBF contracted with M+R Strategic Services (M+R) to conduct an impact assessment of its money-in-politics grantmaking. The purpose of the impact assessment was to step back after 10 years of grantmaking and, in light of impending staff changes, review the money-in-politics portfolio, including related transparency grants. The goal was to provide an assessment of the RBF’s role in the field, the evolution of the program over the past decade, the strengths and weaknesses of its strategies and grantmaking, and the contribution of RBF grantees (and the RBF) to progress in the field, as well as to suggest possible approaches going forward.

We relied on the following methods to conduct the evaluation:

- Conducting initial framing interviews with RBF staff to get contextual background on the foundation’s investments and to frame key questions for the evaluation.
- Reviewing background materials to gain an understanding of the program. These materials included:
  - RBF documents including [program guidelines](#), grant proposals, reports, and other relevant documents;
  - Publications from grantees, strategy documents, news and magazine articles relating to campaign finance, and thought pieces by leaders in the field.
- Identifying, in conjunction with Fund staff, a list of individuals to interview as part of the evaluation process. These included RBF staff, grantees, others involved in money-in-politics work, funders, and outside observers.
- Drafting a comprehensive interview protocol to inform discussions.
- Conducting phone and in-person interviews with 33 individuals to capture feedback. Interviewees were promised confidentiality and shared their thoughts and observations with candor during the interviews, helping to develop an honest assessment. Because of this, quotes used in this report are unattributed and are included only when they reflect representative points of view.

## MONEY-IN-POLITICS LAY OF THE LAND

Big money has long dominated our elections. Polling has shown over the years that Americans intuitively understand that wealthy donors enjoy greater influence on politics and policy, although many people may not connect this directly to challenges in their own lives. The problem with money in politics is that a small minority of these wealthy donors, with policy preferences unlike those of the majority of Americans, play an outsized and undemocratic role in American politics. In essence, it is not necessarily the amount that is spent on campaigns that is problematic; it is who pays for them, what they get in return, and how that affects public policy and spending priorities. However, many citizens and policymakers are skeptical of proposed solutions—either because proposals appear too complex, people doubt their viability, or there is a fatalistic notion that the wealthy will always wield more influence and this is not a problem amenable to policy solutions. To combat this, reform groups have worked to ensure the public has access to information about political contributions and to try to curb undue influence of donors on policy. They also have promoted policies that enable more candidates to compete for public office and allow average citizens to participate in the political process.

The Bipartisan Campaign Reform Act of 2002 (BCRA, McCain–Feingold Act) was a major victory for campaign finance reform supporters. The legislation was first introduced in 1995, and passage took a tremendous amount of work by reform groups as well as a significant infusion of resources from funders. The purpose of the Act was to ban “soft money” (money donated to political parties in a way that left the contribution unregulated by the Federal Elections Commission) from being contributed to candidates and political parties. It also prohibited the airing of “nonpartisan” issue ads funded by soft money in days leading up to elections, and included additional provisions. While limited in its goals, it worked to begin pushing political money toward small dollar donations. However, a series of Supreme Court decisions over the years overturned major provisions of the law. (See Appendix C, “A Brief Guide to Major Campaign Finance Cases”.) In January 2010, the Supreme Court, in *Citizens United v. Federal Election Commission*, struck down major components of the act including federal campaign finance regulations that prohibited corporations, unions, and nonprofits from funding “electioneering communications,” while upholding disclosure and disclaimer requirements. The ruling immediately opened federal campaigns across the nation to unlimited spending by groups or individuals independent of, and not coordinated with, candidates’ committees—so-called independent expenditures. Groups in this category include controversial super PACs and 501(c)(4) organizations that do not have to disclose their donors. While the *Citizens United* case declared only the federal law on corporate independent expenditures invalid, its holding also affected states that had prohibited independent expenditures by corporations. In all, 22 states had to examine their corporate prohibition laws and decide how to respond to the U.S. Supreme Court decision. All but one, Montana, either repealed their independent expenditure prohibition laws or issued interpretations that declared the laws unenforceable.

Total spending on elections has continued to climb exponentially. Estimated expenditures in the 2012 presidential and congressional elections topped \$7 billion, an increase of more than \$2 billion from the 2008 elections. This election also had several firsts: the first \$1 billion presidential candidate, the first \$70 million Senate campaign, the first \$20 million House candidate, and a record \$1 billion spent by outside independent groups. A [report by the Center for Responsive Politics](#) shows that national political spending by nonprofit groups—mostly 501(c)(4)s, which do not have to disclose their donors—grew from about \$5 million in 2006 to more than \$300 million last year.<sup>1</sup> And

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<sup>1</sup> Center for Responsive Politics: OpenSecrets.org's New Dark Money Data Measures Groups' Politicization, 2013

trends in the states appear to mirror these kinds of increases. A [Campaign Finance Institute study](#) of independent spending in 16 state elections showed spending increased by \$62 million between 2006 and 2010, an increase of 43 percent.<sup>2</sup> State judicial races are also not immune from the trends. According to the [William J. Brennan, Jr. Center for Justice](#) and [Justice at Stake](#), \$28 million was spent on television advertising in state Supreme Court races in 2012.<sup>3</sup> In Michigan’s Supreme Court races, of the \$15 million of documentable spending, just over 25 percent can be attributed to identifiable donors; 75 percent cannot. Despite a task force appointed by House Democratic Leader Nancy Pelosi to develop legislation to reform campaign finance, prospects for congressional action remain bleak given polarization and the identification of campaign finance reform as a partisan issue. These factors led the Fund for the Republic, a new nonprofit philanthropic venture focused on money in politics, to refer to the current period as a “bottoming-out moment.”

Yet, in spite (or some alternately argue, because) of this, advocates are hopeful. They point to a number of factors. First is public opinion. Polls show the *Citizens United* decision is immensely unpopular. According to a Democracy Corps poll in 2012,<sup>4</sup> Americans across all parties oppose the ruling; among all voters, 62 percent oppose the decision and nearly half (46 percent) strongly oppose it. Second is the galvanizing impact the decision has had on the reform movement. Immediately after the decision, groups went through what one observer called the “primordial soup phase,” trying to determine the impact, responses, and what it meant for ongoing money-in-politics advocacy. Since then, advocates point to a number of positive trends, including new organizations and funders entering the field.

## STATE OF THE FIELD

The money-in-politics field includes a diverse collection of organizations. There are groups that work on transparency, data, research, and analysis; groups that pursue legal and judicial strategies, using litigation as their main tool; groups that focus on policy campaigns and communications; and groups that work to engage a broader set of participants in campaign reform efforts and change the public dialogue. Some work at the federal level while others advocate changes at the state level as a more appropriate focus. Some organizations employ more than one of the strategies, and in many cases there is significant overlap among them. A brief description of the strategies paired with sample organizations follows. The following diagram from a recent Mertz Gilmore Foundation landscape scan on money in politics serves as a good illustration.

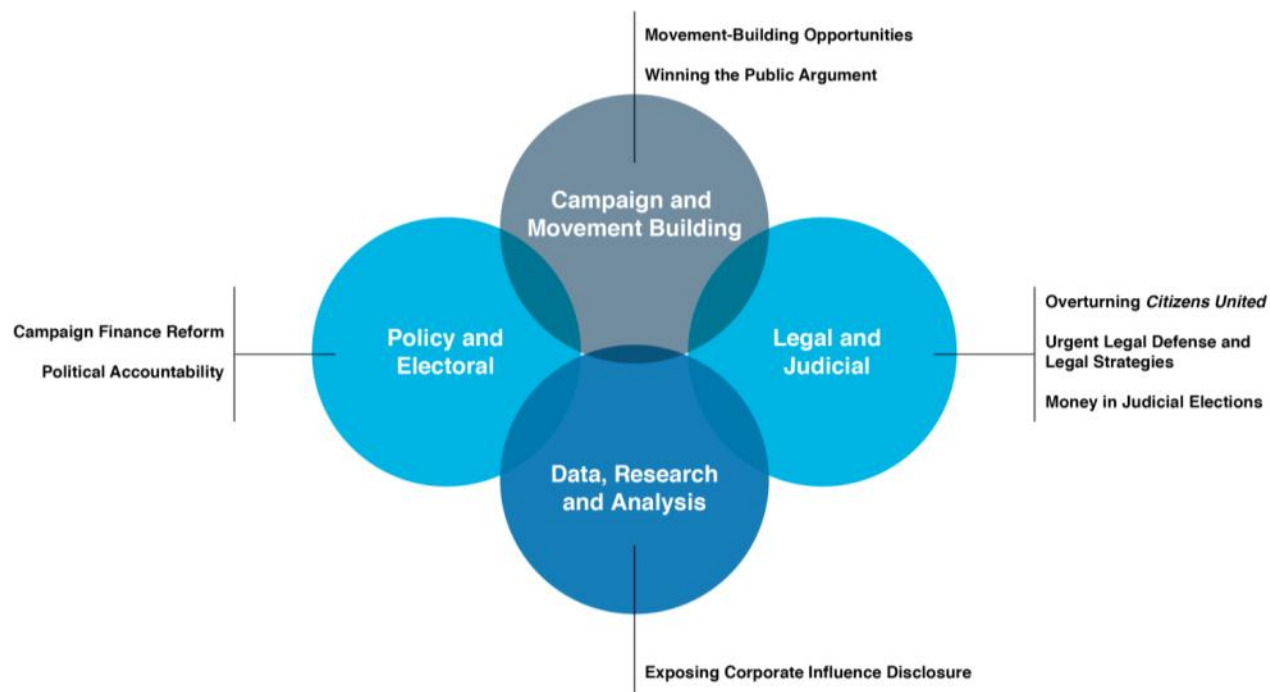
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<sup>2</sup> Campaign Finance Institute: Working Paper on Independent Spending in the States, 2006–2010

<sup>3</sup> Judicial Election TV Spending Sets New Record, Yet Voters Reject Campaigns to Politicize the Judiciary, Brennan Center press release, November 7, 2012, <http://www.brennancenter.org/press-release/judicial-election-tv-spending-sets-new-record-yet-voters-reject-campaigns-politicize>

<sup>4</sup> Democracy Corps: Two years after *Citizens United*, voters fed up with money in politics, January 19, 2012, <http://campaignmoney.org/files/DemCorpPCAFmemoFINAL.pdf>

## THE ADVOCACY LANDSCAPE ON MONEY IN POLITICS



*Graphic published courtesy of the Mertz Gilmore Foundation*

### Transparency, Data, and Research

A cornerstone strategy of the money-in-politics field is the collection and dissemination of information tracking money in politics and its effect on elections and public policy. A number of key organizations and RBF grantees perform this role. One of these is the [Center for Responsive Politics](#), which maintains a comprehensive database of federal campaign contributions and lobbying data. It describes its mission as informing citizens about how money in politics affects their lives; empowering voters and activists by providing unbiased information; and advocating for a transparent and responsive government. The [National Institute on Money in State Politics](#) plays a similar role, tracking contributions in all 50 states. Its databases include over 3.5 million records of state-level political donors, and it supports journalists, academic researchers, public-interest groups, government agencies, policymakers, students, and the public at large to investigate state-level campaign contributions. The [Sunlight Foundation](#) uses innovative technology to expand access to government information. The three groups also collaborated in developing [Influence Explorer](#), a project of Sunlight that provides an overview of campaign finance, lobbying, earmarks, contractor misconduct, and federal spending data. Other organizations, including [MapLight](#), utilize multiple data streams on campaign contributions and connect them in real-time to elected officials' policy positions and voting records. Collectively, these transparency groups provide valuable information not only to the public but to advocates working to change campaign finance laws.



## GRANTEE PROFILE



The RBF has supported the National Institute on Money in State Politics since 2004, providing eight grants totaling \$820,000. Based in Helena, Montana, the Institute is the only organization in the country devoted to compiling itemized campaign-donor information filed by state-level candidates, party committees, and ballot measure committees in all 50 states. Their databases include over 3.5 million records of state-level political donors, and they work to promote independent investigation of state-level campaign contributions by journalists, academic researchers, public-interest groups, government agencies, policymakers, students, and the public at large. Data is updated on [www.followthemoney.org](http://www.followthemoney.org) within days of it being filed with state disclosure agencies. The Institute provides access to the data and analyses free of charge to ensure wide dissemination of the information. Advocacy organizations that integrate money-in-politics analyses into their work routinely use the Institute's data. Organizations promoting public financing reforms also use the data to strengthen their cases. The Brennan Center and other legal organizations have used the Institute's data in prominent U.S. Supreme Court cases and other cases. The Institute also works to promote model disclosure laws by issuing reports on best practices and working with the Council on Governmental Ethics Law.

## Legal Challenges

Opponents of campaign finance reform have successfully utilized the courts at state and federal levels to challenge laws, rules, and regulations that limit campaign spending. *Citizens United* was just one in a long line of decisions negatively impacting campaign finance reform; before *Citizens United*, a series of the Supreme Court's decisions had already cast a cloud of constitutional uncertainty over campaign finance regulation. Given this, pro-reform legal-based groups are currently pursuing a dual strategy. The first is the short-term defensive legal and jurisprudential fight, working to preserve existing campaign finance laws. RBF grantees the Brennan Center and the [Campaign Legal Center](#) are directly involved in the litigation efforts or are providing backup assistance to others to preserve remaining limits and disclosure requirements. There is also a newer affirmative and far longer-term effort taking shape to establish an alternative jurisprudence that could eventually overturn *Citizens United*.

## Policy Advocacy

Advocates are pursuing many policy options to curb the influence of money in politics at both the state and federal levels. A number of organizations are focused on preserving existing campaign finance laws from attack through litigation and public education. Affirmative efforts can be broadly divided into those that are seeking to enact or improve disclosure laws or policies, and those seeking to enact new campaign finance regulations. On the disclosure front, the DISCLOSE Act (Democracy Is Strengthened by Casting Light On Spending in Elections) was introduced in Congress as a response to *Citizens United*. The bill failed to reach the required 60 votes for consideration on the floor of the Senate in September 2010 and has not been voted on. Although it has been reintroduced in the current

Congress, prospects for passage are bleak at best. Reform groups including [Common Cause](#), [U.S. PIRG](#), and [Public Citizen](#) supported the legislation. Common Cause and others continue to advocate for disclosure laws in a number of states.

"Fair Elections" reform is viewed by many as the best near-term public policy to counter the increasing influence of corporate money in politics. Under this system, candidates wishing to receive public financing collect a certain number of small "qualifying contributions" from registered voters. If they collect enough of these qualifying contributions, they then are eligible to receive a flat sum of

public funds to run their campaigns and agree not to raise any other money from private sources. Rather than being forced to rely on special interest donors to pay for their campaigns, candidates have the opportunity to raise small donations from their grassroots base to qualify for funding, which ends their reliance on special interest campaign donations. The system is also referred to as “clean elections” or “voter-owned elections.” While proposals differ, reform groups seem to be coalescing around policies that encourage small donors and matching funds with public financing. A number of bills have been introduced in Congress that would encourage small donors, though few expect the current Congress to act affirmatively. Public Campaign and others have continued to actively promote public financing reforms at the state level while they also pursue congressional action. Three states have enacted public financing for legislative and statewide offices, a number of states have provisions encompassing judicial and other elections, and a number of municipal governments have enacted public financing.

### **Campaign and Movement Building**

Movement-building opportunities represent a fourth strategic approach to addressing money in politics, one that both undergirds and is essential to advancing the others. Organizations including labor unions, environmental groups, and civil rights groups that have not traditionally been involved are now adding campaign finance reform to their agendas, seeing a direct relationship between their ability to advance their issues and campaign finance reform. Environmental groups including the [Sierra Club](#) and the [League of Conservation Voters](#) tie candidates’ stands to their contributors, including “Big Oil.” The PICO National Network, a faith-based community-organizing effort, has taken on private prisons aided by research conducted by the National Institute on Money in State Politics. In 2012, the NAACP, Greenpeace, the Communications Workers of America, and the Sierra Club joined together to form the Democracy Initiative and adopted campaign finance reform as one of their core issues. Efforts to engage membership organizations are an important development.

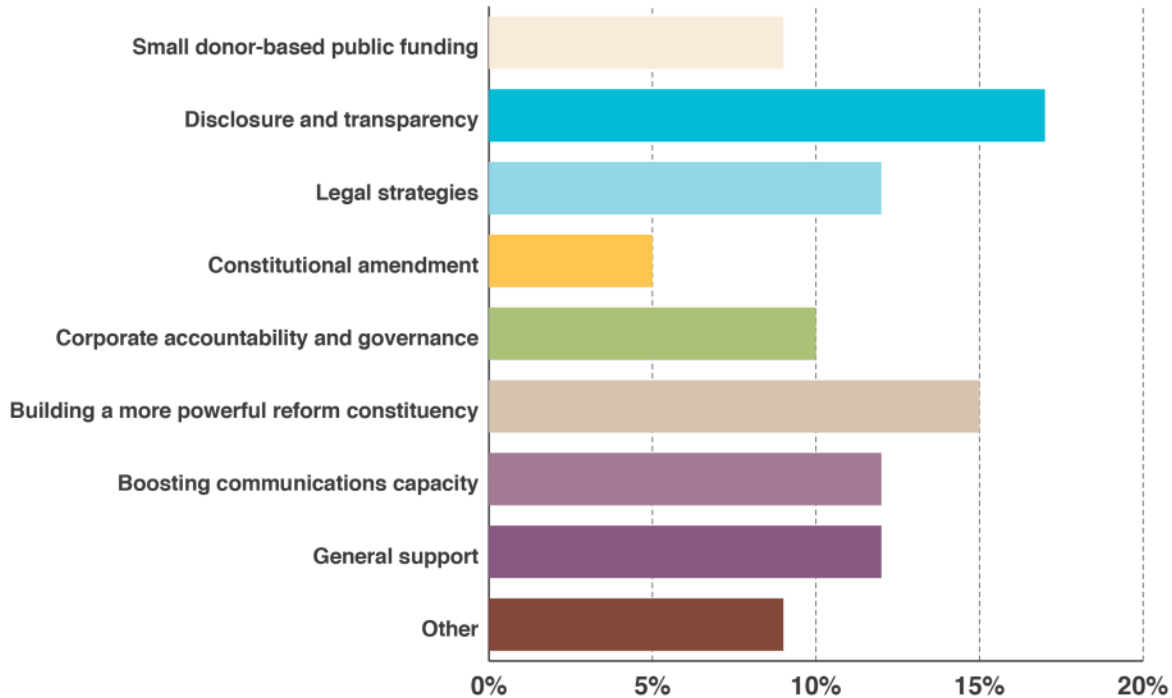
### **Winning the Public Argument**

Campaign finance reform advocates defined “developing a shared story on the money-in-politics problem and solution” as a key strategy to respond to *Citizens United* at a retreat at The Pocantico Center.<sup>5</sup> The portfolio has supported a variety of efforts to inform the public and help shape the debate about campaign finance reform. Sample grants include: the [American Prospect](#), for [its special report on money and politics](#); [Investigative Reporters and Editors](#), for a series of training events designed to help journalists provide better coverage of the 2012 elections; and [International Documentary](#), for outreach and engagement for the film [Citizen Koch](#).

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<sup>5</sup> Report from the Pocantico Retreat “New Thinking About Campaign Finance Reform,” Co-Hosted by Piper Fund and Rockefeller Brothers Fund. February 9–11, 2010

## Money-in-Politics Working Group 2011 Grant Dollars by Strategy (39 Funders – Approximately \$18 million annually)



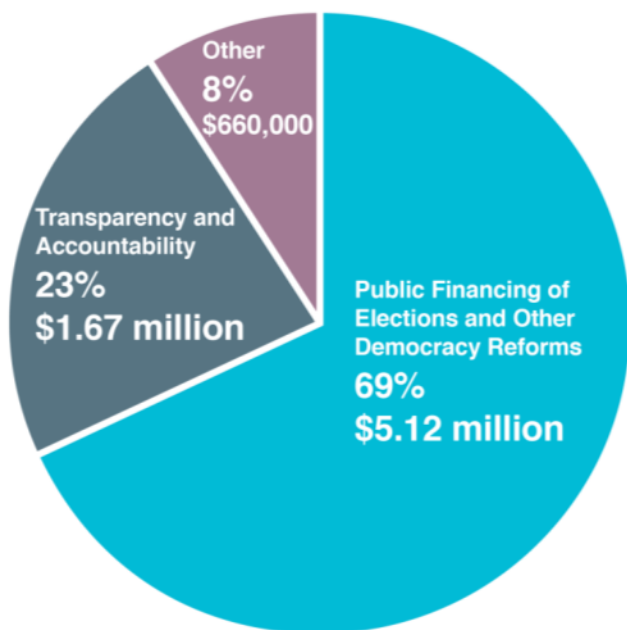
*\* From a Funders' Committee on Civic Participation in Politics Working Group survey of 39 funders conducted on behalf of the Open Society Foundations and the Piper Fund.*

When asked to describe the money-in-politics field, a majority of respondents in our interviews used descriptors like “fragmented,” “often not on the same page,” “diffuse,” and “too many groups with not enough resources.” The [Fund for the Republic](#), a new entity focused on money-in-politics issues, estimates that there are roughly two dozen reform groups with a combined staff of 280 and annual expenditures totaling \$45 million.<sup>6</sup> Many of our interviewees noted that there is more cooperation among groups post-*Citizens United* and a better sense of coming together in the community around strategies. In addition to coalescing around reforms that encourage small donors and matching fund programs, there seems to be a renewed appreciation for the need to be involved in the early stages with legal strategies and work around jurisprudence, including changes to legal education, efforts to encourage legal scholarship, and the development of case law in support of campaign finance reform.

<sup>6</sup> Fund for the Republic: An Overview of Strategies for Reform, June 2013

## MONEY-IN-POLITICS GRANTMAKING: RBF APPROACH AND IMPACT

### RBF Money-in-Politics Grants 2004–2013 Total Awarded: \$7,453,139



The RBF's first grants addressing money in politics were made in 2004. In the period since, just under \$7.5 million has been awarded in 97 separate grants<sup>7</sup> to organizations focused on campaign finance advocacy, transparency, and other efforts to combat the influence of money in politics. Almost 70 percent of the grants supported efforts related to public campaign financing and other democracy reforms. Over half of the grants during 2004–2013 went to 10 key organizations that many describe as mainstays in the campaign finance arena. Over a third of the grants were awarded for general support, to cover organizations' core costs and provide resources to respond to emerging priorities. (See appendices A for a timeline, D for a detailed grants list, and E for a closer look at grantmaking.)

#### *Public Financing of Elections*

From the inception of the money-in-politics work, the RBF adopted a specific strategy on promoting experimental approaches to financing political campaigns, with a special emphasis on public financing systems at the state and local levels. Of the two grants made in the first year, one was to Public Campaign to promote public financing. Efforts to study, defend, and win public financing make up the largest percentage of the portfolio's grantmaking. Since 2004, 58 percent of the funds awarded, totaling \$4.3 million, were related to grants in this area. Three key institutions received almost 65 percent of that total—Public Campaign, the Proteus Fund, and the Brennan Center for Justice. Public Campaign is a national organization promoting public financing with the capacity to concentrate opportunistically on the most promising state and local efforts. It has received seven grants totaling \$1,035,000. The Proteus Fund houses the Piper Fund, a national collaborative for funders interested in money in politics and campaign finance reform, which has received eight grants totaling \$848,154. The Brennan Center provides legal guidance and support to federal, state, and local campaign finance reformers through informative publications, direct counseling, legislative drafting, and testimony in support of reform proposals. It has received nine grants totaling \$890,000. Grants from the RBF money-in-politics portfolio also supported recent efforts to enact public financing in New York state.



*A website during a recent legislative session of Save Clean Elections, an Arizona-based coalition supporting public financing.*

<sup>7</sup> Includes support for two conferences at The Pocantico Center in 2005 and 2010.

## *Transparency*

Grants focused on transparency totaled \$1.67 million and represented 23 percent of the money-in-politics portfolio. Major grantees included the National Institute on Money in State Politics, MapLight, and the Center for Responsive Politics. The largest recipient was the National Institute, which received eight grants totaling \$820,000.

## *Other*

Roughly eight percent of the grants went to a variety of other organizations and projects. They included journalism projects focused on money-in-politics efforts to bring transparency and accountability to corporate political spending, organizations working to engage businesses in campaign finance reform, and efforts to shine a light on the role campaign contributions play in judicial elections.

## **Portfolio Approach: Long-Term Investments in Anchor Organizations and Collaborative Efforts**

A review of the money-in-politics portfolio, coupled with feedback from our interviews, revealed a number of characteristics of the RBF's approach. They include:

- Investing in Key Organizations and Strategies

The program identified a number of organizations that it believes have the capacity to deliver on the program strategies and has consistently supported them over time. A third of the program's grants (by number) have gone to four institutions. Grantees and other funders describe the RBF's role in the field as supportive, nurturing a variety of efforts, and sticking with projects over time that weren't necessarily the "flavor of the month." Several foundations that had traditionally supported campaign finance reform efforts (Carnegie, Pew Charitable Trusts, the JEHT Foundation) ended their funding or changed priorities during the time period covered by this impact assessment. In some cases, foundations left after enactment of the 2002 McCain-Feingold Act. Others narrowed their programs or began to focus on other democracy issues. Larger institutions like the Carnegie Corporation of New York, which had invested over \$30 million in grants toward campaign finance efforts, ended its programs. After investing nearly \$40 million, Pew Charitable Trusts ended its program area in 2008. The Ford Foundation and others also curtailed their funding. The JEHT Foundation was forced to close as a result of the Madoff investment scandal. And the Open Society Foundations has narrowed its focus in the money-in-politics field to working on jurisprudence issues. A number of observers noted that this amplified the importance of the RBF's role as a stable and consistent funding partner.

- Providing General Operating Support

Over a third of the individual grants in the program were for general operating support, providing core operations support not limited to specific projects. In addition, close to a third of the grants were for a period of at least two years. This style of grantmaking both enhances an individual organization's ability to carry out its mission and ensures it has the flexibility to adapt and respond to a changing environment. Public Campaign serves as an example. Over time it has received seven grants totaling \$1,035,000. Early on, staff identified the organization as a key driver advancing public financing around the country. Rather than investing in individual state campaigns, the RBF relies on the judgment of the organization to

identify the best opportunities nationwide and supports its capacity to engage in the most promising state and local efforts.

- Collaborative Funding/Regranting

The RBF has provided significant support over the years to the Piper Fund, a national funding collaborative of donors interested in money in politics and campaign finance reform. The RBF is one of 24 foundations and individual donor funding partners that are active participants in Piper. Piper's focus had been on building a strong infrastructure of organizations to carry out a set of public education and organizing strategies to mobilize for public financing at the state level. In 2010, Piper adjusted its strategy to strengthen and broaden the money-in-politics sector overall, with a focus on movement building, enhancing communications capacity, state-based work, and judicial independence.

- Philanthropic Collaboration

The RBF participates in a variety of both formal and informal funder collaborations including the Piper Fund and the [Funders' Committee for Civic Participation Money in Politics Working Group](#). Peers in the funding community praise staff's collegial approach and willingness to collaborate and share information. New funders investigating the money-in-politics field were particularly appreciative.

- Pocantico Conferences

The RBF supported two money-in-politics convenings held at The Pocantico Center. These meetings were instrumental in the development of the money-in-politics portfolio. Our interviewees cited the pivotal role the conferences played in the campaign finance sector. The first meeting was in April 2005, when the Piper Fund gathered its foundation and individual contributors and other interested parties to assess progress toward its goals and to plan for the future. The second meeting was in 2010 and was entitled "New Thinking About Campaign Finance Reform." It was originally intended to focus on public financing efforts, but broadened its agenda based on the *Citizens United* Supreme Court decision, which had been announced just three weeks prior to the meeting. It brought together over 40 diverse advocates, constituency leaders, scholars, and funders to discuss the implications of the Supreme Court decision and to generate fresh ideas and strategies. Advocates continually referenced the meeting during our interviews as a critically important and useful gathering given its timing. A 2010 grant report to the RBF from the Piper Fund states: "This was indeed a watershed meeting, a remarkable three days of work, discussion, and, finally, a collective arrival at a powerful understanding of the need for campaign finance reform leaders to work together in unprecedented ways with, to the extent possible, a unified money-in-politics community's voice and strategy."

### **Program Impact: Tangible Progress; Discouraging Setbacks**

As part of our assessment, we reviewed the programs goals, strategies, and key indicators of progress and compared them against the current lay of the land and grantee results.

## Public Campaign Financing: Evidence of Impact

The RBF identified public funding of political campaigns as a promising approach early in the development of the money-in-politics portfolio and has invested in a variety of institutions over the years. The Campaign Finance Institute has received funding to study, analyze, and develop small donor public financing programs. The Brennan Center has provided legal support when public financing laws have been challenged in court. Public Campaign has been the lead national organization working with advocates to pass and defend Fair Elections laws. And the Proteus Fund's Piper Fund is a funder collaborative that supports efforts to win and defend public financing of elections. As a result, there have been significant positive developments, though not without worrisome challenges.

**Strategy: Combatting the corrupting influence of money in politics by supporting the adoption of public financing of electoral campaigns.**

### Indicators of Progress

- Increase in the number of states with public financing systems, at least one of which is a "major" state (e.g., California, New York, etc.).
- A bill for public financing of congressional elections under serious consideration with a realistic chance for passage.
- Candidates for office include public financing as an issue in their campaigns.

**Increase in the number of states with public financing systems, at least one of which is a "major" state (e.g., California, New York).** A number of states have instituted public financing programs for various offices since the RBF entered the field. Connecticut passed a comprehensive system for all statewide and legislative offices in 2005. Albuquerque, New Mexico, and Hawaii County, Hawaii, have implemented a system for local officials. New Mexico and West Virginia have instituted systems covering judicial elections. North Carolina passed programs for a number of statewide offices in 2007. RBF grantees the Piper Fund and Public Campaign have been closely involved in all these victories, providing support, research, and staffing to local and state partners. When instituted, the programs are very successful and widely utilized. In Maine, 79 percent of the legislature is represented by people who won using their Clean Elections program. In Connecticut in 2012, participating candidates made up 65 percent, or 268 out of 411, of those seeking office in Connecticut's General Assembly. Overall, 77 percent, or 143 out of 186 seats, are filled by officials who used the Citizens' Election Program. In addition, all five statewide offices are now held by Clean Elections winners. In the Arizona state legislature, participating candidates made up 37 percent, or 57 out of 156, of those seeking office. The following chart produced by Public Campaign details states and localities that have full public financing systems.

### States and Localities with Full Public Financing Systems

State/Locality	Office Where Public Funding Available	How Approved	Year Approved
Arizona	Statewide and Legislative	Initiative	1998
Connecticut	Statewide and Legislative	Legislation	2005
Maine	Statewide and Legislative	Initiative	1996
New Mexico	Public Regulation Commission, statewide judicial elections	Legislation	2003, 2007
North Carolina	Supreme Court, Court of Appeals, State Auditor, Commissioner of Insurance, Superintendent of Public Instruction*	Legislation	2002, 2007
Vermont	Governor and Lieutenant Governor	Legislation	1997
West Virginia	Supreme Court	Legislation	2010
Albuquerque, NM	City Council and Mayor	Initiative	2005
Hawaii County, Hawaii	County Council	Legislation	2008

\* North Carolina's financing programs were repealed as part of an election overhaul bill passed by the legislature in 2013, though that legislation is currently facing legal challenges.

Advocates also have fought back a series of attacks by opponents of clean elections—including legal challenges and legislative fights. The systems in Arizona and Connecticut faced daunting legal and legislative challenges as well-funded reform opponents sought to weaken or outright kill the programs. Common Cause, Public Campaign, and the Brennan Center, along with state allies, fought back those attempts and successfully defended the laws.

## GRANTEE PROFILE

### PUBLIC CAMPAIGN

Clean Money ★ Clean Elections

The RBF has supported Public Campaign with seven grants totaling \$1,035,000 since 2004. Public Campaign is a leading organization in national efforts to restore the primacy of ordinary citizens, rather than a select few with great wealth, in the funding of American political campaigns. They both expose the inequities and damaging consequences of the current system and work to educate the public about the democratic promise inherent in “Fair Elections” policies, robust publicly financed campaign systems based on small donor matching funds. Under this policy, candidates may choose to run a financially competitive campaign using only a combination of small contributions and money from a public fund. Public Campaign educates and mobilizes concerned citizens at the national, state, and local levels, to generate public enthusiasm for a changed money-in-politics system. On Capitol Hill, they share their research, analysis, and strategic expertise with the dozens of lawmakers who want to transform the status quo. Their field and organizing teams work with grassroots activists across the country, in Arizona, Connecticut, and Maine, New York, Hawaii, Washington, Maryland, and beyond, to establish—and once established, to protect—local Fair Elections policies. They rally high-profile national support for local and state Fair Elections campaigns and, in turn, help activists engage at the national level when opportunities arise.

There have been setbacks. Voters in Portland, Oregon, ended the city’s program in 2010 and a new conservative majority repealed North Carolina’s law in 2013. The political terrain in states has become more difficult in recent years as well. In 2013, 31 states have significant budget gaps that reinforce the reluctance of sitting legislators to use public funds to change the rules by which they got elected.

An effort to pass clean elections reform in New York (supported by the RBF) made significant strides in 2013. A broad campaign effort built public support, passing a bill through the Assembly and coming up just shy of passing the legislation in the State Senate in 2013. The Fair Elections New York coalition was composed of over 120 organizations including community organizations, issue groups, and the largest labor unions in the state. The coalition is continuing its campaign and hopes to win passage of legislation in the next two years. While a victory in New York would be nationally significant, advocates also understand that new wins in multiple states will be required to further advance this policy. Public Campaign and the Piper Fund are engaged in an in-depth assessment to identify the four to six most promising states to target.

***A bill for public financing of congressional elections is under serious consideration with a realistic chance for passage.*** Sen. Dick Durbin (D-Ill.) and Rep. John B. Larson (D-Conn.) have introduced the Fair Elections Now Act—legislation that would create a small donor-based public financing system for congressional candidates. Reps. John Sarbanes (D-Md.) and David Price (D-N.C.) have also joined the call for promoting the role of small donors in political campaigns. Complementing Rep. Larson’s Fair Elections Now Act, which had 102 bipartisan House cosponsors, Rep. Sarbanes introduced the Grassroots

Democracy Act, and Rep. Price sponsored the Empowering Citizens Act. In the last year, House Minority Leader Nancy Pelosi announced the formation of the House Democrats’ Task Force on Election Reform entitled DARE—disclose, amend, reform, and empower—to build a consensus



around legislation. Given the makeup of the current Congress, it is unlikely that legislation will be seriously considered. Republican leaders in both the House and the Senate oppose almost any campaign finance reform. That leaves Democrats, and a small number of Republicans, to craft legislative language for future consideration. Advocates continue to work with supportive congressional leaders to raise the profile of the issue, but see states as the best opportunity to advance public financing in the short term.



*Public financing proponents meet with New York Governor Andrew Cuomo. From left to right: Jonathan Soros, Leo Hindery, Jr., Gov. Cuomo, Michael Waldman, and Michael Petro. Photo by Katja Heinemann.*

MapLight, the Sunlight Foundation, and the Center for Responsive Politics—all have played an important role, successfully implementing the Fund’s strategies. Collectively and individually, these organizations create what’s needed to make a difference in policy battles: accurate and complete data on money in politics, innovative tools for investigative journalism, and a strong focus on government transparency and accountability.

***Increase in government information/data routinely available online—provided by government and other sources.*** The Sunlight Foundation is a leading national organization that uses cutting-edge technology and ideas to make government transparent and accountable. Sunlight’s policy team pushes for improved policy through traditional lobbying, and its research has led to congressional hearings on transparency.

***An increasing number of civic organizations use new technologies to create platforms and applications that make the information easily understandable and allow the information to be combined, compared, and analyzed by users in new ways.*** The Center for Responsive Politics and the National Institute for Money in State Politics produced reports on issues that civic organizations are

***Candidates for office include public financing as an issue in their campaigns.*** Increasing numbers of candidates and public officials at the state and federal levels are endorsing public financing. Advocates point to important wins in New York state legislative elections, where public financing was a major issue. Senator Cecilia Tkaczyk credits her support of public financing for her win in a close and contested election in November 2012.

*Transparency: Evidence of Impact*

To implement this strategy, the RBF has invested in a number of organizations that work to promote transparency. Grantees include the National Institute on Money in State Politics,

**Strategy: Promoting the transparency, accountability, and responsiveness of government institutions and the transparency and accountability of corporate political spending.**

**Indicators of Progress**

- Increase in government information/data routinely available online—provided by government and other sources.
- An increasing number of civic organizations use new technologies to create platforms and applications that make the information easily understandable and that allow the information to be combined, compared, and analyzed by users in new ways.
- More corporations disclosing or curtailing their political spending.

advocating on and provide direct access to their data through application program interfaces (APIs). Over 1,000 users have APIs with the Institute, allowing their organizations to integrate money-in-politics data directly into their own websites.

***Development of applications that use this information for assessment/accountability of the performance of government overall and that of specific departments, agencies, and initiatives.*** MapLight provides journalists and citizens with transparency tools that connect data on campaign contributions, politicians, legislative votes, industries, companies, and more, to show patterns of influence. It uses campaign contribution data compiled by the Center for Responsive Politics, the National Institute on Money in State Politics, and other data sources to provide real-time analysis with a goal of posting analyses within an hour after votes occur. The Center for Responsive Politics is the nation's leading organization tracking money in politics. It publishes meticulously researched money-in-politics profiles of every federal-level politician, congressional election, political action committee, and corporation or special interest group that lobbies the federal government. It is the money-in-politics organization most widely cited by the press—in 2010, it was cited nearly 25,000 times. It also has developed a variety of applications including an iPhone app called Dollarocracy.



*The Center for Responsive Politics has developed an iPhone app called Dollarocracy.*

***More corporations are disclosing or curtailing their political spending.*** The Center for Political Accountability works with companies to change the way they participate in the political process and engages shareholders to persuade corporations to disclose and account for their political activity. The Center has organized more than 30 investors to file shareholder resolutions at companies. Due to the efforts of the CPA and its partners, over 100 leading public companies—including more than 50 in the influential Standard & Poor's 100—have adopted a political disclosure corporate governance standard.

## **EMERGING ISSUES IN THE FIELD**

A number of recent developments are bringing renewed energy to the money-in-politics field. ***Renewed Funder Interest.*** As noted above, over the last decade a number of larger core funders in the money-in-politics field have stopped funding in the area or changed their focus. This development led advocates to rely on a diminishing group of funders for support. This has begun to change in the last few years. A number of new funders are assessing new programs and investments in the field. These include the William and Flora Hewlett Foundation, the Mertz Gilmore Foundation, the MacArthur Foundation, the Democracy Fund of the Omidyar Network, and the Overbrook Foundation. Many are still in the assessment phase, deciding what their programs might focus on. Funders are also organizing in informal and formal groupings, such as the Money in Politics Working Group of the Funders' Committee on Civic Participation, to exchange information on funding and strategies.

Individual donors have also become engaged. Friends of Democracy is a super PAC founded by Jonathan Soros to promote small donor financing systems by getting directly involved in candidate

elections (more on this below). Another nascent effort is the Fund for the Republic, which is seeking to organize new individual donors concerned with money in politics.

*New Relationships with Constituency Organizations and Sectors.* The money-in-politics field has traditionally been made up of good government groups and reformers; while these groups are strong policy advocates, they rarely have significant memberships to mobilize. Over time, other membership-based constituency groups have joined coalitions, but campaign finance reform has rarely been a priority for these organizations. In 2012, a number of national constituency-based organizations joined together and adopted campaign finance reform as one of their three democracy platforms. (The other two are filibuster reform and voter suppression.) Forged by the leaders of the NAACP, Greenpeace, the Communications Workers of America, and the Sierra Club, this nascent Democracy Initiative now boasts more than 50 partner organizations. Campaign finance reform advocates see enormous potential in partnering with these organizations. In addition, other sectors that have not been involved previously have begun to draw connections between their issue work and campaign finance reform. The RBF has helped support these cross-sector efforts by providing funding for campaign finance reform panels at the yearly Environmental Grantmakers Association conferences and funding organizations like [Democracy Matters](#), a youth organization focused on campaign finance reform, founded by Adonal Foyle, a former NBA player.

*Engaging in the Electoral Process.* Effective advocacy campaigns require a mix of tactics and strategies. Some, but not all, of these tactics can be foundation-supported as 501(c)(3) allowable activities. Others require different streams of funding. Holding public officials accountable by engaging in elections is one example. Campaign finance reform advocates have studied the marriage equality movement as a model that has achieved remarkable success at the state level by using all of the available means to engage politically, including elections. In a similar vein, individual donors who support campaign finance reform have begun to organize new entities. These include Friends of Democracy, a super PAC founded by Jonathan Soros to promote small donor financing systems by getting directly involved in candidate elections. The group was very active in the New York reform effort and is credited with bringing a new powerful force and set of advocacy tools to the campaign. The group is also becoming involved in congressional elections.

## CONCLUSION & RECOMMENDATIONS

Our core findings are summarized below.

- 1. The RBF's ongoing support grants to major core reform organizations in the campaign finance reform arena have been crucial. This consistent support has been particularly important as other funders have changed priorities or left the field.***

Grantees and other funders describe the RBF's role as supporting and nurturing a variety of efforts and sticking with projects over time. A number of larger foundations that had traditionally supported campaign finance reform efforts ended their funding or changed priorities during the time period covered by this impact assessment; a number of observers noted that this amplified the importance of the RBF's role as a stable and consistent funding partner.

**2. *The money-in-politics reform field includes a large number of organizations often pursuing a diffuse range of strategies, and few groups operate at scale. While the RBF has supported a number of strategies and organizations, it has focused its grant resources on promoting public financing of elections.***

Unlike some other issue areas, there is not necessarily a clear, unifying campaign finance reform solution. Groups can agree on the problem—but not necessarily the solution. This is exacerbated by the fact that many of the organizations active in the sector are underfunded and few have the capacity needed to address the problem with resources at the scale needed to succeed. In the past, this fragmentation led many funders to decide not to enter the issue area. The RBF has attempted to navigate this terrain by funding a variety of strategies and organizations and focusing a larger portion of grants on public financing of elections. Almost 60 percent of the money-in-politics portfolio funding has gone to support these efforts. This funding has supported research examining the impacts of public financing, including new models of small donor matching, legal support to defend existing public financing laws, and advocacy to adopt public financing in new jurisdictions.

**3. *Systemic changes to political systems like public financing of elections require elected officials to change the rules governing their own elections. Experience shows this is difficult and means progress is often slow.***

Changing public policy through a legislative process rarely resembles the neat and orderly “How a Bill Becomes a Law” diagrams featured in civics text books. The process is subject to the vagaries of the makeup of the legislative body, individual decision makers can play outsized roles, and seemingly arcane rules and procedures need to be navigated to succeed. This is particularly the case when it comes to campaign finance changes. It often means that progress is slow and winning reform is a multiyear effort. In the time period covered by this analysis, one state—Connecticut—has enacted full public financing of statewide and legislative races. If the number of states enacting full public financing were the sole measure of success, it would be difficult to measure the impacts of the RBF’s funding in this area. But there is more to the story. A number of states have instituted pilot projects or established public financing for judicial races. And, just as important, advocates have defended existing statewide systems in Arizona and Maine against attacks in both the courts and the legislative process.

**4. *The Supreme Court’s ruling in Citizens United v. Federal Election Commission forced the reform community to reexamine its strategies. While groups are still pursuing a variety of strategies, the ruling helped sharpen advocates’ focus around complementary tactics.***

The January 2010 U.S. Supreme Court ruling in *Citizens United v. Federal Election Commission* overturned campaign finance laws restricting the influence of organizations on elections. The following month, the RBF funded a meeting called “New Thinking About Campaign Finance Reform” at The Pocantico Center. The meeting brought together a diverse set of advocates, constituency leaders, scholars, and funders to discuss the implications of the Supreme Court decision and to generate fresh ideas and strategies. While *Citizens United* was only one step in the judicial dismantling of campaign finance regulations, in many ways it helped galvanize advocates. A number of key groups are coalescing around reforms that encourage small donors and matching fund programs. And there is a renewed appreciation for the need to be involved in the early stages with legal strategies and work around jurisprudence.

**5. Recent developments are bringing renewed energy to the field. This includes new entrants into the field on both the advocacy and funding side.**

On one level, the current lay of the land on campaign finance could not be more discouraging for reform advocates. More money than ever before was spent in the 2012 elections, so-called super PACs are playing an increasing role in elections, and *Citizens United* was just one of many cases the Supreme Court has used in recent years to systematically overturn campaign finance laws. But just the opposite appears to be happening. Organizations including labor unions, environmental groups, and civil rights groups, that have not traditionally been involved, are now adding campaign finance reform to their agendas, seeing a direct relationship between their ability to advance their issues and campaign finance reform. In a similar vein, a number of funders are either entering the money-in-politics field or investigating ways they can be involved. Individual donors have also become engaged, and funders are organizing in informal and formal groupings to exchange information on funding and strategies.

**Recommendations**

As part of our assessment, we looked at the Fund's grantmaking both over time and in the current environment to offer suggestions for the program going forward. The portfolio has balanced its grantmaking with roughly 60 percent invested in efforts to win and protect public financing, 20 percent in promoting transparency, and the remaining 20 percent in complementary efforts. We suggest the RBF continue a similar funding pattern over the next two to three years. We make this suggestion based on our understanding of the Fund's ongoing monitoring and program reviews that are part of the approach to assessing program impact. In particular, the RBF should continue to assess whether grantees have been able to increase the number of states with public financing systems, including a "major" state. Progress on this indicator has stalled in recent years. Public financing victories in additional states and jurisdictions will be critical to reestablish momentum.

Several factors lead to this recommendation:

- The transparency organizations supported by the RBF continue to be an important part of the campaign finance reform infrastructure. They serve both to educate the public and to provide critical information and resources for campaign finance reform advocates.
- While new funders have entered the field, it is not yet clear where or how much they will invest. Some may support public financing of elections; others may support disclosure laws or other approaches. While this sorts out, the RBF's continued support of public financing will be important.
- New organizations and formations of donors have the potential to successfully move the public financing strategies that the Fund has supported over the last decade. We believe that a successful effort in New York would encourage further involvement in subsequent campaigns.

We also encourage the RBF to continue to play a collaborative role with other funders in this area. Based on our assessment, we believe the RBF can play an important leadership role in convening and organizing campaign finance reform funders.

**APPENDIX A: Money-in-Politics Timeline 2002–2013**

RBF ENGAGEMENT	GRANTMAKING ACTIVITY		Democratic Practice Program established	First grants awarded around money in politics, with a focus on the state and local levels—to <b>Public Campaign</b> and the <b>National Institute on Money in State Politics</b>	Pocantico Conference (the <b>Piper Fund</b> and campaign finance reform donors)	Broadened grantmaking and engagement in the field. First grants for the <b>Piper Fund</b> (state work), the <b>Brennan Center</b> (litigation), and <b>Democracy Matters</b> (youth engagement).	First grant for New York state public financing work. First grant for <b>MAPLight</b> (use of technology to illustrate effects of money in politics).	Support for research on campaign finance ( <b>Campaign Finance Institute, Center for Governmental Studies, Rice University, Brigham Young University</b> )	Post-Citizens United Pocantico Conference: New Thinking About Campaign Finance Reform, increased grantmaking, first grant to <b>Center for Political Accountability</b> (corporate transparency)	First grant to <b>Justice at Stake</b> (campaign finance in judicial elections). Expanded support for corporate political disclosure ( <b>Fund for Public Advocacy, Committee for Economic Development</b> )	Increased support for New York state public financing efforts		
	TOTAL GRANT PAYMENTS	N/A	N/A	\$100,000	\$150,000	\$410,000	\$740,616	\$642,382	\$744,985	\$1,003,154	\$1,540,906	\$1,299,094	\$622,000
	GRANTS AWARDED PER YEAR	N/A	N/A	2	1	6	9	9	6	13	25	20	6
YEAR	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	
EXTERNAL DEVELOPMENTS	STATE		Massachusetts repeals clean election law  New Mexico establishes public funding for its Public Regulatory Commission	New Jersey enacts public financing pilot	Connecticut enacts full public financing of statewide and legislative races	The U.S. Supreme Court finds Vermont limits unconstitutional  Arizona repeal effort defeated	Connecticut's program goes into effect  New Mexico authorizes full public financing for state judicial races  North Carolina expands public financing to three statewide offices	Wisconsin provides public financing for all state Supreme Court candidates	West Virginia pilot for financing of state Supreme Court elections  Arizona repeal and defunding defeated  Voters repeal Portland, Oregon law	The U.S. Supreme Court rules Arizona's "trigger" unconstitutional  Attacks on Arizona and Maine laws defeated		New York effort comes close but fails to pass public financing  Maine loses gubernatorial funding	
	FEDERAL	BCRA (aka McCain Feingold) enacted to limit "soft money" and independent issue ads	U.S. Supreme Court: BCRA upheld, "soft money" limits don't violate First Amendment (McConnell)				U.S. Supreme Court: limiting BCRA, Congress can't limit issue ads (Wisconsin Right to Life)  Fair Elections Now Act introduced	U.S. Supreme Court: the 'Millionaire's Amendment' of BCRA unconstitutional  Fair Elections Now Act reintroduced	U.S. Supreme Court: Citizens United. DISCLOSE Act is introduced	U.S. Supreme Court: Arizona's "trigger funds" unconstitutional (Bennett)	Grassroots Democracy Act and Empowering Citizens Act introduced  Rep. Pelosi creates task force on campaign and elections	Rep. Pelosi's task force charged with consolidating Fair Elections Now, Grassroots Democracy, and Empowering Citizens	

## **APPENDIX B: Interviewees**

Jay Beckner, President  
Mertz Gilmore Foundation

Edwin Bender, Executive Director  
National Institute on Money in State Politics

Dan Cantor, Executive Director  
Working Families Party of New York

Marc Caplan, Senior Program Officer  
Piper and Proteus Funds

George Cheung, Senior Program Officer  
Joyce Foundation

David Donnelly, Executive Director  
Public Campaign Action Fund

Cathy Duvall, Director of Strategic Partnerships, Sierra Club  
Democracy Initiative

Bruce Freed, President  
Center for Political Accountability

Joe Goldman, Director, Democracy Fund  
Omidyar Network

Stephen Heintz, President  
Rockefeller Brothers Fund

Karen Hobert Flynn, Senior Vice President for Strategy and Programs  
Common Cause

Laleh Ispahani, Director, Democracy Fund  
Open Society Foundations

Sheila Krumholz, Executive Director  
Center for Responsive Politics

Anna Lefer Kuhn, Executive Director  
Arca Foundation

Jeff Malachowsky, Director, Civil Society Program  
Wellspring Advisors

Michael Malbin, Executive Director  
Campaign Finance Institute

Geri Mannion, Program Director, U.S. Democracy and Special Opportunities Fund, National Program  
Carnegie Corporation

Ellen Miller, Co-Founder and Executive Director  
Sunlight Foundation

Daniel Newman, President and Co-Founder  
MapLight

Larry Noble, CEO  
Americans for Campaign Reform

Nick Nyhart, President  
Public Campaign

Nick Penniman, Executive Director  
Fund for the Republic

Elsbeth Revere, Vice President, Media, Culture, and Special Initiatives  
MacArthur Foundation

Alexandra Russell, Director, Money in Politics Working Group  
Funders' Committee for Civic Participation

Karen Scharff, Executive Director  
Citizen Action of NY (Public Policy and Education Fund of New York)

Mark Schmitt, Senior Fellow  
Roosevelt Institute

Josh Silver, Spokesperson/Director  
Represent.Us

Jonathan Soros, Co-Founder  
Friends of Democracy

Daniel Stid, Senior Fellow  
Hewlett Foundation

John Stocks, Executive Director; Kim Anderson, Senior Director  
National Education Association

Michael Waldman, President; Jennifer Weis-Wolf, Deputy Director of Development;  
Adam Skaggs, Senior Counsel  
Brennan Center for Justice

Fred Wertheimer, President  
Democracy 21 Education Fund



## APPENDIX C: A Brief Guide to Major Campaign Finance Cases

### ***Arizona Free Enterprise Club's Freedom Club PAC v. Bennett* (U.S. Supreme Court 2011)**

By a 5–4 vote, the Court struck down a triggered matching funds provision in Arizona's public financing law. Under that provision, when a publicly financed candidate faced high-spending opposition (above the level of the base public financing grant), the publicly financed candidate received additional public funds to let him or her respond to the high spending opposition. The Court reasoned that these additional funds burdened the speech rights of the high-spending opposition.

- The Court left the remainder of the Arizona program intact and reaffirmed the constitutionality of public financing programs generally.

### ***Austin v. Michigan Chamber of Commerce* (U.S. Supreme Court 1990)**

In a 6–3 vote, the Court upheld a Michigan law that banned corporations, including nonprofits, from using their treasury funds to pay for independent expenditures in state elections (other than ballot initiatives), explaining that the state was entitled to prevent the use of massive aggregations of money from distorting the political process. The Court overruled *Austin* in *Citizens United*.

### ***Buckley v. Valeo* (U.S. Supreme Court 1976)**

*Buckley* was a challenge to comprehensive campaign finance reforms adopted after Watergate. It set the doctrinal framework for all successive campaign finance cases. It had four primary holdings:

- It upheld contribution limits because they combat corruption and the appearance of corruption, and signaled that courts should be deferential to legislatures when reviewing contribution limits.
- The Court drew a bright-line distinction between contributions and expenditures of money, and struck down limits on expenditures. It mandated a very strict standard of review for spending limits, virtually guaranteeing that they would be struck down in almost all cases.
- The Court upheld disclosure requirements, and signaled that disclosure rules should generally be upheld.
- The Court upheld the presidential public financing system, noting that public financing enhances, rather than restricts, political speech.

### ***Citizens United v. Federal Election Commission* (U.S. Supreme Court 2010)**

The Court held by a 5–4 margin that corporations and unions cannot be prohibited from using their treasury funds to pay for independent campaign ads. The Court reasoned that because the spending is independent of the candidates, the spending cannot corrupt the candidates.

- The Court also upheld the disclosure and disclaimer requirements, finding by an 8–1 margin that such requirements are generally constitutional.
- *Citizens United* dealt only with independent campaign expenditures. Bans on direct contributions to candidates by corporations and unions are still intact.

### ***Davis v. Federal Election Commission (U.S. Supreme Court 2008)***

In a 5–4 ruling, the Court struck down the Bipartisan Campaign Reform Act’s (BCRA) Millionaires’ Amendment, which tripled the contribution limits for candidates running against wealthy, self-funded candidates. Under the rule, the millionaire candidate would still have had to abide by the normal contribution limits, but the non-millionaire candidate could have accepted donations in amounts three times as large.

- The Court ruled that the Amendment impermissibly burdened the speech rights of the millionaire candidates, who were harmed when the contribution limits of their opponents were raised.

### ***Federal Election Commission v. Wisconsin Right to Life, Inc. (WRTL) (U.S. Supreme Court 2007)***

By a 5–4 vote, the Court narrowed the BCRA’s ban on using corporate treasury funds for electioneering communications. It held that an ideological corporation—i.e., a nonprofit advocacy group—could not be banned from using treasury funds on supposedly sham issue ads that did not expressly advocate for or against a candidate’s election.

- *Citizens United* subsequently went further, allowing *all* corporations to engage in *any* electioneering communications, regardless of whether they expressly advocated for or against a candidate.

### ***First National Bank of Boston v. Bellotti (U.S. Supreme Court 1978)***

By a 5–4 vote, the Court struck down a Massachusetts law that barred corporate contributions or expenditures in ballot initiative campaigns. The Court held that speech does not lose First Amendment protection just because a corporation pays for it—foreshadowing *Citizens United*, which extended the principle to candidate elections (not ballot referenda).

### ***McConnell v. Federal Election Commission (U.S. Supreme Court 2003)***

In a 5–4 ruling, the Court upheld the core of the Bipartisan Campaign Reform Act of 2002, commonly known as McCain-Feingold, including two primary provisions:

- It upheld BCRA’s ban on so-called “soft money”—donations to political parties that allowed donors to evade the “hard money” contribution limits and the parties to create unlimited slush funds for candidates.
- It upheld BCRA’s regulation of a new category of political advertisements called “electioneering communications,” which are “sham issue ads” broadcast in the period immediately before an election and typically urge a viewer or listener to call an elected official and deliver a message. BCRA required disclosure of amounts spent on electioneering communications and of the donors to groups making them. It also banned the use of corporate and union treasury funds for such ads. *Citizens United* overruled the part of *McConnell* that upheld the ban on corporate funds for electioneering communications.

### ***McCutcheon v. Federal Election Commission (U.S. Supreme Court pending)***

In *McCutcheon v. Federal Election Commission*, which was argued on October 8, 2013, the Court will consider the constitutionality of aggregate contribution limits—that is, a limit on the total amount a person may contribute in all federal races. At issue is whether the Court will continue its deferential approach to contribution limits or will start the process of deregulating contributions.

***Randall v. Sorrell* (U.S. Supreme Court 2006)**

For the first time since *Buckley*, the Court in *Randall* struck down contribution limits—in this case, Vermont’s limits, which were by far the lowest in the nation. The Court nonetheless said that most contribution limits would still pass constitutional muster.

***SpeechNow.org v. Federal Election Commission* (District Court Circuit 2010)**

This D.C. Circuit case gave rise to Super PACs, which can collect and spend unlimited sums on independent political ads.

- The Court reasoned that because *Citizens United* said that independent spending cannot corrupt, and that fighting corruption was the only justification for restrictions on political spending, then contributions to organizations that only engage in independent political spending cannot be limited.

## APPENDIX D: Money-in-Politics Grantees

2004–2013

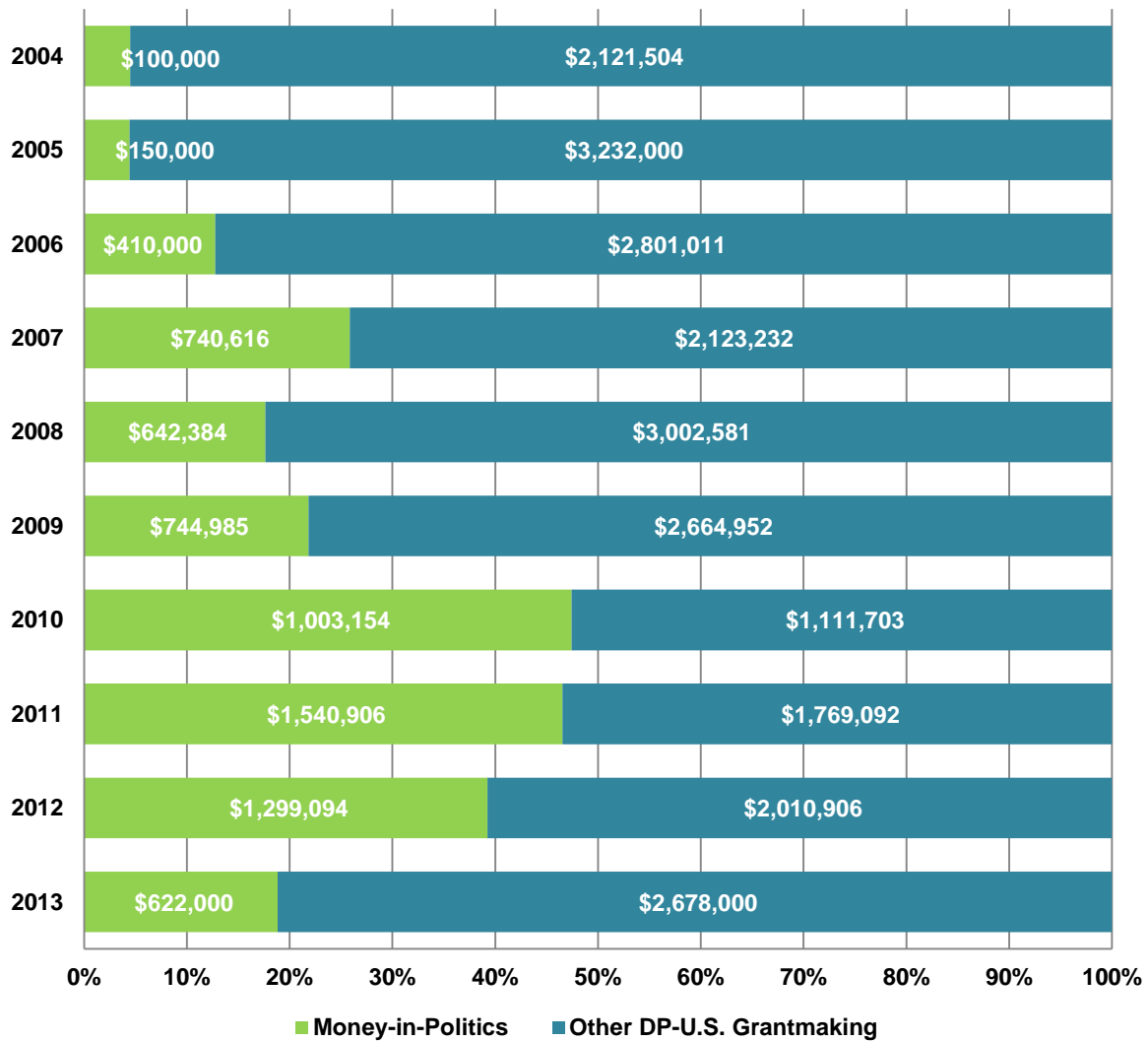
Grantee	Total Support	Years	Overall Purpose
<b>Public Campaign</b>	\$1,035,000	2004–2013	For general support.
<b>William J. Brennan, Jr., Center for Justice, Inc.</b>	\$890,000	2005–2013	For a variety of efforts related to litigation, research, and public education on public financing of political campaigns at the state and federal levels.
<b>Proteus Fund, Inc.</b>	\$848,154	2006–2012	For its Piper Fund, which supports innovative efforts to address undue special interest influence in politics, as well as support for a Pocantico conference, “New Thinking About Campaign Finance Reform,” held February 9–11, 2010.
<b>National Institute on Money in State Politics</b>	\$820,000	2004–2013	For general support.
<b>Common Cause Education Fund</b>	\$500,000	2007–2011	For the research, policy development, and public education elements of its program to protect and advance public financing of elections.
<b>The Campaign Finance Institute</b>	\$450,000	2007–2011	For its Small Donor Project, and general support.
<b>MAPLight</b>	\$370,000	2007–2013	For general support.
<b>Democracy Matters Institute, Inc.</b>	\$310,000	2006–2012	For general support.
<b>Public Policy and Education Fund of New York, Inc.</b>	\$275,000	2007–2013	For its projects on developing a public campaign financing system for New York state.
<b>Center for Governmental Studies</b>	\$225,000	2007–2012	For its studies of state and local public campaign financing systems, and research on alternatives to public campaign finance trigger mechanisms.

<b>Center for Political Accountability</b>	\$220,000	2010–2013	For general support.
<b>Center for Responsive Politics</b>	\$200,000	2010–2012	For general support.
<b>Americans for Campaign Reform</b>	\$130,000	2010–2012	For general support.
<b>Justice at Stake Campaign, Inc.</b>	\$100,000	2011–2013	For general support.
<b>National Voting Rights Institute</b>	\$100,000	2005–2006	For its work in defense and support of campaign finance laws and policies.
<b>Alliance for Justice</b>	\$90,000	2011–2013	For its Democracy Project, which seeks to broaden the range of groups supporting public financing of elections at the federal and state levels.
<b>Democracy 21 Education Fund</b>	\$90,000	2011–2012	For general support.
<b>American Prospect, Inc.</b>	\$80,000	2011–2013	For its special reports on money and politics.
<b>Committee for Economic Development</b>	\$80,000	2011–2013	For its Money in Politics Initiative.
<b>The Fund for Public Advocacy, Inc.</b>	\$80,000	2011–2013	For its project, the Coalition for Accountability in Political Spending.
<b>Wesleyan University</b>	\$80,000	2011–2012	For its Wesleyan Media Project, which makes accessible information on all broadcast advertisements aired in the presidential and U.S. Senate and U.S. House races in the 2012 election campaigns.
<b>Public Citizen Foundation, Inc.</b>	\$75,000	2012–2013	For its project, the Corporate Disclosure Resource Center.
<b>Public Interest Projects, Inc.</b>	\$65,000	2011–2013	For its project, CorporateDisclosure.Org.
<b>Campaign Legal Center, Inc.</b>	\$55,000	2011–2013	For preparing and coordinating friend-of-the-court briefs in the <i>McComish v. Bennett</i> Supreme Court case.
<b>Investigative Reporters and Editors, Inc.</b>	\$50,000	2011–2012	For a series of training events designed to help journalists provide better coverage of the 2012 elections.

<b>Reform Institute, Inc.</b>	\$50,000	2007–2008	For its State Strategies Initiative.
<b>The Sunlight Foundation</b>	\$40,000	2011–2012	For its project, Exposing Corporate Power: Making Lobbying Transparent.
<b>Citizens for Responsibility and Ethics in Washington, Inc.</b>	\$35,000	2010–2013	For its Citizens United project, and general support.
<b>International Documentary</b>	\$25,000	2012–2013	For outreach and engagement for the film <i>Citizen Koch</i> .
<b>Institute for Media Analysis, Inc.</b>	\$15,000	2010–2011	To publicize the role of the National Chamber of Commerce in elections and election finance (GRITtv).
<b>Media Access Project</b>	\$15,000	2011–2012	For its sponsorship identification project, seeking the adoption of Federal Communications Commission rules that would require sponsors of political commercials to identify the true source of their funding.
<b>William Marsh Rice University</b>	\$14,985	2009–2010	For the research project, Campaign Finance Laws and Lobbying Strategies in Connecticut.
<b>Interfaith Center on Corporate Responsibility</b>	\$12,000	2013	For Connecting the Dots: The Influence of Corporate Funds on Public Policy, held at Pocantico, May 8–10, 2013.
<b>Brigham Young University</b>	\$10,000	2009–2010	For the campaign donor survey conducted by its Center for the Study of Elections and Democracy, to increase understanding of the motivations of small donors to the 2007–2008 political campaigns.
<b>Fordham University</b>	\$10,000	2008–2009	To explore the lessons learned from two decades of administering the nation's largest non-federal public campaign financing system.
<b>Rich, Andrew</b>	\$8,000	2007–2008	To evaluate the Piper Fund's institutional effectiveness to date in advancing campaign finance reform in the states.
	<b>\$7,453,139</b>		

## APPENDIX E: A Closer Look at Grantmaking

**Democratic Practice—U.S. Portfolio**  
Grantmaking at a Glance  
2004–2013



**Money-in-Politics Grantmaking**  
Grantmaking Dollars by Strategy  
2004–2013

