

**Testimony by Catherine Turcer, Common Cause Ohio
On Senate Bill 347
Before the Ohio Senate Government Oversight and Reform Committee
September 16, 2020**

Chairman Coley, Vice Chair Huffman, Ranking Member Craig, and members of the Government Oversight and Reform Committee,

Thank you for allowing me to testify today. My name is Catherine Turcer and I am here on the behalf of Common Cause Ohio which has 30,000 members to urge you to pass Senate Bill 347. I am the author of a number of money in politics reports and first worked on improving the transparency in elections in the late 90s. It was a struggle then to generate support for online disclosure of campaign finance filings. Legislators had worries about uploading their reports and some had anxiety about computers in general but they made a commitment to online disclosure because they believed in Ohioans right to “follow the money.”

A lot has changed since then, but voters continue to have a strong commitment to transparent election funding. Requiring strong disclosure rules is supported by a bipartisan super majority among voters. A [November 2019 poll](#) commissioned by the nonpartisan Campaign Legal Center found that 83% of voters support requiring that contributions to organizations that spend money in elections to be publicly disclosed, including 85% Democrats, 83% of Independents, and 81% of Republicans. Similarly, a 2015 poll of 2016 election primary voters found [91% of Democrats](#) and [91% Republicans](#) agree that outside groups that run campaign ads should have to disclose where their funding comes from.

A decade ago, *Citizens United v. the Federal Elections Commission* ruled that corporations have the right to fund political advertisements. [Justice Anthony Kennedy, now retired, writing for the majority](#) surprisingly expressed no concerns about corruption:

“The appearance of influence or access, furthermore, will not cause the electorate to lose faith in our democracy. By definition, an independent expenditure is political speech presented to the electorate that is not coordinated with a candidate.”

It is important to note that Kennedy also highlighted the importance of *transparency* in the funding of political expenditures:

“With the advent of the Internet, prompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation’s political speech advances the corporation’s interest in making profits, and citizens can see whether elected officials are ‘in the pocket’ of so-called moneyed interests.”

In 2010, [Senate Bill 240](#) sponsored by Jon Husted passed unanimously out of the Ohio Senate, but never moved in the Ohio House. Many legislators who co-sponsored SB 240 are still elected officials including Auditor Keith Faber, and Congressman Bob Gibbs.

It is time to close the dark money loophole. We are now experiencing the consequences of not having adequate disclosure. I urge you pass Senate Bill 347 and shine a light on the funding of all political advertisements.

Transparency is key to a healthy and strong democracy. Here are a few ways that Senate Bill 347 could be improved:

1. The bill should require the disclosure of the original sources of funding of independent expenditures. Ohioans should be able to follow the money and trace spending. Otherwise, wealthy special interests will attempt to avoid disclosure by creating pop-up shell groups.
2. Ohioans should have access to information while they are watching TV or reading an advertisement that came in the mail. Simply providing the name of a nonprofit or an entity doesn’t give voters the tools that they need. So many names are similar to Generation Now and completely innocuous. At minimum, disclaimers should provide contact information but true public disclosure would include three top funders of the advertisement or promotional materials.
3. While transparency is important and candidates are broadly prohibited from coordinating with activities paid for by corporate funds. Ohio law needs to be strengthened to establish clear boundaries between candidates and independent expenditures. This can be done by prohibiting fundraising for independent expenditures by candidates and their staff and family.

Once again, I urge you to pass Senate Bill 347. Ohioans have been waiting for you to act and now is the time. Thank you very much.

