

Testimony by Catherine Turcer, Common Cause Ohio
On House Bill 13
Before the Ohio House Government Oversight Committee
April 15, 2021

Chairman Wilkin, Vice Chair White, Ranking Member Sweeney, and members of the Government Oversight Committee,

Thank you for allowing me to testify today. My name is Catherine Turcer and I am here on behalf of Common Cause Ohio- a good government group with 30,000 members- to urge you to pass House Bill 13 and shine a light on “dark money.” I am the author of a number of money in politics reports and first worked on improving 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.”

It’s been a long time since *Citizens United* and it’s time to make progress. 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. The bill had strong support and was approved by then State Senator Bill Seitz and State Senators Teresa Fedor and Kirk Schuring.

In 2010, the Ohio Elections Commission recommended entities using corporate dollars voluntarily disclose. This didn’t happen. Voters are still waiting for the state legislature to act and enable all of us to “follow the money.” I urge you to pass House Bill 13 and shine a light on the funding of all political advertisements.

Transparency is key to a healthy and strong democracy. HB13 is an excellent and meaningful step in the right direction and will put Ohio on the road to a stronger and more transparent representative democracy. I am grateful to Representatives Grendell and Frazier and the cosponsors for putting forward this bill, and to the committee for considering it today. I would like to note a few improvements that could make the bill function more smoothly and better achieve its aims. Here are a few things to consider:

- House Bill 13 requires the disclosure of political spending funded by corporate dollars which will allow Ohioans to better understand who is funding political advertisements. However, the bill requires reporting beginning at dollar one: it would make more sense

to establish a threshold so that energy is focused on larger and more significant expenditures.

- House Bill 13 has a provision that will help trace funding to its original source. This is a vast improvement in transparency and is essential if disclosure of political contributions is to have any real meaning. However, the bill should require that funders be notified that their donation will be used for political advertising and therefore that they in turn will be required to provide information on the sources of their funds.
- In current law, candidates are broadly prohibited from coordinating with activities paid for by corporate funds. However, Ohio law needs to be strengthened to establish clear boundaries between candidates and independent spending. For example, a candidate can call a corporate representative and ask for political ads to support their family member's campaign. HB 13, if amended, could help fix this problem by prohibiting fundraising and campaign planning with Political Contributing Entities by candidates and their staff and family members.

Once again, I urge you to pass House Bill 13. Ohioans have been waiting for you to act and now is the time. Thank you very much.