



M U L T I S T A T E

[Campaign finance reform bill would double donor limits](#) (New Jersey)

A Senate panel advanced a measure Thursday aimed at retooling the state's campaign finance system by doubling most contribution limits and requiring more regular reporting, despite objections from voting advocates.

The Senate State and Local Government Committee unanimously cleared [the bill](#), which is sponsored by Senate President Nicholas Scutari (D-Union) and Senate Minority Leader Steve Oroho (R-Sussex), though some members echoed advocates' concerns about increasing donor limits, many of which have remained level since 2005.

Sen. Shirley Turner expressed worry the changes would further whittle the influence of small-dollar donors.

“I think there's too much money in campaigns as it is. This means we're going to have more negative money to spend in a campaign, and it doesn't really get down to the heart of the matter — and that is the individual contributors will be closed out in terms of campaigns,” said Turner (D-Mercer).

Turner, who said she backs the stricter disclosure rules for independent expenditure groups the bill would implement, voted to advance the bill but she said she might oppose it if it comes to a vote on the Senate floor.

The bill in ways resembles a proposal Scutari made before ascending the ranks of Senate leadership, though it is more constrained. His previous proposal would have removed all contribution limits and required all donations more than \$200 to be reported within 72 hours.

Contribution limits

The measure would increase the amount of money individuals, corporations, unions, associations, and similar groups can give to candidates from \$2,600 to \$5,200 per election

cycle. Limits for contributions to candidates in candidate, political, and continuing political committees would also double to \$14,400 per cycle.

Primary and general elections are considered separate cycles for the purpose of campaign contributions under New Jersey law, so a donor would be able to give \$5,200 to a primary candidate and then another \$5,200 to that candidate's general election campaign.

The bill would allow legislative leadership PACs and state parties to give up to \$50,000 annually, while county parties would be able to donate up to \$74,000 per year.

The League of Women Voters of New Jersey, represented at Thursday's hearing by Sandra Matsen, opposes the bill.

"There's nothing strategic or targeted with those changes, and the league maintains there's more than enough money in the system now," Matsen said.

The measure would also require the New Jersey Election Law Enforcement Commission to annually adjust limits on contributions to all types of candidates. Existing law only indexes contribution limits for gubernatorial candidates.

Jeff Brindle, ELEC's director, supports those changes. The increases would update the state's contribution limits to account for 18 years of inflation, he said, noting total campaign costs — including advertising rates — have jumped by about 80% since 2005.

"With the current high rate of inflation, the way they increased the contribution limits seems to be right on target," he told the New Jersey Monitor.

Outside money

The increased limits may also help the state achieve the Election Law Enforcement Commission's long-stated goal of cutting down the influence of independent expenditure groups that are not subject to contribution or disclosure limits imposed upon candidates and parties.

Spending from such groups has surged in the 12 years since a U.S. Supreme Court ruling that allowed certain independent expenditure groups to raise and spend unlimited amounts of money influencing campaigns.

As spending from such groups soared, less money went to the state's political parties. Unlike super PACs, social welfare nonprofits, and other independent expenditure groups, party organizations are subject to strict campaign finance disclosure requirements.

The bill would exempt contributions made to political parties and legislative leadership committees from the list of those that could keep a firm from winning public contracts. Matsen said she worries this change would effectively gut New Jersey's pay-to-play laws and make them "almost meaningless."

Rolling reporting and shining light on dark money

Amendments made to the bill Thursday would require candidates and their committees to report contributions of \$2,000 or more within 96 hours of their receipt. The bill contains similar rolling reporting provisions for political parties.

Under existing law, most contributions are only reported quarterly. The exception comes in the last 13 days of an election, when all candidates and committees must report within 48 hours their donations from sources that have given more than \$1,900 overall.

The bill would also reduce reporting thresholds for contributions and expenditures made to or by independent expenditure groups, which are sometimes referred to as dark money groups. The bill would require they report donations and expenditures worth more than \$1,000, down from \$10,000 and \$3,000, respectively.

Sen. Vince Polistina (R-Atlantic) questioned whether the changes would do much to limit the role outside groups play in modern elections, but said the system would work better "when everybody knows where every dollar is coming from."

"They're going to find ways around every finance reform you do, so I think transparency is the key," Polistina said.

Other actions

The committee on Thursday also advanced a series of bipartisan voting reform bills championed by Assembly Speaker Craig Coughlin (D-Middlesex), including one that would allow election officials to begin counting mail-in ballots before Election Day.

In a win for voting advocates, the committee amended the bill, removing provisions that would have cut New Jersey's six-day grace period for late-arriving mail-in ballots to four days.

Over the objections of the state NAACP and more than a dozen Black leaders and other advocates, lawmakers also approved a bill partially rolling back a recent law that barred police officers from polling places.

The bill would require police to be stationed at polling places upon a request from public schools and senior citizen homes doubling as polling places, a provision advocates said they fear could intimidate voters, especially given another recent law that extended suffrage to individuals on parole or probation.

Virginia is one of the worst offenders when it comes to lax campaign finance laws (Virginia)

Virginia's lax campaign finance laws are once again in the spotlight for opening the door to corruption.

Virginia is the Wild West of campaign finance laws. Just about anything goes as long as you report it. And a new report from the Coalition for Integrity says that doesn't even apply to all the dark money that sloshes around Virginia.

"If you don't have any rules, and if you don't enforce any rules it's so much easier to be corrupt," explains Shruti Shah, president and CEO of the coalition.

Her group is issuing a new report this week that ranks Virginia 43rd among the states in its new [State Campaign Finance Index](#). She says it's not just the lack of limits on campaign contributions. It's also that the state agency that oversees campaign finance has no authority to investigate or sanction.

"Virginia's State Board of Elections administers the campaign finance laws, but it does not have the authority to conduct its own investigations or hold public hearings or have subpoena power," Shah says. "It may request that the attorney general do so. But that means that any investigation is restricted to the most egregious cases."

The solution, she says, is pretty simple: the General Assembly should set limits on how much money individuals and corporations can contribute. While they're at it, she says, they should give the State Board of Elections the ability to investigate wrongdoing and issue sanctions to people who violate the law.

[Lobbying Or Campaigning? Idaho Political Organizations Did Both Before Primary Election](#) (Idaho)

Sen. Jim Woodward, R-Sagle, started hearing about the messages reaching his constituents in mid-February, right in the middle of the legislative session.

“Sen. Jim Woodward partnered with far-left Democrats to kill a bill to protect parental rights in Idaho,” a Facebook ad that ran from Feb. 16 to 27 read.

“FACT: Sen. Jim Woodward, a fake conservative, voted to fully fund pro-BLM programs, LGTBQ initiatives, and safe spaces for liberal students,” another from early March said.

“The question (from residents) was, ‘What’s Woodward doing down there? What’s wrong with him? How come he doesn’t represent us?’ And if you see me on a day-to-day basis, I am us,” Woodward said. “It’s easy to take one singular vote and critique it, but sometimes we voted yes on one bill and no on another, and they were both regarding the same topic, but you can cherry pick those votes. And then to the person who’s not following it on a day-to-day basis, you can present a picture that’s false.”

The ads were paid for by Idaho Freedom Action, the 501(c)(4) arm of the Idaho Freedom Foundation, a nonprofit organization founded in 2009 with a stated mission of “replacing the state’s socialist policies.”

The group has long been a [focus of criticism](#) for its influence over the Idaho Legislature and its activities in Idaho elections, particularly as a 501(c)(3) tax-exempt group. In the past year, the group also launched its own political action committee called [Idaho Freedom PAC](#), and operates much of its campaign activities through those two entities.

Idaho Freedom Action has several of the same main staff members as the Idaho Freedom Foundation, including Wayne Hoffman as president, Dustin Hurst as vice president, and Fred Birnbaum as legislative affairs director. The PAC lists Hurst as its treasurer.

Until mid-April, Idaho Freedom Action reported all of its activities related to the legislative session as lobbying for specific bills under consideration in the Legislature. Between January and March, the ads the organization reported buying on Facebook totaled \$35,708.

The Idaho Secretary of State’s office says there’s nothing illegal about the activity, and that the organization is careful about the wording of advertisements and other messages to comply with Idaho law.

But regardless of legality, Woodward said he doesn't see the ads as lobbying efforts.

“When they're putting those messages out in our home districts during the session, that's negative campaigning is what that is,” Woodward said. “They already had their candidates chosen and they were starting the smear campaigns that proved successful.”

The Idaho Freedom Foundation said it was not interested in providing comment for this story.

Organizations are finely separating statutes, Idaho's deputy secretary of state says

Lobbying is defined in [Idaho Code](#) as attempting to contact or cause others to make contact with members of the Legislature, legislative committees or an executive official to influence the approval, modification or rejection of any legislation. It also includes attempts to build relationships through goodwill or entertainment.

Earlier this year, Sens. Jim Patrick, R-Twin Falls; Carl Crabtree, R-Grangeville; and Jeff Agenbroad, R-Nampa, were also targets of Idaho Freedom Action's Facebook ads. Several ads accused them of “covering for woke teachers unions” and funding a “social justice agenda” at Boise State University because they voted yes on a bill approving funding for Idaho's higher education institutions, which included Boise State. All three lost their seats.

Agenbroad said he was also targeted by mass text messages that went out with the same rhetoric during the legislative session.

“Sen. Jeff Agenbroad voted to fund a \$6 million program that pushes critical race theory on ID children,” a Feb. 15 mass text message signed by Hurst for Idaho Freedom Action said. “(The theory) teaches that white people are racist & that America is a racist nation. Sign now 2 tell Agenbroad to stop funding hate-America programs.”

The text included a link to a form allowing the recipient to send an email to Agenbroad with their thoughts. He estimates he received between 50 and 100 emails from people as a result of the text, and several retracted their statements and apologized once he explained the text wasn't true — that language in the bill specifically prohibited any national or state organization to influence the use of the grant funding, nor would it be used for any critical race theory instruction.

The group sent another mass text on March 7.

“On Wednesday, your state senator, Jeff Agenbroad, voted to fully fund California liberal Marlene Tromp’s social justice takeover at Boise State,” the text said. “That means pro-BLM, anti-law enforcement programs, LGBTQ+ initiatives, and safe spaces for liberal students. This is inexcusable and not conservative. Why is Jeff Agenbroad using your tax dollars to pay for this garbage. He owes you an explanation. Please email Agenbroad to let him know you’re disappointed with his support of leftist programs.”

The text referenced the entire higher education funding bill for the state, which was approved by the Joint Finance-Appropriations Committee and included funding for all of Idaho’s higher education institutions, including community colleges.

Agenbroad said he doesn’t see any of the ads or texts as lobbying either, and doesn’t think they should be reported that way.

“It’s wrong. I think it’s absolutely wrong,” Agenbroad said. “Particularly when you’re going to come out with misinformation and lies, people should be held accountable to that. I do not see the sunshine in their reporting like a candidate is held accountable to. Is anybody breaking any laws? I’m not claiming that. Are they exploiting the existing system? I think so.”

Freedom groups are ‘very finely separating’ Idaho statutes, deputy secretary of state says

The laws surrounding campaign finance are complicated and often fall into gray areas, said Chad Houck, Idaho’s deputy secretary of state. It can be difficult to determine where the lines begin and end, and what should or shouldn’t be classified as an [independent campaign expenditure](#) rather than lobbying.

Although the lobbying ads focus on specific legislators, Houck said if the ads don’t include words to encourage someone to “vote for” or “vote against” that legislator in the election, it isn’t technically a reportable independent campaigning expenditure according to Idaho law.

“It’s a very, very fine line, but they are very meticulous in how they time their strategies, and they know exactly where that line is,” Houck said. “They never advocate for you to vote for them or support their candidacy, you’ll always see, ‘They voted this way.’ They’re making a statement of fact. And as a result, they’ve always argued this when pressed in the past, they are ‘educating the public’ about those individuals.”

Idaho law requires electioneering communications, which are ads or other messages meant to support or oppose candidates, to be reported within 30 days of a primary election. Between April 17 and May 17, Idaho Freedom Action reported electioneering communications on

Facebook and Google amounting to \$14,250. Those are the only ads reported as campaigning from Idaho Freedom Action.

Idaho Freedom PAC started reporting advertising expenditures on May 2. The PAC raised \$55,225 between January and spent more than \$50,000 of it before the May 17 primary, mostly on campaign advertising through Google and other hosts.

“They’re not doing anything illegal,” Houck said. “They’re very finely separating the statutes.”

Citizens Alliance of Idaho group advertised heavily on Facebook during session

At least one other organization adopted a similar model to the Freedom Foundation for the legislative session and primary election. [Citizens Alliance of Idaho](#), founded in August 2021 by North Idaho resident [Matt Edwards](#), also reported some of its advertising during the legislative session as lobbying activities.

According to IRS records, Citizens Alliance has not yet received an official 501(c)(3) designation, which would make it exempt from taxation but also prohibit the organization from engaging in political activities.

Edwards could not be reached for comment.

Beginning in late January, the organization ran 24 ads on Facebook with cartoon depictions of legislators who had signed its pledge. The pledge includes promises to support election integrity and expand education freedom, and to never vote for any tax or fee increase or vote for any budget or spending bill that expands government.

None of the advertising shows up in campaign finance reporting before mid-April. Instead, the advertising was reported in lobbyist expenditures, totaling \$24,853 between January and March.

To date, 18 lawmakers are considered in [“good standing”](#) with the organization for signing the pledge and not violating it during the 2022 legislative session. Many of those legislators also score high marks with the Idaho Freedom Foundation on its [“Freedom Index.”](#) which gives legislators a percentage score every session based on how closely he or she aligned with the organization’s scoring recommendations on bills.

More than a dozen other ads advocated for the Legislature to repeal the grocery tax, pass a bill banning any future mask mandates statewide, and accused Speaker of the House Scott Bedke,

R-Oakley, and Rep. Paul Amador, R-Coeur d'Alene, of killing bills related to gun rights, election security and property tax reduction.

At the same time of the nonprofit organization's founding in August 2021, Citizens Alliance of Idaho formed a political action committee of the same name, rather than launching a 501(c)(4) like Idaho Freedom Action. The PAC took in nearly \$354,000 since the beginning of March and spent more than \$337,000 to support legislative candidates who signed the alliance's pledge, with \$150,000 in support from the Citizens Alliance super PAC, which is based in Dublin, Ohio, and \$30,000 from Doyle Beck, a board member of the Idaho Freedom Foundation and member of the Bonneville County Republican Party leadership.

The PAC posted less than a dozen ads on Facebook and Instagram that highlighted candidates for office — just 11 ads totaling \$1,285, with simple messages and a real photo of the candidate rather than a cartoon.

Political science professor: No one wants to touch enforcement of laws

Maurice Cunningham, a political science professor in Massachusetts who wrote a book about dark money and [has researched](#) the Idaho Freedom Foundation's dark money ties, said he has seen similar tactics in other states, but none quite like what is happening in Idaho.

“Not in the context of making what appear to be ads to benefit a candidate during a campaign and claiming it's lobbying,” Cunningham said. “That's a different kind of question. I think it's really problematic.”

When it comes to enforcement of state laws or federal laws related to the IRS, Cunningham said no one wants to touch it, because it's all political. That has always been the case to a certain extent, he said, but it has gotten worse in the past five years or so as the political environment grows more heated and polarized.

“A lot of politicians in the whole political corpus, they adjust to it. (They) adjust to it and they find a level of contentment in it, and they don't fight it,” Cunningham said.

Cunningham said when organizations run various different branches, it essentially becomes a paperwork exercise. As long as the group is careful with recordkeeping, it won't run into trouble with the law.

“But even those who are sloppy, the IRS has so little capacity because it's been starved (budget-wise) for so long, and the IRS itself has been intimidated by largely conservative forces,”

Cunningham said. “And it’s left a huge advantage for monied interests to kind of plow through knowing they’re not going to be cracked down on for the most part.”