

The New York Times

Supreme Court Backs Donor Privacy for California Charities

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July 1, 2021

The Supreme Court ruled on Thursday that California may not require charities soliciting contributions in the state to report the identities of their major donors.

The vote was 6 to 3, with the court's three liberal members in dissent.

The requirement was challenged by Americans for Prosperity Foundation, a group affiliated with the Koch family, and the Thomas More Law Center, a conservative Christian public-interest law firm. They said it violated the First Amendment's protection of the freedom of association by subjecting donors to possible harassment.

The disputed measure requires charities to file with the state a copy of an Internal Revenue Service form that identifies major donors. Under federal law, the I.R.S. must keep the form confidential. California also promised to keep the forms secret, but it has not always done so.

According to court papers, the challengers discovered in 2015 that the state had displayed about 1,800 forms on its website. State officials said that the disclosures were inadvertent and promptly corrected and that the state had imposed new security measures.

In the context of elections, the Supreme Court has supported laws requiring public disclosure. In the Citizens United campaign finance decision in 2010, the court upheld the disclosure requirements before it by an 8-to-1 vote. In a second 8-to-1 decision that year, *Doe v. Reed*, the court ruled that people who sign petitions to put referendums on state ballots do not have a general right under the First Amendment to keep their names secret.

The challengers in the case, *Americans for Prosperity v. Bonta*, No. 19-251, said the electoral context was different and that charities needed protection given the nation's volatile political climate. They received support from hundreds of groups across the ideological spectrum, including the Chamber of Commerce, the Cato Institute, the Electronic Frontier Foundation, the American Civil Liberties Union, and the NAACP Legal Defense and Educational Fund.