

## Right or wrong, public has dark opinion of ‘dark money’ in elections

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By Laurie Liles

WASHINGTON – Bethany Braley heads a nonprofit organization promoting cowboy culture, a job that has everything to do with preserving a slice of American heritage and nothing to do with politics.

But get the Prescott Valley resident talking about the current state of campaign finance, and it’s clear she has been giving politics a lot of thought lately.

Braley uses terms like “disgusting” to describe the record-setting influx of so-called dark money into this year’s elections, a trend that has left her feeling “dirty and personally degraded.”

“It seems to me it’s no longer a democracy,” said Braley, who says she make it a point to keep her politics out of her day job. “It’s a political machine dominated by the wealthy.”

Braley is not the only one who feels that way.

As dark-money spending reached what appeared to be record levels this fall, and with little sign of abating, polls showed staggeringly high numbers of Americans deeply troubled by the practice.

A recent bipartisan poll found that 80 percent of voters have a problem with what they see as “political operatives, wealthy donors and organizations abusing and taking advantage” of unclear IRS rules governing political activities of nonprofit organizations.

That worry stretched across party lines: 88 percent of Democrats, 84 percent of independents and 72 percent of Republicans in the poll were concerned about the consequences of unclear IRS rules for campaign spending.

[The survey](#) of 800 likely voters was conducted in late July for Public Citizen by Democratic polling firm Lake Research Partners and its Republican counterparts at Chesapeake Beach Consulting.

“We were surprised by how robust the reaction was,” said Lisa Gilbert of Public Citizen, a consumer-rights advocacy nonprofit.

The technical term for the “dark money” groups that Braley and others are worried about is “[social welfare](#)” organization. Set up under section [501\(c\)\(4\)](#) of the federal tax code, nonprofit social welfare outfits can engage in political activities as long as they spend less than 50 percent of their funds on politics.

But unlike traditional campaign accounts, nothing in current campaign-finance or tax laws requires 501(c)(4) groups to make the names of their financial backers public – hence the “dark money” label.

The groups have their roots in the Eisenhower era, but became increasingly influential after recent U.S. Supreme Court decisions – [Wisconsin Right to Life](#) v. Federal Election Commission and [Citizens United](#) v. Federal Election Commission – that chipped away at federal laws limiting outside election spending.

The result is a lot more money going to elections with a lot less certainty about where it came from.

“People agree the IRS should do rules that will deal with the issue,” said Gilbert, director of Public Citizen’s Congress Watch.

“Disgust is at an all-time high with government, with the process,” she said. “People are more aware and more disenfranchised.

“It almost doesn’t matter what you talk about ... people think it’s not working and they want it to work,” Gilbert said.

But not everyone agrees that the system isn’t working. Concerns about the influence of dark money are “significantly overblown” in the media and among the public at large, said Ilya Shapiro of the libertarian [Cato Institute](#).

He said the public perception that Fortune 500 companies are buying elections is “100 percent wrong,” noting that for-profit corporations are reluctant to risk alienating candidates by getting involved in campaigns.

“I think there’s a lot of misunderstanding ... about how much money there is and how elections work,” said Shapiro, Cato’s senior fellow in constitutional studies. He noted that Americans typically spend more on Halloween candy than is spent on elections, for example.

Shapiro concedes that while “there might be some of that” activity where corporations contribute to politically active nonprofits, it is already possible to follow the money through publicly available corporate filings.

“You look at their accounting to see how much they spend on political campaigning or social welfare organizations, you can piece it together,” Shapiro said, rejecting calls for more reporting.

Some Arizona voters appear to agree with Shapiro.

In a response to an online query from Cronkite News' Public Insight Network, Julie Them of Peoria said mandatory disclosure of dark-money contributors "stifles freedom of expression and can be used to harass the donors by radicals."

Tucson resident Bob Benzinger shares that worry.

"If it becomes unsafe, if you're getting fired or harassed for your political opinions, you start to think anonymity is your preferred option," he said.

Despite such worries, Gilbert and others cite the recent polls as evidence that voters consistently oppose the influence of money in politics and support solutions to curb it.

In a [2013 poll](#) by MFour and Tulchin Research, for example, 92 percent of voters said it is important that "our elected leaders reduce the influence of money in political elections."

"There is no question that Americans oppose the influence money has on our electoral system – from which candidates appear on the ballot to what elected officials do once in office," said [ReThink](#) Media's Scott Swenson in a memo summarizing several years' worth of polling on the topic.

Braley said it became clear to her during this year's campaigns that voters are "in a losing battle" against wealthy contributors who are bankrolling political advertisements.

Benzinger said that, on principle, he strongly supports the idea that political donors should be disclosed.

A retired Foreign Service officer with an accounting degree, one of his jobs at the State Department was inspecting embassies all over the world. He said his views on dark-money reforms are a product of that background.

"The devil's in the details," Benzinger said of proposals calling for more transparency in political donations. "Whether I would be for it would depend on how it's written and how it could be interpreted or abused."