

The Sunlight On SuperPACs Act

Lead House Sponsors: Representative Marcy Kaptur, Representative Kevin Mullin

The Supreme Court has long recognized as consistent with the First Amendment the people's "informational interest" in requiring election campaigns to provide voters with information about the funders of election ads. Because disclosure information "enables the electorate to make informed decisions and give proper weight to different speakers and messages" the Court has consistently upheld disclosure requirements. Citizens United v. FEC, 558 U.S. 310, 371 (2010)

With this in mind, in 2024 the Supreme Court rejected legal challenges to disclosure initiatives enacted by voters in Alaska and California and let them stand. These initiatives require on-ad disclosure of the top donors to SuperPACs to help voters evaluate the merits of campaign ads.

- Alaskans for Better Elections ballot initiative (Measure 2), passed by voters in 2020. In November 2024, the Supreme Court issued an order denying opponents' request for review of lower court decisions, which allowed the on-ad donor disclosure law to stand.



- San Francisco Sunlight on Dark Money ballot initiative (Prop. F), passed by voters in 2019. In October 2024, the Supreme Court issued an order denying opponents' request for review of lower court decisions, allowing the on-ad donor disclosure law to stand.



Modeled on these successful voter-approved state and local disclosure initiatives, the federal *Sunlight on SuperPACs Act* would, for SuperPAC campaign ads in federal election campaigns:

- **Require campaign ads by SuperPACs to disclose on the ads the name and dollar amount contributed to the SuperPAC by each of their top three major donors.**
- **"top three major donors" means the three largest donors of \$5,000 or more.**

In the next election, voters will again be faced with a flood of SuperPAC campaign ads making all sorts of claims. How much weight to give these ads is a choice every voter can make for themselves. The *Sunlight on SuperPACs Act* gives voters real-time information about the true source of funding behind these ads so they can consider the merits of the messages accordingly.