

Written Testimony of
**The Brennan Center for Justice
at New York University School of Law**

Hearing on S.F. 4147, S.F. 4223, and S.F. 4143
Before the Elections Committee
of the Minnesota Senate

April 10, 2026
at 3:00 p.m.

The Brennan Center for Justice at New York University School of Law¹ appreciates the opportunity to testify regarding the ongoing risks to democracy posed by unlimited campaign spending and other consequences that have followed from the U.S. Supreme Court’s decisions in *Citizens United v. Federal Election Commission* and other campaign finance cases. We applaud the Legislature for its recognition of these harms and for its willingness to consider proactive solutions to mitigate and reverse them.

In *Citizens United*, a narrow majority of the Court’s justices voted to sweep away more than a century’s worth of campaign finance safeguards. While purporting to address the specific issue of corporate political speech, *Citizens United* invalidated almost all limits on so-called independent campaign spending (i.e., money that does not go directly to a candidate or party).² The late Justice Ruth Bader Ginsburg called it the worst ruling of her time on the Court,³ and overwhelming majorities of Americans have consistently expressed disapproval of the decision,

¹ The Brennan Center is a nonpartisan public policy and law institute that focuses on the fundamental issues of democracy and justice. For thirty years, the Brennan Center has studied, litigated, and developed policy solutions regarding money in politics, voting, and election administration. The views expressed in this testimony are only those of the Brennan Center and do not reflect the views, if any, of the NYU School of Law.

² Marina Pino and Julia Fishman, “Fifteen Years Later, *Citizens United* Defined the 2024 Election,” Brennan Center for Justice, January 14, 2025, <https://www.brennancenter.org/our-work/research-reports/fifteen-years-later-citizens-united-defined-2024-election>.

³ Charlotte Alter, “Ginsburg Says *Citizens United* Was Supreme Court’s Worst Ruling,” *Time*, September 29, 2014, <https://time.com/3445010/ruth-bader-ginsburg-citizens-united/>.

with at least 24 states and hundreds of cities voting to support a constitutional amendment to overturn it.⁴

The results of *Citizens United* and other Supreme Court decisions hollowing out restrictions on money in politics have profoundly reshaped American elections.

The wealthiest megadonors and super PACs — outside groups that can raise and spend funds without limit as long as they maintain some notional separation from campaigns — now deploy unprecedented amounts of money to influence politics. In 2024, \$3 billion, or nearly one-fifth of all federal political contributions, came from just 300 billionaires and their immediate family members.⁵ By contrast, billionaire spending accounted for less than one percent of federal spending in 2008, the last election cycle before *Citizens United*. Moreover, regulators, at least at the federal level, have done virtually nothing to enforce the requirement that super PACs and other outside groups operate separately from campaigns. That has allowed groups run by elite megadonors to take on many core campaign functions at the request of candidates, raising significant corruption concerns.⁶ Their activities would have been illegal prior to *Citizens United*.

Another stark impact has been the rise of dark money spending from groups that do not disclose their donors. Since *Citizens United*, dark money groups, nonprofits, and shell companies have plowed at least \$4.3 billion into federal races, including more than \$1.9 billion in the 2024 election cycle alone.⁷ Thanks to legal loopholes and lax enforcement of existing rules, tracking this surge of secret cash is becoming ever more difficult. As a result, voters face a harder time trying to reach informed decisions because they increasingly are unable to identify who is trying to influence their votes.

Finally, *Citizens United* and other decisions have made it easier than ever for bad actors to evade even those laws that remain on the books. A notable example is the prohibition against foreign nationals spending money on U.S. campaigns. There are numerous examples from across the country of foreign donors using super PACs and other outside groups to influence American elections.⁸

Minnesota has hardly been immune to national trends. Since *Citizen United*, outside groups have spent more than \$168 million to influence federal races in the state, according to data from the Federal Election Commission.⁹ They have also played a prominent role in state elections. In

⁴ United for the People, “State & Local Support,” accessed March 9, 2026, <https://united4thepeople.org/state-local>.

⁵ Mike Baker and Steven Rich, “Billionaires Are Swaying Elections in All Corners of America,” *New York Times*, March 9, 2026, <https://www.nytimes.com/2026/03/09/us/billionaires-federal-election-campaign-contributions.html>.

⁶ Pino and Fishman, “Fifteen Years Later;” and Daniel I. Weiner et al., “Nine Solutions for Political Corruption,” Brennan Center for Justice, January 20, 2026, <https://www.brennancenter.org/our-work/research-reports/nine-solutions-political-corruption>.

⁷ Anna Massoglia, “Dark Money Hit a Record High of \$1.9 Billion in 2024 Federal Races,” Brennan Center for Justice, May 7, 2025, <https://www.brennancenter.org/our-work/research-reports/dark-money-hit-record-high-19-billion-2024-federal-races>.

⁸ *Brief of the Brennan Center for Justice as Amicus Curiae in Support of Respondents, National Republican Senatorial Committee v. Federal Election Commission*, No. 24-621 (U.S. Supreme Court, October 6, 2025), 17–18.

⁹ Brennan Center analysis of Federal Election Commission independent expenditure data.

2020, for example, independent expenditures accounted for a majority of overall spending in state legislative elections, with the most spending concentrated on competitive races.¹⁰

Thank you again for the opportunity to comment on the current state of money in politics and how unlimited political spending poses a critical threat to our elections. We are glad to see the Legislature draw attention to these issues, and we are supportive of efforts to find creative policy solutions to strengthen democracy.¹¹

Respectfully submitted,

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¹⁰ Kathryn Peterson and Lawrence R. Jacobs, *Transparency and Campaign Spending in Minnesota in 2020*, University of Minnesota Center for the Study of Politics and Governance, March 10, 2021, 5, 12, <https://conservancy.umn.edu/server/api/core/bitstreams/1d58d20c-92d0-4de7-aa19-346586e11751/content>.

¹¹ Along with considering changes to the law that would take immediate effect, we urge the Legislature to consider other steps to counter *Citizens United* and other misguided campaign finance decisions. One way to do this is to pass a campaign finance trigger law. Trigger laws are statutes that are designed to be unconstitutional under current court doctrine, but they avoid legal challenge because they include trigger clauses stating that the substantive provisions take effect only after a change in constitutional law such that they would be upheld in court. Passing a trigger law here is an effective way to ensure that state law reflects the Legislature's belief that these decisions were wrongly decided and demonstrate how campaign contributions and expenditures would be regulated if the courts appropriately deferred to the elected branches of state government. See Jay Swanson and Eric Petry, "State Legislatures Can Push Back Against Citizens United," Brennan Center for Justice, November 13, 2025, <https://www.brennancenter.org/our-work/analysis-opinion/state-legislatures-can-push-back-against-citizens-united>.