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*at New York University School of Law*

## **Election Spending 2016: Just Three Interests Dominate, Shadow Parties Continue to Rise**

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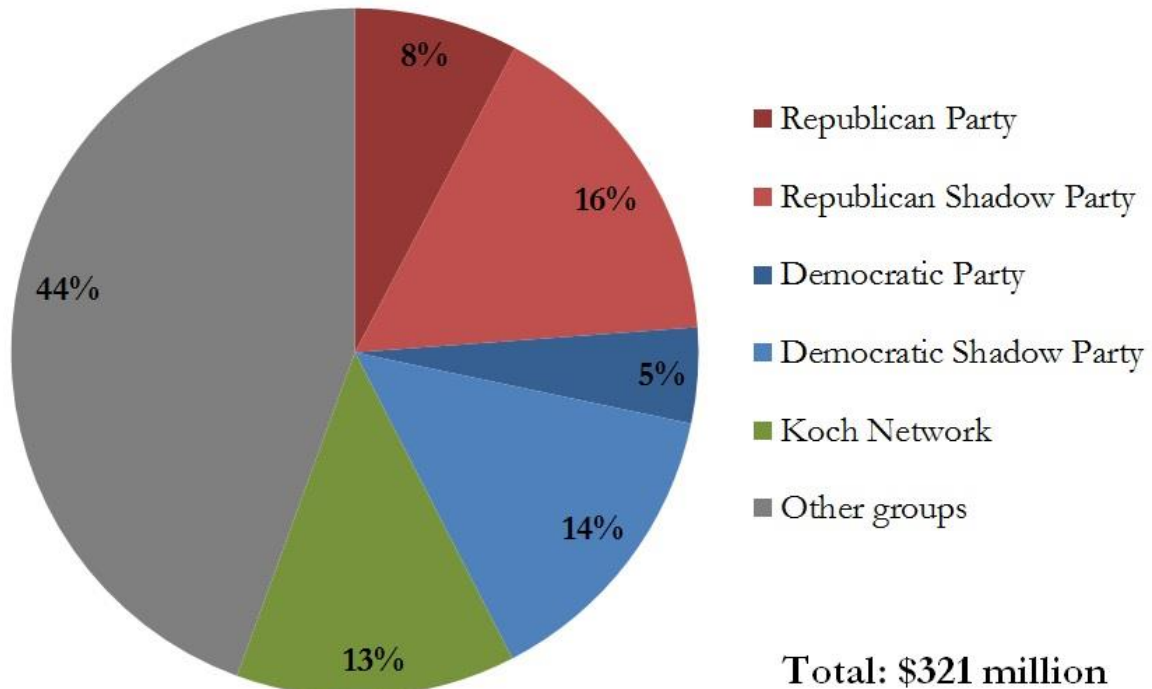
Outside spending — expenditures by groups other than candidates themselves — is pouring into the races that will determine control of the U.S. Senate. As part of our series on money in key Senate races, the Brennan Center has examined the outside spending in 10 close contests.<sup>1</sup> New data will become available in the next week that will allow us to paint a full picture of spending trends in 2016's most competitive Senate races. In the meantime, our preliminary analysis reveals two important trends:

- The courts' deregulation of outside money is not allowing a wider array of voices to fund elections. On the contrary, just a handful of partisan and ideological interests with vast resources, especially the major parties, are using the looser rules to increasingly monopolize election funding.
- The parties are shifting their resources outside the official committees, which raise money subject to contribution limits and required disclosure of donors, to super PACs and nonprofits controlled by party operatives but able to take unlimited and often secret donations.

### **Spending Is Dominated by Just Three Interests**

More than half of the outside spending in key Senate races comes from just three interests: the Democratic Party, the Republican Party, and the political network founded by the industrialist Koch brothers. Counting expenditures from FEC data, media reports, and press releases, we found \$321 million spent by entities other than the candidates in the 10 closest Senate races (Florida, Illinois, Indiana, Nevada, North Carolina, New Hampshire, Missouri, Ohio, Pennsylvania, and Wisconsin). Of that, \$77 million was spent by the Republican Party and outside groups with close ties to the party, called “shadow party” groups. The Democratic Party and its shadow party allies spent \$60 million, and \$42 million was spent by the Koch network, which exclusively supports Republican candidates. The outside-spending vehicles of these three interests are profiled below.

## Interests Dominating Outside Spending: 10 Key Senate Races



By way of comparison, at this point in the 2014 cycle, Democratic Party groups were by far the most dominant spending coalition, with 30 percent of outside expenditures, followed by their Republican counterparts, with 16 percent. The U.S. Chamber of Commerce was a distant third, accounting for just six percent of outside spending. The major shift since then has been higher spending by Republican shadow party groups and a sharp increase in reported spending by the Koch network through their super PAC, Freedom Partners Action Fund. The spending of the Koch network, dedicated to a libertarian, free-market ideology, is enough to rival the major parties in this election.

This consolidation means that decisions by the biggest outside spenders have significant impact on the characteristics of overall spending. We have found a decrease in the share of outside spending coming from two types of organizations that were on the rise in 2014: groups that do not disclose their donors (dark money groups) and single-candidate groups (buddy groups). In both cases, the reason seems to be the large increase in spending by partisan or ideological super PACs that report their donors, especially the Kochs' Freedom Partners and the new Republican shadow party Senate Leadership Fund.

## The Parties Rely on Shadow Party Groups

The parties are both heavily dependent on “shadow party” groups — super PACs and nonprofits that are run by former top staff of party committees or party leaders, and mimic party spending strategy.<sup>2</sup> These groups function as arms of the parties, but unlike official party committees, they can accept unlimited contributions and sometimes keep their donors secret. Both sides have spent far more through their shadow party groups than their party committees: Democrats’ shadow party groups have spent three times more than their party committee, mostly through a super PAC. GOP affiliates have spent twice as much as their party committee, with the greatest portion coming from a secret spending nonprofit.

### *Party Committees and Shadow Parties’ Spending in 10 Key Senate Races*

<i>Organization</i>	<i>Type</i>	<i>Spending</i>	<i>Share of Party Spending</i>
<b>Democrat total</b>	-	<b>\$ 59,723,042</b>	<b>100%</b>
Senate Majority PAC	super PAC	39,481,037	66%
Democratic Senatorial Campaign Committee	party comm.	14,419,727	24%
Majority Forward	nonprofit	5,822,276	10%
<b>Republican total</b>	-	<b>76,544,003</b>	<b>100%</b>
One Nation	nonprofit	30,468,000	40%
National Republican Senatorial Committee	party comm.	24,786,686	32%
Senate Leadership Fund	super PAC	20,759,014	27%

Shadow party groups threaten the effectiveness of the two pillars of our campaign finance system, contribution limits and disclosure, which help keep elected officials accountable to the broader electorate, and guard against corruption and undue influence by the wealthy few.

Moreover, the parties at their best function as engines of broad participation in politics, encouraging millions of everyday Americans to pool their resources by donating small amounts, volunteering, and of course voting.<sup>3</sup> The more parties outsource their operations to groups fueled by a few potentially hidden donors, the less they are able to provide these benefits to our political system.

The many opportunities for collaboration between official parties and their shadow groups can make contributions to outside groups effectively the same as party contributions, even though they would be illegal if given directly to the party. As illustrated in the profiles of this elections’ Senate shadow party groups below, these organizations have several ways of choreographing their electioneering with their party: they are led by former staff of the party or party leaders, elected officials signal that donors should give to them, and they use vendors that also work with party committees on strategy.

These shadow parties allow the wealthiest donors to evade the limits on contributions directly to party committees. The caps on party donations are far from stingy — Congress made them several times higher in 2014. In this two-year election cycle an individual can give a Senate party committee up to \$467,600. That amount includes a yearly limit of \$33,400 on donations to the party that it can spend on any purpose, and yearly limits of \$100,200 each on: a) an account dedicated to paying for party headquarters, and b) an account for the costs of legal proceedings like recounts.<sup>4</sup>

High as the contribution limits are, some donors do give up to the limit and go on to give to the affiliated shadow party. This phenomenon of “double-dipping donors” is analogous to one we have observed in the context of single-candidate groups, where donors seem to use the outside group to continue their financial support despite reaching the cap on contributions to candidates’ campaigns.<sup>5</sup> Even setting aside those donors who actually max out while giving to the shadow party, the vast majority of contributions to party-affiliated super PACs come in amounts greater than the \$467,600 per-cycle limit on donations to party committees; most come from donors of \$1 million or more.

In addition, the parties are prohibited from taking contributions from corporations and unions. Yet the shadow parties are free to take unlimited donations from these entities, and together the Democratic and Republican Senate committees have collected millions in this cycle from corporations and unions.

The close affiliation between elected party officials and the shadow party groups creates a risk that unrestricted contributions to shadow parties lead to corruption and undue influence benefiting major donors. As one political donor explained, people give to shadow parties in order to “get credit with” elected officials from the party, “who saw lists of donors after the election.”<sup>6</sup>

Large amounts of money coming from sources whose interests are known can create the appearance that donations — even to nominally independent groups — influence the work of the government. In September, Republican senators introduced a bill that would ban online gambling, a measure long called for by Sheldon Adelson, whose business is in brick-and-mortar casinos.<sup>7</sup> The bill came less than a month after Adelson and his wife gave \$20 million to the Senate Leadership Fund, the GOP shadow party super PAC.

And finally, while super PACs report the identities of their donors, their affiliated nonprofits do not, leaving the public in the dark as to who is truly behind many of the election messages they hear, as well as who may be secretly currying favor with the party leaders who hope to control the Senate.

## **Democrats’ Shadow Party**

On Senate Democrats’ side, the shadow party consists of the super PAC Senate Majority PAC and a secret spending nonprofit called Majority Forward. Both sport close ties to the Democratic Party’s Senate arm, the Democratic Senatorial Campaign Committee (DSCC). Senate Majority PAC’s leadership includes former top staff of both Minority Leader Harry Reid (D-Nev.) and the DSCC.<sup>8</sup> Reid himself has reportedly directed donors to give to the super PAC.<sup>9</sup> Senate Majority has spent in favor of Democrats in all ten of the races where the DSCC is making expenditures.

Senate Majority employs multiple vendors for strategic services that also work for the candidates the super PAC supports. Political and communications strategy consultants used by Senate Majority have assisted former Nevada Attorney General Caroline Cortez Masto, New Hampshire Gov. Maggie Hassan, and Katie McGinty in Pennsylvania, all Senate candidates targeted by DSCC this year.<sup>10</sup>

Senate Majority PAC is aided by a sister group, the secret money nonprofit Majority Forward. Many of the former Reid and DSCC staffers at Senate Majority also run Majority Forward, and the super PAC and nonprofit share office space and legal advisers.<sup>11</sup> They also have the same spokesperson, who has described them as “allied organizations.”<sup>12</sup> Majority Forward has spent far less than the super PAC, however. Its donors are unknown.

The Senate Majority super PAC attracted contributions worth \$31 million by the end of August. Eleven donors of \$1 million or more provided 62 percent of its contributions from individuals, corporations, and unions. Relatively small donors of \$1,000 or less accounted for less than one percent of the itemized contributions to Senate Majority PAC.

The group’s biggest benefactor is the Chicago media mogul Fred Eychaner, who is one of the nation’s most generous political donors election after election. Eychaner, who always supports Democrats, gave Senate Majority \$6 million this cycle. He has also given directly to the party committee up to the legal limit: a total of \$467,600 over the past two years. Billionaire hedge funder Donald Sussman also gave the maximum to the DSCC in addition to his \$1 million check to Senate Majority. Sussman has also given \$21 million to a pro-Hillary Clinton super PAC that recently started spending in Senate races.<sup>13</sup>

Top donors to the group are mostly individuals who made their money in the finance or entertainment industries, as well as labor unions. The largest corporate donation was \$2 million from the Greater New York Hospital Association Management Corporation, a network of health care facilities. Senate Majority PAC also raised \$3 million from a super PAC funded by the United Brotherhood of Carpenters and Joiners and \$500,000 from the PAC funded by members of the International Brotherhood of Electrical Workers.

## **Republicans’ Shadow Party**

Senate Republicans’ shadow party consists of a super PAC, Senate Leadership Fund (SLF), and a secret spending nonprofit, One Nation. Both groups are led by Steven Law, former chief of staff for Republican Majority Leader Mitch McConnell and former executive director of the National Republican Senatorial Committee (NRSC). Law also heads American Crossroads and Crossroads GPS, groups founded by Karl Rove that were among the biggest pro-GOP outside spenders in previous election cycles. In 2015, Law founded SLF and reorganized an existing nonprofit into One Nation in order to have groups focused exclusively on the Senate.<sup>14</sup> This August, American Crossroads gave \$1.3 million to SLF.

McConnell has reportedly contacted top GOP donors, “encouraging them to give to Senate Leadership Fund,” in addition to directing Republican senators to “steer big donors to One Nation and the Senate Leadership Fund.”<sup>15</sup> Amid criticism that the NRSC spent too much money early in the election and did not leave enough for the final stretch, an NRSC official was quoted as explaining, “We made our reservations early so this strategy was communicated to outside groups.”<sup>16</sup> SLF has made expenditures in seven of the nine races where the NRSC is spending.

The shadow group shares vendors with both the party committee and some of the candidates they both support. The three biggest clients of polling firm Public Opinion Strategies are NRSC, SLF, and American Crossroads.<sup>17</sup> Both SLF and the NRSC have employed the same political consulting firm, Majority Strategies. Senate Leadership Fund has employed a political data firm, Deep Root Analytics, used by New Hampshire Sen. Kelly Ayotte and Ohio Sen. Rob Portman.

The secret-spending group One Nation, like SLF, is headed by Steven Law, as noted above. The groups also share the same address, according to FEC filings, and employ the same spokesperson, Ian Prior, who also works for Crossroads.<sup>18</sup> One Nation’s donors are hidden, although *The Guardian* reported that the biggest political donor since *Citizens United*, casino magnate Sheldon Adelson, gave the group \$10 million.<sup>19</sup> One Nation reportedly raised \$34 million in its first year as a shadow party.<sup>20</sup> The group reports neither its donors nor its spending to the FEC; it has carefully avoided placing ads in the weeks immediately before elections, when it would be required to report expenditures on messages that mention candidates.<sup>21</sup>

Half of the \$49 million individuals and companies contributed to SLF by the end of August — almost \$27 million — came in August alone, as conservative donors spooked by missteps by presidential nominee’s Donald Trump increased their focus on Senate races. The most SLF had raised in a single month prior to August was just under \$3 million.

Through the end of August, a mere 11 donors of \$1 million or more provided 79 percent of SLF’s contributions from individuals and corporations. SLF has not attracted any donors of less than \$1,000. Even five-figure donors barely make a drop in the bucket: All the money SLF raised from its three dozen contributors of \$25,000 or less amounts to slightly more than 1 percent of its itemized contributions.

Husband and wife Sheldon and Miriam Adelson are tied for biggest benefactor, contributing \$10 million each. Together the couple is responsible for 40 percent of contributions to SLF. Hedge fund titan Paul Singer gave \$3 million to SLF as well as the two-year maximum of \$467,600 to the NRSC. Warren Stephens, an Arkansas investment banker, similarly combined the maximum to the NRSC with \$2.5 million to SLF. Another hedge funder, Kenneth Griffin, gave up to this year’s annual limit of \$233,800 to NRSC before giving \$2 million to the Senate Leadership Fund.

The super PAC’s top individual donors mostly represent the financial and energy industries. SLF’s largest corporate contributions came from companies active in the extractive industry: \$3 million from Petrodome Energy; \$2 million from Chevron; and \$1.5 million from Access Industries, a holding company with interests in both natural resources and media.

## Rival to the Parties: The Koch Network

The network founded and partially funded by the billionaire industrialist brothers Charles and David Koch is the source of so much spending in key Senate elections that it is rivaling the major parties. Its \$42 million worth of expenditures amounts to 13 percent of all outside spending in our sample. In part due to disagreement with Donald Trump, the network has focused its firepower on the top Senate races, funding both ads and voter contact.<sup>22</sup>

In the past, the Koch network has spent through a sprawling web of nonprofits, but the network recently decided to make greater use of its super PAC, Freedom Partners Action Fund, which can legally spend all its money on politics, unlike a “social welfare” nonprofit.<sup>23</sup> The network is also still making use of nonprofits like Americans for Prosperity, the Libre Initiative, and Concerned Veterans of America. All three have been active in our sample, and all three keep their donors secret.<sup>24</sup>

Freedom Partners is on track to greatly exceed its influence in tight Senate races last cycle. After all was said and done in 2014, Freedom Partners was one of the top ten spenders in competitive Senate races, having spent \$18.3 million. Already by the end of September this year in our sample, Freedom Partners is among the few biggest spenders, shelling out \$29 million in 2016’s tightest Senate races.

Freedom Partners gets the vast majority of its money from seven-figure checks: Eight donors who gave \$1 million or more account for 79 percent of the super PAC’s fundraising. Charles Koch himself has provided \$6 million. Roofing magnate Diane Hendricks gave \$4 million. Kenneth Griffin, a hedge fund manager, gave \$2 million. A handful of donors of \$1,000 or less accounted for a tiny fraction of one percent of the super PAC’s individual contributions.

Koch network money may also be making it into Senate elections in less direct — and harder to trace — ways. Fighting for Ohio fund is a single-candidate super PAC that has spent \$5.9 million attacking Sen. Rob Portman’s Democratic challenger, former Gov. Ted Strickland. Among the super PAC’s biggest contributors, providing \$1.7 million, is a nonprofit called Freedom Vote, Inc. That group does not report its contributors to the FEC, but tax records reveal that it has been funded by multiple groups in the Koch network in the past.<sup>25</sup>

One area of massive Koch network investment in recent years has been data collection on voters. The Koch brothers and others have poured \$50 million into a company called i360 that collects voter data and offers other campaign services like media placement and canvassing.<sup>26</sup> The effort has produced voter data that is reportedly superior to that of the Republican Party itself — in fact, the Republican National Committee has entered into data sharing agreements with i360 to expand the party’s database.<sup>27</sup> The quality of i360’s product may be the reason so many Republican candidates in close races use the company as a vendor, as does their party committee, the NRSC.

The GOP and its candidates aren’t the only ones relying on advice and data from i360. The Koch-connected groups active in the competitive races do, too. Freedom Partners and Americans for Prosperity both work with i360 and are spending in the Senate races in Nevada, Pennsylvania, Ohio, and Wisconsin. The Republican nominees in all of those states are also paying for i360’s services.

This raises the possibility that candidates might be able to choreograph their strategies with the outside spenders funneling millions in unlimited contributions into their races.

## **Conclusion**

As the campaign finance system continues to develop in response to the deregulatory shock of *Citizens United* and other court decisions, we are seeing that interests already flush with political power and financial resources are taking the most advantage of unregulated outside spending. The parties appear to be transforming their fundraising. Instead of relying on a broad base of millions of donors obeying contribution limits and disclosure rules, the parties are increasingly outsourcing their finances to potentially secretive groups controlled by a handful of party operatives and million-dollar donors.

But the trends we have observed are not inevitable. There are powerful policy solutions that can restrict the ability of big donors to use outside groups to influence politics for their own benefit.<sup>28</sup> Strengthening the rules that prohibit coordination between outside groups and the candidates and parties they support would make contribution limits more effective. Disclosure can be improved by legislation like the DISCLOSE Act, as well as through agency rulemaking addressing the role of nonprofits or publicly held corporations. Reforms to party fundraising could weaken party leaders' incentive to rely on shadow parties with narrow constituencies.<sup>29</sup> Most important, public campaign financing would offer candidates and parties an alternative to the big-money arms race, allowing candidates to fund competitive campaigns without relying on support from the wealthiest donors.<sup>30</sup>



## Endnotes

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<sup>1</sup> We examined FEC data, media reports, and press releases concerning outside spending through September 30. We selected races that are listed as “toss-ups” by the Cook Political Report either on their September 30 rating, or for four or more of Cook’s ratings over the summer: Florida, Illinois, Indiana, Nevada, North Carolina, New Hampshire, Missouri, Ohio, Pennsylvania, and Wisconsin. Indispensable research assistance for this analysis was provided by Brennan Center Research and Program Assistant Alexis Farmer and intern Martin McSherry.

<sup>2</sup> See Heather K. Gerken, *The Real Problem with Citizens United: Campaign Finance, Dark Money, and Shadow Parties*, MARQUETTE LAWYER, summer 2014, at 10, <http://law.marquette.edu/assets/marquette-lawyers/pdf/marquette-lawyer/2014-summer/2014-summer-p10.pdf>.

<sup>3</sup> DANIEL I. WEINER & IAN VANDEWALKER, BRENNAN CENTER FOR JUSTICE, STRONGER PARTIES, STRONGER DEMOCRACY: RETHINKING REFORM (2015), <https://www.brennancenter.org/publication/stronger-parties-stronger-democracy-rethinking-reforming>.

<sup>4</sup> 52 U.S.C. § 30116(a)(4)-(5).

<sup>5</sup> IAN VANDEWALKER, BRENNAN CENTER FOR JUSTICE, ELECTION SPENDING 2014: 9 TOSS-UP SENATE RACES 12 (2014), <http://www.brennancenter.org/publication/election-spending-2014-9-toss-senate-races>.

<sup>6</sup> DANIEL P. TOKAJI & RENATA E.B. STRAUSE, THE NEW SOFT MONEY: OUTSIDE SPENDING IN CONGRESSIONAL ELECTIONS 47 (2014), <http://moritzlaw.osu.edu/thenewsoftmoney/wp-content/uploads/sites/57/2014/06/the-new-soft-money-WEB.pdf>.

<sup>7</sup> Catherine Ho, *Senate Republicans revive legislation to ban online gambling*, WASH. POST, Sept. 28, 2016, <https://www.washingtonpost.com/news/powerpost/wp/2016/09/28/senate-republicans-revive-legislation-to-ban-online-gambling>.

<sup>8</sup> Robert Maguire & Ashley Balcerzak, *Dems in New Hampshire supported by the secret money they rail against nationally*, OPEN SECRETS, Sept. 8, 2016, <https://www.opensecrets.org/news/2016/09/dems-in-new-hampshire-supported-by-the-secret-money-they-rail-against-nationally> (naming several operatives); Matea Gold, *Top Harry Reid Advisers Build Big-money Firewall to Protect Senate Democrats*, WASH. POST, Sept. 16, 2014, [http://www.washingtonpost.com/politics/top-harry-reid-advisers-build-big-money-firewall-to-protect-senatedemocrats/2014/09/16/991381b6-3cdf-11e4-9587-5dafd96295f0\\_story.html](http://www.washingtonpost.com/politics/top-harry-reid-advisers-build-big-money-firewall-to-protect-senatedemocrats/2014/09/16/991381b6-3cdf-11e4-9587-5dafd96295f0_story.html) (same).

<sup>9</sup> Alex Roarty, *Why Harry Reid Is Sidelining Independent Super PACs*, NAT’L J., July 21, 2014, <http://www.nationaljournal.com/politics/why-harry-reid-is-sidelining-independent-super-pacs-20140721> (“Renee Schaeffer, who helped found [a single-candidate group in Louisiana], said donors told her that Harry Reid had told them to route their money through Senate Majority PAC . . .”); Burgess Everett & Tarini Parti, *Dems give big to Senate Majority PAC*, POLITICO, Jun. 3, 2014, <http://www.politico.com/story/2014/06/dems-give-senate-majority-pac-107334>.

<sup>10</sup> Caroline Cortez Masto has employed Anne Lewis Strategies and Schorr Johnson Magnus. Maggie Hassan also used Anne Lewis Strategies. Katie McGinty employed SKDKnickerbocker.

<sup>11</sup> Robert Maguire & Ashley Balcerzak, *Dems in New Hampshire supported by the secret money they rail against nationally*, OPEN SECRETS, Sept. 8, 2016, <https://www.opensecrets.org/news/2016/09/dems-in-new-hampshire-supported-by-the-secret-money-they-rail-against-nationally> (naming several operatives); Carrie Levine, *Democratic super PAC aided by secret money*, CTR. FOR PUBLIC INTEGRITY, Jan. 29, 2016, <https://www.publicintegrity.org/2016/01/29/19210/democratic-super-pac-aided-secret-money>.

<sup>12</sup> Llewellyn Hinkes-Jones, *Super PAC Spending Replaces Dark Money as Election Nears*, BLOOMBERG BNA, Oct. 14, 2016, <http://www.bna.com/super-pac-spending-n57982078708>.

<sup>13</sup> Matea Gold, *Hedge-fund manager S. Donald Sussman gave \$21 million to pro-Clinton super PAC Priorities USA*, WASH. POST, Oct. 20, 2016, <https://www.washingtonpost.com/news/post-politics/wp/2016/10/20/hedge-fund-manager-s-donald-sussman-gave-21-million-to-pro-clinton-super-pac-priorities-usa>; Fredreka Schouten, *Pro-Clinton super PAC moves into Senate races*, USA TODAY, Oct. 18, 2016,

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<http://www.usatoday.com/story/news/politics/onpolitics/2016/10/18/hillary-clinton-super-pac-targets-pat-toomey-kelly-ayotte/92382856>.

<sup>14</sup> Robert Maguire, *Rove's 'new' group isn't new, and that could be the point*, OPEN SECRETS, May 26, 2015, <https://www.opensecrets.org/news/2015/05/roves-new-group-isnt-new-and-that-could-be-the-point>. Some observers have speculated that operatives used reorganized an existing group to take advantage of its tax exemption; the application of Crossroads GPS for a tax exemption has never been granted.

<sup>15</sup> Alex Isenstadt, Seung Min Kim & Kevin Robillard, *Senate GOP faces late cash crunch*, POLITICO, Oct. 15, 2016, <http://www.politico.com/story/2016/10/senate-gop-cash-crunch-229830>; Reid Wilson, *Inside the GOP's Effort to Consolidate the Super PAC Universe*, MORNING CONSULT, Mar. 24, 2016, <https://morningconsult.com/2016/03/24/inside-the-gops-effort-to-consolidate-the-super-pac-universe>; Anna Palmer, Jake Sherman & John Bresnahan, *GOP's House and Senate super PACs step up sales pitch*, POLITICO, Jun. 18, 2015, <http://www.politico.com/story/2015/06/gops-house-and-senate-super-pacs-step-up-sales-pitch-119181> (describing McConnell as praising SLF as the super PAC “blessed by Republican leadership” to potential corporate donors).

<sup>16</sup> Alex Isenstadt, Seung Min Kim & Kevin Robillard, *Senate GOP faces late cash crunch*, POLITICO, Oct. 15, 2016, <http://www.politico.com/story/2016/10/senate-gop-cash-crunch-229830>.

<sup>17</sup> Center for Responsive Politics, *Vendor/Recipient: Public Opinion Strategies*, <https://www.opensecrets.org/expends/vendor.php?year=2016&vendor=Public+Opinion+Strategies> (last visited Oct. 22, 2016). Indiana Republican Todd Young, whom both NRSC and SLF have spent in favor of, has also used Public Opinion Strategies.

<sup>18</sup> Alexandra Jaffe, *New Rove-linked group spends \$2M to boost GOP incumbents*, CNN, May 12, 2015, <http://www.cnn.com/2015/05/12/politics/one-nation-gop-group-launch>.

<sup>19</sup> Peter Stone, *Turned off by Trump: Republican mega-donors focus on congressional races*, THE GUARDIAN, Aug. 27, 2016, <https://www.theguardian.com/us-news/2016/aug/27/republican-donors-trump-congress-local-races-sheldon-adelson>.

<sup>20</sup> Michelle Hackman, *GOP Nonprofit Group Cancels Ad Purchase in Ohio Senate Race*, WALL ST. J., Aug. 15, 2016, <http://blogs.wsj.com/washwire/2016/08/15/gop-nonprofit-group-cancels-ad-purchase-in-ohio-senate-race>.

<sup>21</sup> Llewellyn Hinkes-Jones, *Super PAC Spending Replaces Dark Money as Election Nears*, BLOOMBERG BNA, Oct. 14, 2016, <http://www.bna.com/super-pac-spending-n57982078708>.

<sup>22</sup> Julie Bykowicz, *Koch brothers' network focusing on GOP Senate, not Trump*, A.P., Oct. 16, 2016, <http://bigstory.ap.org/bd4b6d967abf4acd8a8304bbb182c8a8>.

<sup>23</sup> See Nicholas Confessore, *Koch Group Forms 'Super PAC' as 2014 Races Near*, N.Y. TIMES, Jun. 17, 2014, <http://www.nytimes.com/2014/06/18/us/politics/koch-group-forms-super-pac-as-2014-races-near.html>.

<sup>24</sup> Tax filings have revealed some of the donors to Americans for Prosperity, although they are mostly other organizations in the Koch network. Center for Responsive Politics, *Americans for Prosperity: Top Donors, 2016 Cycle*, <https://www.opensecrets.org/outsidespending/contrib.php?cycle=2016&cmte=Americans%20for%20Prosperity> (last visited Oct. 22, 2016).

<sup>25</sup> Al Shaw, Theodoric Meyer & Kim Barker, *How Dark Money Flows Through the Koch Network*, PROPUBLICA, Feb. 14, 2014, <https://projects.propublica.org/graphics/koch>; Center for Responsive Politics, *Freedom Vote: Receipts reported to IRS by Contributing Organizations*, [https://www.opensecrets.org/outsidespending/nonprof\\_contrib\\_rcpt.php?id=273004397&cycle=2016](https://www.opensecrets.org/outsidespending/nonprof_contrib_rcpt.php?id=273004397&cycle=2016) (last visited Oct. 22, 2016).

<sup>26</sup> Mike Allen & Kenneth P. Vogel, *Inside the Koch data mine*, POLITICO, Dec. 8, 2014, <http://www.politico.com/story/2014/12/koch-brothers-rnc-113359>.

<sup>27</sup> Matea Gold, *Koch network strikes new deal to share voter data with RNC-aligned firm*, WASH. POST, Jul. 29, 2015, <https://www.washingtonpost.com/news/post-politics/wp/2015/07/29/koch-network-strikes-new-deal-to-share-voter-data-with-rnc-aligned-firm>.

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<sup>28</sup> For a fuller description of policy options, see the Brennan Center’s report on spending in the 2014 Senate elections. IAN VANDEWALKER, BRENNAN CENTER FOR JUSTICE, ELECTION SPENDING 2014: 9 TOSS-UP SENATE RACES 19-21 (2014), <http://www.brennancenter.org/publication/election-spending-2014-9-toss-senate-races>.

<sup>29</sup> DANIEL I. WEINER & IAN VANDEWALKER, BRENNAN CENTER FOR JUSTICE, STRONGER PARTIES, STRONGER DEMOCRACY: RETHINKING REFORM (2015), <https://www.brennancenter.org/publication/stronger-parties-stronger-democracy-rethinking-reforming>.

<sup>30</sup> ADAM SKAGGS & FRED WERTHEIMER, EMPOWERING SMALL DONORS IN FEDERAL ELECTIONS (2012), <http://www.brennancenter.org/publication/empowering-small-donors-federal-elections>.