


**CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON V. FEDERAL ELECTION COMMISSION,  
316 F. Supp. 3d 349 (U.S. D.C. Aug., 8, 2018)**

42 U.S.C. § 30104	11 CFR 109.10(e)(1)(vi)
<p>(c)(1) Every person (other than a political committee) who makes independent expenditures in an aggregate amount or value in excess of \$250 during a calendar year shall file a statement containing the information required under subsection (b)(3)(A) for all contributions received by such person.</p> <p>(c)(2) Statements required to be filed by this subsection shall be filed in accordance with subsection (a)(2), and shall include-</p> <p style="padding-left: 40px;">(A) the information required by subsection (b)(6)(B)(iii), indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved;</p> <p style="padding-left: 40px;">(B) under penalty of perjury, a certification whether or not such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and</p> <p style="padding-left: 40px;">(C) the identification of each person who made a contribution in excess of \$200 to the person filing such statement which was made for the purpose of furthering <u>an</u> independent expenditure.</p> <p>(b)(3)(a): <u>person</u> (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in <b>excess of \$200 within the calendar year</b> (or election cycle, in the case of an authorized committee of a candidate for Federal office), or in any lesser amount if the reporting committee should so elect, together with the <u>date and amount of any such contribution</u></p>	<p>(e) Content of verified reports and statements and verification of reports and statements.</p> <p><b>(1) Contents of verified reports and statement.</b> If a signed report or statement is submitted, the report or statement shall include:</p> <p style="padding-left: 40px;">(i) The reporting person's name, mailing address, occupation, and the name of his or her employer, if any;</p> <p style="padding-left: 40px;">(ii) The identification (name and mailing address) of the person to whom the expenditure was made;</p> <p style="padding-left: 40px;">(iii) The amount, date, and purpose of each expenditure;</p> <p style="padding-left: 40px;">(iv) A statement that indicates whether such expenditure was in support of, or in opposition to a candidate, together with the candidate's name and office sought;</p> <p style="padding-left: 40px;">(v) A verified certification under penalty of perjury as to whether such expenditure was made in cooperation, consultation, or concert with, or at the request or suggestion of a candidate, a candidate's authorized committee, or their agents, or a political party committee or its agents; and</p> <p style="padding-left: 40px;">(vi) The identification of each person who made a contribution in excess of \$200 to the person filing such report, which contribution was made for the purpose <b>of furthering</b> the reported independent expenditure.</p>

[T]he Supreme Court has long recognized, “public disclosure of contributions to candidates and political parties will deter some individuals who otherwise might contribute [and i]n some instances . . . , and even expose contributors to harassment or retaliation,” but nonetheless “appear[s] to be the least restrictive means of curbing the evils of campaign ignorance and corruption that Congress found to exist.” *Citizens for Responsibility and Ethics in Government v. FEC*, 316 F.Sup 3rd 349, 414, citing to *Buckley*, 424 U.S. at 68.

In *Citizens for Responsibility and Ethics in Washington*, the court cited to *Citizens United v. FEC*, which declared “that disclosure is a less restrictive alternative to more comprehensive regulations of speech,” and rejecting argument “that disclosure requirements can chill donations to an organization by exposing donors to retaliation,” absent showing of “a reasonable probability that the group’s members would face threats, harassment, or reprisals if their names were disclosed.”



With the advent of the Internet, prompt disclosure of expenditures can provide shareholder and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interests in making profits, and citizens can see whether elected officials are “ “in the pocket’ of so-called moneyed interests.” *Citizens United v. FEC*, 558 U.S. 310, 370 (2010) citing to *McConnell*, 540 U.S., at 259, 124 S. Ct. 619 (opinion of SCALIA, J.).

The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enable the electorate to make informed decisions and give proper weight to different speakers and messages.” *Citizens United v. FEC*, 558 U.S. 310, 371 (2010).