

# Coalition for Integrity

## The State Campaign Finance Index 2022

### Scoring Rubric

#### Governing Agency

- 1. What agency is charged with administering the state’s campaign finance laws? Does it have authority to conduct its own investigations, including public hearings and subpoena power?**

(Maximum Scaled Score = 10 points; 8 raw points possible)

Total scaled score =  $(10/8) * ([\text{Raw Score A}] + [\text{Raw Score B}] + [\text{Raw Score C}] + [\text{Raw Score D}])$

- A. What agency is charged with administering the state’s campaign finance laws? (2 points possible)**
  - 2 points = The state has a free-standing agency, not headed by an elected official, charged with the authority to administer the state’s campaign finance laws. Enter “Yes” in the scoring cell.
  - 1 point = An elected official (Ex: Secretary of State) has the authority to administer the state’s campaign finance law, or if there are two agencies, only one of them is independent. Enter “Partial” in the scoring cell.
- B. Does the agency have authority to conduct its own investigations? (2 total points possible)**
  - 2 points = The agency has the authority to initiate and conduct its own investigations. Enter “Yes” in the scoring cell.
  - 1 point = The agency may initiate investigations but must refer its findings to the State Attorney General or other enforcement authorities. Enter “Partial” in the scoring cell.
  - 0 points = The agency has no investigative power. Enter “No” in the scoring cell.
- C. Does the agency have the authority to hold public hearings? (2 total points possible)**
  - 2 points = The agency has the authority to hold public hearings at every stage of an investigation OR the agency has the authority to hold public hearings after a determination of probable cause. Enter “Yes” in the scoring cell.
  - 0 points = The agency has no authority to hold public hearings at any stage of an investigation or holds a public hearing only if requested by the subject of the hearing. Enter “No” in the scoring cell.
- D. Does the agency have the authority to issue subpoenas? (2 total points possible)**
  - 2 points = The agency has the authority to issue subpoenas. Enter “Yes” in the scoring cell.



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- 1 point = The agency may issue subpoenas, but only with external approval. Enter “Partial” in the scoring cell.
- 0 points = The agency cannot issue subpoenas. Enter “No” in the scoring cell.

## 2. Does the agency have the ability to sanction, including injunctions and fines?

(Maximum Scaled Score = 10 points; 20 raw points possible)  
Total scaled score =  $(10/20) * ([\text{Raw Score A}] + [\text{Raw Score B.1}] + [\text{Raw Score B.2}])$   
Q2: For section B.1, if a state has different amounts for fines, take the highest amount (Ex: after the third offense or for subsequent offenses)

- A. Does the agency have the ability to issue injunctions? (10 total points possible)
- 10 points = The agency has independent authority to enjoin violators of campaign finance laws. Enter “Yes” in the scoring cell.
  - 0 points = The agency lacks independent authority to enjoin, in any way, violators of campaign finance laws. Enter “No” in the scoring cell.

B. Does the agency have the ability to issue fines? (10 total points possible)

B.1. Late Filing Fines

- 5 points = The agency has authority to impose a fine of more than \$50/day for each day the filing is late or if the agency only issues a flat fee, a fine of at least \$5000 for late filing or failure to file a report. Enter “Yes” in the scoring cell.
- 2.5 points = The agency has authority to impose a fine of between \$26/day and \$50/day or if the fine is a fixed amount between \$500 and \$4999 for late filing or failure to file a report. Enter “Partial” in the scoring cell.
- 0 points = The agency can only impose fines of \$25/day or less or if the fine is a fixed amount below \$500 for late filing or failure to file a report, or the agency has no authority to impose fines for late filing or failure to file a report. Enter “No” in the scoring cell.

B.2. Other Fines for Substantive Violations (Failure to Include Information on a Political Advertisement; Accepting Prohibited Contributions or Making Prohibited Independent Expenditures; False Statement or Certification or Omission; Misrepresenting the True Origin of a Contribution)

Note: States were only scored on the inclusion of fines for conduct that is prohibited by statute.

Note: Agencies with the authority to impose fines with a “catch all” provision in the statute received full points, as long as the fine is for more than \$5,000.

- 5 points = The agency has authority to impose a fine of more than \$5,000 for most of the violations listed above or the ability to penalize violators at least twice the amount of prohibited contribution or expenditure. Enter “Yes” in the scoring cell.



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- 2.5 point = The agency has authority to impose a fine between \$1,000 and \$5,000 for most of the violations listed above. Enter “Partial” in the scoring cell.
- 0 points = The agency can only impose a fine of \$1,000 or less for the violations listed above; or the agency has no authority to impose fines; or the agency has no authority to impose fines; or authority to impose fines for only one or two of the violations listed above. Enter “No” in the scoring cell.

### 3. Is the agency headed by an elected official? If not, are the members of the agency protected from removal without cause? (10 total points possible)

(Maximum Scaled Score = 10 points)  
Total scaled score = 10

#### 10 points

- If the agency is headed by an elected official (ex: Secretary of State), the elected official is subject to removal through impeachment. Enter “Yes” in the scoring cell.
- If the agency is not headed by an elected official, the appointed members are protected from removal without cause. Either they may not be removed whatsoever OR else they may only be removed for cause, and what constitutes “cause” is reasonably tailored to prevent abuse. Enter “Yes” in the scoring cell.

#### 5 points

- If authority is split between two agencies, one is protected from removal without cause or subject to removal through impeachment and the other is not.

#### 0 points

- If the agency is headed by an elected official, the elected official is not subject to removal through impeachment. Enter “No” in the scoring cell.
- If the agency is not headed by an elected official, the members of the agency are not protected from removal without cause. Either the statute is silent on removal (and other parts of the code governing personnel actions are not on point) OR members serve “at the pleasure of” the governor (or other appointing authority). Enter “No” in the scoring cell.

### **Campaign Coordination**

(Maximum Scaled Score = 10 points; 20 raw points possible)  
Total scaled score =  $(10/20) * [(Raw\ Score\ (a)) + (Raw\ Score\ (b))]$



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4. A. Are there rules defining the types of conduct and campaign spending that presumptively establish coordination between campaigns and independent expenditure committees? (10 points possible)
- 10 points = The state outlines detailed rules defining the types of conduct and campaign spending that would qualify as coordination between candidates and independent spenders. Enter “Yes” in the scoring cell.
  - 5 points = The state recognizes coordination between an independent spender and candidate, a candidate committee or its agents, a political party committee or its agents, or other designated person, in their definition of independent expenditure. The state does not specify the conduct and campaign spending that may qualify as coordination. Enter “Partial” in the scoring cell.
  - 2.5 points = The state recognizes coordination between an independent spender and candidate only (not including a political party committee or its agents, or other designated persons) in their definition of independent expenditure and does not specify the conduct and campaign spending that may qualify as coordination. Enter “Moderate” in the scoring cell.
  - 0 points = The state does not address coordination. Enter “No” in the scoring cell.
- B. Does the state have a safe harbor rule and, if so, what does it allow? (10 points possible)
- 10 points = The state recognizes that expenditures will not count as contributions if the independent spender has a firewall policy or confidentiality agreement in place when using the same services provider as a candidate. Enter “Yes” in the scoring cell.
  - 5 points = There are provisions specifying criteria for expenditures that will not be considered contributions, however, there is no requirement for a firewall or confidentiality agreements. Enter “Partial” in the scoring cell.
  - 0 points = The state does not have any safe harbor rules. Enter “No” in the scoring cell.

## Campaign Contributions

(Maximum Scaled Score = 10 points; 30 raw points possible)

Total scaled score =  $(10/30) * [\text{Raw Score (a)} + \text{Raw Score (b)}]$

Scoring Q5: The scoring should be based on the most current limit of contribution. Additionally, if a state has different limits for different offices, this scoring should be based on the highest limit out of all the statewide offices (Ex: Governor).



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## 5. A. Does the state limit the amount of contributions to political candidates for state level offices per election by individuals, corporations, other entities (PACs, 501(c)(4)s)?

Note: The focus is financing of campaigns for state-wide executive and state legislative offices. The report does NOT include information about financing state judicial or local races.

Note: Our definition of PACs for purposes of contribution limits is private entities, not affiliated with political parties or legislative entities.

### A.1. Limit on the amount contribution to candidates from individuals per candidate and per election (5 points possible)

- 5 points = The state limits the amount of contributions up to and including \$2,900 per candidate and per election (the amount of \$2,900 is based on the Federal Election Commission federal campaign contribution limit). Campaign Contribution, FED. ELEC. COMM'N <https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/contribution-limits/>. Enter “Yes” in the scoring cell.
- 2.5 points = The state limits the amount of contributions to an amount greater than \$2,900 and equal to or below \$10,000 per candidate and per election. Enter “Partial” in the scoring cell.
- 0 points = The state allows unlimited contributions to candidates from individuals or limits the amount of contributions; but the limit is above \$10,000. Enter “No” in the scoring cell.

### A.2. Limit on the amount of contributions to candidates from PACs per candidate and per election (5 points possible)

- 5 points = The state limits the amount of contributions up to and including \$2,900 per candidate and per election or bans contributions from out-of-state PACs. Enter “Yes” in the scoring cell.
- 2.5 points = The state limits the amount of contributions to an amount greater than \$2,900 and equal to or below \$10,000 per candidate and per election. Enter “Partial” in the scoring cell.
- 0 points = The state allows unlimited contributions to candidates from PACs or limits the amount of contributions; but the limit is above \$10,000. Enter “No” in the scoring cell.

### A.3. Limit on the amount of contributions to candidates from corporations and labor organization per candidate and per election (5 points possible)

- 5 points = The state prohibits any contributions from corporations and labor organization (the Federal Election Commission prohibits contributions from corporations and labor organization on the federal level). Enter “Yes” in the scoring cell.



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- 2.5 points = The state limits the amount of contributions up to and including \$10,000 per candidate and per election or allows contributions from one but not the other. Enter “Partial” in the scoring cell.
- 0 points = The state allows unlimited contributions to candidates from corporations and unions or the state limits the amount of contribution to an amount exceeding \$10,000. Enter “No” in the scoring cell.

## B. Does the state limit the amount of contributions to state political parties per year?

### B.1. Limit on the annual amount of contributions to state political parties from individuals (5 points possible)

- 5 points = The state limits the amount of contributions up to \$10,000 per year. Enter “Yes” in the scoring cell.
- 2.5 points = The state limits the amount of contributions to between more than \$10,000 and \$36,500 (the amount \$36,500 is based on the Federal Election Commission federal limit on contribution to national party committee). Campaign Contribution, FED. ELEC. COMM’N <https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/contribution-limits/>. Enter “Partial” in the scoring cell.
- 0 points = The state allows unlimited contributions to state political parties from individuals or limits the amount of contributions to an amount over \$36,500. Enter “No” in the scoring cell.

### B.2. Limit on the annual amount of contributions to state political parties from PACs (5 points possible)

- 5 points = The state limits the amount of contributions up to \$10,000 per year. Enter “Yes” in the scoring cell.
- 2.5 points = The state limits the amount of contributions to between more than \$10,000 and up to \$36,500. Enter “Partial” in the scoring cell.
- 0 points = The state allows unlimited contributions to State Political Committee from PACs or limits the amount of contributions to an amount over \$36,500. Enter “No” in the scoring cell.

### B.3. Limit on the annual amount of contribution to state political parties from corporations/labor organization (5 points possible)

- 5 points = The state prohibits any contributions from corporations and unions and other entities (the Federal Election Commission also prohibits contributions from corporations and labor organization to political parties). Enter “Yes” in the scoring cell.
- 2.5 points = The state limits the amount of contributions to \$10,000 or below per year. Enter “Partial” in the scoring cell.
- 0 points = The state allows unlimited contributions to candidates from corporations and unions or the state limits the amount of contribution in an



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amount in excess of \$10,000. Enter “No” in the scoring cell.

## Campaign Disclosure Requirements

6. What is the dollar amount for disclosure of campaign contributions to candidates? (10 points possible)

Note: A few states do not require disclosure of contributors until a certain dollar threshold of contributions is met. But in all these cases, the dollar threshold is minimal and therefore not taken into consideration in scoring.

(Maximum Scaled Score = 10 points)

Total scaled score = 10

- 10 points = Disclosure of each contributor’s name and address, date, and amount of contributions of \$200 or less, are required in reports filed by candidates, (the amount of \$200 is based on the Federal Election Commission federal campaign contribution limit). How to Report, Individual Contributions, FED. ELEC. COMM’N <https://www.fec.gov/help-candidates-and-committees/filing-reports/individual-contributions/> (last visited Nov. 1, 2021). Enter “Yes” in the scoring cell.
- 5 points = Disclosure excludes one or more of the name, address, date, and amount requirements OR the threshold for disclosure is contributions greater than \$200. Enter “Partial” in the scoring cell.
- 0 points = The state requires disclosure of contributions but only for those of \$1,000 or more. Enter “No” in the scoring cell.

7. Does the state require reporting of contributors to independent expenditure committees, including second level disclosure of members of contributing LLCs and donors to contributing 501(c)(4)s or similar entities?

(Maximum Scaled Score = 10 points; 14 raw points possible)

Total scaled score =  $(10/14) * ([\text{Raw Score A}] + [\text{Raw Score B}] + [\text{Raw Score C}])$

- A. Does the state require reporting of contributors to independent spenders, whether or not they are organized as a committee (501(c)s, PACs, corporations)? (10 points possible)

- 10 points = Disclosure of each contributor’s name and address, and the date and amount of contributions of \$250 or less, is required in reports filed by independent spenders. Enter “Yes” in the scoring cell.
- 5 points = Only some kinds of independent spenders must disclose contributors OR disclosure excludes one or more of the name, address, date, and amount requirements OR the threshold for disclosure is contributions greater than \$250. Enter “Partial” in the scoring cell.
- 0 points = Independent expenditure committees and other entities making independent



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expenditures are not required to report any information about their contributors. Enter “No” in the scoring cell.

**B.** If yes, does the state require reporting of the beneficial owners of LLCs that contribute to entities that make independent expenditures? (2 points possible)

- 2 points = Entities making independent expenditures must disclose the beneficial owners of LLCs making contributions to that entity. Enter “Yes” in the scoring cell.
- 1 point = Beneficial owners may be disclosed under limited circumstances. Enter “Partial” in the scoring cell.
- 0 points = There are no additional reporting requirements for LLC contributors. Enter “No” in the scoring cell.

**C.** If yes, does the state require reporting of the funders of 501(c) groups that contribute to independent spenders? (2 points possible)

- 2 points = Entities making independent expenditures must disclose the donors to 501(c) organizations that make contributions to that entity or 501(c)s are prohibited from making contributions to PACS. Enter “Yes” in the scoring cell.
- 1 point = Donors to 501(c) organization must be disclosed under limited circumstances. Enter “Partial” in the scoring cell.
- 0 points = No additional reporting requirements exist for 501(c) donors. Enter “No” in the scoring cell.

**8.** Does the state require the disclosure of the payors of political advertisements or other electioneering communications to appear directly on the communication made through print media, broadcast media (TV, radio etc.), and Internet-based media (Facebook, Twitter, Google, and other online platforms)?

(Maximum Scaled Score = 10 points; 6 raw points possible)

Total scaled score =  $(10/6) * ([\text{Raw Score A}] + [\text{Raw Score B}] + [\text{Raw Score C}])$

**A.** Print Media (2 points possible)

- 2 points = The state requires the disclosure of payors of political advertisements or other electioneering communications on print media with *de minimus* dollar exceptions of \$500 or less. Full points are given to states that require the disclosure of the name of the payor on the advertisement, states that require the disclosure of the name, address, and phone number of the payor on the advertisement, states that require the disclosure of the identity of the payor and the “Top Contributors” to the payor to be listed on the advertisement, and to states that have even more robust disclosure requirements. Enter “Yes” in the scoring cell.
- 1 point = The state requires the disclosure of payors of political advertisements or other electioneering communications on print media with a significant exception, such as excluding



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communications where more than \$500 was spent. Enter “Partial” in the scoring cell.

- 0 points= The state does not require the disclosure of payors of political advertisements or other electioneering communications on print media. Enter “No” in the scoring cell.

## B. Broadcast Media (2 points possible)

- 2 points = The state requires the disclosure of payors of political advertisements or other electioneering communications on broadcast media with *de minimus* dollar exceptions of \$500 or less. Full points are given to states that require the disclosure of the name of the payor on the advertisement, states that require the disclosure of the name, address, and phone number of the payor on the advertisement, states that require the disclosure of the identity of the payor and the “Top Contributors” to the payor to be listed on the advertisement, and to states that have even more robust disclosure requirements. Enter “Yes” in the scoring cell.
- 1 point = The state requires the disclosure of payors of political advertisements or other electioneering communications on broadcast media with a significant exception excluding communications where more than \$500 was spent. Enter “Partial” in the scoring cell.
- 0 points= The state does not require the disclosure of payors of political advertisements or other electioneering communications on broadcast media. Enter “No” in the scoring cell.

## C. Internet-Based Media (2 points possible)

- 2 points = The state requires the disclosure of payors of political advertisements or other electioneering communications on Internet-based media with *de minimus* dollar exceptions of \$500 or less. Full points are given to states that require the disclosure of the: name, address, and phone number of the payor on the advertisement; identity of the payor and the “Top Contributors” to the payor on the advertisement or have even more robust disclosure requirements. Where technologically impossible to display full disclosure, the state requires disclosure of the payor and a direct link to a webpage for the remaining required information. Enter “Yes” in the scoring cell.
- 1 point = The state requires the disclosure of payors of political advertisements or other electioneering communications on Internet-Based media with exceptions, such as messages under 200 characters, or excluding communications where more than \$500 was spent. Enter “Partial” in the scoring cell.
- 0 points= The state does not require the disclosure of payors of political advertisements or other electioneering communications on Internet-based media. Enter “No” in the scoring cell.

## Campaign Finance Filing Requirements



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(Maximum Scaled Score = 10; 30 raw points possible)

Total scaled score =  $(10/30) * ([\text{Raw Score (a)}] + [\text{Raw Score (b)}] + [\text{Raw Score (c)}])$

**9. A. Is there a requirement for candidates to report contributions of \$1,000 or more received within 30 days prior to an election and, if so, what is the filing deadline? (10 points possible)**

- 10 points = The state requires candidates to file a pre-election report of contributions of \$1,000 or more received during the period of 30 days before an election, and the state requires the report to be filed within 24 or 48 hours of receipt of a contribution. Enter “Yes” in the scoring cell.
- 5 points = The state requires candidates to file a pre-election report of contributions received during the period of 30 days before an election, but either the threshold for disclosure is above \$1,000 or the report is not required to be filed within 24/48 hours. Enter “Partial” in the scoring cell.
- 0 points = The state does not require candidates to file a pre-election report for contributions received during the period of 30 days prior to an election. Enter “No” in the scoring cell.

**B. Is there a requirement for independent spenders to report expenditures of \$5,000 or more that are made during the 30 days prior to an election and, if so, what is the filing deadline? Also do these reports include information on contributions received, as well as expenditures made? (10 points possible)**

- 10 points = The state requires all independent spenders to file a pre-election report of all expenditures of \$5,000 or more made during the 30 days prior to an election and requires such report to be filed within 48 hours of the expenditure. The report includes information on contributions received as well as expenditures. Enter “Yes” in the scoring cell.
- 5 points = The state requires a pre-election expenditure report but either the threshold for disclosure is higher than \$5,000 or the state does not require the report to be filed within 48 hours or the report only includes expenditure information and not contribution information. Enter “Partial” in the scoring cell.
- 0 points = The state does not require independent spenders to file pre-election reports. Enter “No” in the scoring cell.

**C. Is there a requirement for candidates and independent spenders to file a post-election report within 30 days of an election and, if so, what is the filing deadline? (10 points possible)**

- 10 points = Both candidates and independent spenders are required to file a post-election report within 30 days after an election. Enter “Yes” in the scoring cell.



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- 5 points = The state only requires candidates to file a post-election report within 30 days after an election but not independent spenders. Enter “Partial” in the scoring cell.
- 0 points = The state does not require any post-election report to be filed within 30 days after an election. Enter “No” in the scoring cell.

## Accessibility of Reports

(Maximum Scaled Score = 10  
Total scaled score = Raw Score (a) + Raw Score (b))

**10. A.** Can the reports be filed through an online portal provided by the agency? (5 points possible)

- 5 points = The state requires all reports to be filed electronically through an online portal, other than those made by persons that spend less than \$5,000 during the election cycle. Enter “Yes” in the scoring cell.
- 0 points = Reports do not have to be filed electronically. Enter “No” in the scoring cell.

**B.** Are reports available on an easily searchable and sortable website? (5 points possible)

- 5 points = Reports are available on a website that allows users to search and sort campaign finance reports by at least seven out of the nine listed variables. Enter “Yes” in the scoring cell.
- 2.5 points = There is a website that allows users to search for campaign reports but only by four to six of the listed variables. Enter “Partial” in the scoring cell.
- 0 points = There is either no searchable website, or the website can only be searched and sorted for three or fewer variables. Enter “No” in the scoring cell.

## VARIABLES (9 variables)

Search by candidates/committee – (6 variables)

- Name
- Election Year
- Office
- Date and Amount of Contribution
- Date and Amount of Expenditure
- Contributor

Search by independent expenditure – (3 variables)

- Election Year
- Amount of Expenditure
- Candidate Supported or Opposed



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