



Policy Proposal: Overturn Citizens United

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Politics should put people over profits; politicians should put constituents over corporations. We'll never get there without overturning Citizens United.

What is Citizens United?

A 2010 Supreme Court ruling that overturned a century of campaign finance restrictions; going forward, corporations and other outside groups would have no limits on their “independent spending” (that’s a fancy way of saying money that doesn’t go directly to a candidate or party).

What is a super PAC?

Based on *Citizens United* a court ruled that outside groups could accept unlimited contributions *from basically anyone* (people or corporations) as long as the groups don’t give directly to candidates. Those outside groups are what we know as super PACs.

If they’re super, surely they’re good?

Unfortunately, no. These groups can still spend their money promoting or attacking candidates, giving their contributors enormous power over elections. Even the rules that do exist prohibiting them from working directly with candidates are weak and ineffective. Making things worse, though they have to disclose their donors, those donors can include dark money groups.

Dark money groups? Those sound nefarious.

Unfortunately, yes. Dark money is, like it sounds, election spending where the source is secret. Often the money comes from nonprofits that don’t have to disclose their donors. And while dark money groups have to disclose spending on some things, they are not required to disclose donations to super PACs or on many types of campaign advertising.

Why does all of this matter?

There are a few specific reasons that we should all care about this:



- Dark money groups - by hiding the identities of their donors - can provide a convenient mechanism for foreign countries to hide their activities from the American people and to interfere in our elections.
 - For context, dark money spending totaled >\$1 billion in the 2024 presidential election - to say nothing of all the other elections across the country.
- Super PAC spending - by removing any caps on contributions - gives companies and very wealthy donors an outsized say in elections.
 - In the 2024 election, super PACs spent >\$2.7 billion.
 - Remember Elon Musk and his shady voter outreach? This is how that happened.
 - In the 2022 midterms, 21 of the biggest donor families contributed more than the total contributions of >3.7 million small donors.

No wonder the American people have lost faith in their electoral system when a very small group of companies and people dominate election spending...that is, when we even know where spending is coming from!

What can be done?

The ultimate goal is simple: a constitutional amendment overturning Citizens United.

(A more sensible Supreme Court could also overturn the ruling. And if I grow two feet taller I might be able to dunk a basketball.)

The thing about *Citizens United* is that American citizens are actually united in how they feel about the ruling: they hate it. Per The Center for Public Integrity:

“Three-fourths of survey respondents — including 66 percent of Republicans and 85 percent of Democrats — back a constitutional amendment outlawing Citizens United.

The study also indicates that most Americans — 88 percent overall — want to reduce the influence large campaign donors wield over lawmakers at a time when a single congressional election may cost tens of millions of dollars.”



A constitutional amendment would be great, but we can't wait. What can be done now?

Before we move on from the constitutional amendment suggestion, one more bit of context: 22 states and DC have called for an amendment. 121 members of Congress are co-sponsoring legislation to overturn the ruling. So it's not completely out of the question.

But you're right, it's unlikely to happen immediately. In the interim, there are several things our politicians can do, including:

- Ensuring all large campaign donors are disclosed;
- Stricter rules on super PACs and similar groups not coordinating directly with candidates and parties;
- Enforcing the rules that already exist by overhauling the dysfunctional Federal Election Commission.

Back to that survey from before:

“Most survey respondents also support congressional action on money in politics that fell short of a constitutional amendment, such as a bill that required corporations and unions to report campaign spending to shareholders, members and the public in addition to disclosures they file with the Federal Election Commission.”

A related proposal: politicians should proactively refuse to accept corporate PAC funding. My opponent gets a majority of her funding from corporations; my campaign will take \$0 of corporate PAC funds. If you're funded by big businesses, you're indebted to big businesses; I'm funded entirely by individuals and indebted to no one but individual American citizens.

A bill has been introduced in the House - the Ban Corporate PACs Act - that would bar for-profit corporations from creating or funding PACs. Rep. Clarke has failed to cosponsor this bill.



Sources include:

- <https://www.brennancenter.org/our-work/research-reports/citizens-united-explained>
- <https://www.citizen.org/article/by-the-numbers/>
- <https://publicintegrity.org/politics/study-most-americans-want-to-kill-citizens-united-with-constitutional-amendment/>