

TAXPAYERS PROTECTION ALLIANCE

The Honorable Roy Blunt
U.S. Senator, Missouri
260 Russell Senate Office Building
Washington, DC 20515

Re: S.443 - *DISCLOSE Act of 2021*

Dear Ranking Member Blunt,

On behalf of the Taxpayers Protection Alliance (TPA), I write to you in opposition to S. 443, the *Disclose Act of 2021*.

While we recognize the laudable goal of increasing election transparency, we have significant concerns with the civil liberties that are at risk if this legislation becomes law. Corporations, like individuals, have the First Amendment right to expression through political donations, as established by the Supreme Court in *Citizens United v. FEC*.

Supporters of this legislation claim that the \$2.6 billion spent by political action committees (PACs), outside groups, and political parties is nearly double what was spent in the 2016 cycle.¹ However, according to the data cited by the bill's sponsor, Senator Whitehouse (D-RI), these numbers continue to be far outpaced by small and large individual contributions. In 2020, organizations and PACs combined for just 8.13 percent of donations (compared to 63.93 percent by individual donors). In 2016, they combined for 13.55 percent (compared to 63.81 percent by individual donors).²

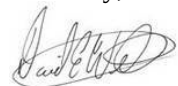
By any metric cited by Sen. Whitehouse, the proportion of corporate donors has decreased since 2016, despite monetary amounts increasing. Furthermore, donations that are not disclosed are at an all-time low (4.4 percent).³

Requiring donor disclosure will also put the safety of those donors at risk. And, in fact, the Supreme Court ruled in 1958 in *NAACP v. Alabama* that disclosure of membership lists violates the Fourteenth Amendment's due process clause and warrants undue intimidation. The same issue is valid with disclosing donor lists for PACs.

Before stripping away anonymity from donors and endangering First Amendment rights, TPA recommends Congressional leaders review the fact sets they base their legislation on.

For these reasons, TPA is opposed to S. 443, the *DISCLOSE Act of 2021*.

Sincerely,



David Williams,
President

¹ <https://www.whitehouse.senate.gov/news/release/whitehouse-cicilline-introduce-disclose-act-to-repair-americans-faith-in-democracy>

² <https://www.opensecrets.org/news/2020/10/cost-of-2020-election-14billion-update>

³ Ibid.