



Ban Committee-Related Campaign Contributions to State Legislators

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Americans deserve elected officials who fairly represent them and fight for their interests, but too often they lose out to wealthy special interests who can make large campaign contributions to lawmakers. State leaders should fight for strong, clear anti-corruption solutions, including a policy that bars state lawmakers from accepting contributions from special interests with business before the legislative committees on which they sit. Voters overwhelmingly support breaking the link between committee membership and fundraising. 88 percent of voters—including 86 percent of Trump voters—said that they favor barring congressional committee members from raising money from corporations or special interests that fall under the jurisdiction of their committees.¹

Problem: Policymaking is distorted, and people lose faith in the democratic process when lawmakers raise money from interests in front of their committees

1. Special interests contribute to candidates in order to influence public policy in their favor. A recent nationwide study of corporate PAC contributions to state legislators found that “firms in sectors that are heavily regulated at the state level, such as energy, transportation, finance, and health care, carefully target their donations toward chairs of those committees by which they are primarily regulated.”² The results suggest that corporate donors “expect industry-specific policy favors in return for their contributions.”³
2. Evidence from Congress shows that these committee-related contributions can be very substantial. Issue One’s “Price of Power” report provides evidence from numerous members of Congress serving on important committees.⁴ For example, “50 percent of the money [House] Financial Services Committee Chair Jeb Hensarling (R-TX) raised for his campaigns came from the finance, insurance and real estate sector.”⁵ In the words of one lobbyist, “Companies with interest before particular committees need to have access to the chairman of that committee, make donations, and go to events where the chairman will be ... The large contributions enable them to establish relationships, and that increases the chances they’ll be successful with their public policy agenda.”⁶
3. Most Americans assign a lot of blame to “wealthy political donors” and “money in politics” for “causing dysfunction in the U.S. political system.” For example, 65 percent assign a lot of blame to money in politics, and 96 percent assign at least some blame.⁷ The anti-democratic, corrupting influence of money in politics must be constrained so that government decisions are responsive to constituents—not contributors.

Solution: Bar state lawmakers from accepting financial support from interests under the jurisdiction of their committees

State legislatures should enact a law to make it unlawful for legislators to accept campaign contributions from entities that fall within the jurisdiction of their committees. This strong, clear policy proposal would:

1. **Reduce the opportunities for political corruption.** Delinking committee membership and raising large sums of campaign money from big-moneyed interests changes the incentives and blocks a major avenue for corrupting influences to improperly sway state legislators.
2. **Allow state legislators to refocus their attention on their constituents' policy priorities and represent their constituents fairly.** When lawmakers stop focusing so heavily on the agendas of deep-pocketed donors and can reduce the huge amount of time spent on fundraising from special interests, they can use their committee memberships to advance solutions that support working families and can dedicate more time to meeting with their constituents.
3. **Increase the confidence that Americans have in their elected representatives.** Americans who want to reduce the corrupting power of campaign money will build more confidence that lawmakers are not in the pockets of special interests, and they will applaud lawmakers who use their positions to show that state government can be a force for good.

Details of the proposal

- **Determination of committee jurisdiction.** Where applicable, legislative ethics committees would be responsible for providing specific guidance on which entities fall under each committee's jurisdiction. But, for example, members of the committees that oversee health care-related policy generally would be barred from raising money from the pharmaceutical industry. For-profit corporations, labor unions, and trade associations would be barred, as would individual owners of corporations, high-ranking employees, and lobbyists.
- **Contributor certification mechanism.** A broad safe harbor would allow a lawmaker to accept contributions from contributors who certify under penalty of perjury that the contributor does not have applicable covered interests under committees on which the lawmaker serves.
- **Include reasonable exemptions.** The proposal would exempt small contributions, individuals registered to vote in a lawmaker's district, as well as small businesses and local unions.

Endnotes

- 1 CAP & Gerstein/Bocian/Agne November 2016 poll. On file with authors.
- 2 Alexander Fourinaies, "When Are Agenda Setters Valuable?", *American Journal of Political Science*, 62 (1) (2018): 176-191, p. 185.
- 3 Ibid.
- 4 Issue One, "The Price of Power: A Deep-Dive Analysis Into How Political Parties Squeeze Influential Lawmakers to Boost Campaign Coffers" (2017), available at <https://www.issueone.org/price-of-power/>.
- 5 William Gray, "The Price of Power: How Political Parties Squeeze Influential Lawmakers to Boost Campaign Coffers," Issue One, May 30, 2017, available at <https://www.issueone.org/price-power-political-parties-squeeze-influential-lawmakers-boost-campaign-coffers/>.
- 6 Daniel P. Tokaji and Renata E. B. Strauss, "The New Soft Money: Outside Spending in Congressional Elections" (Columbus, OH: Moritz College of Law, 2014), p. 75, available at <http://moritzlaw.osu.edu/thenewsoftmoney/wp-content/uploads/sites/57/2014/06/the-new-soft-money-WEB.pdf>.
- 7 John Wagner and Scott Clement, "It's just messed up: Most think political divisions as bad as Vietnam era, new poll shows," *The Washington Post*, October 28, 2017, available at https://www.washingtonpost.com/graphics/2017/national/democracy-poll/?utm_term=.74479d043415.