



10 years after Citizens United: State races transformed by explosive growth in independent spending

by Stacy Montemayor | 2020-01-21

Ten years ago today, one Supreme Court decision transformed the nation’s campaign finance system and enabled the wealthiest donors to spend unlimited amounts of money “independently” supporting or opposing candidates. *Citizens United v. Federal Elections Commission* granted corporations and unions the right to unlimited spending on political campaigns as long as the spending was made independently of the candidates’ campaigns.

Figure 1: Independent Spending in State Elections, 2005-2018 **See appended.**

<https://public.tableau.com/profile/nimsp#!/vizhome/CitizensUnitedAnniversary/Da>

While much attention has focused on the significant amounts of independent spending *Citizens United* unleashed on federal campaigns, it’s important to note the decision’s incredible impact on campaigns for state offices.

Figure 2: Independent Spending by State, 2005-2018 **See appended.**

<https://public.tableau.com/profile/nimsp#!/vizhome/CitizensUnitedAnniversary/Da>

At the state level, Americans have seen a marked increase (show-me?dt=2&is-s=AK,AZ,CA,CO,ID,ME,MA,MI,MN,MO,NC,OH,OK,TN,TX,WA#{1 | gro=is-s,is-y) in independent spending after *Citizens United*, and some states have experienced exponential growth. For instance, in Colorado’s 2006 election, independent spending totaled less than \$400,000. The next post-*Citizens United* comparable election, 2014, saw \$33.8 million spent independently. Most recently, 2018’s election had a remarkable \$136.9 million of independent spending. It boggles the mind.

Table 1: Independent Spending by State, 2005-2018

STATE	2005-06	2007-08	2009-10	2011-12	2013-14	2015-16	2018
AK	\$1,930,767	\$582,598	\$1,216,936	\$597,296	\$20,348,322	\$3,308,326	\$26,
AZ	\$1,255,061	\$2,471,506	\$4,011,365	\$2,631,542	\$27,478,251	\$10,831,747	\$29,
CA	\$112,928,488	\$38,115,540	\$89,053,667	\$42,230,313	\$81,484,655	\$86,847,844	\$159,
CO	\$383,441	\$4,681,632	\$11,285,205	\$5,599,375	\$33,790,665	\$29,742,527	\$136,
ID	\$499,343	\$230,496	\$395,100	\$860,113	\$1,161,966	\$992,228	\$1,
MA	\$5,178,051	\$280,829	\$6,583,705	\$918,084	\$29,155,170	\$1,820,014	\$
ME	\$1,268,506	\$635,188	\$5,276,162	\$3,006,779	\$14,903,660	\$18,181,153	\$14,
MI	\$7,836,398	\$4,463,470	\$7,846,430	\$3,628,656	\$12,793,242	\$3,621,697	\$32,
MN	\$14,312,258	\$6,420,760	\$19,772,294	\$16,165,554	\$22,346,866	\$26,763,305	\$34,
MO	\$19,244,894	\$5,717,548	\$3,317,572	\$7,340,979	\$12,048,281	\$23,527,653	\$15,
NC	\$570,734	\$8,748,671	\$2,673,595	\$13,627,482	\$11,054,286	\$37,626,036	\$18,

STATE	2005-06	2007-08	2009-10	2011-12	2013-14	2015-16	2017-18
OH	\$9,940,483	\$3,100,144	\$20,706,556	\$2,751,335	\$9,040,335	\$2,272,428	\$9,940,483
OK	\$480,011	\$1,328,428	\$1,443,693	\$673,481	\$742,344	\$1,944,205	\$1,443,693
TN	\$1,268,701	\$2,694,253	\$2,152,321	\$1,057,241	\$3,256,094	\$2,517,402	\$1,268,701
TX	\$1,014,387	\$1,817,214	\$2,139,728	\$1,321,716	\$7,956,953	\$9,990,259	\$1,014,387
WA	\$5,477,788	\$25,342,502	\$5,829,623	\$40,237,401	\$9,558,572	\$24,725,713	\$5,477,788
GRAND TOTAL	\$183,589,311	\$106,630,779	\$183,703,953	\$142,647,347	\$297,119,664	\$284,712,539	\$541,119,664

Compounding the issue, state reporting on independent spending is often incomplete and fragmented, with the most common shortcoming (<http://www.followthemoney.org/research/institute-reports/scorecard-essential-disclosure-requirements-for-contributions-to-state-campaigns-2016>) a lack of reporting requirements on issue ads featuring a candidate just prior to an election.

Adding to the impact of *Citizens United*, each state gets to determine what is and isn't "coordination." Issue One's new Coordination Watch (<https://www.coordinationwatch.org/>) tool explains how coordination occurs, using examples from federal candidates' campaigns. It's easy to imagine how these activities also occur at the state level.

In 2018, the Campaign Finance Institute, a division of the National Institute on Money in Politics, published an in-depth analysis (http://www.cfinst.org/Press/PReleases/18-09-18/Working_Paper_Independent_Spending_in_State_Elections_2006-2016.aspx) of independent spending in state elections pre- and post-*Citizens United*. The report shows how super PACs -- funded by wealthy mega-donors -- have become the big winners in state elections as they spend vast sums of money in an effort to influence candidates and election outcomes.

Ten years later, with this level of independent spending clearly established as the new norm, the Institute continues to advocate for thorough transparency of all political spending. We will continue to work with states in their efforts to improve disclosure.



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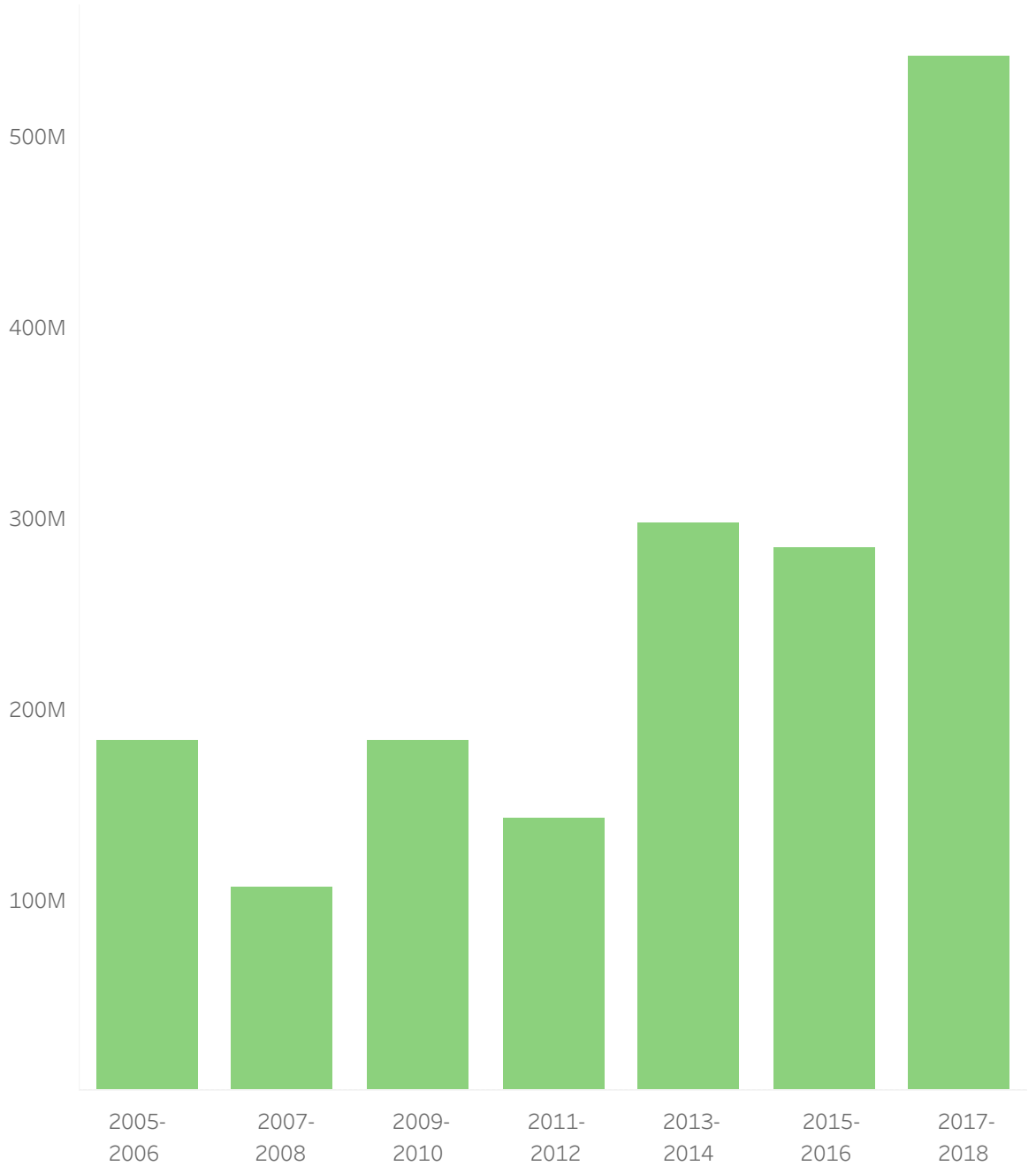
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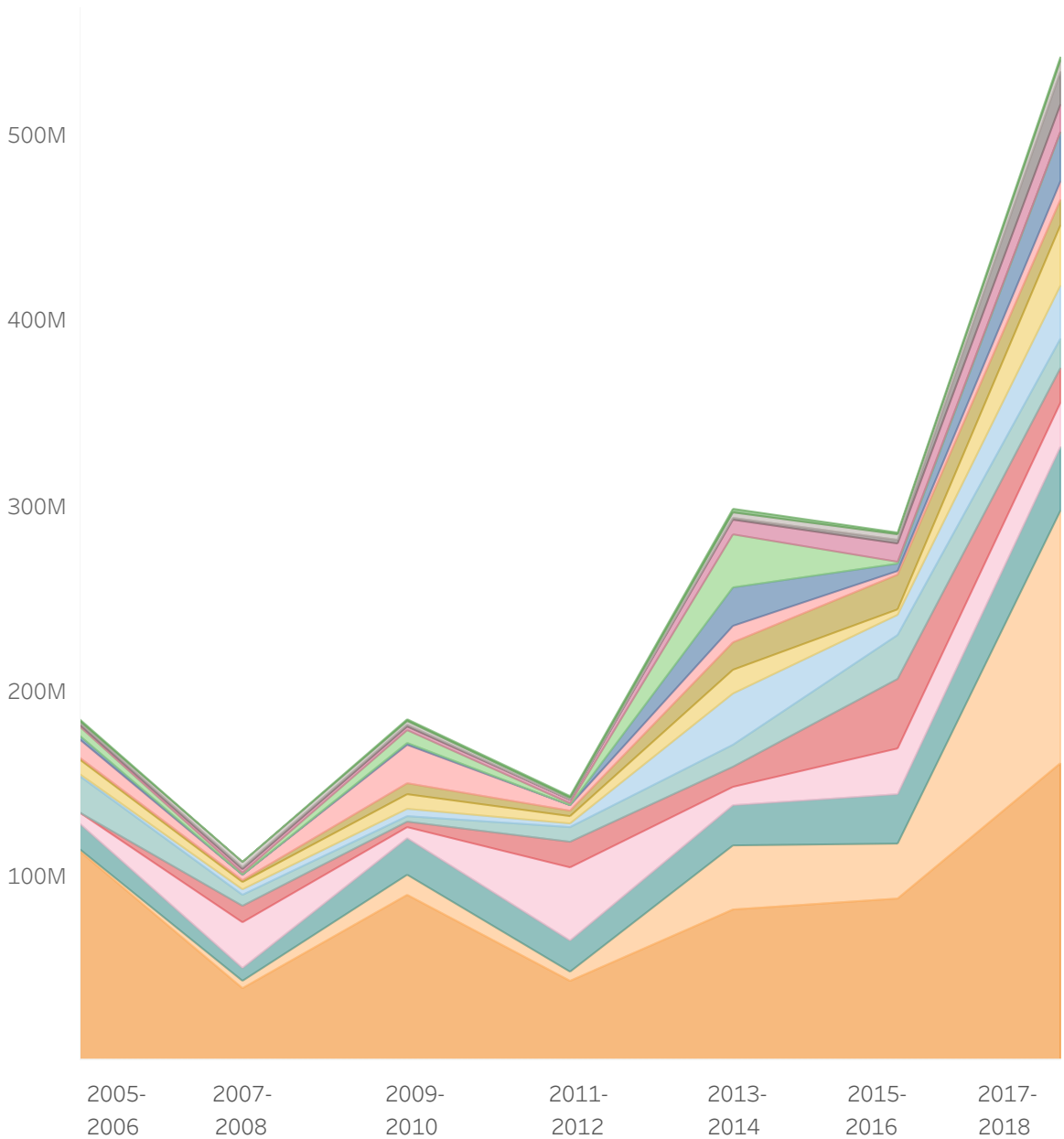
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Independent Spending in State Elections



Independent Spending by State



Independent spending, 2006-2018, in the 16 states that provided meaningful data pre-*Citizens United*.