

News Release

Public Citizen & Texans for Public Justice

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Abbott Just “Plain Wrong” on Dark Money

Constitutionality of Disclosure Requirements Is Settled Law

Gov. Greg Abbott’s recent pronouncement that it’s unconstitutional to mandate disclosures of dark money¹ is just plain wrong, say reform groups Public Citizen and Texans for Public Justice.

Abbott made his erroneous claims about dark money at a post-session news conference when he addressed the legislature’s failure to enact fundamental ethics reforms. To back his claim Abbott referenced an unspecified ruling² that he authored on the Texas Supreme Court in the 1990s. That court did not tackle any cases during that period that dealt with disclosing dark-money campaign expenditures.

“Abbott is either out-of-touch with developments in the law or trying to deceive Texans,” said Texans for Public Justice Director Craig McDonald. “In ruling after ruling since 1976 the U.S. Supreme Court has made it clear that money spent to directly influence an election is subject to disclosure whether it is spent by a political party, a political committee or a non-profit.”

“Abbott needs to hit the law books,” said Tom “Smitty” Smith, director of Public Citizen Texas. “Everyone remembers the part of the *Citizens United* ruling that freed non-profits to spend money on candidate elections, yet few—Gov. Abbott among them—recall the 8-1 vote in the ruling that reaffirmed the constitutionality of disclosure.”

“Disclosure requirements impose no ceiling on campaign activity – they do not prevent anyone from speaking ... transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.” -[Citizens United vs. FEC](#)

¹ Dark money is money from undisclosed sources spent by 501(c)4 or 501(c)6 non-profits to directly influence a candidate election.

² Abbott may have been referring to [In Re: Bay Area Citizens Against Lawsuit Abuse](#), a case that had nothing to do with political campaign expenditures.