

LAURIE ROBERTS | **Opinion** *This piece expresses the views of its author(s), separate from those of this publication.*

Campaign to end dark money is back. And this time (maybe), there's no virus to derail it

Opinion: It is far past time for Arizonans to demand dark money disclosure. Finally, finally, finally, we may get that chance.

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Great news, Arizona. The drive to lift the shroud on “dark money” campaigns – the people and groups that secretly spend big bucks to buy our elections – is back.

A new and improved citizen initiative that would require disclosure of major contributors to independent campaigns has been filed with the secretary of state.

The group is aiming for the 2022 ballot, with former Attorney General Terry Goddard once again leading the campaign.

“Dark money comes swooping in with feel-good names like Americans for Peanut Butter,” Goddard told me. “It tells you absolutely nothing about what they believe or what interests they are trying to promote.”

That’s because they absolutely don’t want you to know who they are or what interest they are trying to promote.

But here’s a hint: it’s probably not yours.

If this makes it to the ballot, it wins

Think Arizona Public Service and its secret \$4 million Corporation Commission campaign in 2014. Wouldn’t it have been nice to know before casting your vote that a regulated utility was spending millions to convince you to put two of their pals on the five-person panel that regulates utilities?

If you said yes, then you’re among the 90% of Arizona voters who think we have a right to know who is trying to influence our vote. Longtime political consultant Chuck Coughlin, who recently took a poll on the proposed initiative, said the support for dark money disclosure is overwhelming.

“If this makes it to the ballot and doesn’t get molested by the kings of dark money, which are entrenched interests on both the Republican and Democratic side, the only way to defeat this is in the courtroom,” he told me.

Of course, that’s a big if. The people behind the curtain aren’t particularly interested in you knowing who they are and history has shown they’ll do whatever it takes to keep this proposal off the ballot.

But it has to make it to the ballot first

This will be Goddard’s third try to require disclosure of big dark money campaigns.

In 2018, the Arizona Supreme Court tossed out the Outlaw Dirty Money initiative after a trio of dark money groups sued, with a little help from new laws passed by the Arizona Legislature to make it more difficult to run initiative campaigns.

In 2020, Outlaw Dirty Money was on track until COVID-19 sent it clean off the rails.

So now comes 2022 and the Voters’ Right to Know Act.

It’s a new and improved proposal that ensures the deep pockets funding political campaigns are identified and thus accountable for the claims they make in the attack ads that have become standard operating procedure for every dark money campaign.

Under the proposal, any non-profit or political party spending \$50,000 or more on any combination of statewide races would have to disclose all donors who contributed more than \$5,000 to a campaign, regardless of whether the money was passed through

intermediary groups. For local races, the threshold would be \$25,000.

The disclosures would have to come within five days of the money being spent.

McSally, local races have all been targets

Lest you think this is just some Democratic plot taking aim at the Koch brothers and other conservative groups that once upon a time dominated the dark money scene, think again.

Liberal dark money groups outspent conservative groups in 2018 for the first time since the 2010 Citizens United case that unleashed dark money spending.

Then they outdid themselves in 2020.

More than \$1 billion in dark money was spent on federal races alone last year, much of it driven by secret donations boosting Democrats, according to OpenSecrets, which tracks money for the Center for Responsive Politics.

President Joe Biden enjoyed \$174 million in support from dark money groups, more than six times the \$25 million in secret spending to try to get Trump re-elected.

Local races aren't spared. Earlier this year, a dark money group tried to trick the voters of south and west Phoenix into believing that a liberal Democratic candidate for the City Council was a Trump supporter.

"Don't let another election get stolen!" trumpeted the flyer along with a picture of Yassamin Ansari. "Make Phoenix Great Again!"

It backfired and Ansari was elected, though we still don't know who was behind the ad that sought to get another Democrat elected.

Our leaders don't want dark money reform

At the federal level, despite their own use of dark money, Democrats have proposed dark money disclosure as part of H.R. 1, a sweeping elections reform proposal. By my calculation, the bill has zero chance of passing.

In Arizona, we could let the sun shine in state and local races.

But the only way to do it is at the ballot box, exercising our constitutional right to go around our elected leaders. Gov. Doug Ducey and the Republican-run Legislature have no problem with rivers of anonymous campaign cash flowing through the state and, in fact, have made it easier for people to hide behind the bushes.

The Voters' Right to Know Act would change that.

Goddard will have 14 months to get 237,645 valid voter signatures in order to qualify for the November 2022 ballot.

Expect big money to oppose this

Expect big money to be thrown at this – again, that is – to ensure dark money disclosure never makes the 2022 ballot. They know that if this initiative is put to voters, it'll pass. By a landslide.

Politicians and the special interest groups who own them will claim corporations and the people behind them have a First Amendment right to spend whatever it takes to get their candidates elected without anybody knowing about it.

Which is, of course, horsepucky. But don't take my word for it.

Consider the words of the late Supreme Court Justice Antonin Scalia, writing in a 2010 case, in which the court ruled that petition signers don't generally have a First Amendment right to keep their identities secret.

"Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed," Scalia wrote, in a concurring opinion. "For my part, I do not look forward to a society which, thanks to the Supreme Court, campaigns anonymously ... and even exercises the direct democracy of initiative and referendum hidden from public scrutiny and protected from the accountability of criticism.

"This," he wrote, "does not resemble the Home of the Brave."

Want to help? Here's how

Voters have a right to know. If you agree and can help, contact the campaign at info@stopdarkmoney.com or call them at 602-633-5146. You can also go to stopdarkmoney.com.

“I want to make Arizona politics accountable as to who is actually funding the messages our voters are hearing and let voters make the decision whether those messages are credible or not,” Goddard said. “Ultimately, it comes back to voters. They have to have a full set of the facts in order to make a good decision, a solid decision, and right now, because of the prevalence of dark money, especially in Arizona, they don’t have that luxury.”

He's right. And given a chance, that's just what Arizona voters will demand.

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