

States Update Donor Disclosure Laws

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West Virginia, Indiana, Kansas, and Kentucky are some of the latest states to update their laws related to donor disclosure. The updates follow a recently passed Arizona ballot measure, reported in Election Law News last fall, imposing donor disclosure in connection with certain independent expenditures.

West Virginia went in a different direction than Arizona and instead rolled back its donor disclosure requirements for persons making independent expenditures by increasing reporting thresholds. Effective June 8, 2023, independent expenditure reports must disclose the name and address of any person who contributes more than \$1,000 for the purpose of furthering the expenditure. Previously, reports were required to disclose any person who contributed more than \$250.

Though not applicable to campaign finance or lobbying reports, Indiana passed a new law aimed at protecting nonprofit donor information. Effective July 1, 2023, Indiana state and local government agencies are prohibited from requiring nonprofit organizations to disclose any "personal information" which would identify donors, members, supporters, or volunteers to the organization.

Kansas and Kentucky passed similar donor privacy laws, also excluding campaign finance and lobbying reports from the bans on donor disclosure. The uptick in donor privacy laws appears to be related to a 2021 U.S. Supreme Court case striking down a California law that required nonprofits operating in the state to register with the Attorney General and list the names of contributors donating more than \$5,000 or 2% of an organization's budget.

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Practice Areas

Election Law & Government Ethics

Wiley's Election Law and Government Ethics Practice closely monitors the constantly changing campaign finance landscape in all 50 states, including donor disclosure requirements.