A new historical analysis of outside group activity (both of spending reported to the Federal Election Commission and of televised political advertising, which includes some unreported spending) over the past decade and a half reveals several important findings about the prominence of dark money in elections. In particular, this report provides a full accounting of the $5 billion in independent expenditures (which are election-related messages to the voting public) reported to the Federal Election Commission (FEC) along with an in-depth assessment of outside group advertising (nearly 2.8 million television ad spots) from 2000 through the 2016 elections and an outline of known unknowns about dark money spending that is harder to track. By examining trends in the activity of different types of groups (as defined by their donor disclosure) and the involvement of different groups at various points in an election cycle, this report is the most comprehensive accounting of outside group activity and dark money available.

**Highlights of the report**

- There has been a vast increase in the volume of advertising and spending by outside groups between 2000 and 2016.
- There is a diversity of groups that participate in federal elections, some that disclose publicly all of their donors and some that disclose only some or none of their donors.
- Whereas non-profit organizations once dominated outside group electioneering, so-called super PACs now sponsor the most outside group advertising.
- Dark money groups (also known as non-disclosing groups) are much more active before the FEC’s 60-day reporting window.
- The vast majority of groups are active in a single election cycle.
- The vast majority of television ad spending is from groups that also report some electioneering spending to the FEC, even if they do not disclose their donor lists. Moreover, the correlation between group-reported electioneering spending to the FEC and estimated TV ad spending is high.

**Outline of the report**

- The report will begin by reporting trends in independent expenditures and election communications reported to the FEC since 2000.
• We then offer an analysis of trends in dark money television advertising, including an assessment of how much of the ad activity went unreported to the FEC, relying on an archive of political airing data on local broadcast stations and on national cable networks between 2000 and 2016.

• At the conclusion of each section described above, we outline the “known unknowns” in the corresponding analyses. These sections of the report detail information and data that is not publicly available that, if they were, would influence the totals and trends reported in the analysis.

Report Authors

This report was produced through a partnership between the Center for Responsive Politics and the Wesleyan Media Project.

Center for Responsive Politics (CRP): The Center for Responsive Politics is the nation’s premier resource for tracking the influence of money in politics at the federal level. CRP’s data resources, including a database of federal campaign contributions and spending since 1989, are used regularly by reporters for major US and foreign news outlets, scholars and activists. In this report, CRP provides a full account of all spending reported to the Federal Election Commission by outside spending organizations, with a particular focus on organizations that are not required to disclose their donor information to the public. We will document how even though these groups are legally prohibited from engaging in politics as their primary purpose, many spend millions of dollars trying to influence federal election outcomes.

Wesleyan Media Project (WMP): For the last nine election cycles, the Wesleyan Media Project and its predecessor, the Wisconsin Advertising Project, have provided real-time tracking and analysis of all political televised advertising airing on local broadcast television stations across the country in an effort to increase transparency in elections. As part of that work, both projects have tracked airings by candidates and formal party organizations in addition to outside groups who not only advocate on behalf of or in opposition to candidates for federal and state office but also advertise about issues and public policy debates, often highlighting—in a positive or negative light—the policy positions of those candidates. WMP’s contribution to this report focuses on the televised efforts of outside groups in federal elections since 2000, documenting both the growing presence of these groups on the air in federal elections over the last nine election cycles and the many different types of groups involved in federal elections and how they are involved. We pay special attention to dark money groups and their activity relative to the FEC reporting windows to assess how much of the activity we track may have gone unreported. The Wesleyan Media Project was founded in 2010 and is housed in Wesleyan University’s Quantitative Analysis Center – part of the Allbritton Center for the Study of Public Life.
Introduction

One of the most dramatic changes in the US federal political system in the last decade has been the explosion in outside spending. Outside spending, broadly, is spending by entities outside the traditional restrictions of the political system in the US. Types of outside spending include independent expenditures, electioneering communications, coordinated expenditures, and certain kinds of issue advocacy. In this first section of the report, we will primarily focus on independent expenditures – which have made up the vast majority of outside spending since 2010 – and spending by politically active nonprofits, not all of which is disclosed to the Federal Election Commission or Internal Revenue Service.

How did we get to this point? Congress undertook a sweeping attempt to curb “soft money”\(^1\) with the Bipartisan Campaign Reform Act (BCRA) of 2002, more commonly referred to as McCain-Feingold. Among other provisions, the law included a broad ban on issue advertising by unions and corporations — including nonprofit organizations — and attempted to regulate spending on “issue advocacy” referring to candidates running for elected office by requiring that ads within certain windows before an election be disclosed to the FEC within 48 hours. These restrictions triggered an onslaught of lawsuits, a series of which reached the Supreme Court and began reshaping campaign finance law.

In the 2007 case *FEC v. Wisconsin Right to Life*, the U.S. Supreme Court ruled that “issue advocacy” ads referring to candidates can be aired in the months leading up to an election without any disclosure requirements under campaign finance law so long as the ads omit the "magic words" outlined by the Court in *Buckley v. Valeo* decades before. This enabled unions and corporations, including nonprofit organizations that do not disclose their donors, to broadcast “issue ads” referring to candidates so long as they do not expressly advocate for a candidate’s election or defeat.

The 2010 Supreme Court decision in *Citizens United v. FEC* further loosened these restrictions, removing limitations on corporations and unions making independent expenditures as well as electioneering communications broadcast within sixty days of a general election or thirty days of a primary election. By extension, this allowed those organizations, including politically active nonprofit organizations that do not disclose their donors to engage in politics.

As the restrictions on disclosure were loosened, the number of independent expenditures increased. Independent expenditures can take the form of television and radio advertisements, direct mail, phone banks, or even staff salaries, that expressly advocate for the defeat or victory of a specific federal candidate. Language such as “vote for…” or “fire…” falls into this category, but messages questioning a politician’s credibility or issue positions do not, unless the advertisement is run within 30 days of a primary or 60 days of a general election. These “issue advertisements” will be discussed later in this report, but are not disclosed to the FEC. Under no

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\(^1\) While individuals are prohibited from donating unlimited amounts of money to candidates, until the passage of BCRA, they were allowed to donate unlimited amounts of money to political parties, to be used at the state and local level and for party-building activities, like get-out-the-vote drives. This money, instead, was frequently used to run issue advertisements supporting national candidates.
circumstances can the groups running independent expenditures coordinate with candidates. This restriction on “coordination” is critical to the definition of independent expenditures, but we will show here that even though the groups responsible for running independent expenditures – super PACs and nonprofit organizations, for example – are independent from candidates and “outside” the system, they have a great deal in common with the political insiders they now supplement.

Independent expenditures are not new to the US political system. Parties and other Political Action Committees (PACs) have made these expenditures for decades; the major change in the last decade has been that political committees are now allowed to accept donations in unlimited amounts from both individual and corporate entities as long as these independent expenditures are not made in coordination with political campaigns.

While super PACs receive the most attention, other categories of political actors were also affected by the *SpeechNow* and *Citizens United* decisions in 2009 and 2010. Nonprofit 501c groups, in particular, were granted much greater leeway in the ways in which they could participate in the political process. Today, the Center for Responsive Politics (CRP) breaks down outside spending organizations into five categories, outlined in Table 1.

**Table 1: Outside Spending Organizations**

<table>
<thead>
<tr>
<th>Organization</th>
<th>Donations limited in amount?</th>
<th>Donations Disclosed?</th>
<th>Expenditures Disclosed?</th>
<th>Can donate to candidate?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Political Action Committee (PAC)</strong></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Super PAC</strong></td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Hybrid PAC</strong></td>
<td>Yes and No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes and No</td>
</tr>
<tr>
<td><strong>Political Parties</strong></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Nonprofit</strong></td>
<td>No</td>
<td>No</td>
<td>Sometimes</td>
<td>No</td>
</tr>
</tbody>
</table>

Outside spending organizations differ by four major criteria. In order to donate directly to candidates, they must follow campaign finance regulations limiting the size of donations the group itself receives. The PAC can still make independent expenditures, but they must do so with those funds. To bypass this regulation, a PAC can register as a “hybrid” or “Carey committee,” and have two separate accounts: one which donates to candidates directly and is subject to donation limits, and one which runs independent expenditures and is not. Super PACs, however, do not donate directly to candidates and can therefore receive donations of unlimited size. Nonprofit organizations, including unions, trade associations, and social welfare organizations, do not need to disclose their donors to the FEC, but can still make independent expenditures. They also frequently run issue advertisements, which do not need to be disclosed at all if they fall outside the disclosure windows. (We discuss these disclosure windows in much more detail later in this report.)
Reported FEC Independent Expenditures and Election Communications

The aftermath of the Citizens United and Speech Now cases resulted in a major increase in the amount of outside spending. Each cycle has seen an increase over the last comparable cycle and this increase is particularly notable when considering the amount of money spent as independent expenditures. In 2008, prior to Citizens United, political groups spent only $380 million on independent expenditures. In 2016, that total was $1.67 billion. This explosion in independent expenditures far outpaces the general cost of federal elections.

Figure 1: Total Outside Spending Reported to FEC, by Cycle

The types of groups making these expenditures have also evolved. CRP generally breaks down outside spending into the five categories outlined above: super PACs, parties, PACs, nonprofits, and hybrid PACs. In 2010, political parties and nonprofits made up a combined 73 percent of all outside expenditures. Super PACs, new to the political scene, made up 12.5 percent of all outside spending in 2010. Just once cycle later, super PACs funded 47 percent of all outside expenditures, a number which fell slightly in 2014 but increased to 65 percent in 2016. Meanwhile, political party outside expenditures have remained flat in real terms since 2010, but have fallen from 38 percent of total spending in 2010 to just 15 percent in 2016.

Source: FEC data processed by the Center for Responsive Politics
Table 2: Total Outside Spending, by Type

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Super PACs</td>
<td>$62,641,448</td>
<td>$609,417,654</td>
<td>$345,163,595</td>
<td>$1,104,481,088</td>
</tr>
<tr>
<td></td>
<td>(13%)</td>
<td>(47%)</td>
<td>(45%)</td>
<td>(66%)</td>
</tr>
<tr>
<td>Nonprofits</td>
<td>$173,803,881</td>
<td>$336,516,934</td>
<td>$163,259,319</td>
<td>$202,867,327</td>
</tr>
<tr>
<td></td>
<td>(35%)</td>
<td>(26%)</td>
<td>(21%)</td>
<td>(12%)</td>
</tr>
<tr>
<td>Parties</td>
<td>$189,637,206</td>
<td>$255,347,440</td>
<td>$199,941,201</td>
<td>$246,159,843</td>
</tr>
<tr>
<td></td>
<td>(38%)</td>
<td>(20%)</td>
<td>(26%)</td>
<td>(15%)</td>
</tr>
<tr>
<td>Other</td>
<td>$73,391,437</td>
<td>$92,878,372</td>
<td>$54,298,201</td>
<td>$128,863,700</td>
</tr>
<tr>
<td></td>
<td>(15%)</td>
<td>(7%)</td>
<td>(7%)</td>
<td>(8%)</td>
</tr>
<tr>
<td>TOTAL</td>
<td><strong>$499,473,972</strong></td>
<td><strong>$1,294,160,400</strong></td>
<td><strong>$762,662,316</strong></td>
<td><strong>$1,682,371,958</strong></td>
</tr>
</tbody>
</table>

Source: FEC data processed by the Center for Responsive Politics

Nonprofits, which we will discuss in more detail later, make up a smaller portion of total spending than they did in 2010. In 2010, nonprofit spending – driven largely by 501c4 social welfare organizations – accounted for 35 percent of all outside spending. That number is now only 12 percent. Unions made up 17 percent of all outside spending by nonprofits in 2010, and in 2016 they only made up 10 percent of that outside spending.

These changes seem to indicate that parties and nonprofits are waning in their influence; however, they did not disappear form the political scene. Instead, much of the spending by super PACs has been driven by organizations with linkages to political parties and nonprofits. We will discuss this in more detail below.

Super PACs are political action committees, registered with the FEC, which can receive contributions of unlimited size from both individual and corporate donors. They are forbidden from donating directly to political campaigns and from coordinating with political parties or candidates. Critically, they are also required to disclose their donors although in some cases this disclosure is bare bones. Super PACs may disclose that their only donor is a non-disclosing nonprofit, and in those cases CRP classifies that group as “non-disclosing.” Non-disclosing groups are often referred to as “dark money” groups. In other cases, a super PAC might receive more than a 5 percent of their total funding from a nonprofit or other non-disclosing group, in which case they are classified as a partially disclosing group.

Table 2 below lists six types of outside groups (we break the category of nonprofits noted above into 527s, 501c4, 501c5, and 501c6—we discuss them more in the next section) and how CRP classifies their donor disclosure (depending upon the specific information the group reports). For example, PACs can only be classified as full disclosure whereas super PACs might be full, partial or dark.
## Table 2: Groups and Types of Donor Disclosure

<table>
<thead>
<tr>
<th>Group</th>
<th>Description</th>
<th>Type of Donor Disclosure</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAC</td>
<td>Can contribute directly to candidates (with limits). They are the only group in this table that can do so. Must report donors and expenditures (ad activity) to FEC.</td>
<td>X</td>
<td>EMILY’s List</td>
</tr>
<tr>
<td><strong>Super PAC</strong></td>
<td>Must report contributions (donors) and expenditures (ad activity) to the FEC—and are therefore technically transparent—but they can accept contributions of unlimited size from groups that are not fully transparent.</td>
<td>X  X  X</td>
<td>Priorities USA; American Crossroads</td>
</tr>
<tr>
<td>527</td>
<td>Political organizations that report all donations only to the IRS—not the Federal Election Commission—but they often behave like super PACs in how they accept and report donations from dark money sources.</td>
<td>X  X  X</td>
<td>Swift Boat Veterans for Truth</td>
</tr>
<tr>
<td>501c4</td>
<td>Groups whose principal goal, broadly construed, is promoting the “social welfare.” They do not have to publicly disclose their donors.</td>
<td>X*  X  X</td>
<td>Crossroads GPS; Americans for Prosperity</td>
</tr>
<tr>
<td>Group</td>
<td>Description</td>
<td>Type of Donor Disclosure</td>
<td>Examples</td>
</tr>
<tr>
<td>-------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>501c6</td>
<td>Business leagues like the Chamber of Commerce. Disclosure rules same as for c4s.</td>
<td>X*</td>
<td>None/Dark X X</td>
</tr>
<tr>
<td>501c5</td>
<td>Labor unions. Considered disclosing groups because their revenues are derived from hundreds of thousands, sometimes millions, of dues paying members and because they are required to file detailed financial reports to the Department of Labor.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

*Some (very few) 501cs voluntarily disclose all of their donors.

Not all super PACs are active in a given cycle (many are created by people who only file the paperwork but have no intent of ever raising or spending money), but the majority of those that are active fully disclose their donors. A small handful disclose a partial list of their donors, while a still smaller number disclose no meaningful information about their donors. The number of non-disclosing super PACs was highest in 2014, but only two super PACs fell into that category in 2016.²

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² Fair Share Action and New Power PAC, both liberal-leaning super PACs.
In 2016, there were nearly 2,400 super PACs registered with the FEC, up from 83 in 2010. Of those, only 371 made any reportable independent expenditures in that cycle. 202 conservative groups spent $655 million, and 156 liberal groups spent $438 million. The partisan direction of outside spending is reported in Figure 3. In 2014, for example, Republican candidates were on the receiving end of more negative spending in their races than Democrats, but they also benefited from more positive spending.

Figure 3: Outside Spending Party Breakdown

Source: FEC data processed by the Center for Responsive Politics
The general cost of U.S. elections has largely followed the rate of inflation, so the shift to outside spending would seem to be a reallocation of money that might have otherwise been distributed to PACs, candidates and parties. However, outside groups behave differently than PACs in at least one significant way: they are far more likely to support losing candidates than are PACs. Figure 4 compares the amount contributed directly to candidates from PACs with the amount spent by outside groups independently in support of preferred candidates. There may be a variety of reasons for this stark difference, including that many super PACs are ultimately funded by a small group of ideological donors.

**Figure 4: Amount to Winners/Losers**

![Graph showing amount contributed directly to candidates from PACs with the amount spent by outside groups independently in support of preferred candidates.]

*Source: FEC data processed by the Center for Responsive Politics*

**Political Nonprofits**

While some outside groups spending in politics such as super PACs are required to disclose their donors, others are not (as noted above). Non-disclosing organizations dubbed “dark money” groups can spend unlimited funds on a range of political activities with limited or no disclosure requirements. Although 501c4 “social welfare” organizations are legally barred from having politics as their “primary purpose,” they are still permitted to engage in political activities and the IRS has never defined what “primary” means or how a percentage should be calculated.

Similar rules apply to Section 501c5 unions and agricultural groups, and to Section 501c6 business leagues, real estate boards, chambers of commerce, and trade associations. Unlike many groups under Internal Revenue Code (IRC) 501c4 and 501c6, however, unions are considered disclosing groups because their revenues are derived from hundreds of thousands, sometimes millions, of dues paying members and because the Office of Labor Management Standards requires unions to file annual reports disclosing any political or legislative spending and itemizing disbursements over $5,000 with the date, name and address of the recipient, and purpose of the payment. Trade associations under Section 501c6 have no limits on political or lobbying spending, through membership dues are not deductible based on amount of lobbying.
Limited liability companies, and other corporations, can be used to make political expenditures themselves or to donate to super PACs. And in some notable instances LLCs have been used as “disregarded entities” – wholly owned subsidiaries – of other politically active nonprofits to further obscure how funds flow between nonprofits. Nowhere have these LLCs been put to more use than in the donor network spearheaded by Charles and David Koch. In that particular instance, LLCs formed in Delaware, where little information is public about who is behind a particular nonprofit, were given an alphabet soup of names like PR-DIST LLC and POFN LLC, and when money was channeled to the LLC, the parent nonprofit got to use the money.\(^3\)

To put the impact of these groups that do not have to disclose their donors in perspective, consider that spending reported to the FEC (mostly as independent expenditures or electioneering communications) by dark money groups from 2000 to 2006 ranged from $4 million to $11 million. In the first election after the Wisconsin Right to Life decision, that total rocketed to $102 million. Four years later, in the first presidential election after the *Citizens United* decision, that total more than tripled again to more than $308 million, although it fell from that high during the 2016 election cycle. Dark money in the midterms also jumped from $137 million in 2010 to $178 million in 2014.

The 2016 election witnessed noted slowdown in the growth of reported spending by groups that do not disclose their donors. Topping out at $183 million, 2016 saw far more dark money than pre-WRTL cycles, but still well below what was seen in 2012. And while it remains to be seen if this is part of a new trend, there is evidence that the slowdown is attributable to the unique circumstances of the 2016 election itself, rather than to a shift in strategy.

First, the candidacy of Donald Trump was a factor that threw many of the political operatives and major donors involved in these groups into disarray. The early primary season saw historic levels of dark money, particularly from single-candidate groups that were de facto extensions of the campaigns themselves—with the added benefit of being able to spend unlimited, undisclosed funds in support of their favored candidates.

CRP was able to identify nine such 501c4s run by allies of presidential candidates in the Republican presidential primary. Most of these groups stayed out of the public eye, essentially funding and publicizing polling or policy research that helped their candidate of choice, but some groups engaged in a big way. None more than Marco Rubio’s Conservative Solutions Project, which by December 9, 2015, had spent more than $8 million to run 4,882 ads favoring Rubio. For comparison, the Florida senator’s own campaign and his allied super PAC, Conservative Solutions PAC, had only run 1,714 ads, combined, up to that point.

Because Conservative Solutions Project framed all of its ads as “issue ads” discussing wide-ranging issues from tax reform to the Iran Deal, all in ways that reflected glowingly on Rubio, CSP did not report any of their spending to the FEC. That is because issue ads mentioning candidates for federal office only have to be reported to the FEC 30 days before a

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\(^3\) The Center for Responsive Politics has a detailed visualization of the Koch network as it existed in the 2012 election. The gray boxes outlined in dotted lines are the disregarded entities used as conduits for grants, obscuring their ultimate destination [https://www.opensecrets.org/news/2014/01/koch-network-a-cartological-guide/](https://www.opensecrets.org/news/2014/01/koch-network-a-cartological-guide/).
primary election or 60 days before a general election. This use of FEC reporting windows is the second main driver of the seeming slowdown in dark money in 2016, discussed more below.

Even as Donald Trump’s candidacy was starting to look less like an impossibility and more like the campaign to beat, some conservative dark money groups backed by “Never Trump” Republican donors began a last-ditch effort to knock Trump out of the race. American Future Fund, for one, after hitting Cruz and Kasich at earlier points in the race, spent $6.8 million on ads against Trump.

However, once the inevitability of Trump’s candidacy became clear, many of the most prominent groups went quiet. Major establishment forces like Crossroads GPS and factional groups like the nonprofits in the Koch network, stayed away from the top of the ticket, after spending more than $92 million in the 2012 presidential race. The Koch donor network drastically scaled back its original media budget as early as May of 2016, from $150 million to $40 million.

The principal exceptions to this slowdown in dark money in the presidential race were a group called 45Committee and the National Rifle Association. The 45Committee is a member of a new breed of dark money groups linked to a specific family—in this case, Chicago Cubs co-owner Todd Ricketts. Trump subsequently nominated Ricketts to be his first Commerce Secretary. The 45Committee and its sister super PAC, Future 45, were originally formed to oppose Hillary Clinton specifically, spent $3.1 million in early October supporting Donald Trump. But 45Committee’s boosting of Trump was no match for the National Rifle Association’s non-disclosing arm, the NRA Institute for Legislative Action, which provided $21 million in support for Trump in the final months of the 2016 cycle. The NRA’s overall spending in 2016 broke its own records for election spending.

**Figure 5: NRA Spending by PAC and by Nonprofit Arm**

![NRA Spending by PAC and by Nonprofit Arm](image)

*Source: FEC data processed by the Center for Responsive Politics*
The second reason that dark money appears to have slowed from previous cycles reflects a savvier use of the FEC’s reporting windows to avoid reporting, and most of that spending was directed to Senate races. Only a fraction of that was being reported to the FEC, though, because the groups running what were, in most cases, politically charged ads in states where Republican senators faced tough reelection battles were not calling on viewers to vote for or against a particular candidate, but to call them and express their support for a certain policy. As a result, by early mid-February of 2016, politically active nonprofits had only reported about $9 million of the more than $30 million they had spent to the FEC.

One group above all others, One Nation—an old nonprofit repurposed by the people who run Crossroads GPS—exemplifies the extent to which many dark money groups work to navigate the FEC’s reporting rules to avoid leaving too much of a trace. By February 2016, One Nation’s own press releases showed that it had spent $6 million in close races from Nevada to Ohio, but it hadn’t reported any of that to the FEC. And it would go on spending for seven more months before it would report any spending to the FEC. By the end of the cycle, One Nation had spent $40 million on ads boosting Republican senators in more than a half a dozen races, and it only reported $3.4 million of that to the FEC.

This practice of spending on candidate-specific “educational” or “issue” ads outside of the FEC’s reporting windows, and then openly calling for the election or defeat of the candidate once the window opens is not new. It seems to have accelerated over the last two cycles, however. As the growth of political activity increased from 2008 through 2010 and 2012, so too did the attention of watchdogs and journalists, which spurred groups to be more careful about how they were spending, to toe the letter of the law, but not necessarily its spirit.

Unions

While union PAC money has remained relatively stagnant for over a decade, overall political spending has continued to increase. In 2016, labor unions spent over $194.5 million on politics at the federal-level, an increase from both prior election cycles and more than the 2004 and 2008 elections combined. This increase in political spending is largely attributable to an increase in soft money, which grew from $14.1 million in 2010 to $74.2 in 2012 and $134.5 million in 2016.

Continuing the trend in prior years, almost ninety percent of labor’s candidate contributions went to Democrats in 2016. The biggest exception to this trend is air transport unions that contribute a higher percentage to Republicans. In 2016, forty-two percent of air transportation unions’ contributions went to Republicans, up six percent from the prior year and continuing an upward trend that emerged over the past decade.

The top union reporting the most spending to the FEC in the 2016 election cycle was the National Education Association, which was followed by the Service Employees International Union and the AFL-CIO. One in every four of the top 20 organization contributors to federal candidates, parties, political action committees is a union. The Service Employees International leads the way with over $31 million in 2016, followed by the Carpenters & Joiners Union with over $27 million. Moreover, half of the top 20 organizations funding outside groups are unions.
An analysis of Form 990 tax form filings for 2012 through 2014 shows that a larger percentage of unions engage in political activity than any other types of organization that fall under IRC Section 501c. Of the 3,976 tax returns filed by 501c5 unions for the fiscal year of 2014, 670 or 16.8 percent reported engaging in political activity. By comparison, only 7.2 percent of 501c6 trade associations and 5.4 percent of 2,500 “social welfare” organizations reported engaging in political activity that year. Unions also lead the greatest number and percentage of groups that reported to IRS in prior years spending on politics, with 17.2 percent of unions engaging in political activity in 2013 and 16.4 percent in 2012. The percentage of 501c4 and 501c6 organizations reporting political activity was less than half during the same years.

**Party Networks**

Although the soft-money ban resulting from the Bipartisan Campaign Reform Act in 2002 weakened the fundraising dominance of formal party organizations⁴, parties are still among the most powerful actors in the federal political system. However, the amount of money spent by formal party organizations on independent expenditures has not increased at the same rate as the money spent by super PACs. Other than the fact that parties make more independent expenditures during presidential cycles than they do in mid-terms, their overall spending has been flat since 2010. See Table 3.

Both parties and unions may be flat in terms of how much they are directly spending on independent expenditures, electioneering communications, and coordinated expenditures, but super PACs linked to party leaders or to party operatives⁵, or to unions are additionally quite active. Over time, however, the percentage of super PAC spending made by these party- or union-linked groups has decreased from 47 percent and 7 percent, respectively, in 2010 to 25 percent and 3 percent in 2016.

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⁴ Formal party organizations include the Democratic and Republican National Committees, their congressional campaign committees (e.g., the National Republican Congressional Committee), and state and local committees (e.g., the Maine Democratic Party).

⁵ List of party-linked groups from Public Citizen.
Table 3: Spending by Type and Linked Groups

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</thead>
<tbody>
<tr>
<td>Parties</td>
<td>$189,637,206</td>
<td>$255,347,440</td>
<td>$199,941,201</td>
<td>$246,159,843</td>
</tr>
<tr>
<td>--Party linked super PACs</td>
<td>$26,154,785</td>
<td>$187,292,582</td>
<td>$107,828,248</td>
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<td>--Party Linked Nonprofits</td>
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<td>$5,447,570</td>
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<td>TOTAL PARTY</td>
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<td>$535,186,532</td>
<td>$354,993,253</td>
<td>$415,367,231</td>
</tr>
<tr>
<td></td>
<td>(47%)</td>
<td>(42%)</td>
<td>(47%)</td>
<td>(25%)</td>
</tr>
<tr>
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<td>$23,913,872</td>
<td>$3,135,867</td>
<td>$21,621,827</td>
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<tr>
<td>-- Union linked super PACs</td>
<td>$4,918,171</td>
<td>$14,016,272</td>
<td>$10,527,137</td>
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<td>TOTAL UNION</td>
<td>$35,122,597</td>
<td>$37,930,144</td>
<td>$13,663,004</td>
<td>$51,924,427</td>
</tr>
<tr>
<td></td>
<td>(7%)</td>
<td>(3%)</td>
<td>(2%)</td>
<td>(3%)</td>
</tr>
<tr>
<td>All other super PACs</td>
<td>$31,568,492</td>
<td>$376,302,679</td>
<td>$226,808,210</td>
<td>$910,418,670</td>
</tr>
<tr>
<td></td>
<td>(6%)</td>
<td>(30%)</td>
<td>(30%)</td>
<td>(54%)</td>
</tr>
<tr>
<td>All other nonprofits</td>
<td>$124,122,453</td>
<td>$220,056,552</td>
<td>$112,899,648</td>
<td>$175,797,930</td>
</tr>
<tr>
<td></td>
<td>(25%)</td>
<td>(17%)</td>
<td>(15%)</td>
<td>(10%)</td>
</tr>
<tr>
<td>Other (PACs, individuals)</td>
<td>$73,391,437</td>
<td>$92,878,372</td>
<td>$54,298,201</td>
<td>$128,863,700</td>
</tr>
<tr>
<td></td>
<td>(15%)</td>
<td>(7%)</td>
<td>(7%)</td>
<td>(7%)</td>
</tr>
<tr>
<td></td>
<td>$499,473,972</td>
<td>$1,262,354,279</td>
<td>$762,662,316</td>
<td>$1,682,371,958</td>
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</table>

**Known Unknowns in the Study of the FEC**

*The Donors*

By far the most fundamental “known unknown” when it comes to politically active nonprofits is the one that led to the coining of the term “dark money” to begin with: That is, in all but a very few cases, the corporate and individual donors to these groups remain anonymous to the public, and sometimes to the IRS itself. This means that the interests and industries bolstering the political fates of one candidate over another in races at the federal and state level have a choice as to what extent they wish to be known.
In some cases, particularly for corporations and industry, it may be useful to fund groups that attack an undesirable candidate without his knowing, because if that candidate were to win, they will not have done undue damage to their relationship with the politician who doesn’t know they were behind the attacks. In the 2010 midterms, for example, when the dust was just settling after the passage of the Affordable Care Act, PhRMA sent millions of dollars in “grants” to politically active 501c4 social welfare organizations on the left and the right.

In some ways the PhRMA example is more transparent than if a company had given directly to a (c)(4) because PhRMA would eventually file a form 990 tax return with the IRS that showed the outgoing grants to the groups in question. It is unknown how much companies, on the other hand, give directly to politically active nonprofits, but it is known that they do. In an example that is similar to PhRMA’s secret support of groups in 2010, the healthcare giant AETNA also gave millions to American Action Network and the US Chamber of Commerce—a (c)(4) and a 501c6 trade association, respectively—that were both heavily invested in the fight to increase Republican numbers in the House and Senate. The AETNA contributions are never required to be reported publicly and are only known because the contributions were accidentally listed on an American Health Insurance Plans (AHIP) filing in 2012.

In that instance, American Action Network, as a social welfare organization that receives grants as its main source of revenue, does have to report its donors to the IRS on the Schedule B of its 990. And while a form 990, including the Schedule B, is public under section 6104 of the US Code, the specific identities of the donors are not. This differs from groups like the US Chamber of Commerce, which, as a 501c6 trade association, does not generally receive grants but derives its funding from dues paying members, which are never reported to the IRS at all. This added layer of anonymity, impervious even to mistaken disclosures, is one reason why certain prominent political networks—most notably the donor network spearheaded by billionaire industrialists Charles and David Koch—have opted to use a 501c6 as the main conduit for the funding that goes out to other groups in the donor network.

In most cases, however, the candidates benefiting from the spending of a particular group probably know specifically or generally who is funding it. This is particularly true with the proliferation of single-candidate nonprofits in recent years, in both the presidential and congressional level. In most cases, it is the voters and the public at large who are kept in the dark about who is funding politically active nonprofits.

It is exceedingly rare for either the FEC or the IRS to rule that a nonprofit’s political activity is such a large portion of their overall operations as to merit a revocation of its tax-exempt status or rule to force disclosure of its donors. This will be discussed more below, but from a disclosure standpoint, it is worth noting that in some instances both state and federal regulators have required that a group (whose political spending was deemed excessive) to disclose its donors. In some of these cases, the resulting disclosure only revealed another nonprofit, whose donors were not disclosed.

This daisy chaining of grants, sometimes referred to as the “money churn,” helps provide layers of anonymity if one node in a network is ever disciplined, but it also does something else: It allows groups to spend a higher percentage of their funds on politics while giving the illusion
that they didn’t. And these networks of contributions do not come to light until long after an election is over.

Getting the full picture

Being able to spend unlimited money from anonymous donors is only one of the benefits of using a politically active nonprofit for electoral activity. The other is that a group’s activities and finances in both the short and long term are kept out of the hands of both the public and relevant government agencies like the FEC and the IRS.

Elements of timing are one of the most predominant “known unknowns” of the dark money universe, for two reasons. The first is that, while a politically active nonprofit can be tracked in many ways during an election, its overall finances are not available until it files a form 990 return with the IRS, long after the spending has actually taken place. For example, a group like One Nation, which runs on a calendar year, was able to spend tens of millions in the 2016 Senate elections helping Republicans maintain their majority. At the close of its fiscal year, on December 31, 2016, the clock started ticking on the four and half months One Nation has to file its annual form 990 return with the IRS, but if that’s not enough time, it can request up to a six-month extension. Since most groups—especially those with significant political activity—tend to take the full 10 and half months, this means that there will likely be no public filing for the group’s 2016 finances until November 15, 2017, more than a year after the election is decided. And even then, once the documents are filed, there is no public, searchable database—akin to the FEC’s—that allows users to view the filings. One must to contact the groups directly, sometimes in person, to receive the filing, sometimes at a cost, or contact the IRS by faxing or mailing a Form 4506-a and waiting up to 60 days.

Some groups squeeze as much as they can out of the filing lag, such as when lawyers for a single candidate nonprofit supporting Senator Marco Rubio’s failed presidential bid filed a six-month form 990, for no other practical reason than to offset reporting their finances from mid 2015 to early 2016—during which time they spent millions boosting Rubio’s candidacy—until spring of 2017.

This lag in reporting not only means that it takes years for regulators to get the full information they need about 501cs that might be violating limits on political activity, it also means that by the time the information is available, it is no longer newsworthy and, therefore, rarely garners more than a few brief reports.

The second timing-related factor complicating what can be known about a politically active nonprofit’s political spending relates to the FEC’s reporting windows for electioneering communications, as noted above. The partnership between the Center for Responsive Politics and the Wesleyan Media Project has illuminated how groups spend outside of the FEC’s reporting windows—we discuss this in the next section of the report—as long as those groups are airing their ads on television. But outside groups increasingly using digital/web ads and watchdogs are slow to adapt the regulations dictating how that spending needs to be reported.
Oversight

Both the IRS and the FEC have proven themselves to be unable to address the influx of dark money in elections. The FEC, which is composed of six commissioners evenly split Democratic and Republican, deadlocks on every decision of import, meaning that social welfare organizations that engage in significant political activity are rarely forced to establish themselves as political committees or disclose their donors.

The IRS, which is a revenue collecting agency, has little incentive to use its dwindling resources to track the political activities of nonprofits for two reasons. First, there is little revenue to be collected from nonprofits who may have their exempt status revoked or denied, and second, any time the IRS has tried to hold groups accountable, or even to clarify its own rules about how much political activity is too much, they are attacked and accused of engaging in a political witch hunt.

While the IRS is more notable for the groups it grants tax exemptions to, it has denied a tax exemption to at least one politically active nonprofit, a liberal group called Arkansans for Common Sense, which supported Senator Blanche Lincoln’s failed re-election campaign in 2010. It is known that these kinds of denials or revocations are rare, but it is not known if there are certain other small groups whose status has been terminated by the IRS. This is because denials and revocations are private under the taxpayer confidentiality rules set out in Section 6103 of the US Code, so if a politically active nonprofit loses, or fails to gain, tax exempt status, there is no mechanism for reporting that to the FEC for possible action or for watchdogs to be alerted to so they may bring it to the FEC’s attention. In the nearly three years since Arkansans for Common Sense was denied tax exempt status for excessive political activity, it was never forced to disclose its donors.

Trends in Outside Group Television Advertising

The preceding section of this report focused on independent expenditures and electioneering communications reported directly to the FEC. We now turn to assessing trends in outside group activity on the nation’s airwaves. In particular, we examined all ads aired on local broadcast and national cable channels in federal elections between 2000 and 2016. The Wisconsin Advertising Project tracked ads in the top 75 media markets in the election of 2000; that number expanded to the top 100 markets in 2002 and 2004. The Wesleyan Media Project tracked ads in the top 100 markets in 2006 and expanded to include all 210 media markets from 2008 through 2016. (2008 data were analyzed by Wisconsin). These data exclude local cable buys, radio ads, and print and digital ads.

First, the volume of ads sponsored by groups has increased considerably over time. This is consistent with the inference drawn above in the FEC data. Just under 80,000 television airings were sponsored by outside groups in federal elections in 2000—about 10 percent of all ads—compared to nearly 850,000 in the 2012 election cycle, which accounted for more than 1 in every 4 ads aired that election cycle (there were more than 735,000 ads in 2016, 28 percent of the
total aired in federal races that year). As shown in Figure 6, group advertising as a proportion of all ads on the air has also increased significantly since 2006. Group-sponsored advertising accounted for 14 percent of all airings in 2004 (groups sponsored 1 in every 5 presidential ads that year but only 4 percent of congressional ads) but has accounted for nearly 30 percent of all airings since 2012. Candidates have sponsored the majority of federal airings in every year of the series but party (and coordinated) airings have declined as a proportion of activity over time.

Figure 6: Outside Group Activity as a Percentage of All Federal Airings (Primary & General Election)

Figures include all available primary and general election broadcast television, national network and national cable television advertising airings for each cycle.
CITE SOURCE OF DATA AS: Kantar Media/CMAG with analysis by the Wesleyan Media Project.

Importantly, candidates have sponsored the majority of ad airings in every year since 2000, but in the aggregate, their share of advertising—as well as the share of spending by formal party organizations—has declined. Moreover, in some of the most competitive House and Senate races across the country, it is not uncommon for outside groups to sponsor the majority of ads that mention or picture the candidates on the ballot.

Changes in Group Types (By Donor Disclosure) Over Time

All groups airing ads in federal elections from 2000 to 2016 were placed into one of the donor disclosure categories described above depending upon group type and actual reporting; however, the disclosure for any particular group can change from cycle to cycle. For example, if a super PAC fully discloses its donors in one cycle, it would be classified as a full-disclosure
group for that particular cycle. If, however, it reported non-disclosing entities as contributors in another election cycle, it would receive a partial-disclosure categorization for that cycle. Many groups also change classifications across time. A group might have organized and filed as a 527 in 2004, changed to a 501c4 in 2008, and re-classified and organized as a super PAC in 2012.

Identifying a group’s organizational type at a particular point in time is a difficult task, and thus these classifications are a “best guess” based upon when ads are aired and knowledge gleaned from disclosure reports (i.e., itemized lists of donors) to the Federal Election Commission.

Figure 7 shows the percentage of advertising sponsored by four main types of groups (we collapse c4s, c5s, and c6s into one category)—and how those percentages have changed over time. In 2000, for instance, 501cs were the dominant group type, accounting for about 63 percent of group-sponsored advertising. Recall, again, that about 10 percent of all ads aired in federal races that year were from outside groups. Traditional PACs sponsored about 18 percent of ad airings in 2000. 527 organizations accounted for nearly 20 percent of airings.6

Over time, the percentage of ads sponsored by traditional PACs, which disclose their contributions and spending to the Federal Election Commission, has declined considerably, accounting for under 10 percent of group-sponsored ad airings from 2010 to today. In 2004, 527 organizations became extremely popular, accounting for almost 2 in 3 ad airings that year, but since 2010 advertising by 527 organizations has been negligible.

Super PACs first came into existence in the 2010 election cycle, accounting for 14 percent of airings. Since that time, they have sponsored an increasing percentage of ads, perhaps due to their ability to raise unlimited funds and engage in explicit electioneering. In 2016, super PACs accounted for nearly 75 percent of group-sponsored advertising.

Non-profit 501c organizations, most of which are not required to disclose publicly their donors, have waxed and waned in popularity over time, but they have sponsored over a third of all ads in every year except for 2004 (when 527s were extremely popular) and in 2016 (when super PACs dominated). It is worth noting, however, that a focus on percentage breakdowns across groups undervalues the volume of advertising from different types of groups. For example, while 501c groups accounted for a lower share of group-sponsored ads in 2014 in comparison to 2010, their ad volume in 2014 was nearly double what it was in 2010, and considerably higher than in earlier, pre-Citizens United, cycles.

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6 Percentages in the table do not necessarily add to 100 percent because some groups took on multiple forms, and we were unable to identify which part of the group paid for the ads; we also don’t break out corporate spending, so-called Carey Committee spending (groups that have both a PAC and super PAC) and spending by coalitions whose partners take on different legal forms. These groups in total account for a very small share of political ad spending.
To help illustrate this rise more clearly, Table 4 use CRP’s classification to show the increase in dark money advertising in federal races over time. Presidential dark money airings rose from 15,585 in 2008 to 172,595 in 2012. The volume of ad spots in 2008 is equivalent to over 5 days of back-to-back uninterrupted political ads (if one watched each airing consecutively), while the total in 2012 is equivalent to 60 days of political ads. Senate dark money airings were at an all-time high in 2014 at a total of 171,075 airings. The number of dark money airings in U.S. House races climbed considerably from 2008 to 2010 and maintained that high level in 2012 before dropping a bit in 2014 and falling to under 10,000 in 2016.

Notably, dark money volumes declined in 2016, though they still exceeded totals in the elections of 2000 to 2010. It will be important to track whether that decline, and the use of super PACs as the preferred venue for outside groups, will continue into 2018 and 2020.
<table>
<thead>
<tr>
<th>Cycle</th>
<th>All Federal</th>
<th>Pres</th>
<th>Senate</th>
<th>House</th>
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<td>2000</td>
<td>34,406</td>
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<td>2002</td>
<td>6,633</td>
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<td>3,185</td>
</tr>
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<td>2006</td>
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<td>15,963</td>
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<td>2010</td>
<td>126,123</td>
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<td>61,655</td>
<td>64,468</td>
</tr>
<tr>
<td>2012</td>
<td>383,375</td>
<td>172,595</td>
<td>149,826</td>
<td>60,954</td>
</tr>
<tr>
<td>2014</td>
<td>215,014</td>
<td>0</td>
<td>171,075</td>
<td>43,939</td>
</tr>
<tr>
<td>2016</td>
<td>135,212</td>
<td>30,023</td>
<td>95,531</td>
<td>9,658</td>
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</tbody>
</table>

CITE SOURCE OF DATA AS: Kantar Media/CMAG with analysis by the Wesleyan Media Project. Disclosure categorization from the Center for Responsive Politics.

Next we plot the volume of activity by donor disclosure (top panel) and the proportion of each donor disclosure type relative to all group advertising (bottom panel). Figure 8 shows results for presidential primary airings since 2000. As shown in the graph, outside group activity in presidential primaries has grown over time, and 2016 was no exception. The bulk of the activity came from 527s in 2004 and 2008 and from super PACs in 2012 and 2016, and thus the vast majority of these ads were sponsored by outside groups that fully disclose.
Figure 8: Outside Group Ad Volume and Proportion in Presidential Primaries 2000 – 2016

Figures include election broadcast television, national network and national cable advertising airings.

CITE SOURCE OF DATA AS: Kantar Media/CMAG with analysis by the Wesleyan Media Project.
Disclosure categorizations from the Center for Responsive Politics.

Figure 9 speaks to presidential general election ad airings since 2000. The figure shows that outside groups played a small role in the 2000 general election, weighing in with fewer than 22,000 airings total.\(^7\) By contrast, the 2004 presidential election, which was the first after passage of the Bipartisan Campaign Reform Act (BCRA), saw more than a five-fold increase in outside group airings (to nearly 122,000 total). Further, full-disclosure groups accounted for the vast majority of these airings. Indeed, as noted above, 2004 was the election cycle in which 527 groups were most active, and those groups report donors to the IRS.

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\(^7\) Comparisons of volume across time must consider the available data in each cycle. In 2000, ad totals are from only the top 75 media markets. Since 2008, all 210 markets are included.
Figure 9: Outside Group Ad Volume and Proportion in Presidential General Elections 2000 – 2016

Figures include general election broadcast television, national network and national cable advertising airings.

CITE SOURCE OF DATA AS: Kantar Media/CMAG with analysis by the Wesleyan Media Project.

Disclosure categorizations from the Center for Responsive Politics.
Group activity waned in 2008 with just over 35,000 group ads across all 210 media markets. There are a number of possible explanations for this. For one, then-Senator Obama opted out of the presidential public funding system, and supportive groups likely did not perceive him as needing their help. The Republican nominee, John McCain, was hardly a fan of outside groups, being the architect of BCRA. Plus, the election was tilted in Obama's favor for almost the entire contest, lowering the perceived need for outside groups to make public appeals on the airwaves.

Despite this decline in airings in 2008, outside group efforts exploded to over 370,000 airings in 2012 in the first presidential cycle post-*Citizens United*. In addition, dark money comprised the plurality of ads on air with over 40 percent of all group airings coming from these groups. The general election in 2016 featured comparatively low rates of group advertising (though still the second highest since 2000), and the vast majority of it was from full-disclosure groups. (Comparative U.S. Senate and U.S. House primary graphs can be found in Appendix A).

**Trends in Ad Activity by Groups within an Election Cycle**

The rules governing federal campaign finance disclosure not only vary by the sponsoring organization but by the timing and content of political ads. We have discussed this at numerous points in this report. “Disclosure windows” refer to the timing of when groups must report specific election-related advertising activity to the Federal Election Commission (FEC).

**Figure 10: Disclosure windows for “issue ads” aired by 501c groups**

Note: Gray windows vary in size depending upon how early or late a primary occurs relative to Election Day.
To reiterate, any ads that expressly call for the election or defeat of federal candidates—whenever they air—must be reported to the FEC. Not all ads that merely mention or picture a federal candidate must be reported, however. Ads that do not expressly advocate for or against candidates are often referred to as “issue ads.” According to FEC rules, issue advertising within 30 or fewer days to a primary election and 60 or fewer days to a general election must be reported. (These windows took effect starting in 2004 after the passage of the Bi-Partisan Campaign Reform Act.) However, 501c nonprofit advertisers (as opposed to FEC committees like PACs and super PACs, which must report all spending) do not need to report “issue advocacy” activity to the FEC if they air such advertising prior to the reporting windows (in the grey sections of Figure 10). Wesleyan Media Project data are critically important to tracking levels of dark money advertising outside of these key reporting windows: indeed, this activity may not be reported anywhere else.

Given that, we counted the number of ads aired by outside groups in and outside of the primary and general election disclosure windows, looking at the share of that spending by the type of organization. We examined all ads that mentioned or pictured a candidate for federal office in each election cycle. The top panels of the figures in this section (Figures 11-13) show the total ad counts for different types of outside groups in the general election\(^8\) (top panel) along with the proportion of group airings from full, partial and non-disclosing entities (bottom panel). For each year, there are two bars in each panel. The first bar (labeled >60) displays the volume (top) and proportion (bottom) of group activity before the general election reporting window kicks in at 60 days prior to Election Day; the second bar (labeled <60) shows the volume and proportion of group activity during the 60-day reporting window immediately preceding Election Day.\(^9\)

Turning to Figure 11, which shows group activity in presidential airings, in 2000, we see that non-disclosing groups were more prominent than full-disclosure groups both within and outside the 60-day window. (These windows, recall, did not govern the disclosure requirements of groups until the 2004 election.) By contrast, the 2004 presidential campaign, which was the first after passage of the Bipartisan Campaign Reform Act (BCRA), saw more airings before the 60-day window than after it.

As discussed above, group activity waned in 2008 but exploded both before and after the reporting windows of the general election in 2012, the first post-	extit{Citizens United}. In 2008, dark money comprised more than 40 percent of advertising before the reporting window and over a third of advertising within the window whereas dark money organizations dominated in 2012 (clocking in with more than 60 percent of group airings) prior to the 60-day reporting window. Partial disclosure groups were responsible for the plurality of group airings inside the 60-day FEC reporting window. In 2016, over 80 percent of the ads both within and before the window were from fully disclosing groups.

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\(^8\) Primary election graphs are included in Appendix B.

\(^9\) The reporting window for primary elections is 30 days prior, and so the appendix graphs are labeled >30 and <30 respectively.
Figure 11: Outside Group Ad Volume and Proportion in Presidential General Elections 2000 – 2016 by Disclosure Reporting Windows

Figures include general election broadcast television, national network and national cable advertising airings.
CITE SOURCE OF DATA AS: Kantar Media/CMAG with analysis by the Wesleyan Media Project.
Disclosure categorizations from the Center for Responsive Politics
Turning to outside group airings in U.S. Senate races (Figure 12), we see a clearer trend toward more group involvement over time. With the sole exception of 2002, dark money (non-disclosure) advertising has always comprised a larger share of group activity prior to the 60 day FEC reporting window than during it (the pattern is similar in primaries; see Appendix B).

Figure 12: Outside Group Ad Volume and Proportion in U.S. Senate General Elections 2000 – 2016 by Disclosure Reporting Windows

Figures include general election broadcast television advertising airings.
CITE SOURCE OF DATA AS: Kantar Media/CMAG with analysis by the Wesleyan Media Project. Disclosure categorizations from the Center for Responsive Politics.
Group advertising in U.S. House races (Figure 13) was more prominent in terms of sheer volume in 2000 than it was in any cycle until 2010 when control of the chamber was in doubt. Group airings rose again in 2012 but dropped off in 2014 and 2016 when control of the chamber was safely in the hands of Republicans. Similar to trends in U.S. Senate groups, dark money advertisers comprised larger proportions of total group activity before the FEC reporting windows kicked in at 60 days prior to the general election (again, trends are similar for primaries; see Appendix B).

Figure 13: Outside Group Ad Volume and Proportion in U.S. House General Elections 2000 – 2016 by Disclosure Reporting Windows

Figures include general election broadcast television advertising airings.
CITE SOURCE OF DATA AS: Kantar Media/CMAG with analysis by the Wesleyan Media Project. Disclosure categorizations from the Center for Responsive Politics.
Few Repeat Players

Most of the groups involved in political advertising are not repeat players. The vast majority of them “pop up” and then disappear (or transform into another group) before the next cycle. We looked at group names as expressed in the ads’ tagline and collapsed ads by a group across its possible donor disclosure types. For example, Club for Growth has organized as a PAC, super PAC, and c4. We count the group as a single entity.

The average length of participation by an outside group is just 1.4 cycles, and 80 percent of the groups we examined (567 out of 707) participated in only a single election cycle. Fewer than 10 percent of groups participated in more than two election cycles, and one only group (The League of Conservation Voters) participated in all 9 election cycles. The short existence of many of these groups makes it more difficult for voters to learn much about them and hold them accountable for the messages that they send.

That said, disproportionately more ads come from the more established groups, as Figure 14 shows. For instance, the five groups that were active in eight of the nine election cycles account for about 10 percent of total ad airings.

Figure 14: Number of Election Cycles in Which Groups Advertised

![Graph showing number of election cycles in which groups advertised]

CITE SOURCE OF DATA AS: Kantar Media/CMAG with analysis by the Wesleyan Media Project and the Center for Responsive Politics.

We provide separate to this report three additional tables that break out spending totals by various outside groups. In Table 5, we collapse and report ad totals by the top 50 groups in ad airings between 2000 and 2016. In Table 6 we report the top 10 advertisers (by ads aired) in each of the nine election cycles for which we have data and in Table 7 we report the top 10 advertisers...
We have pulled out 2016 groups in Tables 6a and 7a below for ease of access.

- **Table 5: Top 50 Groups Airing Ads Overall (2000-2016)** (.xls)
- **Table 6: Top 10 Groups Airing Ads By Cycle, 2000-2016** (.xls)

### Table 6a: Top 10 Groups in 2016*

<table>
<thead>
<tr>
<th>Group</th>
<th>Type</th>
<th>Disc. Type</th>
<th>All Ads (fed races)</th>
<th>Pres Ads</th>
<th>Senate Ads</th>
<th>House Ads</th>
<th>% Outside Disclosure Window**</th>
<th>Races</th>
</tr>
</thead>
<tbody>
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<td>Priorities USA Action</td>
<td>superPAC</td>
<td>Full</td>
<td>88,653</td>
<td>87,456</td>
<td>839</td>
<td>358</td>
<td>46%</td>
<td>Pres Sen: NH, PA House: IA01 Sen: FL, IN, MO, NC, NH, NV, OH, PA, WI</td>
</tr>
<tr>
<td>Senate Majority PAC</td>
<td>superPAC</td>
<td>Full</td>
<td>51,745</td>
<td>0</td>
<td>51,745</td>
<td>0</td>
<td>45%</td>
<td>Sen: FL, IN, MO, NC, NH, NV, OH, PA, WI</td>
</tr>
<tr>
<td>Senate Leadership Fund</td>
<td>superPAC</td>
<td>Partial</td>
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<td>0</td>
<td>51,055</td>
<td>0</td>
<td>4%</td>
<td>Sen: FL, IN, MO, NC, NV, PA, WI</td>
</tr>
<tr>
<td>House Majority PAC</td>
<td>superPAC</td>
<td>Full</td>
<td>38,818</td>
<td>0</td>
<td>0</td>
<td>38,818</td>
<td>7%</td>
<td>House: AZ01, CA10, CA21, CA24, CA49, CO03, CO06, FL07, FL13, FL26, IA01, IA03, IL10, IL12, IN09, ME02, MI07, MN03, MN08, MT01, NE02, NJ05, NV03, NV04, NY01, NY22, NY24, PA08, PA16, TX23, VA10, WI08</td>
</tr>
<tr>
<td>Right To Rise USA</td>
<td>superPAC</td>
<td>Full</td>
<td>34,554</td>
<td>34,554</td>
<td>0</td>
<td>0</td>
<td>69%</td>
<td>Pres</td>
</tr>
<tr>
<td>Conservative Solutions PAC</td>
<td>superPAC</td>
<td>Full</td>
<td>29,851</td>
<td>29,851</td>
<td>0</td>
<td>0</td>
<td>19%</td>
<td>Pres</td>
</tr>
<tr>
<td>Freedom Partners Action Fund</td>
<td>superPAC</td>
<td>Full</td>
<td>25,477</td>
<td>0</td>
<td>25,477</td>
<td>0</td>
<td>81%</td>
<td>Gov: NC Sen: IN, NV, OH, PA, WI</td>
</tr>
<tr>
<td>Congressional Leadership Fund</td>
<td>superPAC</td>
<td>Full</td>
<td>22,696</td>
<td>0</td>
<td>0</td>
<td>22,696</td>
<td>0%</td>
<td>House: AZ02, CA07, CA10, CO03, Co06, FL18, FL26, IA03, KS03, ME02, MN08, NE02, NV03, NY19, NY21, NY24, PA08, TX23, UT04, VA05, VA10, WI08</td>
</tr>
<tr>
<td>US Chamber of Commerce</td>
<td>501c6</td>
<td>No</td>
<td>22,647</td>
<td>0</td>
<td>18,261</td>
<td>4,386</td>
<td>60%</td>
<td>Sen: AZ, FL, IL, IN, MO, NH, NV, OH, PA, WI House: AL02, GA03, IL18, KS01, KY01</td>
</tr>
<tr>
<td>One Nation</td>
<td>501c4</td>
<td>No</td>
<td>20,216</td>
<td>0</td>
<td>20,216</td>
<td>0</td>
<td>98%</td>
<td>Sen: IA, IN, MO, NC, NH, NV, OH, PA</td>
</tr>
</tbody>
</table>

Figures include general election broadcast television, national network and national cable advertising airings.

* Click [here](#) for a full list of groups (2000-2016).

**National cable and national network airings are excluded from the % Outside Disclosure Window figures.

CITE SOURCE OF DATA AS: Kantar Media/CMAG with analysis by the Wesleyan Media Project.
Table 7a: Top 10 Groups by Ad Airings Outside Disclosure Reporting Windows in 2016*

<table>
<thead>
<tr>
<th>Group</th>
<th>Type</th>
<th>Disc. Type</th>
<th>Airings in Disc. Window</th>
<th>Airings Outside Disc. Window</th>
<th>Total Airings</th>
<th>% Outside Disclosure Window**</th>
<th>Races</th>
</tr>
</thead>
<tbody>
<tr>
<td>Priorities USA Action</td>
<td>super PAC</td>
<td>Full</td>
<td>47,860</td>
<td>40,793</td>
<td>88,653</td>
<td>46%</td>
<td>Pres Sen: NH, PA House: IA01</td>
</tr>
<tr>
<td>Right To Rise USA</td>
<td>super PAC</td>
<td>Full</td>
<td>10,701</td>
<td>23,853</td>
<td>34,554</td>
<td>69%</td>
<td>Pres</td>
</tr>
<tr>
<td>Senate Majority PAC</td>
<td>super PAC</td>
<td>Full</td>
<td>28,362</td>
<td>23,383</td>
<td>51,745</td>
<td>45%</td>
<td>Sen: FL, IN, MO, NC, NH, NV, OH, PA, WI</td>
</tr>
<tr>
<td>Freedom Partners Action Fund</td>
<td>super PAC</td>
<td>Full</td>
<td>4,746</td>
<td>20,731</td>
<td>25,477</td>
<td>81%</td>
<td>Gov: NC Sen: IN, NV, OH, PA, WI</td>
</tr>
<tr>
<td>One Nation 501c4</td>
<td>No</td>
<td></td>
<td>431</td>
<td>19,785</td>
<td>20,216</td>
<td>98%</td>
<td>Sen: IA, IN, MO, NC, NH, NV, OH, PA</td>
</tr>
<tr>
<td>US Chamber of Commerce</td>
<td>501c6</td>
<td>No</td>
<td>9,084</td>
<td>13,563</td>
<td>22,647</td>
<td>60%</td>
<td>Sen: AZ, FL, IL, IN, MO, NH, NV, OH, PA, WI House: AL02, GA03, IL18, KS01, KY01</td>
</tr>
<tr>
<td>Fighting For Ohio Fund</td>
<td>super PAC</td>
<td>Full</td>
<td>2,489</td>
<td>10,585</td>
<td>13,074</td>
<td>81%</td>
<td>Sen: OH</td>
</tr>
<tr>
<td>Rebuilding America Now</td>
<td>super PAC</td>
<td>Full</td>
<td>4,421</td>
<td>7,195</td>
<td>11,616</td>
<td>62%</td>
<td>Pres</td>
</tr>
<tr>
<td>Conservative Solutions PAC</td>
<td>super PAC</td>
<td>Full</td>
<td>24,047</td>
<td>5,804</td>
<td>29,851</td>
<td>19%</td>
<td>Pres</td>
</tr>
<tr>
<td>AFSCME People</td>
<td>PAC</td>
<td>Full</td>
<td>5,470</td>
<td>5,240</td>
<td>10,710</td>
<td>49%</td>
<td>Sen: FL, IN, MO, NC, NH, NV, OH, PA</td>
</tr>
</tbody>
</table>

Figures include general election broadcast television, national network and national cable advertising airings. Group categorizations by the Center for Responsive Politics. *Click here for a full list of groups (2000-2016). **National cable and national network airings are excluded from the Percent Outside Disclosure Window figures. CITE SOURCE OF DATA AS: Kantar Media/CMAG with analysis by the Wesleyan Media Project.
Comparison of Political Ad Data with FEC Reports

We have raised a key question at various points in this report: How much outside group advertising is not captured by FEC reporting mandates? As we noted earlier, dark money groups make up a greater share of group advertising outside the 30 and 60-day disclosure windows. Because the WMP/WiscAds archives contain all ads aired (on local television and national cable and national broadcast) by groups at any point in the election cycle or year, we can assess possible gaps in FEC electioneering totals.

To that end, we compared the full list of outside group advertisers in the WMP/WiscAds archives with reported FEC totals by that group in each cycle. This cross-referencing is beset with some challenges, as the source of the political ad expenditures is not always clear for groups with more than one campaign finance account (e.g., 501c4 and PAC). Still, as we demonstrate below, the evidence suggests in total that much is captured by the FEC even in the context of this challenge.

For example, in Figure 15 we show the percentage of outside groups in each cycle between 2000 and 2016 that reported no electioneering (independent expenditures or electioneering communications) to the FEC. In the elections of 2000 and 2002, nearly 80 percent of the groups in the Wisconsin Advertising Project archives, and over 70 percent of the ads aired, were sponsored by groups that reported $0 in spending on federal candidates to the FEC. However, those gaps in coverage have steadily declined, such that while 20 percent of groups since 2012 reported nothing to the Federal Election Commission, their total ad buys were just a small percentage of the ads captured in the WMP data sets. This means that nearly all political ads sponsored by outside groups on television in recent elections have come from groups that reported at least some electioneering spending to the FEC.

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11 We do not compare expenditures by groups at the candidate-level. That is, we do not assess whether a group that aired ads for a particular candidate also reported spending to the FEC about that same candidate. We only compare group totals, across the candidates they supported, in each set of data.
Figure 15: Level of Group Electioneering Not Likely Reported to FEC

Groups airing Television Ads

Source: Wesleyan Media Project, Wisconsin Advertising Project, and Federal Election Commission
Analysis of FEC data from Center for Responsive Politics
This result is a good piece of news for those concerned about missing groups in the FEC database. Still, it is important not to dismiss the non-trivial amounts of political ads on television that have gone unreported to the FEC. Figure 16 counts the amount of spending by groups since 2000 who reported nothing in electioneering spending. Across the nine election cycles, nearly $150 million in pro-candidate spending by outside groups was never reported. The number in actuality is higher than this, as the totals in Figure 16 only look at groups that did not report and does not count expenditures that some groups who otherwise reported to the FEC might not have deemed electioneering.

**Figure 16: Total Group Electioneering Not Likely Reported to FEC**

![Graph showing Ad Costs for Groups not Reporting to FEC from 2000 to 2016](image-url)
In line with this last point, groups that report to the FEC may be under-reporting, especially if they air ads outside the 30 and 60-day windows. To assess this, we compared the initial air date for ads in the WMP/WiscAds archives and the first reported date of electioneering spending to the FEC. These are shown for each election in the figure below. (The figure only shows groups that reported something in pro-candidate spending to the FEC.) For groups plotted above the red line, the FEC start date is before the initial ad buys in the political ad data. This indicates that groups put ads on television after they report spending to the FEC. As the figure shows, the vast majority of groups fall into this category, but a collection of groups are below the line; most often they are “dark money” groups.

**Figure 17: Political Ad Dates Compared to FEC Dates**
Indeed, about 10 percent (in any given cycle) of the groups airing ads on television start airing ads at some point before the initial reported spending to the FEC. Figure 18 shows the 2016 election (repeating the lower right panel above), but scales also the groups by the total number of ads aired. A number of very active dark money groups were on television some significant period of time before notifying the FEC of their electioneering.

**Figure 18: Political Ad Dates Compared to FEC Dates in 2016**

Entries are weighted by ad airings
Finally, we consider also the correlation in spending totals reported to the FEC and estimated in the WMP/WiscAds archives. Comparing dollar totals across these sets of data should be done with caution, as television ad spending is just an estimate of the cost of buying ad space. Nonetheless, as Figure 19 below makes clear the group-level spending totals are strongly related (r=0.66). (We log the scales of both axes to reflect the enormous range of spending across sponsors and election years.) In fact, most totals reported to the FEC exceed ad-spending estimates, which makes sense if reported electioneering to the FEC includes advocacy efforts that extend beyond television ads.

**Figure 19: Political Ad Spending Compared to FEC Spending**

![Graph showing the correlation between political ad spending and FEC spending from 2000 to 2016.](image)

For groups airing ads and reporting some spending to FEC.
Dark line is y=x
Dashed line is linear fit

All told, the evidence in this set of analyses is suggestive that the FEC archives broadly capture a lot of spending that is revealed by the television advertising data. A more comprehensive analysis would match expenditure efforts and dates for specific candidates, however. The WMP/WiscAds archives allow researchers to track the content of the ads and to measure changes in that content over time. FEC totals by group are not sufficient to know what outside groups are saying about candidates and what issues they are promoting. And there remains the concern about “dark money” efforts on electioneering communications outside the 30-day and 60-day reporting windows. For these reasons, triangulating the FEC data with political ad data is the best way available to track and report on outside group efforts in elections.

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12 The data provider for the WMP/WiscAds data is Kantar/CMAG, and they estimate the cost of each unique ad spot by weighting the ad placement by program, time of day, media market, sponsor, and proximity to election. They base these estimates on these known factors that influence the cost of buying ads. WMP staff have compared these estimated ad costs against the purchase contracts disseminated by the FCC for each local broadcast television station. In 2014, total costs for political ad sponsors in the public files was correlated above 0.75 with the CMAG/Kantar estimate for the total likely spent to air their ads.
Known Unknowns in the Study of Political Advertising

As with any analysis of large datasets, there are certain features that introduce possible error or uncertainty in any inferences. There are also data weaknesses or missing data that we cannot assess or foresee. We discuss here what we refer to as the “known unknowns” of the preceding analysis.

For example, our comparison of television ad spending with FEC-reported expenditures depends on accurate links between the sets of data, as we noted earlier. In addition, advertising taglines are not often specific enough to segment ads from groups with multiple campaign or funding accounts. For example, the National Rifle Association maintains a PAC and a 501c4. When the NRA identifies its ads as from the NRA Victory Fund, we can correctly label them as PAC expenditures. But taglines are sometimes hard to read (especially in the elections of 2000 to 2004, when we have only storyboards of ads over video files) and sometimes a group might only identify itself vaguely. This is especially true for unions, which maintain PACs and 501c5s. For example, some political ads from the AFL-CIO have listed the ad as from “the working men and women of the AFL-CIO,” leaving the funding source only vaguely identifiable.

In a sense, this problem is not unmanageable. For one, the bias introduced with this challenge is in favor of finding links between FEC data and the WMP/WiscAds data. As we demonstrate above, the overwhelming majority of groups in the WMP/WiscAds data have also reported something from some account to the FEC. If the question is whether dark money, broadly construed as either 501c4 spending or spending unreported to the FEC, is on the rise, our analysis suggests the answer is no.

More problematic is what we categorically miss in the analysis of television ads. We know very little, for example, about spending by groups on local cable, radio, online, and streaming. While cable and radio ads are governed also by the disclosure windows discussed in this report, we have no way of knowing how many ads have aired over time within and outside those disclosure windows, nor do we know anything about the type of groups sponsoring those ads. Data like the WiscAds and WMP projects simply do not exist for these other forms of voter outreach. In the realm of digital and streaming ads, we know almost nothing beyond the self-reports in the media of certain outside groups. This latter issue is particularly acute for groups that sponsor electioneering communications or issue advocacy messages online or through streaming outlets. Such groups could reasonably claim that neither need be disclosed even to the FEC as an election-related expenditure.

These challenges are also not insurmountable. A number of organizations and commercial enterprises are working to track campaign ads in multiple outlets. NCC Media, for example, tracks spending by ad sponsors on local cable, and other firms are working to track spending on web ads. In addition, of course, social media giants have information on the advertising purchased directly on their platforms. Obtaining and using these data, however, are not easy, and they may not be exhaustive of efforts by political groups on these mediums.
Another challenge, one endemic to all attempts at tracking political ads, is estimating the cost of the expenditure. FEC reports show the reported expenditures of political committees, but the itemized expenditures are not standardized and reporting styles vary across candidates, party committees, and outside groups. And so, while we know how much a group reported spending for or against a candidate, the itemized reporting does not allow for easy assessments of how much went to television, radio, or online. Moreover, the data from the WiscAds and WMP, as noted, have just estimated spending on ad buys, making an accurate link on estimates of cost hard to attain.

**Concluding Thoughts**

Outside groups are a huge presence in contemporary American elections. Many have worried subsequent to cases such as *Citizens United v. FEC* that “dark money” groups would dominate ad spending in federal elections. Others have worried that super PACs would “hide” donations by accepting contributions from largely non-disclosing sources. This report is intended to examine the share of this kind of spending across election cycles and in various moments of the campaign season where reporting requirements of ad activity are less robust. We let the reader draw the normative implications from the underlying analysis.

Certainly, the majority of group advertising in presidential elections is full disclosure, with the obvious exception of 2012 (though see primary spending between 2000 and 2016, which is almost entirely from full disclosure groups). Full disclosure ads account for a larger share of group spending in more recent House and Senate elections, as well.

That said, even though the majority of spending by groups may be full disclosure, the total volume of spending that is undisclosed has been rising. Moreover, comparisons of groups with candidates and parties highlight gaps in transparency. If candidate and party spending were depicted on the figures in this report, there would be only white bars, as these political actors fully report donors and expenditures to the FEC.

One laudable goal of campaign finance reformers, then, might be to push for laws that demand more reporting of donors by groups that air ads that mention or picture federal candidates for office.
Appendix A: Primary Advertising by Donor Disclosure Type

Figure A1 shows ad volumes for senatorial primary advertising since 2000. While outside group volume was not as prominent in 2016 compared to 2014, it surpassed 2012 levels. Further, the proportion of dark money advertisers involved in 2016 is comparable to both 2012 and 2014 in which dark money advertising comprised roughly 60 percent of all group ads on air.

Figure A1: Outside Group Ad Volume and Proportion in Senatorial Primaries 2000 – 2016

Figures include broadcast television, national network and national cable advertising airings.

CITE SOURCE OF DATA AS: Kantar Media/CMAG with analysis by the Wesleyan Media Project. Disclosure categorization from the Center for Responsive Politics.
Figure A2 shows the results for U.S. House primary advertising since 2000. Similar to senatorial races, outside group activity was not as prominent in 2016 as in 2014, but unlike the Senate, 2016 levels were down slightly compared to 2012 races. Also unlike senatorial races, groups involved in the past two cycles have trended toward full donor disclosure.

**Figure A2: Outside Group Ad Volume and Proportion in U.S. House Primaries 2000 – 2016**

Figures include broadcast television, national network and national cable advertising airings.

CITE SOURCE OF DATA AS: Kantar Media/CMAG with analysis by the Wesleyan Media Project. Disclosure categorization from the Center for Responsive Politics.
Appendix B: Trends in Ad Activity Across Reporting Windows by Donor Disclosure

Figure B1 shows the volume of group activity in presidential primaries over time broken down by the 30-day disclosure window for each primary state. As shown in the figure, presidential advertising within the 30-day reporting window usually always outpaced advertising before it (with 2004 being the only exception). Invariably, however, dark money advertising was more prominent outside of the 30-day reporting window.

Figure B1: Outside Group Ad Volume and Proportion in Presidential Primaries 2000 – 2016, by Disclosure Reporting Windows

Figures include broadcast television, national network and national cable advertising airings.
CITE SOURCE OF DATA AS: Kantar Media/CMAG with analysis by the Wesleyan Media Project. Disclosure categorization from the Center for Responsive Politics.
Figure B2 shows the trends in volume and proportion of group advertising in Senate primaries. In contrast to the presidential airings, group activity during senatorial primaries was more prominent outside the 30-day reporting window. Similar to presidential races, however, dark money made up a larger share of group advertising outside the 30-day primary reporting window.

**Figure B2: Outside Group Ad Volume and Proportion in Senate Primaries 2000 – 2016, by Disclosure Reporting Windows**

Figures include broadcast television, national network and national cable advertising airings.

CITE SOURCE OF DATA AS: Kantar Media/CMAG with analysis by the Wesleyan Media Project. Disclosure categorization from the Center for Responsive Politics.
Figure B3 shows the trends in volume and proportion of group advertising in U.S. House primaries. Trends in U.S. House races are less clear on the volume side; however, the trend of dark money advertising making up a larger proportion of advertising outside the disclosure window holds for U.S. House races.

Figure B3: Outside Group Ad Volume and Proportion in U.S. House Primaries 2000 – 2016, by Disclosure Reporting Windows

Figures include broadcast television, national network and national cable advertising airings.
CITE SOURCE OF DATA AS: Kantar Media/CMAG with analysis by the Wesleyan Media Project.
Disclosure categorization from the Center for Responsive Politics.