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Statewide Ballot Proposal 2026-02: Mop Up Michigan Initiative

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Statewide Ballot Proposal 2026-02: Mop Up Michigan Initiative

In a Nutshell:

Proposal 2, commonly called Mop Up Michigan, is a proposed statutory initiative to amend the Michigan Campaign Finance Act (MCFA).

If Proposal 2 is Adopted, the law would be amended to:
- Require "paid for by" disclosures on certain political ads distributed on the internet.
- Expand donor and spending disclosure for certain political ads.
- Restrict certain campaign contributions by regulated utilities and their principals and state and local government contractors and their principals.

The different aspects of the proposal operate independently and attempt to address different underlying concerns related to the influence of money in politics. Voters, however, will cast their vote for or against the entire proposal on the overall merits. Proposal 2 contains a severability clause, meaning that if any provisions are found to be unconstitutional, the unaffected provisions would remain in effect.

If Proposal 2 is Rejected, disclosure requirements would remain unchanged and the ability of regulated utilities and government contractors to contribute to political campaigns would remain unchanged. The legislature could choose to address any or all these issues at some point in the future.

Major Issues to Consider

- Michigan's campaign finance law currently allows groups to run political ads without disclosing their donors or spending if the ads avoid using "express advocacy" language, even if the purpose of the ad is clearly to influence voters at an upcoming election. Proposal 2 would provide the public with more information about these ads and the organizations running them. It is not clear whether these disclosure requirements will impact the volume of these ads or voter behavior.
- Regulated utilities and some government contractors make significant campaign contributions in Michigan. Supporters of Proposal 2 argue that these contributions lead government officials to take favorable regulatory action and award/oversee contracts based on political influence, resulting in worse outcomes for the public. It is not clear how much impact placing restrictions on campaign contributions would have on these issues, given other methods of political influence and the regulatory complexity of the targeted industries.
- Laws restricting political spending must clear a high constitutional bar under existing U.S. Supreme Court precedent. It is likely the provisions restricting utility and contractor campaign contributions would be challenged as failing to meet a sufficiently important governmental interest and/or as restricting more speech than is necessary, even if that governmental interest is upheld.

Background on Money in Politics

A longstanding tension exists in American politics between robust free-speech rights and the potential for those with money to disproportionately influence elections and policy outcomes. Legislative and judicial actions have sought to balance the rights of people (and corporations) to use their resources to effectuate speech against the potentially corrupt influence of money in that process. Some believe that the scale has tipped too far in permitting money to influence electoral and policy outcomes, allowing those with significant financial resources to influence outcomes in undemocratic and non-transparent ways.

This tension has grown over the last two decades, with the U.S. Supreme Court (SCOTUS) handing down a number of decisions that have made it harder to restrict political spending, especially by corporations. The most noticeable change in recent years has been the rise of "SuperPACs," which can raise unlimited amounts of money and make unlimited expenditures toward influencing elections as long as they do not contribute to or coordinate directly with candidates for office.

Many people have raised concerns about the implications of this unlimited spending, believing that it has allowed individuals and entities with significant wealth to influence the electoral and policymaking process in a way that is unhealthy for democracy. Candidates and officeholders, the argument goes, are now more responsive to the interests of those with money because it is more valuable to them to have support from those who can blanket the airways on their behalf or at least avoid the ire of those with the resources to drown them in negative ads.

Balancing the interests of a large, diverse population is inherently challenging, even in a robust democracy. Given the complexities of modern life, no guarantee exists that a truly egalitarian political system would generate outcomes that were perfectly consistent with the will of the people. In general, reducing the influence of money in politics is a widely popular position,[1] even if the exact parameters of that reduction are up for debate.

Significant restrictions on political spending and the broader influence of money in politics have not been enacted nationwide, or in Michigan, despite public support for such reforms. The primary reason for this is SCOTUS has held, across multiple decisions, that political spending is protected speech under the First Amendment to the U.S. Constitution. These SCOTUS decisions require laws restricting political spending to clear a very high bar to be deemed constitutional.

Currently, the only justification SCOTUS jurisprudence accepts for restricting political expenditures and contributions is the prevention of *quid pro quo* corruption, or the appearance thereof. SCOTUS case law does not consider the accumulation of general favoritism and influence to be *quid pro quo* corruption nor does it find that independent expenditures on behalf of a candidate lead to, or create the appearance of, *quid pro quo* corruption.

In general, this has created a situation where almost no restrictions can be placed on independent political expenditures (e.g., how much a candidate or group can spend on ads), but some restrictions can be placed on political contributions (e.g., giving money to candidates or political groups). Specifically, laws limiting how much an individual or group can contribute to *an individual candidate* are generally considered constitutional, but limitations on aggregate donations or donations to non-candidate, outside groups are generally unconstitutional. Further, laws mandating disclosure (e.g., laws that inform the public who made expenditures and for what) are much more likely to be considered valid because they do not restrict the speech itself.

General Notes on Campaign Contributions

A few other details are important background information to know when reviewing the provisions of Proposal 2.

First, Michigan law prohibits corporations from making political contributions to candidates and groups from their general corporate treasuries.[2] Similar laws exist in about half of the states.[3] Corporations in these states are permitted to make contributions from "separate segregated funds" that can be controlled by the same corporate leadership, but they must be funded through voluntary contributions by employees. In some states, corporations can give funds directly to candidates and political groups without this intermediate step. For the purpose of discussion about Proposal 2, this is a technical distinction only because the proposal goes beyond a ban on the corporate entities and their general treasuries. It should also be noted that recent SCOTUS decisions have made clear that corporations must be allowed to make unlimited expenditures (e.g., running ads) from their corporate treasuries[4] or through other affiliated entities.

Second, the Michigan Campaign Finance Act (MCFA) sets limitations on the amount an individual or entity can contribute to a given candidate during a particular election cycle.[5] The maximum contribution amount varies depending on type of office (e.g. governor, state senate, judge) and the type of contributor (e.g., individual, political committee, independent committee). The amounts are set in statute and indexed to inflation.[6] For example, an individual can contribute $2,450 to a state senate candidate per election cycle. An independent committee (i.e., a political committee that meets certain criteria) can contribute up to $24,500 per cycle to a state senate candidate. Placing a *ceiling* on the amount an individual or entity can contribute to *a candidate* for office is a constitutionally valid limitation, and states can make laws ensuring those caps are not evaded.

This legal dynamic explains why efforts to restrict political spending are not always consistent with the rhetoric about the nature of the stated problem. Decisions handed down by SCOTUS have made it very difficult to enact laws that curtail political spending in general. These rulings are controversial, but they are the law of the land, which means that proponents of restrictions are working inside a narrow band of potential policy options. It is generally not possible for advocates of restrictions to dramatically reduce money in politics without amending the U.S. Constitution or dramatically altering the makeup of SCOTUS to produce a reinterpretation of First Amendment jurisprudence.

Proposal 2 Seeks to Address Three Concerns

Despite the existing legal limitations, advocates for political spending restrictions have continued to push for policies that would address concerns about the influence of money in politics.

Proposal 2026-02 (hereafter, Proposal 2) – which would amend Public Act 388 of 1976, the Michigan Campaign Finance Act (MCFA)[7] – aims to reduce the influence of money in the state's political system. Proponents argue that government officials are too responsive to the wishes of corporate actors due to their campaign contributions and campaign expenditures. Although Proposal 2 would make several changes to the MCFA consistent with this broader theme, it must be recognized that states are highly constrained in what they can do to shape the larger question of money in politics. As a result, Proposal 2's provisions are limited to a few specific targets.

Understanding the potential impacts of Proposal 2 requires a discussion of the *specific* issues it aims to address rather than *larger questions* of money's impact on politics more broadly. Proposal 2 has multiple components aimed at different specific concerns. Generally, Proposal 2 would:

- Require "paid for by" disclosures on certain ads distributed on the internet.
- Expand donor and spending disclosure for certain kinds of political ads.
- Restrict certain campaign contributions by regulated utilities and their principals and state and local government contractors and their principals.

Proposal 2 contains a severability clause, which means that if any of the provisions are invalidated by state or federal courts, the unaffected provisions would remain in effect.

Concern 1: Loopholes exist in Michigan law related to the disclosure of political spending.

Proponents of Proposal 2 and others have identified two loopholes in Michigan law related to the disclosure of political spending. First, the language in Michigan's campaign finance law is somewhat outdated with respect to political advertisements on the internet. Many campaign ads require some form of disclosure on the ad to inform the viewer who paid for the ad, but the language in MCFA has not been updated to explicitly apply those requirements to ads that are placed online. As a result, some campaign ads in Michigan may lack disclosure due to the medium in which they are placed even if they are essentially identical to ads placed in other mediums.

Second, Michigan law requires many entities that run campaign ads to disclose their spending on those ads to the state. However, the law does not require disclosure for spending on ads that do not contain "express advocacy" phrases such as "vote for" or "vote against." As a result, entities can spend significant amounts of money on political ads without having to disclose their spending as long as the ads stay away from certain words and phrases, even if any reasonable person would understand the point of the ad is to influence the viewer's behavior in an upcoming election. This is often referred to as the "issue ad loophole." The argument is not that all "issue ads" should require this type of disclosure, rather that many ads that fall into the technical definition of "issue ads" under current law are, in fact, campaign ads. Because of the way the current law is structured related to these types of ads, some groups that run these kinds of "issue ads" also do not have to disclose their donors, making it difficult for the public to know who is paying for the ads.

Generally, the concern is that Michigan's campaign finance and election laws have some specific deficiencies related to disclosure, leaving the public in the dark about who is sponsoring many political ads in today's media environment.

Proposal 2 Would Modernize Digital Ad "Paid for by" Disclosures

The Michigan Campaign Finance Act requires that political advertisements contain information about who paid for the advertisement. Under existing law, a "billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or a ballot question, must display an identification that contains the name and address of the person paying for the matter." Similarly, radio or television paid advertisements referencing elections, candidates, or ballot questions must identify the sponsoring person.[8] Both types of communications also require a message that the material was "not authorized by any candidate" if the entity paying for the ad is not a candidate committee. As discussed below in more detail, these requirements apply to traditional express advocacy ads, but they also apply to "issue ads" if the issue ads are run sufficiently close to an election and target the relevant electorate.

Proposal 2 would make two substantive changes to these requirements. First, it would add internet communications – campaign material placed or promoted for a fee on another person's website, digital device, application, or advertising platform – to the list of printed materials that require disclosure. The proposal provides that in cases in which including all of the information directly on the internet communication is not technologically possible, the communication has to state the name of the person who paid for the ad and provide a means for obtaining the rest of the information with minimal effort.

Second, Proposal 2 replaces the phrase "radio or television" with "audio or video" to more broadly capture advertisements placed in audio and visual mediums such as social media websites, streaming video platforms, etc.

Potential Impact

The changes related to "paid for" disclosures on internet ads would bring online political ads in line with the rest of Michigan's "paid for" disclosure scheme. Many candidates and groups running these kinds of ads already include the disclosure, but anyone who was not doing so would be forced to include the necessary language or open themselves up to a misdemeanor. Essentially, no practical burden is being added to ad makers or those running ads, and the substantive requirement is merely being brought in line with the rules for ads on other mediums.

Enactment of this portion of Proposal 2 would assist the public in determining who is responsible for online ads, which are a growing aspect of the overall campaign space.

Proposal 2 Would Create New Spending and Donor Disclosure Requirements for Certain Non-Express Advocacy Ads ("Issue Ads")

Michigan's campaign finance law draws distinction between express advocacy ads (e.g., ads that expressly support or oppose the nomination or election of a candidate) and ads that do not contain express advocacy (e.g., ads that do not expressly support or oppose the nomination or election of a candidate even if the information in the ads pertains to a candidate).[a] Ads that do not contain express advocacy are sometimes referred to as "issue ads." The term "issue ad" is a misnomer because it is used to describe any political ad that does not contain express advocacy language, but many ads are run in which the ad's clear purpose is to influence the viewer's opinion of a candidate facing nomination or election but intentionally avoids using express advocacy language.

> For example, an ad that says "Call your legislators to oppose House Bill 4001" or "your elected officials are considering an increase in the gas tax" are issue ads in the traditional sense. However, an ad that says "State Representative Smith voted for House Bill 4001, call their office and tell them to stop raising prices at the pump" is not considered express advocacy and it is treated like an "issue ad" for the purposes of spending disclosures.

This distinction is important for the purposes of "paid for by" disclosure that is placed in the ad, but also in terms of how political spending is reported to the state. Under current law, express advocacy ads must always contain information on the ad about who paid for it and the spending on the ads must be reported to the state. Current law recognizes that issue ads appearing close to an election should contain a "paid for" disclosure because they essentially function as express advocacy ads, but the act does not require that spending on those advertisements be reported to the state as long the ads avoid using express advocacy terminology. Further, groups or entities whose only ads are considered "issue ads" under current law often do not need to register as a committee under the MCFA or report their contributors to the state.

a These provisions apply to the nomination and election of candidates; the qualification, passage, or defeat of a ballot question; and the qualification of new political parties.

Proposal 2 would make several changes to the campaign finance act dealing with the disclosure rules for these kinds of "issue ads."

First, Proposal 2 would modify "identified" candidate to "identifiable" candidate, where relevant, to ensure disclosure is required in situations where the candidate is not directly mentioned by name but is easily recognizable as the subject of the communication.

Second, Proposal 2 applies the "paid for" disclosure requirement to "electioneering communication" that references a clearly identifiable candidate, regardless of whether the communication contains express advocacy, within 100 days before a general election or within 30 days before a primary or special election where the candidate appears on the ballot; and is targeted to the relevant electorate where the candidate appears on the ballot. The language directs the secretary of state to promulgate rules defining the meaning of "targeted to the relevant electorate."

Notably, this language extends the period from 60 days to 100 days before a general election for the "paid for" disclosure. Because it also incorporates the new definition of "identifiable," this change also would appear to make it more difficult to avoid disclosure on the premise that the ad did not actually "identify" the candidate directly.

While these changes are intentional efforts to tighten up the "paid for" disclosure rules around these kinds of ads, it also appears that the language may unintentionally remove the requirement to disclose who paid for express advocacy ads that are run outside of the time window defined in the "electioneering communication" window. Under existing law, the "paid for" disclosure is a requirement for communications "having reference to an election, a candidate, or a ballot question." Under Proposal 2, the disclosure requirements would seem to only apply to "electioneering communication" and something can only be "electioneering communication" if it takes place within 100 days before a general election or 30 days before a primary or special election. It is not clear if this change was intentional or how many ads run outside of that window, but the manner in which this change was drafted could have implications for disclosures on express advocacy ads.

Third, Proposal 2 broadens the definition of expenditures that must be disclosed to the state. Under existing law, spending on non-express advocacy ads (i.e., issue ads) does not count as an "expenditure" under the MCFA, meaning the amount spent on these ads does not have to be disclosed to the state as part of a committee's reporting. Many of the groups that pay for these ads are committees that have to file some reporting with the state, but this specific slice of spending is not something they must disclose. Other groups that run these ads are not committees under the act and currently do not file campaign statements at all.

Proposal 2 changes the definition of "expenditure" in the act. Under existing law, spending that does not contain express words of advocacy of election or defeat, such as "vote for", "elect", "support", "cast your ballot for", "Smith for governor", "vote against", "defeat", or "reject" does not qualify as an expenditure for the purpose of spending disclosures to the state, but this change in definition would subject that spending to reporting requirements if it promotes, supports, attaches, or opposes a candidate or ballot proposal without using express advocacy language. Existing committees that file reports to the state would have to include spending on these ads as part of those reports.

Fourth, following on the expanded definition of an expenditure, Proposal 2 includes a provision requiring entities who are not registered as committees and do not have to report to the state under current law to report their spending on this type of "issue ad" if they spend $5,000 or more during a calendar year. Failing to report this spending comes with the possibility of misdemeanor charges and a fine. The way in which this additional reporting requirement is drafted does not perfectly mirror the reporting requirement change for existing committees, leaving open the possibility that it could be interpreted to apply to a broader range of communications than intended.

Proposal 2 further requires that this report include "the name, address, occupation, employer, and principal place of business of each person that contributed $100.01 or more for making electioneering communications." This language creates a requirement that these entities which are only running "issue ads" and do not have to register as a committee and disclose their donors under current law would have to disclose at least some of their donors to the state.

Potential Impact

Official numbers do not exist about how many non-express advocacy ads are run each election cycle in Michigan or about how much is spent on such ads. Similarly, specifics are inherently limited about who funds some of the groups that run these kinds of ads. Enacting this portion of Proposal 2 is likely to come with a few related outcomes, even if the precise impact is unknown.

First, the public will be presented with information they previously did not have access to regarding the amount that different individuals and groups are spending on campaign-related ads and who is paying for them. This will create more transparency around political ad spending in the state, although exactly how much impact the information will have is not clear. Proposal 2 will eliminate some avenues to avoid disclosure about who paid for a given ad and let the public know how much is being spent on these ads, but it is not clear the extent to which further transparency will translate into any downstream outcomes, such as deterring donations and spending of this nature.
One possible complication is that Proposal 2 requires information about "each person that contributed $100.01 or more for making electioneering communications," but it is not clear how it would be determined whether a given contribution was for electioneering communications or for another part of the organization's work, so avenues for circumvention may still exist. Another issue is that the language applying the reporting requirement to non-committee groups may be written more broadly than intended, so confusion

could exist about what needs to be reported.

Second, changing the rules around spending disclosure for "non-express advocacy" ads could change the nature of the ads within the electioneering window. If individuals and groups cannot avoid spending and donor disclosure by omitting the magic words, it is possible that they will run ads that are more directly expressing their intention to influence electoral behavior. Because the ads in question are typically quite overt, it is not clear if this potential change in ads would shape voter behavior differently. Similarly, some groups that are currently operating outside of the MCFA committee framework might choose to register as a Super PAC if the ability to conceal donors is no longer an option.

Individuals and entities running these ads will now bear the cost of reporting their donors and spending and the state will have to receive and review these disclosures. This is a process that already exists, but it will have to grow on both sides of the equation to account for a cohort of ads and contributions that previously did not require disclosure. The additional cost to the state is not known.

It is not clear what kind of downstream impact this disclosure would have on politics in the state. The public will have access to more information about ad spending and there will be fewer opportunities to avoid disclosure, but how this might impact voter or candidate behavior is not obvious. Groups that would prefer not to report how much they are spending, and in some cases, that they sponsored an ad at all, will be forced to provide the public with that information. It will also become clearer to the public who is funding these ads because the underlying donors will be more visible. The extent to which this will change the amount of spending or anything about the influence that spending is having on politics and policy development in the state is unknown. Research on campaign finance disclosure requirements has generally found minimal effects on voter behavior.[9]

For those who favor greater transparency in political spending, Proposal 2 is likely to achieve that, but no guarantee exists that it will have much impact on the scale of ads being run by non-candidate groups. It is also worth noting that two possible drafting errors are present in the disclosure changes that may reduce reporting requirements for some express advocacy ads and create confusion about what communications must be reported by non-committee groups.

Concern 2: State and local government contractors are selected and overseen based on their political spending.

The state and its local units of government rely on private contractors to carry out many governmental functions. These functions are numerous, including services like computer programming projects, providing goods like materials needed to run state prisons, and complex program implementations such as the delivery of health insurance to low-income people.

Generally, when a government wants to contract for some good or service, it puts out a request for proposal and allows firms to bid on the contract. The state or local government reviews the bids and selects a provider. Given the complexity of some contracts, no simple formula exists to select the best contractor, leaving discretion in the hands of those managing the procurement process. As a result, various officials often select from among applicants with comparable bids.

Supporters of Proposal 2 argue that government officials may favor bidders that have made contributions to them or other influential government officials when making decisions to whom a contract should be granted and how the contract is overseen after it is awarded. The argument is that officials may be less willing to hold some firms accountable if they are significant contributors.

The concern is that government contractors can be rewarded for the political spending they have made on behalf of decisionmakers who affect their contracts and continue to receive contracts despite poor performance.

Proposal 2 Would Ban Campaign Contributions from Certain Government Contractors

Proposal 2 would restrict campaign contributions made by certain individuals and entities associated with state and local government contractors. Specifically, the initiative would prohibit state and local government contractors, principals of state and local government contractors, and entities that are affiliated with state and local government contractors from making contributions, directly or indirectly, to a set of candidates and committees. The restrictions on state contractors apply to contributions to candidates for state elective office and the restrictions on local contractors apply to contributions to candidates for local elective office in the jurisdiction for which they have a contract.

Who Cannot Contribute: Proposal 2 prohibits contributions from state and local government contractors, which it defines as follows:

> *State government contractor*: Any person who has entered into or is seeking to enter into one or more contracts with state government that exceed $250,000 in the aggregate in a calendar year, including any subcontractor who has been hired to perform any part of an original state government contract and whose aggregate contracts or subcontracting agreements exceed $250,000 in the aggregate in a calendar year. State government includes the executive and legislative branches, but not the judicial branch for the purpose of Proposal 2.
>
> *Local government contractor*: Any person who has entered into or is seeking to enter into one or more contracts with a local unit of government that exceed $250,000 in the aggregate in a calendar year, including any subcontractor who has been hired to perform any part of an original local unit of government contract and whose aggregate contracts

or subcontracting agreements exceed $250,000 in the aggregate in a calendar year.

Contracts are defined to include agreements for the rendition of services; the furnishing of goods, material, supplies, equipment, or any items of any kind; the construction, alteration, or repair of any public building or public work; or the acquisition, sale, or lease of any land or building. Contracts are not meant to include loans or loan guarantees; subsidies or grants allocated through the appropriations process; collective bargaining agreements; or agreements between political subdivisions of the state, such as counties or municipalities that have agreements with the state or one another.

The contribution restrictions apply to government contractors themselves, their board members/owners/executives as individuals (including their immediate family members), and any affiliated entity that is established, financed, maintained, or controlled by government contractors or those individuals. This language would seem to cast a wide net, including any political action committee, social welfare organization, or other type of entity that is associated with government contractors and their principals.

To Whom They Cannot Contribute: Proposal 2 restricts contributions to several offices and candidates for those offices (and their affiliated entities) and political committees that make contributions to those candidates.

To further prevent circumvention of this prohibition, a separate section of the MCFA is amended to prohibit agreements in which a person contributes to a committee with the understanding it will be transferred to a different, particular committee. The existing language of the campaign finance law only prohibits arrangements of that nature for candidate committees, but Proposal 2 extends that to all committee types.

The prohibition period applies from the commencement of negotiations for the contract or when the request for proposal is released, whichever is earlier, and runs through 18 months after the end of the contract. If a government contractor knowingly and willingly makes a prohibited contribution, their contract can be cancelled, and they cannot receive a state or local contract for one year after the election for which the donation was made. Additional language is included that allows contributors to return unallowed donations within 30 days.

Should Proposal 2 pass, the provisions related to contractors become effective 18 months after the election.

Potential Impact

The potential impact of the government contractor contribution ban depends on how much of it survives legal challenge, as discussed in detail below. Presuming some or all of the provisions are implemented, a few consequences are possible.

First, the State of Michigan has thousands of active contracts of $250,000 or more. [10] Michigan's public universities have numerous contracts. Each of Michigan's 1,856 local governments and each of the more than 800 public school districts (traditional and charter school districts) have many contracts that may also be affected. Because contracts are often multi-year agreements, some of those contracts may not be implicated by this ban. Similarly, some of the contracts may fall outside the definition because they meet one of the exclusions. Even accounting for that, a significant number of people and entities would be impacted.

The state and local governments would presumably have to set up a process to review potential contractors for political contributions. This would likely require disclosure of all principals and entities affiliated with those principals so that they could be scanned for contributions during the procurement process, and potentially throughout the life of the contract. The precise cost in time and resources of these checks is not known, but it would likely come with a cost to the state and local governments.

Second, it is possible that some firms may not seek contracts if a condition of the contract is that their ability to make political contributions will be constrained. This may not be a major deterrent, as people and firms could still make political expenditures and contribute to candidates in local jurisdictions in which they are not contracting, but clearing the hurdles of demonstrating a lack of political contributions for all affected people may not be something potential contractors want to do. The process to qualify as a potential bidder on government contracts is already time-consuming and this would further add to the red tape. It is possible that this could lead to fewer bidders for state contracts and the state having to select from among lesser quality contractor options, or it might drive up the cost of contracts.

Third, to the extent the ban is implemented, the restriction would alter who is contributing to political candidates and causes. The impact of this is very hard to predict because of the wide-ranging nature of government contractors. Proponents argue this will make state and local government better because contracting decisions will not be made on account of political influence and oversight of government contractors will not be conditioned on how much contractors have contributed. While this theoretical link may make sense, the extent to which contracting decisions and oversight are actually influenced by political favoritism tied to campaign contributions is unknown.

Many state contracts are awarded and overseen by career civil servants with no influence by elected officials. Simply too many contracts exist for elected officials to be involved in decisions about all of them. That said, it is absolutely possible that some contracts are influenced by political considerations and connections with elected officials. The larger question is the extent to which *campaign contributions* are the source of those political connections. Proposal 2 only seeks to ban contributions, and contributions per election are already limited by state law for everyone. Wealthy individuals and entities would still be able to influence elections and politics with political spending – they can spend an unlimited amount of money on ads for or against a candidate. Even without coordination, candidates are aware of which interests support and oppose them with political spending.

It is easy to see how money can influence elections and the actions of government officials who wish to retain their offices, but it is far less clear the extent to which banning contributions will make a significant impact given all of the other ways in which money can influence the outcomes of elections. This is not to say that campaign contributions cannot or do not influence the stated concerns in government contracting, but merely to suggest the scale of the impact of a ban may be modest. Further, it is genuinely hard to measure whether laws of this nature have their intended outcome because "government contractor performance" is difficult to isolate and measure.

Separate from considerations about the potential effectiveness of the provision, opponents of the contribution ban argue that it restricts the rights of people to speak through campaign contributions in a manner that is inconsistent with their First Amendment rights. They argue that pursuing a government contract should not come with a wide-ranging ban on their ability to support candidates they wish to see in office. These opponents further argue that existing laws against bribery sufficiently guard against corruption and the scope of Proposal 2 is overly broad in who it affects and which offices and committees to which contractors cannot donate.

Concern 3: The state is not properly regulating utilities because of political spending by utilities.

Electric and gas utilities[11] in Michigan operate under a variety of different models, one of which is a rate-regulated, investor-owned monopoly utility (IOU). In jurisdictions where these IOUs operate, they have a monopoly on the distribution of electricity and natural gas, but the rates they charge customers are regulated by the state through the Michigan Public Service Commission (MPSC). The concept of a rate-regulated monopoly utility is widespread in the United States. The state has an interest in the distribution of electricity and natural gas structured as monopolies because it would be significantly costly to duplicate the necessary infrastructure. States also tend to favor the idea that similarly situated customers should be charged the same rates, limiting the possibilities that market outcomes would drive up costs for customers in more remote areas. As a result, utilities are granted an exclusive right to a service territory in exchange for government regulation of their rates and procedures. In other words, a utility is guaranteed the business of everyone in its territory in exchange for the government being heavily involved in regulating its business and limiting its potential profits.

The MPSC is a three-member body (appointed by the governor with advice and consent of the Senate) that, among other things, sets IOU rates through a contested process governed by state law. Utility rate cases are complicated, and the particulars of utility regulation are nuanced, but broadly, the MPSC is a regulatory body that is appointed to make decisions about utility rates and performance that affect many people in the state. The rates approved by the MPSC directly influence the profits of utilities and their shareholders.

Proposal 2 proponents argue that utilities have not been regulated in a way that properly values the interests of ratepayers or considers the impact of the electricity and natural gas sector on the environment. They cite higher utility rates and poor reliability as evidence that the utilities are not delivering for the people of the state. Further, supporters suggest that the utilities – which are private sector corporations – have received favorable treatment because they make political contributions and expenditures which influence the regulatory process.

The concern is that utilities have used political spending to get favorable regulatory treatment and that this is the reason why utility prices and performance are unsatisfactory.

Proposal 2 Would Ban Campaign Contributions from Utilities and Many Affiliates

Proposal 2 would restrict campaign contributions made by certain individuals and entities associated with regulated utilities in the state. Specifically, the initiative would prohibit an electric or gas utility, a principal of an electric or gas utility, or an entity that is affiliated with an electric or gas utility from making contributions, directly or indirectly, to a set of candidates and committees.

Who Can't Contribute: Proposal 2 prohibits contributions from electric and gas utilities.[b] Private investor-owned utilities like DTE and Consumers Energy are affected, but municipal utilities such as the Lansing Board of Water and Light or cooperative-owned utilities such as the Wolverine Power Cooperative are not.

The restriction also applies to the "principals" of the affected utilities, which includes members of the boards of directors, majority owners, substantial owners, individuals who are employed by a utility as a president, chief executive officer, treasurer, or officers who hold similar responsibilities with respect to the utility (and their immediate family members), and agents of a utility or principal of a utility, including their lobbyist or lobbyist agent.

The restriction also applies to any entity affiliated with a utility. Proposal 2 considers an entity to be affiliated with a utility if the entity is "directly or indirectly established, financed, maintained, or controlled" by the utility or a principal of a utility. This language would seem to cast a wide net, including any political action committees, social welfare organizations, or other type of entities that are associated with utilities and their principals.

Taken together, Proposal 2 restricts contributions from the utilities themselves, their board members/owners/executives as individuals (including

b As noted above, corporations in Michigan are prohibited from making political contributions from their general treasuries. This prohibition does not violate the First Amendment because corporations are able to make contributions via their Separate Segregated Fund. This proposal would also prohibit the utilities from making contributions via Separate Segregate Funds. See below for further discussion of constitutional issues.

their immediate family members), and any entity that is established, financed, maintained, or controlled by the utilities or those individuals.

To Whom They Cannot Contribute: Proposal 2 restricts contributions to several offices and candidates for those offices (and their affiliated entities), state and local party committees, and political committees that make contributions to candidates for those offices.[c] Violations can result in fines of up ten times the amount of the prohibited contribution.

To further prevent circumvention of this prohibition, a separate section of the act is amended to prohibit agreements in which a person contributes to a committee with the understanding it will be transferred to a different, particular committee. The existing language of the MCFA only prohibits arrangements of that nature for candidate committees, but Proposal 2 extends that to all committees.

Potential Impact

As discussed in detail below, the utility contribution ban is likely to face significant legal challenges. Assuming it does reach implementation in some form, the practical implementation hurdles would likely be smaller than the contractor component because a finite number of utilities exist in the state and it would be easier to determine who the affected individuals are. Practical difficulties would still exist, as utilities would have to disclose all entities affiliated with their principals and monitor them for political contributions.

The precise impact in terms of dollars is difficult to determine. One of Proposal 2's sponsoring organizations documented at least $475,000 in contributions in 2025 from DTE and Consumers Energy's directly controlled political funds to state lawmakers and political parties.[12] This does not include contributions from the other, smaller regulated utilities or any of the impacted individual principals and affiliates, nor does it consider contributions to other affected offices and groups, so it is not a full accounting of the contributions. An implementation of the utility-related Proposal 2 provision would certainly reduce direct contributions, but this is not guaranteed to reduce utility-related political spending or its impact.

The larger question is whether banning contributions by the affected individuals and entities would have an impact on the actual regulatory process or performance of the utilities. Supporters of Proposal 2 argue that lawmakers would pass laws and/or conduct more oversight of the utilities, and perhaps that the governor would appoint (and the senate confirm) MPSC commissioners who are less utility-friendly if they were all less reliant on utility campaign contributions. This argument supposes that the

c Proposal 2 bars contributions to members of the MPSC but commissioners of the MPSC are not elected officials in Michigan. Presumably, this language would prevent contributions to commissioners who are candidates for other elected offices in the state not listed in the proposal, such as local offices. In some states, public utility commissioners are elected.

reason utilities are failing to meet higher performance standards is because policymakers are captive to their donors.

There are reasons to question a causal relationship between utility performance and campaign contributions. First, as noted in the contractor analysis above, many avenues would remain for utilities to influence the political process and cutting off direct contributions would still leave open the ability for the utilities to spend unlimited sums of money for or against a candidate for office.

Second, utility rate regulation is extremely complicated and subject to a contested process. The economic conditions surrounding the utility sector and the overall conflict between rates and performance will not change simply because campaign contributions are restricted. This is not to say that different commissioners chosen by a different governor could not behave differently, or that different legislators would not pass different laws, but efforts to drive down rates are likely to come with performance declines and efforts to drive up performance will likely require higher rates. The economic reality puts those goals in tension regardless of who is regulating utilities.

The risk that regulators can become captured by the industries they regulate can occur with or without political contributions. Concerns that the MPSC is too deferential to utilities – whether it is factually true or not – would not go away simply because utilities lost the ability to contribute to political causes. In other words, even if the underlying concern is true – that these entities are negatively influencing politics and policy development via money – the contribution bans are not necessarily going to produce a major improvement in government contracting or utility performance because; 1) many avenues exist to use money to influence politics outside of contributions, and 2) the underlying dynamics that have led to unsatisfactory outcomes in these sectors would not just go away even if campaign contributions were taken out of the equation. The levers being pulled in Proposal 2 may align with the larger goal of reducing money's influence on politics and policy in Michigan, but the levers themselves may not have much impact.

Separate from considerations about the potential effectiveness of the provision, opponents of the contribution ban argue that it restricts the rights of people to speak through campaign contributions in a manner that is inconsistent with their First Amendment rights. They argue that utilities and their affiliates should not face a wide-ranging ban on their ability to support candidates they wish to see in office, especially those who do not directly regulate utilities. These opponents further argue that existing laws against bribery sufficiently guard against corruption and the scope of Proposal 2 is overly broad in who it affects and which offices and committees to which impacted utilities cannot donate.

Constitutional Analysis of Proposed Campaign Contribution Prohibitions

Proposal 2's restrictions on campaign contributions would likely face legal challenges if enacted. The U.S. Supreme Court's (SCOTUS) decisions over the last 50 years have viewed political spending as protected, First Amendment speech, and require any restrictions on that speech to clear a very high bar to be considered constitutionally valid.

The first step in any analysis is whether the restriction serves a compelling or sufficiently important governmental interest and the only interest that existing SCOTUS case law recognizes when it comes to the restriction of political spending is the prevention of corruption or the appearance of corruption. Specifically, the laws must target *quid pro quo* corruption and not just the possibility of general favoritism or the accumulation of outsized influence over the political process. If the court determines the law does sufficiently target *quid pro quo* corruption, it must still be properly crafted so as to not restrict more free speech than is necessary. In summation, laws in this vein are only allowed for one purpose, and even if they serve that purpose they must be written in a specific way to minimize the impact on the First Amendment rights of those affected.[13]

SCOTUS decisions have delineated political spending into two categories – expenditures and contributions – and treat laws restricting speech in each category differently. In the realm of political expenditures, SCOTUS has essentially ruled that independent political expenditures (i.e. those not coordinated with a candidate) do not create a risk of *quid pro quo* corruption and so any limitations on independent expenditures are very likely to be unconstitutional.[14] Even in a scenario where a *quid pro quo* line could be drawn to independent expenditures, SCOTUS would subject the law to a "strict scrutiny" standard because it considers expenditures as the direct speech of the individual or entity making the expenditure. In addition to passing the compelling governmental interest threshold, laws restricting independent expenditures must be drafted in the "least restrictive means" of accomplishing the goal.[d]

SCOTUS case law treats political contributions – the subject of Proposal 2 – slightly differently, applying what it calls "closely drawn scrutiny."[15] Under this standard, the only valid governmental interest SCOTUS recognizes for restricting political contributions is the prevention of *quid pro quo* corruption, or the appearance thereof. SCOTUS decisions have made clear that the court does believe contributions can lead to *quid pro quo* corruption in a way that expenditures cannot.[16]

d Even in the context of coordinated expenditures, SCOTUS has recently ruled that restrictions on coordinated expenditures between candidates and political parties are unconstitutional because there are other, less restrictive means to prevent the circumvention of contribution limits. See *National Republican Senatorial Committee v. Federal Election Commission (2026).*

In this vein, SCOTUS has allowed some limitations on political contributions. That said, this is not an easy thing to demonstrate. Again, targeting the possibility of general favoritism and influence is not a sufficient justification according to SCOTUS. The law must target actual *quid pro quo* corruption, which the court articulates as a direct exchange of an official act for money in which elected officials are "influenced to act contrary to their obligations of office by the prospect of financial gain to themselves or infusions of money into their campaigns."[17]

For instance, SCOTUS does allow for caps on donations to individual candidates per person per election cycle because allowing unlimited donations to a single candidate from a single individual or entity might allow for the corrupt exchange of actual favors,[18] but it has ruled against caps that are too low because the donation amount has to be sufficiently large to create a risk of corruption.[19] It has also invalidated caps on an individual's aggregate donations across candidates.[20] Under previous decisions, SCOTUS had ruled aggregate limits were permissible because they could be used to funnel money to a single candidate. However, in recent years, SCOTUS has overturned that decision and said aggregate caps are too restrictive of a remedy to achieve that goal.

In total, laws restricting campaign contributions have to address a sufficiently important governmental interest (preventing *quid pro quo* corruption is the only acceptable interest) and they have to be narrowly tailored to achieve that goal. This is a less demanding analysis than restrictions on expenditures, but still a significant hurdle.

Application to Government Contractor Contribution Ban

Many states and the federal government have restrictions on campaign contributions made by government contractors.[21] SCOTUS has never ruled directly on contribution restrictions for government contractors, but the U.S. Circuit Court of Appeals for the District of Columbia (DC Circuit) upheld a federal ban on contractor contributions in 2015 and SCOTUS denied further appeals.[22]

The DC Circuit held that the federal ban meets the governmental interest of preventing *quid pro quo* corruption and that the federal law at issue in the case was closely drawn enough to pass muster. In other words, the DC Circuit has ruled that the federal contractor ban that is analogous to Proposal 2's contractor ban is constitutional under existing SCOTUS precedent. The fact that SCOTUS denied hearing an appeal on the case indicates the court, as it was constituted in 2016, agreed with the DC Circuit's analysis.

However, reasons exist to suggest Proposal 2's contractor ban still could be invalidated, at least in part. The first consideration is that Michigan falls under the U.S. Sixth Circuit Court of Appeals,[e] so the decision in the DC Circuit is not binding on the judges who would hear any initial challenges and those judges might have differing opinions on whether a contractor contribution ban is constitutional under the broader Supreme Court jurisprudence described above. Judges who hear a potential challenge on the provisions of Proposal 2 may not agree with the manner in which the DC Circuit analyzed the constitutional principles at play or they could find that the initiative's provisions are more extensive than the federal law in question and invalidate some or all of the law for failing the narrowly tailored aspect of the analysis.

The second consideration is that the makeup of the U.S. Supreme Court has changed since 2016 (three new justices have taken the bench since cert was denied in *Wagner*) and a new challenge to this type of ban could be something that the current SCOTUS wants to address, either in its application or through change in the precedent under which these cases are decided. Specifically, SCOTUS could decide to invalidate Proposal 2 because the current justices do not agree with the application of its precedent in the DC Circuit case (i.e., it does not believe contractor bans address a clear *quid pro quo* risk) or because the current justices want to change the underlying precedent to require contribution restrictions to clear a higher bar (i.e., this court wants to require strict scrutiny instead, as was argued by *Wagner* plaintiffs).

SCOTUS could also, like lower courts, maintain the same principles and continue to agree with the underlying analysis of the DC Circuit, but it could find that the initiative is not narrowly tailored enough to be constitutionally valid.

Finally, a court might find a flaw in the particular language outside of the core principles of campaign finance cases, such as some aspect of the law being overly broad or unconstitutionally vague.

A strong case exists that a *quid pro quo* line can be drawn between campaign contributions and the receipt of a state (or local) contract, as the DC Circuit Court found:

> There is nothing novel or implausible about the notion that contractors may make political contributions as a quid pro quo for government contracts, that officials may steer government contracts in return for such contributions, and that the making of contributions and the awarding of contracts to contributors fosters the appearance of such quid pro quo corruption. Nor is there anything novel or implausible about the idea that contractors may be coerced to make contributions to play in that game,

e The Sixth Circuit has upheld a Kentucky law that bans lobbyists and PACs from giving gifts and contributing to legislators *during* the few month window when the Kentucky General Assembly is in session. The court agreed that law, which was enacted in response to a corruption scandal, did prevent *quid pro quo* corruption because it was preventing the appearance of a direct exchange of votes for gifts/contributions. See *Schickel v. Dilger* (2019).

> or that more qualified contractors may decline to play at all if the game is rigged.[23]
>
> First, the contracting context greatly sharpens the risk of corruption and its appearance. Unlike the corruption risk when a contribution is made by a member of the general public, in the case of contracting there is a very specific quo for which the contribution may serve as the quid: the grant or retention of the contract.[24]

If many firms are seeking to receive a valuable contract from the government, it is imaginable that elected officials could direct the contract to those who have made or who promise to make contributions to their campaigns over those who have not. In this framework, the contractor is receiving a benefit due to a specific governmental action that may have been granted in exchange for the contribution. In this situation, the government is acting as a market participant and choosing to spend money on goods and services, meaning the risk that it could grant a specific benefit to a specific entity is higher than in the ordinary course of elected officials' work. It is possible federal judges in Michigan, and the Sixth Circuit could disagree with how the DC Circuit viewed this, but the reasoning for how the courts could find a sufficiently important interest is clear and has been articulated in other jurisdictions.

Certainly, SCOTUS could use this initiative as a vehicle to say the risk of *quid pro quo* corruption for government contractors is not high enough to warrant any restriction of speech or increase the level of scrutiny in general, but the more likely avenue for invalidation flows through how narrowly tailored the provisions are to achieving this interest.

As noted above, the scope of the individuals and entities whose donations are being limited is quite broad and donations are limited to a wide range of officials (not just ones with direct authority over the contract). Proposal 2 is written in a way that the spouse of a member of the board of directors of a firm that has a government contract could not make a personal contribution to a political action committee in any amount if that committee gives money to any state elective office candidates. Even if the courts agree that the core purpose of the restriction is valid, they may still find that this particular version of a contractor contribution ban restricts more speech than is necessary to achieve the valid goal of preventing *quid pro quo* corruption in the contracting process.[f]

Application to Utility Contribution Prohibition

Relative to the proposed government contractor contribution ban, the analysis related to regulated utilities is more complicated, as the direct *quid pro quo* is harder to articulate. SCOTUS case law has been clear that being generally favorable to a contributor's interests is not the same thing as a *quid*

f In contrast to Proposal 2, Michigan's law on public employee retirement system investing prohibits contributions of more than $350 for certain individuals seeking to become service providers, but the restriction only applies to donations made to people with direct authority over hiring the provider. See Public Act 314 of 1965.

pro quo. SCOTUS permits individuals and entities to attempt to shape the governing process through the election of its preferred candidates, it only allows restrictions on speech if a nexus to *quid pro quo* corruption is present.

The underlying dynamic for utilities is different from contractors, as their primary method of "benefitting" from governmental action is through regulatory decisions in rate cases and other kinds of rulemaking. Certainly, utilities and their principals can benefit financially from actions taken by the Michigan Public Service Commission, but those benefits are tied to the underlying regulatory judgement of the commissioners. To establish a *quid pro quo*, there must be an articulation of how campaign contributions could be exchanged for a benefit to the donor, above and beyond general favoritism and support of the donor's interests. It would seem that "broadly favorable views towards utilities that lead to more deference to their filings in rate cases" does not rise to the level of *quid pro quo*, but that is an untested argument in court.

Typically, industry specific limitations have been tied to a history of corrupt practices, such as gambling and liquor industries that have historical ties to criminal organizations and bribery. When opining on a campaign contribution ban[25] that applied to casino licensees in Michigan in the 1990s, Attorney General Frank Kelley drew on the gambling industry's historic connection to organized crime to hold the underlying logic valid (the law was repealed in 2019).[26] Extending the logic to industries simply because they can benefit from regulatory action would be a novel application.

The Research Council found only two states that have a utility-specific contribution restriction. Alabama and Georgia both have restrictions that prohibit the corporate entity itself from contributing to the elected public utility commissioners (and their campaigns), but neither state prohibits the use of PAC contributions or restricts the donations of affiliated people in their individual capacity, or restricts contributions to any other offices from the utility. Both states permit contributions from corporate treasuries in general.[27]

Restriction on the Use of Ratepayer Money to Influence Politics

Other states have pursued laws that ensure regulated utilities cannot use ratepayer money to conduct lobbying or make political contributions. In other words, states have regulated whether utilities can treat the cost of influencing politics as part of their operating costs which can be recovered in a utility rate case.[28]

This is a completely separate legal framework from what Proposal 2 would do. Proposal 2 would restrict utilities from using any money earned from other parts of their business or any personal funds of their principals to contribute to candidates and committees at all.

Some argue that a regulated monopoly's special status – that their profits are directly shaped by a specific rate case rather than indirectly though broad laws – makes the risk of *quid pro quo* higher because they could make more money via less stringent regulatory actions. The logic of that argument, however, cuts in both directions. Utilities are also vulnerable to their profit interests being restricted by the government because they can only earn what they are permitted to earn by regulators. It could be argued that the direct profit regulatory situation they face means that they have a stronger need for political speech and the ability to influence their government because their well-being is controlled by sovereign governments. Existing precedent does not recognize a *quid pro quo* risk to an industry simply because it is highly regulated and its profits are highly influenced by regulatory action, so defending the law would require articulating the specific manner in which *quid pro quo* corruption is at risk for utilities.

Even if courts ultimately agree a *quid pro quo* corruption link is possible in the utility sector and the sufficiently important interest test is passed, the question of whether the law is closely drawn enough would still need to be addressed. Similar to the contractor ban question, the scope of the application in terms of whose contributions are restricted and to which candidates are included in the initiative would be significant points of contention. Proposal 2 architects crafted the contribution restriction language very broadly, likely by design, to avoid circumvention. Proposal 2 attempts to clip any possible branches by which a utility or its principals could funnel money to candidates for office, but it is that broad scope that makes it vulnerable to legal challenge. Even assuming SCOTUS does not change its existing level of scrutiny and finds that utilities are a particular risk for *quid pro quo* corruption, the initiative could still only restrict speech in a narrowly tailored way.

For instance, in the same opinion discussed above, Attorney General Kelley opined that the ban could not apply to family members of licensee's because it was too restrictive of speech and failed the tests established by SCOTUS.[29] This is noteworthy because this opinion was issued before a series of 21st century SCOTUS cases that shifted precedent to make it even harder to restrict campaign contributions than the established precedent at the time Attorney General Kelley was writing. Even if the courts ultimately determine the underlying justification for the initiative is constitutionally sound, existing precedent suggests the scope of applicability would be narrowed.

Impact of Invalidation

Proposal 2 contains a severability clause, so the possibility of contractor/utility contribution bans being invalidated would not impact the provisions dealing with issue ad disclosure or other reporting changes (assuming they go unchallenged), but it is not clear whether a court that wanted to invalidate some or all of one or both of the contribution bans would enjoin the entire section or just the offending part (i.e., the scope of the people affected by the ban).

Ultimately, it is very likely that portions of the initiative will face legal challenges, but the outcome of those challenges would not be easy to predict. Proposal 2's contribution restrictions could be upheld, or courts could rule against it in two different ways – either by saying that governmental interest is insufficient to support a ban or that the specific implementation of the ban is not closely drawn enough to a valid governmental interest.

Conclusion

Proposal 2 would make multiple changes to Michigan's campaign finance law that address different concerns about the influence of money in politics in the state. Voters will be asked to accept or reject the entirety of the proposal, meaning they must weigh the overall merits of the initiative and not its individual parts. While much of the discussion around Proposal 2 has been focused on the larger questions of money in politics, the provisions of the initiative are limited to a couple of specific issues.

Part of Proposal 2 is aimed at modernizing and expanding disclosure requirements around campaign ads. The initiative would require "paid for" disclosures on online ads and would mandate spending disclosures on "issue ads" that are, for all intents and purposes, campaign ads, including shining a light on the donors for some groups that have been able to keep that information secret to date.

The other part of Proposal 2 is aimed at banning campaign contributions from government contractors and regulated utilities. These provisions, which will likely face legal challenges, are aimed at reducing the influence of certain entities on the political process in the hope of improving the operation of government.

Endnotes

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4 Citizens United v. Federal Elections Commission (2010).
5 See MCL 169.252, MCL 169.252a, MCL 169.269, and "Contribution Limits." Secretary of State. Accessed September 9, 2026.
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7 Michigan Campaign Finance Act, 1976 PA 388, MCL 169.201 *et seq*.
8 See MCL 169.247.
9 Robinson, T.S. 2023. "When Do Voters Respond to Campaign Finance Disclosure? Evidence from Multiple Election Types." Polit Behavior 45, 1309–1332.
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13 See Buckley v. Valeo (1976); Citizens United v. Federal Elections Commission (2010); and McCutcheon v. Federal Elections Commission (2014).
14 See Buckley v. Valeo (1976) and Citizens United v. Federal Elections Commission (2010).
15 See Buckley v. Valeo (1976).
16 See Buckley v. Valeo (1976) and McCutcheon v. Federal Elections Commission (2014).
17 See Federal Election Commission v. National Conservative Political Action Committee (1985).
18 See Buckley v. Valeo (1976).
19 See Randall v. Sorrell (2006).
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21 See Wagner, et. al v. Federal Elections Commission (2015) and Reed, Melanie. "Regulating Political Contributions by State Contractors: The First Amendment and State Pay-to-Play Legislation." William Mitchell Law Review, Vol. 34, No. 2, 2007-2008.
22 See Wagner, et. al v. Federal Elections Commission (2015) and U.S. Supreme Court Order List, January 19, 2016, as "Miller, Jan v. FEC.
23 See Wagner, et. al v. Federal Elections Commission (2015), Page 36.
24 See Wagner, et. al v. Federal Elections Commission (2015), Page 39.
25 See 1996 IL 1, specifically MCL 432.207b.
26 "Opinion No. 7002." Report of the Attorney General. December 17, 1998; See 2019 PA 158 for repeal.
27 See AL 17-5-14 and GA 21-5-30.
28 "Tracking State Legislation to Get Politics Out of Utility Bills." Energy and Policy Institute. May 30, 2025.
29 "Opinion No. 7002." Report of the Attorney General. December 17, 1998.