

**In the
Supreme Court of the United States**

AMERICANS FOR PROSPERITY FOUNDATION, *ET AL.*,

Applicants,

v.

ANTHONY ALBENCE, *ET AL.*,

Respondents.

**To the Honorable Samuel A. Alito, Jr., Associate Justice of the United
States Supreme Court and Circuit Justice for the Third Circuit**

**RESPONDENTS' OPPOSITION TO EMERGENCY APPLICATION FOR
WRIT OF INJUNCTION PENDING CERTIORARI**

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INTRODUCTION

In 2015, the “electioneering communications” disclosure provisions of the Delaware Elections Disclosure Act (the “Act”) challenged here were upheld in *Delaware Strong Families v. Attorney General of Delaware*, 793 F.3d 304 (3d Cir. 2015) (“*DSF*”). There, the Third Circuit reviewed the Act under exacting scrutiny and looked carefully at the tailoring of its reporting requirements, including its monetary thresholds, the media it covers, and the scope of donor disclosure it requires. *Id.* at 310-12. The Court of Appeals ultimately found that the Act was “narrowly tailored and not impermissibly broad.” *Id.* at 306.

Applicants Americans for Prosperity Foundation (“AFPF”) and Americans for Prosperity (“AFP”) have devoted much of their lawsuit below to arguing that courts should ignore basic principles of *stare decisis* to abandon this governing precedent. Their chief argument is that *DSF* had been “superseded” by *Americans for Prosperity Foundation v. Bonta*, 594 U.S. 595 (2021), because *Bonta* supposedly altered the applicable standard of review. See Appellants’ Br. at 3-4, *AFPF v. Albence*, No. 26-2469 (3d Cir. Jul. 15, 2026), Dkt. 15 (“Appellants’ C.A. Br.”). But *DSF* is entirely consistent with *Bonta*. *DSF* applied exacting scrutiny and narrow tailoring when it reviewed the Act, just as *Bonta* later did when examining a different disclosure law.

Accordingly, the district court below found that *DSF* was not “obviously in conflict” with *Bonta*, Opp’n App.22a,¹ remained binding precedent, and compelled the conclusion that applicants had “failed to demonstrate any likelihood of success in

¹ Filed with this Opposition is a supplemental appendix (“Opp’n App.”).

winning a facial challenge to the constitutionality of the Act,” Opp’n App.23a. Chiefly on this ground, the lower court denied applicants’ motion for preliminary injunction. The Third Circuit affirmed, noting that any reconsideration of *DSF* would likely require “our entire Court sitting en banc.” Opp’n App.9a.

Applicants now seek the extraordinary remedy of an emergency injunction barring enforcement of the Act pending their petition for certiorari—just weeks before the 2026 general election. At no point in this litigation, however, have applicants requested en banc review of their case by the Third Circuit—the necessary step under appellate rules if they indeed wish the Court of Appeals to reconsider its holding in *DSF*. See Policy of Avoiding Intra-circuit Conflict of Precedent, Internal Operating Procedures (“IOP”) of the U.S. Court of Appeals for the Third Circuit § 9.1 (Jan. 6, 2023) (“[T]he holding of a panel in a precedential opinion is binding on subsequent panels”). See also IOP § 9.2 (allowing initial hearings en banc).

Applicants instead attempt to leapfrog this step and brief the constitutionality of the Act here—in the nation’s highest court—in the first instance. And this extraordinary request follows their failure to create a sufficient “factual record to flesh out their likelihood of success and the injuries they fear,” Opp’n App.3a, which has prevented the lower courts from even attempting to assess the constitutionality of the law *de novo*, assuming *arguendo* that *DSF* does not control.

Applicants cannot satisfy the rigorous standard governing a request for an emergency injunction from this Court, which “‘demands a significantly higher justification’ than a request for a stay.” *Respect Me. PAC v. McKee*, 562 U.S. 996

(2010) (mem.). Certainly, they offer no excuse for their resort to emergency relief except to complain that they are now in the 60-day pre-election window in which the Act requires spenders to disclose information about the financing of their electioneering communications. But applicants brought their case a scant five months before the disclosure window for the general election commenced—despite relying on *Bonta*, decided *five years* ago. Moreover, applicants seek a preliminary injunction that requires overturning Circuit precedent. It was not only predictable, but nearly inevitable, that an attempt to overturn that precedent would require more than five months. Any purported “emergency” here is entirely of applicants’ own making.

Finally, even if this Court were inclined to consider the constitutionality of the Act in the first instance here, applicants’ arguments fail for the simple reason that they misunderstand the Act itself. Their principal objection to the Act’s tailoring is their belief that the Act requires covered spenders “to disclose *all* donors who gave up to four years before that election,” but this is wrong. AFPP Emergency Appl. for Writ of Inj. (“Appl.”) 5. Delaware allows groups to form either an unincorporated association to finance one-time electioneering communications or a political action committee (“PAC”) to carry out ongoing activity in Delaware. *See* 15 Del. C. § 8002(18). In either case, the spender need disclose only the donors to the association or PAC. This is not a difficult or impracticable option: it is the type of report that many nationwide groups with Delaware-specific political ads currently file in Delaware. Opp’n App.55a.

Applicants have virtually ignored this feature of the Act. Rather than acknowledge that these streamlined reporting options would tailor the donors reported to the communication, applicants attempt to shore up their constitutional claims by training their attention on different elements of the Act—for instance, its monetary thresholds—that have little relevance to their circumstances. AFP and AFPP are sophisticated groups with hundred-million-dollar budgets: they can easily tailor disclosure under the Act by forming an association to fund communications in Delaware. At the same time, the specific level of Delaware’s disclosure threshold has little relevance to them given that their spending budget greatly exceeds this level. In short, applicants attempt to redirect attention from provisions of the Act that limit the reporting requirements to elements that have no bearing on their disclosure obligations. This selective blindness does not cast doubt on the Act’s tailoring. It only underscores that the very premise of applicants’ challenge—*i.e.*, that Delaware requires plenary donor disclosure from groups funding electioneering communication—is faulty.

Because applicants fail to identify any error warranting this Court’s review—and the equitable considerations overwhelmingly favor leaving Delaware’s disclosure law in place for an election that is imminent—the application should be denied.

STATEMENT OF THE CASE

I. Delaware Elections Disclosure Act

A. Legislative History

In designing the Act, the Delaware Legislature looked to the enactment of the Bipartisan Campaign Reform Act of 2002 (“BCRA”), Pub. L. No. 107-155, 116 Stat.

81 (2002), for guidance. Prior to BCRA, federal campaign finance law, 52 U.S.C. § 30101, *et seq.*, had been narrowed by a series of court decisions to require disclosure of only those ads that “expressly advocate[d]” for or against candidates, an easily evaded standard that allowed the funders of most federal election-related advertising to remain secret. *See Buckley v. Valeo*, 424 U.S. 1, 41-43 (1976) (per curiam). *See also McConnell v. FEC*, 540 U.S. 93, 126 (2003) (noting that by avoiding express advocacy, organizations could spend hundreds of millions of dollars on “so-called issue ads . . . without disclosing the identity of, or any other information about, their sponsors”).

To address this lack of transparency, Congress “coin[ed] a new term, ‘electioneering communications,’ to replace the narrowing [express advocacy] construction of [federal] disclosure provisions.” *id.* at 189. BCRA then extended federal reporting and disclaimer requirements to cover this new category of spending. This Court upheld BCRA’s disclosure provisions on their face in *McConnell*, 540 U.S. at 196-97, and as applied in *Citizens United v. FEC*, 558 U.S. 310, 369 (2010). *See also Indep. Inst. v. FEC*, 216 F. Supp. 3d 176 (D.D.C. 2016) (three-judge court), *summarily aff’d*, 580 U.S. 1157 (2017) (mem.). In upholding BCRA, the Court necessarily approved its requirement that covered groups that use their general treasuries to fund electioneering communications disclose “the names and addresses of *all* contributors” over the monetary threshold. 52 U.S.C. § 30104(f)(2)(F) (emphasis added).² However, if a group creates a segregated bank account to pay for these

² Four years after *McConnell*, the Federal Election Commission (“FEC”) adopted a regulation permitting corporations and unions funding electioneering communications to disclose only those donors who contributed “for the purpose of

communications and spends only funds contributed “directly to this account,” BCRA allows the group to report only contributors to that account. *Id.* § 30104(f)(2)(E).

As was the case at the federal level, Delaware initially required disclosure only with respect to ads that “expressly advocate[d]” a candidate’s nomination or election. 15 Del. C. §§ 8002(10), 8030, 8031 (2012). Groups active in Delaware elections also avoided disclosure by simply crafting messages that avoided the “magic words” of express advocacy. *See* H.B. 300, 146th Gen. Assemb., pmbl. (Del. 2012) (noting concerns about “a proliferation of advertisements that [we]re . . . intended to influence elections, but [we]re not required to be reported under existing law”).

In 2013, Delaware’s Legislature decided to follow the federal model and extend existing Delaware disclosure requirements to cover “electioneering communications.” *See* 15 Del. C. §§ 8002(10), (27), 8031(a)(3). Guided by the analysis in *McConnell* and *Citizens United*, the Act defines covered “electioneering communications” by the same “easily understood and objectively determinable” criteria employed by BCRA, *McConnell*, 540 U.S. at 103. 15 Del. C. § 8002(10).

B. Delaware Strong Families

The Act was soon challenged by Delaware Strong Families (“DSF”) as overbroad and contrary to the First Amendment. The district court granted DSF’s motion for preliminary injunction, principally on grounds that the Act was insufficiently tailored because it reached “neutral communication[s]” and “neutral

furthering electioneering communications.” Electioneering Communications, 72 Fed. Reg. 72899 (Dec. 26, 2007). This limitation does not appear in the statute and was not considered in *McConnell*.

communicator[s].” *DSF v. Biden*, 34 F. Supp. 3d 381, 395 (D. Del. 2014). The court did not address the option to register an association to tailor donor disclosure, largely because DSF sought not to *limit* the scope of donor disclosure, but to invalidate any disclosure with respect to ads that were not the functional equivalent of express advocacy. *Id.* at 393-94.

Delaware appealed, and the Third Circuit reversed and upheld the Act. The Court of Appeals determined that exacting scrutiny applied and held that the governmental interest in “provid[ing] the electorate with information as to where political campaign money comes from” was “sufficiently important” to sustain a disclosure law. *DSF*, 793 F.3d at 309 (citation modified). It then analyzed whether the Act was both substantially related and “sufficiently tailored” to that interest. Recognizing that BCRA was a “federal statute comparable to the Act” that had been affirmed by the Supreme Court, *id.* at 308, the Court of Appeals carefully “compare[d] the respective disclosure requirements of BCRA and the Act to determine whether the Act survive[d] constitutional scrutiny,” *id.* Ultimately, *DSF* concluded that the Act was “narrowly tailored and not impermissibly broad.” *Id.* at 306.³

C. The Current Act

The Act has not changed materially since enactment. It requires specific disclosures from entities that spend more than \$500 on “third-party advertisement[s],” which could be either express advocacy or electioneering communications. 15 Del. C. § 8002(27). The Act’s definition of “electioneering

³ *DSF* filed a petition for certiorari in 2016, which this Court denied. *DSF v. Denn*, 136 S. Ct. 2376 (2016) (mem.).

communications” is modeled after BCRA’s definition of the same term, covering ads that: (1) “[r]efer[] to a clearly identified candidate;” (2) are “publicly distributed” within 30 days of a primary election or 60 days of a general election; and (3) are targeted “to an audience that includes members of the electorate for the office sought by such candidate.” *Id.* § 8002(10). The Act exempts several categories of speech from these disclosure requirements, including “membership communication[s],” communications relating to candidate debates or forums, and communications distributed by hand. *Id.* § 8002(7), (10)(b).

The Act provides that once an entity spends more than \$500 on covered communications, it must file a “third-party advertisement report” with the Commissioner of Elections. *Id.* § 8031(a). The report must list the names and addresses of those contributing more than \$100 to the entity that funded the third-party advertisement during the election period. *Id.* The report must also disclose any person owning more than a 50% interest in a disclosed contributor. *Id.*

The Act’s donor disclosure requirements respect donors’ and organizations’ choices of corporate form. The Act requires the entity that pays for electioneering communications to disclose only the donors to the entity; the Act does not require this entity to disclose donors of its affiliates or sponsoring entities. Opp’n App.55a-56a.⁴ Nor does the Act require advertisers to “trace back” donations to previous donors

⁴ Concerned that this option may reduce donor disclosure in some instances, Delaware’s General Assembly considered legislation this year to address the use of PACs and associations to finance electioneering communications, but ultimately did not pass this legislation in its 2026 session. Opp’n App.56a-57a.

“upstream” from the direct contributor to the advertiser. Thus, an organization may form a dedicated unincorporated association or a Delaware PAC for the limited purpose of funding one or more third-party advertisements in Delaware, 15 Del. C. § 8002(19). Opp’n App.54a-56a. Using this option permits the broader organization to disclose only the funds contributed to the dedicated association or PAC. When an organization uses this approach, general purpose donors to the larger parent organization generally do not need to be disclosed. This mechanism resembles the “segregated bank account” option of federal law, which permits groups that finance their federal electioneering communications exclusively through such an account to report only those donors who contribute to the account. 52 U.S.C. § 30104(f)(2)(E). Delaware simply uses alternative entities, rather than bank accounts, as the mechanism to tailor disclosure.

Most third-party advertisers in recent elections in Delaware were unincorporated associations or PACs financing electioneering communications for broader organizations. Opp’n App.55a. For example, when the ACLU, a nationwide organization, finances electioneering communications in Delaware, it does so through the American Civil Liberties Union of Delaware Action Fund. Disclosures related to the electioneering communications identify the donors to the dedicated action fund, rather than to the ACLU’s nationwide organization. Opp’n App.248a-261a.

The process for creating an association for third-party advertising consists of the online submission of a six-page form. Even if a group elects to form a PAC, this structure bears little resemblance to a federal “political committee,” 52 U.S.C. §

30101(4). A Delaware PAC is required to register with the Department of Elections and file regular disclosure reports, 15 Del. C. §§ 8005, 8030, but a PAC need not incorporate or register with Delaware’s Secretary of State. Unlike federal political committees, Delaware PACs are not required to operate formally; for instance, they need not maintain a separate bank account and may “terminate” at any time. *See* 52 U.S.C. §§ 30102, 30103. Unlike most federal political committees, Delaware PACs are not subject to limits on the contributions they receive. *Opp’n App.*56a. *See* 52 U.S.C. § 30116(a)(1)(C)-(D). Indeed, many Delaware PACs are formed and operated by individual Delawareans.

II. Procedural History

AFP and AFPPF initiated their action on April 17, 2026. They filed a motion for preliminary injunction on the same day, asking the district court to enjoin enforcement of the Act on its face, and as applied to AFP and AFPPF on grounds that their donors would likely face harassment if their identities were reported. The district court heard the motion on June 8, 2026, and denied applicants’ motion that day. The court held that applicants’ facial claim had been “previously addressed” and decided in *DSF*, *Opp’n App.*22a. The district court found that applicants’ as-applied claim was also unlikely to succeed because they had failed to “show[] a reasonable probability that disclosure of [their] donors’ names pursuant to the Delaware law will subject them to threats, harassments, or reprisals.” *Opp’n App.*24a-25a.

Applicants appealed and the Third Circuit affirmed the district court’s denial of preliminary injunction. It accepted the district court’s view that *DSF* controlled applicants’ facial challenge and also affirmed the lower court’s finding that applicants

had failed to offer sufficient—or any—evidence of potential donor harassment to support their as-applied challenge. Consequently, the panel expressed “little confidence” that applicants would succeed on the merits of their claims. Opp’n App.9a-10a. The Third Circuit held that applicants had also failed to establish the non-merits factors for preliminary relief, noting that applicants’ delay in initiating their action was the reason they had been unable to fully litigate their claims. Opp’n App.10a-13a. Even assuming *arguendo*, or “spotting,” applicants some chance of success on the merits, Opp’n App.12a, the Court affirmed that the balance of equities favored the state respondents.

STANDARD OF REVIEW

A stay pending disposition of a petition for writ of certiorari is an “extraordinary” remedy. *Williams v. Zbaraz*, 442 U.S. 1309, 1311 (1979) (Stevens, J., in chambers). An affirmative injunction is a yet more exceptional form of relief and “demands a significantly higher justification than a request for a stay.” *Respect Me. PAC*, 562 U.S. at 996. An injunction, “unlike a stay, . . . ‘does not simply suspend judicial alteration of the status quo but grants judicial intervention that has been withheld by lower courts.’” *Id.* (citation omitted).

To obtain an emergency injunction in a First Amendment case, an applicant must show that “their First Amendment claims are likely to prevail, that denying them relief would lead to irreparable injury, and that granting relief would not harm the public interest.” *See Roman Cath. Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 16 (2020). Further, a stay applicant must show that its claims are certworthy. *See Does 1-3 v. Mills*, 142 S. Ct. 17, 18 (2021) (Barrett, J., concurring in the denial of

application for injunctive relief) (mem.); *Labrador v. Poe*, 144 S. Ct. 921, 931 (2024) (Kavanaugh, J., concurring in the grant of stay) (mem.) (“[T]he Court can and should take care to focus on certworthiness when considering emergency applications.”).

ARGUMENT

I. The Claims Asserted by this Application Are Not Properly Before This Court.

Although applicants purport to seek review of the denial of their motion for preliminary injunction, they ask this Court to consider merits issues that were not reached by the district court or Third Circuit in the preliminary proceedings below.

The district court, affirmed by the Third Circuit, ruled that applicants were unlikely to succeed on the merits of their facial challenge because binding precedent had upheld the Act. Opp’n App.22a-23a. Given the *DSF* precedent, the district court had no authority to review the constitutionality of Act *de novo*, and in any event, applicants failed to compile the evidentiary record below necessary for such review, as noted by the Third Circuit. Opp’n App.3a-4a. Thus, after affirming that *DSF* remained controlling after *Bonta*, both lower courts correctly declined to rule on applicants’ underlying First Amendment arguments, refusing to issue what would effectively be an impermissible advisory opinion on an “underdeveloped” record. Opp’n App.9a.

Nonetheless, applicants argue at length that “[t]he Act [v]iolates the First Amendment” in their application and request an emergency injunction on that basis. Appl. 13-19. Applicants thus do not ask this Court to review an error committed by the lower courts, but rather, improperly ask that this Court act as a court of first

impression on the merits of a constitutional claim upon which the lower courts never ruled. This, however, is a Court “of review, not of first view.” *Cutter v. Wilkinson*, 544 U.S. 709, 718 n.7 (2005); *see also* *Glacier Nw., Inc. v. Int’l Bhd. of Teamsters Loc. Union No. 174*, 598 U.S. 771, 784 n.3 (2023). The dispositive merits rulings below rested solely on the application of binding precedent, so the only operative question of law properly before this Court is whether the lower courts abused their discretion in denying the motion for preliminary injunction on that basis.

And even with respect to the question of whether *DSF* remained binding, the proper course would have been for applicants to petition the Third Circuit for en banc rehearing of *DSF*, as the panel all but recommended they do. Opp’n App.9a. Applicants did not heed this advice. Instead, they ask this Court to reconsider Third Circuit precedent before the full Court of Appeals itself has an opportunity to do so.

Indeed, so rushed is this application that applicants have disobeyed this Court’s rules by failing to first request an injunction from the Third Circuit with respect to the challenged ruling. Sup. Ct. R. 23(3) (“Except in the most extraordinary circumstances, an application for a stay will not be entertained unless the relief requested was first sought in the appropriate court or courts below or from a judge or judges thereof.”). Nor do applicants attempt to explain any “extraordinary circumstances” that prevented them from doing so—because there are none. This Court should neither endorse this shortcut, nor entertain applicants’ request to rule as a court of “first view” on their First Amendment claims, prior to the district court

and full Court of Appeals below, and on a record that wholly lacks the evidence and findings of fact necessary for this review. *See Cutter*, 544 U.S. at 719 n.7.

II. Applicants Have Not Shown Any Grounds for a Grant of Certiorari or a Reversal of the Decisions Below.

An applicant for an emergency injunction bears the burden of satisfying each stay factor, *Nken v. Holder*, 556 U.S. 418, 433-34 (2009), in an “indisputably clear” showing, *S. Bay United Pentecostal Church v. Newsom*, 590 U.S. 965, 966 (2020) (Roberts, J., concurring) (mem.). Here, applicants fail to establish a single factor.

In most respects, the Third Circuit’s analysis of these factors in connection with applicants’ motion for preliminary injunction holds true with respect to the analysis of their instant application for an emergency injunction. As the Third Circuit ruled, applicants failed to show a likelihood of success on the merits of their facial or as-applied claims; failed to show irreparable injury; and failed to show that the balance of equities resolved in their favor. So too do applicants fail to show any of these factors here. Indeed, if there is any change in this analysis now, it further cuts against their application: the general election draws ever closer and the 60-day pre-election window for disclosure commenced three weeks ago.

A. Applicants Are Unlikely to Succeed on the Merits of Their Claims.

1. The lower courts correctly found that *Delaware Strong Families* controls the merits of applicants’ facial challenge.

As applicants acknowledge, the district court “deemed itself unable to rule that [*DSF* was] superseded” by *Bonta*, Appl. 10, and consequently ruled that *DSF* precluded applicants from showing “any likelihood of success in winning a facial

challenge” to the Act. Opp’n App.23a. The Third Circuit affirmed. Opp’n App.8a-9a.

Applicants do not so much contend that the Third Circuit was wrong to affirm this holding as complain that the Third Circuit did not address the “ongoing vitality of *DSF*.” Appl. 10. Applicants go so far as to claim that the Third Circuit in fact affirmatively “held that it need not determine likelihood of success on the First Amendment question.” *Id.* at 2. But this characterization of the Third Circuit’s ruling cannot be reconciled with the plain text of the opinion. The panel assessed whether the Supreme Court in *Bonta* had overruled *DSF*, and, after noting that *Bonta* was not “an election case,” Opp’n App.8a, and thus did not consider the governmental interest in an informed electorate, it declined to find any clear conflict between the two decisions, *id.* at 7a-8a. The panel was thus bound by *DSF*, and noted that “the entire Court sitting en banc” instead may have to “grapple with whether to revisit *Delaware Strong Families*.” Opp’n App.9a. This *was* the panel’s merits ruling.⁵

And the affirmation that *DSF* remained binding was clearly the correct decision for the panel to reach. Under principles of *stare decisis* and appellate rules, *see* IOP § 9.1, *DSF* remains controlling on a Third Circuit panel unless it is “obviously in conflict with Supreme Court precedent.” *Rubin v. Buckman*, 727 F.2d 71, 74 (3d Cir. 1984) (Garth, J., concurring). *See also United States v. Wolfe*, 767 F. App’x 390, 391 (3d Cir. 2019) (noting that where a Circuit precedent “has not been overruled by

⁵ As the Court of Appeals noted, even if it attempted to consider the case, in the alternative, as if *DSF* did not control, the merits of applicants’ First Amendment claims remained “hazy.” Opp’n App.8a. The only plausible way to read this statement is as a ruling that applicants did not meet their burden to show a likelihood of success.

this Court en banc, or overruled or rejected by the Supreme Court, it binds [the] panel”). Only en banc can the Third Circuit reconsider past decisions in the absence of explicit conflict with intervening Supreme Court precedent.

a. *Delaware Strong Families* is consistent with *Bonta*.

Applicants declare *DSF* “obsolete,” after *Bonta*, Appl. 2, but they identify no conflict between the two decisions. Indeed, applicants below were forced to concede that there was no *explicit* disagreement between the decisions because *DSF* expressly considered whether the Act is “narrowly tailored” as *Bonta* instructs. *See* Appellants’ C.A. Br. 33 n.4 (quoting *DSF*, 793 F.3d at 306). Applicants’ argument instead rested on the claim that *DSF*’s explicit holding notwithstanding, the Third Circuit’s analysis there “in *function*” did not include “the features [*Bonta*] demands of the narrow tailoring inquiry.” *Id.* (emphasis added). But supposition about *implicit* tension between a Supreme Court holding and Circuit precedent cannot vitiate the binding effect of the latter without rendering *stare decisis* a nullity.

Further, there is not even any implicit tension between *Bonta* and *DSF* because *Bonta* reaffirmed that exacting scrutiny is the correct standard of review.

In *Bonta*, this Court considered a California reporting law that required charities active in the state to submit tax documents and donor information to the state attorney general, on a confidential basis, to aid the state’s oversight of nonprofit entities. 594 U.S. at 601-02. The California law thus did not involve elections, nor the public disclosure of campaign-finance information—and thus implicated no First Amendment interest in an informed electorate.

In challenging California’s reporting law, the plaintiffs in *Bonta* had urged this

Court to apply strict scrutiny, distinguishing, for the purpose of their argument, campaign-finance laws like Delaware’s that received exacting scrutiny. This Court declined to create the two-tier system of review that the plaintiffs requested. Instead, drawing upon precedents like *Buckley* and *Citizens United*, it reaffirmed that the exacting scrutiny it applied in those campaign-finance cases was the appropriate standard for *all* types of donor-disclosure laws. *Id.* at 608 (citing *Buckley*, 424 U.S. at 64-68; *Citizens United*, 558 U.S. at 366-367; *Davis v. FEC*, 554 U.S. 724, 744 (2008)). In the alternative, the *Bonta* plaintiffs had urged this Court to incorporate a “least restrictive means test” into exacting scrutiny. *Id.* at 608. The Court rejected this request as well, explaining that that exacting scrutiny requires “disclosure regimes” to be “narrowly tailored to the government’s asserted interest,” but not “the least restrictive means of achieving their ends.” *Id.*

Despite *Bonta*’s reaffirmation of exacting scrutiny, applicants claim that the decision superseded *DSF* because *Bonta* implicitly heightened exacting scrutiny by stating that it requires an analysis of narrow tailoring. Appl. 16-18. But *Bonta* never suggested that it was *changing* exacting scrutiny. To the contrary, the plurality opinion made clear that the “need for narrow tailoring” in exacting scrutiny review was present throughout its precedents, both “early in [its] compelled disclosure cases” and in “more recent decisions.” 594 U.S. at 608-09. And the plurality expressly rejected the dissent’s position that earlier political disclosure cases like *John Doe No. 1 v. Reed*, 561 U.S. 186 (2010), had employed a standard that required only a “modest level of tailoring.” 594 U.S. at 611 (citation omitted). Instead, the Court explained

that cases like *Reed* had in fact narrowly reviewed tailoring, and had upheld disclosure “only after [it] concluded that various narrower alternatives proposed by the plaintiffs were inadequate.” *Id.*

Consistent with the later *Bonta* decision, *DSF* had expressly considered whether the Act was “narrowly tailored and not impermissibly broad,” 793 F.3d at 306, citing *Buckley and Citizens United* as the basis for the standard it applied, *id.* at 309. As the district court here highlighted, *DSF* specifically reviewed “the Act’s monetary thresholds, the types of media covered, the length of the statutory ‘election period,’ and the lack of so-called earmarking provisions,” Opp’n App.22a-23a, assessing the degree to which each of these features was necessary to achieve the government’s informational interest, *DSF*, 793 F.3d at 310-12.

DSF also considered the Act’s requirements in light of any less intrusive alternatives, which applicants below designated as the hallmark of narrow tailoring review. Appellants’ C.A. Br. 20. The Third Circuit made a point-by-point comparison of Delaware’s disclosure requirements to the sometimes “less restrictive” federal model. The Court noted each feature of the Act that departed from BCRA, *DSF*, 793 F.3d at 310-11, and considered at length whether the record justified Delaware’s choice of different criteria for disclosure, *id.* For instance, the Third Circuit reasoned that Delaware’s lower thresholds for reporting were justified in light of the lower costs of state campaigns, which tended to rely on inexpensive media, such as direct mail, *id.* at 310-11, not television, given that there was no major-network television market serving Delaware, *id.* at 311.

With little to critique in the *DSF* opinion itself, applicants instead turn to dicta in a Tenth Circuit decision, *Wyo. Gun Owners v. Gray*, 83 F.4th 1224 (10th Cir. 2023), to attack *DSF*'s tailoring analysis. See Appl. 16 (claiming that *DSF* was a “a relic of pre-*[Bonta]* exacting scrutiny”) (quoting *Gray*, 83 F.4th at 1249)). The Tenth Circuit's criticism rests on a faulty understanding of both *DSF*, which in fact analyzed the Act for narrow tailoring, and the Act, which provides a streamlined reporting option in lieu of full donor disclosure, *see supra* at 9-10.

Applicants proclaim nonetheless that this passage in *Gray* creates “as stark a circuit split as there could be.” Appl. 17. But a few lines of criticism in dicta does not a circuit split make. Even if the Tenth Circuit's mention of *DSF* were integral to its holding in *Gray*, there is no divergence between the circuits on any significant legal issue: both Circuits applied exacting scrutiny to the disclosure laws in question and both conducted a narrow tailoring review. Even assuming these two courts differed slightly in how they applied the same standard of scrutiny, minor variations in the “[a]pplication of a properly stated rule of law” does not constitute a legal conflict, nor is it adequate grounds for a grant of certiorari. Sup. Ct. R. 10.

And there are not even minor variations across the circuits in the application of exacting scrutiny. Two years after *Gray*, the Tenth Circuit upheld a New Mexico disclosure law that required groups financing electioneering communications through their general treasury to provide near plenary donor disclosure. *Rio Grande Found. v. Oliver*, 154 F.4th 1213 (10th Cir. 2025); *see also* N.M. Stat. §§ 1-19-26(Q), 1-19-27.3(D). The majority opinion rejected the dissent's argument that the law was

not sufficiently tailored because it lacked an earmarking requirement and other narrowing features, *Oliver*, 154 F.4th at 35, noting that under *Bonta* the donor reporting requirement need not be “the least restrictive means of achieving [New Mexico’s] ends,” 154 F.4th at 1228.

In short, *DSF* conducted the narrow tailoring review prescribed by *Bonta* and established in this Court’s earlier campaign-finance precedents. Applicants identify no reason why this Court should reverse the lower courts’ judgment that *DSF* controls the merits of applicants’ facial claim.

b. The lower courts’ analysis of the merits appropriately stopped at *Delaware Strong Families*.

At base, it appears that applicants’ real grievance is not that the Third Circuit *refused* to decide likelihood of success on the merits, but that the merits decisions of both courts below focused on the question of whether *DSF* was binding—without a *de novo* consideration of whether the Act satisfies exacting scrutiny. Applicants insist that the “Third Circuit should have required Delaware to prove its law tailored,” Appl. 3, but this would not be the proper course of appellate review. A district court has no authority to consider a settled issue of law *de novo* where controlling precedent directly applies; so too is the Third Circuit bound by an earlier panel decision unless it has been overruled by an intervening Supreme Court ruling.

And it is even more improper for applicants to ask *this* Court to decide the Act’s facial constitutionality in the first instance now. *See supra* Part I. Given that the lower courts’ focus was the applicability of *DSF*, these questions were neither squarely presented, nor fully briefed below—and, as the Third Circuit found, the

record compiled by applicants was so “underdeveloped” that it did not support meaningful review of “whether Delaware demands more disclosure than its interests justify.” Opp’n App.9a. To be sure, respondents believe that the Act also clears *de novo* review under *Bonta*, and that applicants’ facial claims lack merit and rest on a misunderstanding of the law, as explained in *infra* Part III. But the question decided by both the district court and the Third Circuit was not whether the Act was narrowly tailored to meet a sufficiently important governmental interest, but instead whether *DSF* controlled applicants’ facial challenge.

2. The Third Circuit correctly ruled that applicants were unlikely to succeed on the merits of their as-applied claim.

The district court, affirmed by the Third Circuit, was also correct to conclude that applicants were unlikely to succeed on their as-applied claim because the record was “insufficient” to demonstrate a reasonable probability that applicants’ “donors will be subjected to threats, harassments, or reprisals due to the Delaware statute.” Opp’n App.26a. *See also Citizens United*, 558 U.S. at 370; *Buckley*, 424 U.S. at 74. Applicants raise no grounds to question this ruling.

The “as-applied” exemption for harassment was designed to protect “dissident” viewpoints that would otherwise be removed from “the free circulation of ideas.” *Brown v. Socialist Workers ’74 Campaign Comm. (Ohio)*, 459 U.S. 87, 91, 93 (1982). Applicants failed to allege or show that their organizations and donors had suffered the kind of harassment or reprisals that warranted exemptions for the NAACP in the 1950’s, *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958), or the sixty-member Socialist Workers Party, *Brown*, 459 U.S. at 91. Indeed, far from meeting the

standard for a preliminary injunction, most of applicants' allegations of harm were so "generic, undated" and general, Opp'n App.9a, that they would not even survive a motion to dismiss. *See AFP v. Meyer*, 724 F. Supp. 3d 858, 879 (D. Ariz. 2024), *appeal docketed*, No. 24-2933 (9th Cir., argued May 15, 2025) (dismissing AFPF and AFP's claim for as-applied exemption from an Arizona disclosure law because it was "based on generic allegations regarding the treatment of their donors in unrelated matters").

And applicants' gravest failure, as the Third Circuit found, was that they did not "offer[] anything from *donors*," Opp'n App.10a (emphasis added)—*i.e.*, they alleged no harassment or adverse effects suffered by their *donors* because their identities were disclosed in a campaign finance report or similar disclosure. To the extent applicants mentioned a handful of specific incidents of harassment, almost all involved the experiences of AFPF or AFP's leadership and public-facing associates—and were occasioned by their public advocacy, not in response to information gleaned from disclosure reports filed with a government agency. Although a plaintiff "need not make voluminous allegations of possible harm, they must make some allegations that can plausibly be tied to [the disclosure law]," including a "factual basis for believing the disclosures required by the [law] will lead to 'threats, harassment, or reprisals.'" *Meyer*, 724 F. Supp. 3d at 879. These applicants wholly failed to do.

This omission is even more glaring because applicants operate an affiliated super PAC, Americans for Prosperity Action ("AFPA"), which took in \$180 million in receipts in 2023-24. Defs.' Opp'n to Mot. for Prelim. Inj. at 11, *AFPF v. Albence*, No. 1:26-cv-00445-JLH (D. Del. May 26, 2026), Dkt. 21 ("Defs. Opp'n") (citing AFPA

Financial Summary, <https://www.fec.gov/data/committee/C00687103/>). In the same period, the super PAC reported the names of more than two thousand donors. *Id.* Applicants made no allegation that any of these contributors has faced harassment from this disclosure.

Applicants insinuate that they “presented un rebutted evidence showing that they ‘and their supporters have been subject to bomb threats, protests, stalking, and physical violence’” but this is misleading because applicants are quoting from a *different* case—not referencing admissible evidence they offered below. Appl. 31 (quoting *Bonta*, 594 U.S. at 617). Applicants cannot excuse their failure to submit sufficient—or any—evidence of donor harassment *here*, by merely gesturing at unrelated cases elsewhere. Appl. 9. In any event, no case has granted either AFP or AFPP an as-applied exemption from disclosure based on donor harassment.⁶

Finally, although applicants insist that the Third Circuit panel did not consider the likelihood-of-success prong of the preliminary injunction standard, this assertion is plainly wrong with respect to the court’s review of the as-applied claim as well. The panel found that the allegations and evidence offered by applicants were insufficient, and “give us little confidence in the likelihood of success.” Opp’n App.10a.

⁶ Applicants cite an unpublished New Jersey decision, *AFP v. Grewal*, No. 3:19-cv-14228, 2019 WL 4855853, at *20 (D.N.J. Oct. 2, 2019), but the court there made no findings as to whether AFP merited an as-applied exemption from the law at issue. Appl. 9. And in *Bonta*, the district court’s grant of a preliminary injunction barring enforcement of California’s law as applied to AFPP was reversed by the Ninth Circuit, which found that AFPP had not shown a reasonable probability of harassment. *AFPP v. Harris*, 809 F.3d 536, 540-41 (9th Cir. 2015).

B. The Third Circuit was correct to hold that applicants failed to show irreparable harm.

The Third Circuit found that applicants “spen[t] little time showing irreparable harm” below, Opp’n App.11a, and they make same error here.

The principal “harm” applicants identify is their choice to refrain from running electioneering communications for fear of the plenary donor disclosure that they believe the Act requires in the 60-day pre-election reporting window. But the law does not require such disclosure. As the Court of Appeals noted, applicants “could create and fund a Delaware political-action committee or unincorporated association, limiting disclosure to donors who fund those Delaware-specific groups.” *Id.*

Applicants do not explain why they could not take advantage of this option. They speculate that “Applicant AFPF is organized under IRC § 501(c)(3) and thus cannot form a political action committee,” Appl. 19, yet this is not only wrong, but a non-sequitur. AFPF need not form a PAC; it can create an unincorporated association. Many similarly situated third-party spenders take this route in Delaware elections, and this undertaking requires only a single online form. Opp’n App.54a-55a. Applicants misstate tax law as well: a Section 501(c)(3) organization cannot create or fund a Section 527 “political organization,” because the latter tax status is reserved for entities that primarily influence the election or appointment of candidates to public office. 26 U.S.C. § 527. But there is no bar to AFPF forming a

“PAC” under Delaware law because such an entity need not be organized under Section 527, nor presumably, would it be devoted to political campaign intervention.⁷

Applicants’ ignorance of the streamlined reporting options under the Act—and their unfounded fears of plenary donor disclosure—cannot be the foundation of a claim of irreparable injury. It is possible, as the Third Circuit acknowledged, that applicants could develop a record showing that reporting as an association creates an “unconstitutional burden” on spenders and thereby does not sufficiently tailor the Act on its face. Opp’n App.11a-12a. But applicants have not done so. *Id.* Respondents disagree that this reporting option is burdensome and submitted evidence below demonstrating that the formation of an association or PAC was simple and widespread among third-party advertisers. Opp’n App.53a-56a. But regardless of what a fully developed record might show in the future, this option is undeniably available to applicants *now* if they in fact wish to run electioneering communications. If instead AFPF and AFP choose to embrace comprehensive donor disclosure in connection with their 2026 Delaware advocacy, any resulting “injury” would be entirely voluntary.

The “harm” applicants claim here is also due to their own delay in bringing suit. They were well aware of the *DSF* precedent and thus knew that they were not

⁷ AFPF’s tax status prohibits it from intervening in “political campaign[s],” 26 U.S.C. § 501(c)(3), and, as noted below, there is some question whether AFPF can fund its proposed electioneering communications in Delaware and remain compliant with its tax status. Defs. C.A. Opp’n 19-20. But this limit on AFPF’s activities arises from federal tax law, not from the Act, and certainly not from the option under the Act for third-party spenders to circumscribe their donor reporting by registering a PAC.

merely seeking to persuade a trial court to deem the Act unconstitutional in the first instance, but rather to convince the en banc Court of Appeals to reconsider standing precedent. Applicants made no attempt “to explain why they chose not to bring this suit earlier.” Opp’n App.12a. The Act has been in effect since 2013, and even insofar as the *Bonta* decision prompted applicants’ decision to sue, it was issued in 2021. This delay casts doubt on any claim that applicants are subject to an imminent risk of harm.

Finally, as the Third Circuit noted, instead of attempting to demonstrate actual injury, applicants largely “rely on the presumption that First Amendment harm is irreparable.” Opp’n App.11a. While this presumption may be correct in theory, the problem with applicants’ argument is that they have not shown a likelihood of success on the merits and thus have not established a likely First Amendment harm in the first place. The mere “*assertion* of First Amendment rights does not automatically require a finding of irreparable injury,” but rather, a plaintiff “must show ‘a chilling effect on free expression.’” *Hohe v. Casey*, 868 F.2d 69, 72-73 (3d Cir. 1989) (emphasis added). This appeal does not arise from a motion to dismiss, where plaintiffs’ allegations are assumed to be true and all inferences resolved in their favor. If the mere unsupported assertion of First Amendment injury was sufficient to show “irreparable harm,” this factor for preliminary relief would be rendered a nullity.

C. The Court of Appeals was correct to find that the balance of equities favored respondents.

After balancing the potential harm to applicants from a denial of preliminary relief against the harm to the state—and Delaware voters—from a grant, the Third Circuit found that the scale tipped in favor of Delaware. Many of the reasons cited by the panel for this conclusion—applicants’ delay in initiating suit, the proximity of the election, and the strong public interest in campaign finance disclosure in the last weeks of campaigning—are equally relevant to the consideration of the equities here.

The last two factors considered when reviewing a motion for preliminary injunction are whether granting such relief will “result in even greater harm to the nonmoving party” and whether “the public interest favors such relief,” *Minard Run Oil Co. v. U.S. Forest Serv.*, 670 F.3d 236, 250 (3d Cir. 2011). These factors “merge when the Government is the opposing party.” *Nken*, 556 U.S. at 435. This is particularly true here—because the state’s interest in the orderly and uniform enforcement of its disclosure laws is particularly strong immediately before an election, as is voters’ interest in receiving full information about who is financing the campaign advertising they see and must evaluate before heading to the polls.

Delaware’ primary election took place on Tuesday, September 15. *See* Del. Dep’t of Elections, Primary Election, <https://perma.cc/4J85-RHUU> (last visited Sep. 22, 2026). Third-party spenders have duly disclosed the sources funding their electioneering communications in the 30-day period prior to the primary as the Act requires. 15 Del. C. § 8031(a). The general election is only five weeks away, and the 60-day pre-election window for electioneering communications disclosure has been

running for weeks. Granting the injunction requested by applicants would both upend Delaware’s campaign disclosure system in the middle of the election season and deprive voters at this crucial juncture of the information mandated by the Act—information this Court has found “enables the electorate to make informed decisions and give proper weight to different speakers and messages.” *Citizens United*, 558 U.S. at 371. Such a ruling would also apply inconsistently across the primary and general elections, across various races for public office, and among various third-party advertisers. Voters would receive no information about who was really financing AFP and AFPP’s ads, and the candidates that applicants criticized would not have the disclosure needed to mount an informed response. But many other third-party spenders would have complied—or would continue to comply—with the Act. This result would be chaotic, confusing to voters, and unfair to candidates and other speakers: instead of advancing First Amendment values of robust debate and informed voting, it would do the opposite.

This case thus well illustrates why the equities counsel against late-breaking changes to election rules. “Late judicial tinkering with election laws can lead to disruption and to unanticipated and unfair consequences for candidates, political parties, and voters, among others.” *Merrill v. Milligan*, 142 S. Ct. 879, 881 (2022) (Kavanaugh, J., concurring in grant of a stay) (citing *Purcell v. Gonzalez*, 549 U.S. 1 (2006)). Although the “courts have split on whether *Purcell* applies in the campaign finance context,” “there are strong arguments that it should.” *OPAWL v. Yost*, 118 F.4th 770, 774 (6th Cir. 2024). *See also Lair v. Bullock*, 697 F.3d 1200, 1214 (9th Cir.

2012) (staying injunction that had invalidated Montana’s contribution limits five weeks before the general election). And here, the law is a *disclosure* requirement, which primarily provides useful information to voters, *see Citizens United*, 558 U.S. at 370, unlike, for instance, a contribution limit, that has narrower relevance and primarily affects only candidates’ fundraising activities. Thus, in contrast to the fundraising restrictions at issue in *Chancey v. Illinois State Board of Elections*, 635 F. Supp. 3d 627 (N.D. Ill. 2022), if the Act is enjoined now, it is not “difficult to imagine” that “voters will be confused.” *Id.* at 644. As the Third Circuit recognized, for this reason the “Supreme Court has repeatedly warned lower courts not to alter the election rules on the eve of an election.” Opp’n App.13a (citation modified).

On the other side of the scales, applicants’ claimed injury is both conjectural and largely self-created. Unlike the plaintiff group in *DSF*, which had a track record of distributing voter guides about Delaware candidates, neither AFP nor AFPF alleged it has ever made disbursements for any type of election or candidate advocacy in Delaware, much less for communications subject to the Act. Indeed, upon filing suit, applicants apparently had not even developed any ads for Delaware elections—and only first produced two flyers for distribution with their reply brief in support of their motion for preliminary injunction. Appl. App. 82a, 84a. Applicants thus have no current disclosure obligations under the Act, and, as argued *supra*, they provide no credible reason why they could not register an association to run these two ads in the next weeks, if indeed this was truly their plan.

Nor will denying the application “moot the case or render final judgment useless,” as the Court of Appeals noted. Opp’n App.12. Campaign finance questions almost always take longer to litigate than the five months applicants allotted to this effort. Indeed, cases often take longer than the election cycle from which they arose, and thus fall squarely in the “capable of repetition, yet evading review” exception to mootness. *See, e.g., Davis*, 554 U.S. at 735-36. There is no bar to applicants’ pursuit of their facial or as-applied claims in the absence of an emergency injunction.

D. Applicants identify no circuit split on these issues.

Failing to identify any error of law in the lower courts’ rulings, applicants instead seek to portray them as out of step with “the national consensus” on First Amendment doctrine in the preliminary injunction context. Appl. 20. But their attempts to manufacture a circuit split are in vain: the lower courts, far from “split[ting] with established First Amendment doctrine,” *id.*, applied the right standards and reached the right result.

The crux of applicants’ postulated circuit split is their claim that the Third Circuit panel improperly “den[ied] a constitutionally founded preliminary injunction request without deciding which side is likely to prevail on the merits.” Appl. 23. But this attack rests on a misreading of the decision. The panel *did* weigh whether applicants had established any likelihood of success sufficient to carry their burden—and answered that question in the negative. As discussed *supra* at 14-15, the panel affirmed the district court’s ruling that *DSF* controlled applicants’ facial challenge to the Act and that, “[a]ccordingly, [applicants] ha[ve] failed to demonstrate any likelihood of success in winning a facial challenge to the constitutionality of the Act.”

Opp’n App.23a. Applicants may have preferred a lengthier assessment of whether *DSF* was in tension with *Bonta*, but the panel did not have the authority to overturn *DSF* absent a finding that it was “obviously in conflict” with *Bonta*. *Rubin*, 727 F.2d at 74. It did not do so because no such conflict exists.

Applicants’ excursions into case law deeming the likelihood-of-success factor paramount in the preliminary injunction inquiry are thus beside the point. The panel below declined to find that *DSF* was overruled by *Bonta*, and this *was* its ruling on applicants’ likelihood of success on the merits.

In contradictory fashion, applicants also contend that the Third Circuit decision is an outlier because it supposedly failed to “equate likely success with irreparable harm.” Appl. 27. Again, the applicants misapprehend the rulings below. Even as they erroneously fault the lower courts for *failing* to rule on plaintiffs’ likelihood of success, they nevertheless appear to award themselves the victory on that prong, in service of their argument that the panel improperly failed to “treat a likely First Amendment violation as ‘per se irreparable.’” *Id.* at 24. But the Third Circuit did not depart from governing precedent because the panel determined that applicants’ claim was *unlikely* to succeed, and thus the general presumption that a First Amendment injury is irreparable—if *demonstrated*—became irrelevant. *Cf. Sindicato Puertorriqueno de Trabajadores v. Fortuno*, 699 F.3d 1, 11 (1st Cir. 2012) (noting that “irreparable injury is presumed *upon a determination that the movants are likely to prevail* on their First Amendment claim”) (emphasis added).

Nor are applicants correct that plaintiffs necessarily establish irreparable harm whenever they allege a likely First Amendment violation; as the D.C. Circuit summarized, “where it is not clear that a particular statute, policy, or practice will have any actual adverse effect on protected First Amendment liberties, the moving party must demonstrate some likelihood of a chilling effect on their rights.” *Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 301 (D.C. Cir. 2006) (collecting cases); *see also id.* (“[I]n this court, as in several others, ‘there is no *per se* rule that a violation of freedom of expression *automatically* constitutes irreparable harm.’”).

Here there was ample reason for the lower courts to probe the applicants’ asserted harms in weighing the equities: as the Court of Appeals noted, applicants could not defend their years-long delay in bringing this suit or substantiate the generalized harms they claim on behalf of donors. Opp’n App.10a, 12a-13a. And even accepting applicants’ stated advertising plans at face value, the Act does not prohibit or curtail their electioneering communications, but merely ensures that Delawareans can be informed about who is doing the talking. That fact alone distinguishes many of the cases upon which applicants’ illusory circuit split is premised. *Cf. Chiles v. Salazar*, 607 U.S. 627, 637 (2026) (“Ms. Chiles had previously spoken in ways the law now forbids, and she would continue speaking the same way but for Colorado’s new law.”); *Otto v. City of Boca Raton*, 981 F.3d 854, 861 (11th Cir. 2020) (“This is a case about what speech the First Amendment allows the government to ban, and under

what circumstances.”). The Third Circuit’s approach to the preliminary injunction framework fits comfortably among those of its sister circuits.

The panel—left to weigh, on the one hand, applicants’ conclusory demands for facial injunctive relief based on the presumption of irreparable First Amendment injury, against, on the other, controlling Third Circuit precedent and Delaware’s vital interest in maintaining its disclosure rules—properly declined to upend the “status quo” on such an unconvincing showing. Even in the First Amendment context, a party seeking the extraordinary relief of a preliminary injunction “must generally show reasonable diligence.” *Benisek v. Lamone*, 585 U.S. 155, 159 (2018). Applicants did not make that showing.

III. Applicants’ Challenge to the Constitutionality of the Act Has No Merit.

The Third Circuit already held that the Act satisfies exacting scrutiny in *DSF*, and applicants identify no reason to find that the district court or the Court of Appeals erred in following *DSF*. But even if this Court were to question whether *DSF* should have controlled the outcome below, the appropriate ruling would be to remand the case to the district court to consider whether the Act was sufficiently tailored, not to enjoin the Act on an emergency basis weeks before an election, when these issues were not fully briefed nor an adequate record created by applicants below. As a “court of review, not of first view,” this Court is not well-positioned to “undertake the needed inquiries” to rule on First Amendment facial claims in the first instance. *Moody v. NetChoice, LLC*, 603 U.S. 707, 725-26 (2024) (declining to rule on First Amendment facial overbreadth claims, especially as “the record was underdeveloped,” and

remanding cases to lower courts). Applicants’ demand that this Court rule on the Act’s tailoring here in the first instance defies all principles of appellate review.

A. The Act is narrowly tailored to advance the important governmental interest in an informed electorate.

Nevertheless, *de novo* review would confirm that, as was true a decade ago, the Act remains narrowly tailored to advance the state’s vital interest in informing voters “about the sources of election-related spending.” *Citizens United*, 558 U.S. at 367.

This Court has long recognized that electoral disclosure laws are “the least restrictive means of curbing the evils of campaign ignorance and corruption.” *Buckley*, 424 U.S. at 68. Delaware’s Act, like the federal law upon which it was modeled, serves the well-established state interest in “provid[ing] the electorate with information ‘as to where political campaign money comes from and how it is spent by the candidate.’” *Id.* at 66-68. When groups are not required to disclose their contributors, they often conceal the true nature of their support by hiding behind “mysterious” and anodyne names such as “American Family Voices.” *McConnell*, 540 U.S. at 128 n.23. Requiring election advertisers to disclose their contributors ensures that voters can discern the people and interests behind the campaign-related messages they see, even when entities “adopt seductive names” that obscure their true purposes and affiliations. *Citizens Against Rent Control v. City of Berkeley*, 454 U.S. 290, 298 (1981). *See also Nat’l Republican Senatorial Comm. v. FEC*, 146 S. Ct. 2404, 2421 (2026) (emphasizing that disclosure advances the important governmental interest in “deter[ing] actual corruption and avoid[ing] the appearance of corruption by exposing large contributions and expenditures to the light of publicity”).

The Act is narrowly tailored to advance this important informational interest, as the Third Circuit found in *DSF*. Its threshold criteria and numerous narrowing features ensure the Act’s disclosure requirements are tightly tied to their informational objectives. The Act uses the exact same criteria as BCRA to define the scope of covered electioneering communications. *See supra* at 6-8. Its voter-targeting threshold, the 30- and 60-day pre-election time periods in which it applies, and its monetary thresholds for disclosure all confirm a close nexus between the Act’s transparency objectives and local campaign practices. Like BCRA, it provides a mechanism for groups like applicants to segregate their electioneering funds from general revenues and thereby tailor the reach of donor disclosure. These characteristics sharply distinguish the Act from the law in *Bonta*, which created a “dramatic mismatch” between California’s tax disclosure regime and its “weak[]” interest in administrative convenience of such disclosures. 594 U.S. at 614-15.

B. Applicants raise no grounds to revisit the Act’s constitutionality.

While applicants invoke *Bonta* in their attempt to relitigate the Act’s tailoring, they largely turn to the same flawed arguments that the Third Circuit rightly rejected in *DSF*. *See* 793 F.3d at 310-12.

1. Neither earmarking nor opt-outs are constitutionally required.

Applicants’ principal complaint is that required disclosure under the Act is not limited to contributors who give funds specifically to support a particular Delaware candidate or electioneering communication. Appl. 14. But their solution to this perceived problem—mandating an “opt out” or earmarking requirement to limit

disclosure—would vitiate the Act’s transparency purposes, rather than resolve any constitutional issues.

As this Court has long recognized, an earmarking limitation on donor disclosure is not a compulsory feature without which a disclosure law fails to show narrow tailoring. In *McConnell* and *Citizens United*, the Supreme Court upheld BCRA’s electioneering communication disclosure requirements as to “the entire range of ‘electioneering communications,’” *McConnell*, 540 U.S. at 196, without regard to any earmarking requirement.⁸

Following *Citizens United* and *McConnell*, appellate courts have understood those decisions as confirming the constitutionality of statutes requiring organizations engaged in electioneering to disclose contributors, regardless of whether the contributions are earmarked. In *DSF*, the Third Circuit rejected the claim “that the Act must limit disclosure to those donors who earmarked their donations,” recognizing that “[n]othing in *Citizens United* implies that the Court relied upon the FEC earmarking regulation when approving of BCRA’s disclosure regime.” 793 F.3d at 311-12. *See also Ctr. for Individual Freedom, Inc. v. Tennant*, 706 F.3d 270, 292 (4th Cir. 2013) (upholding disclosure requirement without earmarking limitation

⁸ Applicants place undue weight on the FEC’s 2007 regulation that permitted corporations funding electioneering communications to disclose only those contributions earmarked for covered communications. Appl. 6. This regulation was adopted four years after *McConnell* upheld the federal statute on its face. *McConnell*, 540 U.S. at 194-202; *see supra* at 5 n.2. And although the FEC regulation had been adopted by the time of *Citizens United*, neither the parties nor this Court relied on it. *See Van Hollen v. FEC*, No. 12-5117, 2012 WL 1758569, at *3 (D.C. Cir. May 14, 2012) (unpublished) (rejecting contention that *Citizens United*’s “holding was limited by” the earmarking regulation).

because “*McConnell* compels us to find that [it] is constitutional”); accord *Fam. PAC v. McKenna*, 685 F.3d 800, 803 (9th Cir. 2012); *Ctr. for Individual Freedom v. Madigan*, 697 F.3d 464, 472 (7th Cir. 2012). Cf. *Gray*, 83 F.4th at 1249 n.8.⁹

After *Bonta*, federal circuit courts continue to uphold laws requiring comprehensive donor disclosure rather than limiting disclosure to earmarked funds. Applying *Bonta*’s narrow-tailoring standard, the First Circuit upheld a Rhode Island law requiring groups that spend more than \$1,000 on electioneering communications to report *all* donors above a statutory threshold. *Gaspee Project v. Mederos*, 13 F.4th 79, 95 (1st Cir. 2021); see also R.I. Gen. Laws § 17-25.3-1(b), (h). Two different courts likewise upheld Arizona’s comprehensive “trace back” law, which requires groups funding electioneering communications to report not only their immediate donors, but to track back their donations to the original source. *Ctr. for Ariz. Pol’y Inc. v. Ariz. Sec’y of State*, 592 P.3d 75 (Ariz. 2026); *Meyer*, 724 F. Supp. 3d at 878. The plaintiffs there complained that the law “requires the disclosure of the entire chain of donors,” even those donors who did not earmark their funds or even know who the eventual recipient of their contribution was. *Id.* at 877. But the court nevertheless held that the law was narrowly tailored, noting that the “aim” of disclosure laws is “to identify who is funding political advertisements,” “even if particular donors might disagree

⁹ As the Ninth Circuit recently found, no court has held that a law “fails narrow tailoring unless it is limited to the disclosure of earmarked contributions.” *No on E, San Franciscans Opposing the Affordable Hous. Prod. Act v. Chiu*, 62 F.4th 529, 545 (9th Cir. 2023). See also *Justice v. Hosemann*, 771 F.3d 285, 289 (5th Cir. 2014); *Vt. Right to Life Comm., Inc. v. Sorrell*, 758 F.3d 118, 124 (2d Cir. 2014); *Worley v. Fla. Sec’y of State*, 717 F.3d 1238, 1251 (11th Cir. 2013).

with certain messages they are funding.” *Id.* See also *Smith v. Helzer*, 95 F.4th 1207, 1218-19 (9th Cir. 2024), *cert. denied sub nom. Smith v. Stillie*, 145 S. Ct. 567 (2024).

Applicants attempt to distinguish the many disclosure laws sustained above on the ground that they included “opt-out system[s]” or some other means to streamline donor reporting. Appl. 13. But in so arguing, applicants fail to acknowledge that Delaware provides spenders with an arguably *more* effective mechanism for tailoring donor disclosure. As discussed *supra*, the Act allows groups to register and fund an unincorporated association or PAC to issue desired electioneering communications—accomplished via a simple online form—and then disclose only those donors whose money is transferred to this entity.

Applicants mostly disregard this reporting option under the Act. They suggest that the availability of this option does not serve to tailor the law, invoking *Citizens United* for the purported principle that a “PAC is a separate association” and does not “allow a corporation to speak.” Appl. 19 (quoting *Citizens United*, 558 U.S. at 337). But *Citizens United* reviewed the federal *prohibition* on the use of corporate treasury funds for election spending and thus addressed whether a corporate PAC, *see* 11 C.F.R. § 114.5, provided a sufficient alternative route for corporations to engage in electioneering. The Court held that a corporate federal PAC is subject to “extensive regulation” and “onerous restrictions,” and consequently was too burdensome to present a viable way for a “corporation to speak” in elections. 558 U.S. at 337-39.

That federal system has no Delaware analogue. There is no spending ban at issue. Delaware PACs are subject to neither the organizational requirements nor the

contribution limits imposed on federal PACs. *See supra* at 9-10. And of course, third-party spenders need not even form a PAC, but rather can use an unincorporated association in order to streamline their reporting. The Act provides a simpler process than either Arizona’s donor opt-out or federal law’s “segregated bank account” for third-party spenders to limit donor disclosure. Applicants cannot prop up their unfounded claim of inadequate tailoring by simply ignoring this option under the Act.

2. The Act’s dollar thresholds and temporal periods are appropriately tailored.

Applicants critique multiple aspects of the Act’s design, striving to portray the Act as an outlier. Appl. 14-15. But the Act is well within the range of analogous electioneering communication disclosure laws adopted in other states and narrowly tailored to advance Delaware’s informational interests.

First, the monetary threshold at which disclosure obligations commence—*i.e.*, \$500 in aggregate spending—is tailored for the small state elections it covers. Exacting scrutiny “simply requires that the threshold at which contributions are disclosed be reasonably narrowly tailored to fit the state’s interest.” *Smith*, 95 F.4th at 1218. This is “necessarily a judgmental decision, best left’ to the discretion of the legislature.” *Id.* (quoting *Buckley*, 424 U.S. at 83). Although Delaware’s thresholds differ from BCRA’s, they are justified in light of the practical realities of state elections, as *DSF* recognized, 793 F.3d at 306. For instance, Delaware lacks its own major-network television market, and neighboring television markets are prohibitively expensive, so television advertising is rare in Delaware races. Opp’n App.51a-52a Because less costly media, such as direct mail, instead accounts for a

large share of campaign spending, groups need not spend large sums of money to reach Delaware voters. *Id.* The Act’s adjustments to BCRA therefore support the narrow fit between the statute and the state’s interest in an informed electorate.¹⁰

Second, applicants criticize the temporal “look back” period, Appl. 12, but the Act sensibly tracks the relevant candidacy—for incumbents, the term of office; and for challengers, the period beginning from receipt of the first qualifying contribution to a candidate committee. 15 Del. C. §§ 8002(11), 8031(a). Contributions made in those periods foreseeably may assist organizations engaging in relevant election-related speech. In contrast, limiting the look-back period to only a fraction of the candidate’s election cycle, as applicants wrongly imply is a constitutional necessity, would obscure important information about early campaign fundraising and could easily be gamed to evade disclosure altogether.

The Delaware General Assembly modeled the Act on BCRA, but crafted its monetary thresholds and other criteria to fit Delaware’s unique circumstances. These minor deviations from BCRA ensure the Act advances its transparency goals for local elections in a much smaller jurisdiction. The Act’s adaptations of BCRA support the narrow fit between the statute and the State’s interest in a well-informed electorate.

CONCLUSION

For all these reasons, the application should be denied.

¹⁰ Delaware’s spending threshold is similar to those used in other small states. Alaska and Vermont also employ a \$500 threshold. *See* Alaska Stat. §§ 15.13.040, 15.13.110; Vt. Stat. tit. 17, § 2971. Several states require reporting at lower expenditure amounts. Ala. Code § 17-5-8(d)(7) (\$100 threshold); Wash. Rev. Code § 42.17A.305 (\$100 threshold); 10 Ill. Comp. Stat. 5/9-1.8, 5/9-9.5, 5/9-11 (\$150 threshold); 21-A Me. Rev. Stat. §§ 1014, 1019-B (\$250 threshold); Or. Rev. Stat. § 260.083 (\$250 threshold).

Date: September 23, 2026

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**In the
Supreme Court of the United States**

AMERICANS FOR PROSPERITY FOUNDATION, *ET AL.*,

Applicants,

v.

ANTHONY ALBENCE, *ET AL.*,

Respondents.

**To the Honorable Samuel A. Alito, Jr., Associate Justice of the United
States Supreme Court and Circuit Justice for the Third Circuit**

**APPENDIX FOR RESPONDENTS' OPPOSITION TO EMERGENCY
APPLICATION FOR WRIT OF INJUNCTION PENDING CERTIORARI**

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APPENDIX

Judgment, <i>Americans for Prosperity Foundation v. Albence</i> , No. 26-2469 (3d Cir. Aug. 31, 2026)	1a
Opinion, <i>Americans for Prosperity Foundation v. Albence</i> , No. 26-2469 (3d Cir. Aug. 31, 2026)	2a
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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 26-2469

AMERICANS FOR PROSPERITY FOUNDATION; AMERICANS FOR PROSPERITY,
Appellants

v.

ANTHONY J. ALBENCE, in his official capacity as State Election Commissioner for the
State of Delaware; ATTORNEY GENERAL OF DELAWARE

On Appeal from the U.S. District Court, D. Del.
Judge Jennifer L. Hall, No. 1:26-cv-00445

Before: HARDIMAN, BIBAS, and RENDELL, *Circuit Judges*
Argued: Aug. 10, 2026

JUDGMENT

This cause came to be considered on the record from the U.S. District Court for the District of Delaware and was argued on August 10, 2026.

On consideration whereof, it is now **ORDERED** and **ADJUDGED** that the District Court's order entered on June 8, 2026, is hereby **AFFIRMED**. Costs will be taxed against Appellants. The mandate shall issue at once. All of the above in accordance with the Opinion of this Court.

ATTEST:

Dated: August 31, 2026

 s/ Patricia S. Dodszuweit
Clerk
Certified as a true copy and issued in lieu
of a formal mandate on 08/31/2026

Teste: 
Clerk, U.S. Court of Appeals for the Third Circuit

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Before: HARDIMAN, BIBAS, and RENDELL, *Circuit Judges*
Argued: Aug. 10, 2026; Filed: Aug. 31, 2026

OPINION OF THE COURT

BIBAS, *Circuit Judge*. A court considering a preliminary injunction should weigh not only the merits and risk of irreparable injury, but also the balance of equities and public interest. *See Winter v. NRDC*, 555 U.S. 7, 20 (2008). Ordinarily, the balance of equities strongly favors preserving the status quo, not disrupting it. And if the case would survive through final judgment without a preliminary injunction, issuing one may well be unnecessary.

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The challengers here claim that Delaware’s campaign-finance disclosure law violates the First Amendment. But by asking for a preliminary injunction, they seek to disrupt the decade-long status quo, and they show no need for an injunction to keep the case alive. Plus, they have made almost no factual record to flesh out their likelihood of success and the injuries they fear in the meantime. So we will AFFIRM the District Court’s order denying the preliminary injunction.

I. ANOTHER CHALLENGE TO THE DELAWARE ELECTIONS DISCLOSURE ACT

In 2012, Delaware enacted the Elections Disclosure Act. The Act applies to groups that spend more than \$500 on “electioneering communication[s]” within 30 days of a primary election or 60 days of a general election. 15 Del. C. §§8002(10), 8031(a). Those groups must publicly disclose the names and addresses of anyone who gave them more than \$100 during that election cycle. § 8031(a). Disclosure is not limited to donors who earmark their donations for political ads or for use in Delaware. Nor may donors avoid disclosure by giving money on the condition that it cannot be used for political ads. And because of how the Act defines election cycles, groups may have to disclose donors who gave up to four years before the election. *See* § 8002(11)(a)(1); Appellant’s Br. 7.

More than a decade ago, this Court upheld the Act against a First Amendment challenge, applying “exacting scrutiny.” *Del. Strong Fams. v. Att’y Gen. of Del.*, 793 F.3d 304, 309–13 (3d Cir. 2015). Six years later, in a case that did not involve campaign finance, the Supreme Court clarified how to apply

“exacting scrutiny” to donor-disclosure laws. *Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595, 611–12 (2021).

Five years after *Bonta*, the challengers filed this suit, claiming that *Bonta* abrogated *Delaware Strong Families*. They raise both facial and as-applied First Amendment challenges. The challengers are nonprofit corporations that engage in issue advocacy across the nation. They have not and do not currently run electioneering communications in Delaware. But they plan to do so for the upcoming November 2026 election—if the District Court enjoins enforcement of the Act.

Seven weeks after the challengers sued, the District Court held a preliminary-injunction hearing. The challengers put on no live witnesses and offered no affidavits from donors who feared disclosure. For their evidence, they relied entirely on a single employee’s declarations that the challengers’ employees, supporters, and donors have faced threats before. The allegations were “generic” and not tied specifically to election donations. App. 11.

On this “very slim” evidentiary record, the District Court denied the preliminary injunction. App. 6. It found no likelihood of success on the facial challenge because *Delaware Strong Families* had upheld the Act and *Bonta* did not clearly abrogate that ruling. It also doubted that the challengers would succeed on their as-applied challenge because the “generic, undated” evidence of threats to the organization, “as opposed to specific donors,” did not show that disclosing donor information would likely expose donors to harm. App. 12. Plus, the court noted, the Act had been “on the books” and enforced for more than a decade. App. 13–14. Thus, it left in place the status

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quo, “exercis[ing] [its] discretion to decline to enter the injunction.” App. 14.

We have jurisdiction to review the denial of a preliminary injunction under 28 U.S.C. § 1292(a)(1). We review the District Court’s legal rulings de novo, its findings of fact for clear error, and its ultimate decision for abuse of discretion. *Del. State Sportsmen’s Ass’n, Inc. v. Del. Dep’t of Safety & Homeland Sec.*, 108 F.4th 194, 198 (3d Cir. 2024). We review “deferentially,” because “the denial of a preliminary injunction is almost always based on an abbreviated set of facts, requiring a delicate balancing that is the responsibility of the district judge.” *Id.* (internal quotation marks omitted).

II. PRELIMINARY INJUNCTIONS EXIST TO KEEP CASES ALIVE

Equitable relief is exceptional, reserved for “*extraordinary cases*, which are *exceptions* to general rules.” *The Federalist* No. 83, at 505 (Alexander Hamilton) (Clinton Rossiter ed., 1961) (footnote omitted). Because injunctions can inflict as much harm as they prevent, equity traditionally aims to “arrive at a nice adjustment and reconciliation between the competing claims” of harm. *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 312 (1982) (internal quotation marks omitted). Not only does the plaintiff fear harm from being denied an injunction; the defendant state, if it loses, suffers irreparable injury from having enforcement of its law enjoined. *Abbott v. Perez*, 585 U.S. 579, 602 n.17 (2018); *New Motor Vehicle Bd. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1351 (1977) (Rehnquist, J., in chambers); *Maryland v. King*, 567 U.S. 1301, 1303 (2012) (Roberts, C.J.,

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in chambers); *Labrador v. Poe*, 144 S. Ct. 921, 923 (2024) (Gorsuch, J., concurring in the grant of stay).

Balancing harms is especially fraught for preliminary injunctions, where courts must rule quickly based on limited information. Courts risk making mistakes. That risk is high because courts do not know for certain who will ultimately win on the merits, let alone whether a final injunction will follow. The court makes “only a prediction about the merits of the case.” *United States v. Loc. 560 (I.B.T.)*, 974 F.2d 315, 330 (3d Cir. 1992). And it makes that prediction on thin evidence. “Affidavits drafted by lawyers are poor substitutes for discovery, live testimony, and cross-examination.” *Del. State Sportsmen’s*, 108 F.4th at 200.

Given these unknowns, the preliminary injunction’s function “is not to take whatever steps are necessary to prevent irreparable harm.” *O Centro Espirita Beneficiente Uniao Do Vegetal v. Ashcroft*, 389 F.3d 973, 1012 (10th Cir. 2004) (McConnell, J., concurring). Instead, it is “merely to preserve the relative positions of the parties until a trial on the merits can be held.” *Starbucks Corp. v. McKinney*, 602 U.S. 339, 346 (2024) (internal quotation marks omitted). In other words, the court acts to maintain the status quo, “to preserve the court’s power to render a meaningful decision after a trial on the merits.” *Del. State Sportsmen’s*, 108 F.4th at 201 (internal quotation marks omitted).

Though some harm may be suffered either way, the status quo helps courts choose the lesser of two evils. First, the harm from temporarily changing the status quo is likely greater than the harm from temporarily leaving it alone. “Disruption is

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expensive,” and altering the status quo only to change it back disrupts things twice, rather than once at the end. *O Centro*, 389 F.3d at 1017 (McConnell, J., concurring).

Second, the status quo gives courts a glimpse (albeit a hazy one) into how much each party would suffer in the meantime. A “party’s willingness to put up with a situation in the past can serve as an indication that the party’s injury is not as serious as alleged, or that the party has implicitly consented to the supposed injury.” *Id.*; see also *Citibank, N.A. v. Citytrust*, 756 F.2d 273, 276 (2d Cir. 1985).

Finally, altering the status quo makes the court complicit in whatever harm its preliminary action might inflict. A court in equity should refuse to be “the abettor of iniquity.” *Monsanto Co. v. Rohm & Haas Co.*, 456 F.2d 592, 598 (3d Cir. 1972) (internal quotation marks omitted). So a “judicial version of Hippocrates’ ancient injunction to physicians—above all, to do no harm—counsels against forcing changes before there has been a determination of the parties’ legal rights.” *O Centro*, 389 F.3d at 1012 (McConnell, J., concurring).

For all these reasons, “[w]hen a statute has long been on the books and enforced, ... it is exceedingly unusual for a litigant who challenges its constitutionality to obtain (or even to seek) a preliminary injunction against its continued enforcement.” *Id.* at 1018; see also *Walters v. Nat’l Ass’n of Radiation Survivors*, 468 U.S. 1323, 1324 (1984) (Rehnquist, J., in chambers). Old statutes are not immune from preliminary relief, but their age heightens the challengers’ burden.

III. THE DISTRICT COURT PROPERLY PRESERVED THE STATUS QUO

In exercising its discretion to grant or deny a preliminary injunction, a district court looks to four guideposts: (1) the plaintiff’s likelihood of success on the merits; (2) the risk of irreparable injury absent preliminary relief; (3) the balance of equities; and (4) the public interest. *Winter*, 555 U.S. at 20. When the government is the defendant, factors three and four merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009). In the district court, the party asking for the preliminary injunction must persuade the court “*by a clear showing*” that it deserves one. *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (per curiam) (internal quotation marks omitted). And on appeal from the denial of a preliminary injunction, appellants “bear[] a heavy burden.” *Chesimard v. Mulcahy*, 570 F.2d 1184, 1187 (3d Cir. 1978). Here, they have not borne it.

A. The likelihood of success is hazy

The challengers argue forcefully that they are likely to succeed on the merits. True, *Delaware Strong Families* rejected a similar First Amendment challenge. But, the challengers urge, *Bonta* tightened up the narrow-tailoring requirement. *Compare* 594 U.S. at 608, *with* 793 F.3d at 311–12 (analyzing only whether the law bears a “substantial relation” to an important state interest). And, the challengers argue, *Delaware Strong Families* did not consider the Act’s nationwide scope or four-year lookback provision, provisions that they attack today. 793 F.3d at 310–12 & n.5.

On the other hand, *Bonta* was not an election case. Neither was the other recent case on which the challengers rely. *First*

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Choice Women’s Res. Ctrs., Inc. v. Davenport, 608 U.S. ___, ___, 146 S. Ct. 1114, 1124 (2026) (holding that a charity subpoenaed for donor information has standing to challenge the subpoenas). That distinction matters, because election-law precedents recognize that “disclosure often represents a less restrictive alternative” to other options. *Nat’l Republican Senatorial Comm. v. FEC*, 609 U.S. ___, ___, 146 S. Ct. 2404, 2421 (2026) (internal quotation marks omitted); *see also Buckley v. Valeo*, 424 U.S. 1, 68 (1976) (“[D]isclosure requirements—certainly in most applications—appear to be the least restrictive means of curbing the evils of campaign ignorance and corruption.”). Indeed, the government has an interest in informing voters where election-related spending is coming from. *See Citizens United v. FEC*, 558 U.S. 310, 367 (2010). A panel of this Court, and possibly our entire Court sitting en banc, may have to grapple with whether to revisit *Delaware Strong Families* based on *Bonta* and *First Choice*’s observations in other contexts.

If *Delaware Strong Families* is no longer good law, the record before us says little about whether Delaware demands more disclosure than its interests justify. Delaware plans to provide that evidence at trial, including testimony from voters and campaign officials who value donor disclosures, and statistics about how many people visit Delaware’s donor-disclosure database. On this underdeveloped record, it is hard to forecast whether Delaware will show that its tailoring is narrow enough to defeat the facial challenge.

The same is true for the as-applied challenge. For that, the challengers must show a “reasonable probability that disclosure of its contributors’ names will subject them to threats,

harassment, or reprisals.” *Citizens United*, 558 U.S. at 367 (internal quotation marks omitted). On a more thorough record, they might be able to make that showing. But the challengers have not yet offered anything from donors—just “generic, undated” examples of “threats to AFP as an organization as opposed to specific donors.” App. 12. These affidavits give us little confidence in the likelihood of success. This early on, it is hard to say.

B. A preliminary injunction is discretionary; there is no right to one

The challengers would have us stop there. They argue that if they show a likelihood of success on the merits, the District Court lacks discretion to deny an injunction. They reason that they will suffer irreparable injury in being forced to choose between silence and disclosure before final judgment. And because the challengers assert that the merits are in their favor, they say the equities entirely favor them. After all, they reason, Delaware has no “interest in enforcing an unconstitutional law.” Oral Arg. 7:55, <https://perma.cc/9X6T-C4JW>. They misunderstand equity.

“As a matter of equitable discretion, a preliminary injunction does not follow as a matter of course from a plaintiff’s showing of a likelihood of success on the merits.” *Benisek v. Lamone*, 585 U.S. 155, 158 (2018) (per curiam). “[A] federal judge sitting as chancellor is not mechanically obligated to grant an injunction for every violation of law,” let alone every *likely* violation of law. *Weinberger*, 456 U.S. at 313.

It makes no difference that challengers invoke the First Amendment. We may not “do away with the traditional

prerequisites for injunctive relief simply because First Amendment freedoms [a]re implicated.” *Anderson v. Davila*, 125 F.3d 148, 164 (3d Cir. 1997). True, we presume First Amendment harms irreparable. *Del. State Sportsmen’s*, 108 F.4th at 204. But we also presume that enjoining enforcement of the law would irreparably harm Delaware. *Abbott*, 585 U.S. at 602 n.17. Irreparable injury is not a light switch, but a spectrum. Challengers must show us where they sit on that spectrum, so that we can evaluate their harms in light of the equities on both sides.

C. Though there may be *some* irreparable harm, its size and scope are unclear

The challengers spend little time showing irreparable harm. Rather, they rely on the presumption that First Amendment harm is irreparable. *Del. State Sportsmen’s*, 108 F.4th at 204. But we presume only the nature of the harm, not its probability or degree.

The challengers say that, without a preliminary injunction, they will stay silent during the sixty days before the general election rather than disclose their donors’ information. That may be some irreparable harm, but we do not know how much. The challengers were free to speak until sixty days before the election but did not. And we have only an affidavit from the organization, not testimony from their donors, that speaks in generalities about possible harms from disclosure. Plus, as Delaware notes, the challengers could create and fund a Delaware political-action committee or unincorporated association, limiting disclosure to donors who fund those Delaware-specific groups. Appellees’ Br. 9–10. It is possible that these extra hoops add an unconstitutional burden to the challengers’

speech. *See Citizens United*, 558 U.S. at 337–38; *see also Del. Strong Fams.*, 793 F.3d at 312 n.10. But we do not yet know.

D. The balance of equities favors Delaware and the status quo

We spot the challengers some likelihood of success and some irreparable injury. Even so, the District Court did not abuse its discretion by denying the injunction.

Preliminary injunctions exist mainly to keep cases alive so that the parties can contest the merits. But there is no risk of this case dying. As the District Court noted, the Act “has been on the books for more than a decade”; it stands to reason the challenges will survive if it stays there for another year or two. App. 13–14. That delay will not moot the case or render final judgment “useless.” *See Doran v. Salem Inn, Inc.*, 422 U.S. 922, 932 (1975).

“The presumption of constitutionality which attaches to [legislation] is not merely a factor to be considered in evaluating success on the merits, but an equity to be considered in favor of [the government] in balancing hardships.” *Walters*, 468 U.S. at 1324 (Rehnquist, J., in chambers). Faced with the state’s weighty interest in enforcing its law, which counterbalances the challengers’ own feared injury, the challengers should have proven the risks that their donors would face under the Act’s longstanding requirements. Instead, they declined the District Court’s invitation to hold an evidentiary hearing. And they failed to explain why they chose not to bring this suit earlier. Equity aids the diligent, not the tardy. *Bowman v. Wathen*, 42 U.S. (1 How.) 189, 193 (1843). The challengers say they decided only recently to speak in Delaware. But when pressed,

counsel was unsure when they made that decision. Promptness is especially important for elections. The Supreme Court has repeatedly warned lower courts not to “alter the election rules on the eve of an election.” *Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 589 U.S. 423, 424 (2020) (per curiam). Two months out from an election, caution is a virtue.

The District Court properly recognized that its decision was an “exercise [of] discretion.” App. 13. And it properly exercised that discretion to preserve the status quo. The challengers have not shouldered their heavy burden to disturb it.

* * * * *

Preliminary injunctions are discretionary; they are designed primarily to keep cases alive and usually to preserve the status quo. Even if there is some likelihood of success and some irreparable injury, a district court may find that the balance of equities is enough to cut the other way. Because the District Court properly exercised its discretion to preserve the status quo and deny the preliminary injunction, we will AFFIRM.

Counsel for Appellants

Allen J. Dickerson [Argued]
Erika D. Prouty
Richard B. Raile
Robert J. Tucker
BAKER HOSTETLER

Counsel for Appellees

Emily V. Burton [Argued]

Jennifer-Kate Aaronson

DELAWARE ATTORNEY GENERAL'S OFFICE

Tara Malloy

CAMPAIGN LEGAL CENTER

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AMERICANS FOR PROSPERITY
FOUNDATION, et al.,

Plaintiffs,

v.

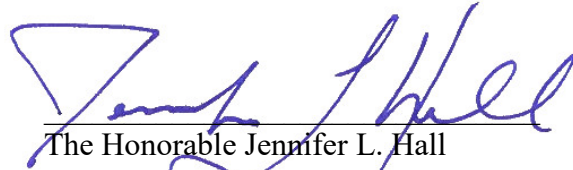
ANTHONY ALBENCE, in his official
capacity as State Election Commissioner for
the State of Delaware, et al.,

Defendants.

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) C.A. No. 26-445-JLH
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ORDER

At Wilmington this 8th day of June, 2026, in accordance with the Court's ruling from the bench at the conclusion of today's hearing, IT IS HEREBY ORDERED that Plaintiffs' Motion for Preliminary Injunction (D.I. 4) is DENIED. The parties should consult the transcript for details.


The Honorable Jennifer L. Hall
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMERICANS FOR PROSPERITY)
FOUNDATION, et al.,)
)
 Plaintiffs,) C.A. No. 26-445-JLH
)
v.)
)
ALBENCE, et al.,)
)
 Defendants.)

Monday, June 8, 2026
4:00 p.m.
Teleconference

844 King Street
Wilmington, Delaware

BEFORE: THE HONORABLE JENNIFER L. HALL
United States District Court Judge

APPEARANCES:

BAKER & HOSTETLER, LLP
BY: JEREMY DOUGLAS ANDERSON, ESQ.
BY: ALLEN DICKERSON, ESQ.

Counsel for the Plaintiff

2

1 APPEARANCES CONTINUED:

2

DELAWARE DEPARTMENT OF JUSTICE
BY: EMILY V. BURTON, ESQ.

3

4

-and-

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CAMPAIGN LEGAL CENTER
BY: TARA MALLOY, ESQ.
BY: MEGAN McALLEN, ESQ.

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Counsel for the Defendant

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THE COURT: Good afternoon, everyone. This is

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Jen Hall. We're here to reconvene the hearing on the

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preliminary injunction motion in Americans for Prosperity

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Foundation v. Albence, civil action number 26-445.

15

Do we have someone from Plaintiffs' side here?

16

MR. ANDERSON: Yes, Your Honor. Jeremy Anderson

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and Allen Dickerson are both on the line.

18

THE COURT: Very good.

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And do we have someone from Defendants here?

20

MS. BURTON: Indeed, Your Honor. Emily Burton,

21

Tara Malloy, and Megan McAllen are all here.

22

THE COURT: Great.

23 Pending before the Court is Plaintiffs' motion
24 for a preliminary injunction. That's at docket number 4.
25 The motion has been fully briefed and the parties submitted

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1 declarations and other evidence in support of their papers,
2 all of which has been considered. That's at D.I. 5, 21, and
3 25. The parties were given the opportunity to request an
4 evidentiary hearing, but they assured the Court that neither
5 side wanted an evidentiary hearing. That's at docket 26.
6 That said the parties submitted some declarations and
7 exhibits in connection with their papers as D.I. 5, 22, and
8 25, and both sides agreed during the hearing today that the
9 Court may consider and rely upon those materials. The
10 record of evidence before the Court, is, however, very slim.

11 We've heard oral argument from the parties
12 today. Given that the challenge implicates conduct in the
13 upcoming election, the Court's prepared to render a prompt
14 decision by ruling on the motion from the bench.

15 Plaintiffs' one-count complaint challenges the
16 constitutionality of certain provisions of the Delaware
17 Elections Disclosure Act. Specifically, Plaintiff argues
18 that "Delaware's disclosure requirements set forth in 15
19 Delaware Code 8031" violate the First Amendment because
20 they "are not substantially related to a sufficiently

21 important government interest, nor are they narrowly
22 tailored to any interest they allegedly promote."

23 As relevant here, 8031(a) provides that

24 Any person other than a candidate committee or a
25 political party who makes an expenditure for any third-party

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1 advertisement that causes the aggregate amount of
2 expenditures for the third-party advertisements made by such
3 person to exceed \$500 during an election period shall file a
4 third-party advertisement report with the Commissioner.

5 15 Delaware Code 8002 paragraph 21 defines
6 "third-party advertisement" to mean "an independent
7 expenditure or an electioneering communication."

8 An "electioneering communication" is "a
9 communication by any individual or other person (other than
10 a candidate committee or political party) that:

11 (1)Refers to a clearly identified candidate; and
12 (2)Is publicly distributed within 30 days before a primary
13 election or special election, or 60 days before a general
14 election to an audience that includes members of the
15 electorate for the office sought by such candidate."

16 That's 8002 paragraph 10(a).

17 And the "third-party advertisement report" must
18 include the "full name and mailing address of each person

19 who has made contributions during the election period in an
20 aggregate amount or value in excess of \$100. And that's
21 8031(a)(3). 8032 provides that the report shall be
22 publicly available.

23 The gist of all this--and the focus of the
24 parties--is that organizations that pay for ads that run
25 shortly before an election that refer to a clearly

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1 identified candidate must file a report with the Delaware
2 Commission of elections that contains the names of those who
3 have donated \$100 or more during the election period.

4 Plaintiffs allege that they want to run ads in
5 the pre-election window that will mention candidates for
6 election, but that Plaintiffs have refrained from doing so
7 because essentially they don't want to disclose their donors
8 and they don't want to violate the Delaware Elections
9 Disclosure Act.

10 Plaintiffs contend that the Act is
11 unconstitutional because it violates the right to private
12 association and free speech, in violation of the First
13 Amendment. Plaintiffs ask the Court to grant a preliminary
14 injunction to prevent the enforcement of the Act.

15 "A preliminary injunction is an extraordinary
16 remedy that should be granted only in limited

17 circumstances." And that's a quote from the Third Circuit
18 in Delaware State Sportsmen's Association v. Delaware Dep't
19 of Safety. It's at 108 F.4th 194, page 200 in 2024. The
20 case also explains that district courts have discretion to
21 grant or deny preliminary injunctions, but "[f]our canonical
22 guideposts are (1)the likelihood of success on the merits;
23 (2)the risk of irreparable injury absent preliminary relief;
24 (3)the balance of the equities; and (4)the public interest."
25 And "the first two factors are the most critical."

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1 The parties agree that the "exacting scrutiny"
2 standard applies here. According to the Supreme Court,
3 exacting scrutiny requires that there be a substantial
4 relation between the disclosure requirement and a
5 sufficiently important governmental interest, meaning that
6 the strength of the governmental interest must reflect the
7 seriousness of the actual burden on First Amendment rights.
8 And that's from a case called Americans for Prosperity
9 Foundation v. Bonta, 594 U.S. 595 at page 607 from 2021.
10 That case also explains that exacting scrutiny also requires
11 that the disclosure requirement be narrowly tailored to the
12 interest it promotes. And that's on pages 608 to 611.
13 However, "exacting scrutiny does not require that disclosure
14 regimes be the least restrictive means of achieving their

15 ends."

16 The Third Circuit has previously addressed the
17 constitutionality of the Delaware Elections Disclosure Act.
18 In 2015, the Third Circuit held in a case called Delaware
19 Strong Families v. Attorney General of Delaware that
20 application of the act to the Plaintiffs in that case
21 survived exacting scrutiny. And the case cite for that is
22 793 F.3d 304 at pages 309 to 312.

23 Plaintiffs are argue that this Court is not
24 bound by Delaware Strong Families because, subsequently, in
25 2021, the Supreme Court clarified in Bonta that exacting

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1 scrutiny requires that the disclosure requirement be
2 narrowly tailored to the interest it promotes. And
3 Plaintiffs say that requirement was not there when Delaware
4 Strong Families came out.

5 But this Court is bound by third circuit
6 precedent unless it is obviously in conflict with subsequent
7 precedent from the Supreme Court. I'm unpersuaded that
8 Delaware Strong Families is obviously in conflict with the
9 exacting scrutiny standard set forth in Bonta. Indeed,
10 Delaware Strong Families expressly concluded that the
11 Delaware Elections Disclosure Act was "narrowly tailored."
12 That case rejected challenges that the Act's monetary

13 thresholds, the types of media covered, the length of the
14 statutory "election period," and the lack of so-called
15 earmarking provisions. And the Third Circuit's observation
16 that exacting scrutiny does not require use of the least
17 restricted means of advancing the state's interest is
18 entirely consistent with Bonta.

19 Accordingly, I find that Plaintiff has failed to
20 demonstrate any likelihood of success in winning a facial
21 challenge to the constitutionality of the Act.

22 Plaintiffs spend a lot less time on their
23 as-applied challenge. That said, the parties agree that a
24 plaintiff can succeed with an as-applied challenge in the
25 context of an election communication donor disclosure

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1 requirement if the plaintiff can demonstrate a "reasonable
2 probability that disclosure of its contributors names will
3 subject them to threats, harassment, or reprisals from
4 either government officials or private parties." And that's
5 from the Citizens United case, 558 U.S. at page 367.

6 Here, Plaintiffs as-applied challenge is based
7 on generic allegations and/or allegations regarding contexts
8 unrelated to disclosure of donors in the election
9 communications context.

10 Plaintiffs submitted evidence via a declaration

11 that they "understand that both current and potential future
12 donors to our organization are fearful of having their names
13 and addresses disclosed as donors to or supporters of AFP
14 and/or AFPP." That's document number five at paragraph 17.
15 And that "AFP, AFPP, their employees, supporters, and donors
16 have been subject to threats and harassment in the past."
17 And that's at paragraph 18.

18 Plaintiffs then provide evidence of generic
19 examples such as that "in Vermont we have experienced
20 consistent harassment and threats from groups that disagreed
21 with us on economic policy initiatives to the point where we
22 had to hire security for our events." That's paragraph 19.
23 An AFP office in North Dakota was vandalized. That's
24 paragraph 20. Legislators in other states have made public
25 comments critical of AFP. That's paragraph 21. And in

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1 other litigations AFP has provided other courts with
2 firsthand evidence of threats. That's at paragraph 22.

3 The evidence and argument presented by
4 Plaintiffs for their as-applied challenge is scant. The
5 Court cannot say on this record that Plaintiffs have
6 demonstrated a likelihood of success in showing a reasonable
7 probability that disclosure of Plaintiffs' donors names
8 pursuant to the Delaware law will subject them to threats,

9 harassments, or reprisals from Government officials and
10 private parties. There are no allegations or evidence of
11 threats from Delaware government officials historically nor
12 is there any suggestion that Delaware will target Plaintiffs
13 in the future. Plaintiffs' evidence with respect to threats
14 from private parties is generic, undated, focuses entirely
15 on threats to AFP as an organization as opposed to specific
16 donors, and is not specific to disclosure of donor
17 information, nor is it tied to electioneering
18 communications, Delaware, or electioneering communications
19 in Delaware.

20 And while I'll accept for the purposes of the
21 argument that the proposition that some potential donors
22 would not contribute and current donors would stop
23 contributing if Plaintiffs decided to make electioneering
24 communications and are required to disclose donor
25 information pursuant to the Delaware law, that is not

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1 sufficient to show a likelihood of success that this
2 campaign finance law is unconstitutional as applied to
3 Plaintiffs. Disclosure in this context is constitutionally
4 permissible even when it places some burden on first
5 amendment rights because the state has a substantial
6 interest in disclosing to the public the identities of the

7 persons funding electioneering communications.

8 The record before the Court is insufficient to
9 demonstrate a likelihood of success that Plaintiffs' donors
10 will be subjected to threats, harassments, or reprisals due
11 to the Delaware statute.

12 And I footnote this: While certain remarks in
13 Plaintiffs' briefing and by Plaintiffs' counsel during the
14 oral argument today suggests that Plaintiffs may think it is
15 relevant to their challenge that some or all of the ads they
16 intend to run might not be the functional equivalent of
17 express advocacy, the legal implications of that were not
18 fairly presented to the Court in this motion, so the Court
19 has not considered that issue.

20 For all the reasons stated, I conclude that the
21 record does not demonstrate a likelihood of success on
22 Plaintiffs facial or as-applied challenge.

23 I will exercise my discretion to decline to
24 enter the injunction. The Delaware Act under consideration
25 is not a new law. It has been on the books for more than a

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1 decade. The status quo is that the law is enforceable.
2 Plaintiffs have not shown a likelihood of success. Even if
3 all of the other factors favored Plaintiffs, the Court is
4 exercised its discretion to deny the injunction.

5 And that completes the Court's ruling on the
6 motion.

7 I'm not sure how the parties intend to proceed
8 given the Court's ruling today. If Plaintiff does file an
9 appeal in denial of the PI to the Third Circuit, it seems to
10 me it would be a good idea to have the parties meet and
11 confer and let us know their positions as to whether the
12 matter should continue forward in the District Court while
13 that appeal is pending.

14 So that's my thinking. Can I hear anybody's
15 comments on that?

16 MR. DICKERSON: Your Honor, this is Allen
17 Dickerson for the Plaintiffs. That seems reasonable to us.
18 We'll plan to meet and confer with opposing counsel in the
19 event that an appeal is taken.

20 THE COURT: All right. Thank you.

21 Can I hear from Defendants?

22 MS. BURTON: From Defendants, Your Honor, we'll
23 meet and confer with Plaintiffs once they have determined
24 whether or not to appeal.

25 THE COURT: All right. Thank you very much.

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1 Thanks, everyone. Have a good night. We'll be adjourned.

2 MS. BURTON: Thank you, Your Honor.

3 MR. DICKERSON: Thank you.

4 (Court adjourned at 4:19 p.m.)

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9 I hereby certify the foregoing is a true and
accurate transcript from my stenographic notes in the
proceedings.

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/s/ Stacy M. Ingram, RPR
Official Court Reporter
U.S. District Court

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Act. See 15 Del. C. § 8041(1). I am also responsible for adopting procedures for the electronic filing of reports under the Disclosure Act. See *id.* § 8041(1)(d).

4. I am a lifelong Delaware resident.

II. Records Attached

5. Attached as exhibits hereto are true and correct copies of the declarations filed on behalf of Defendants in *Delaware Strong Families v. Biden*, C.A. no. 1:13-cv-1746-SLR, together with accompanying exhibits.

Exhibit	Description
1	Declaration of Weili J. Shaw
2	Declaration of Mimi Murray Digby Marziani
3	Declaration of Liane Sorenson
4	Declaration of Erik Raser-Schramm
5	Declaration of Elaine Manlove
6	Declaration of Jonathan D. Moll, CPA

III. Political Campaigns in Delaware

6. In my experience political advertising in Delaware generally takes the following forms: print mail sent to people's homes; signs posted in residents' yards, public rights of way, or the medians of roads; text messages; radio ads; or advertisements on websites for Delaware's limited selection of Delaware-specific news media.

7. Delaware does not have dedicated television broadcast media. For most purposes, Delaware is grouped with the media markets for Philadelphia or Baltimore. As such, TV advertising is not widely used in connection with Delaware-

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specific elections; TV advertising in Delaware-specific elections is generally limited to the largest state-wide elections, such as the election for governor.

8. While some campaigns spend hundreds of thousands of dollars to communicate with the electorate, I am also aware of many campaigns for elected office in Delaware that are conducted for less than \$5,000 total. I understand that it is possible to communicate with all of the likely voters in an election district in Delaware for less than \$500 in many instances, such as by mass-text message.

9. I am aware that people who are not Delaware residents have contributed substantial amounts to Delaware political committees for the purpose of affecting Delaware elections. The sources of these contributions are the subject of many news articles. Attached as exhibits hereto are true and correct copies of four such news articles:

Exhibit	Article Title
7	Karl Baker, <i>Longtime court critic quietly funds PAC controlled by House Speaker</i> , Spotlight Delaware, March 5, 2026 Available at: https://spotlightdelaware.org/2026/03/05/longtime-court-critic-quietly-funds-pac-controlled-by-house-speaker/
8	Karl Baker and Amanda Fries, <i>Millions fueling Delaware governor's race make it one of most expensive in history</i> , Spotlight Delaware, August 20, 2024 Available at: https://spotlightdelaware.org/2024/08/20/governors-race-funding-august/

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Exhibit	Article Title
9	Melissa Steele, <i>Influence of PACs increasing in Delaware</i>, Cape Gazette, September 5, 2024 Available at: https://www.capegazette.com/article/influence-pacs-increasing-delaware/280537

10. People who are not Delaware residents have also affected Delaware elections through third-party advertising. The purpose of the Disclosure Act is to inform Delaware voters of the funding sources for these third-party advertisements.

11. I know that disclosures around who paid for political communications matter to Delaware voters because the Department of Elections is and I am contacted by Delaware residents asking about funding sources for advertisements when required disclosures are not made.

12. On multiple occasions, I have been contacted by Delawareans expressing dismay about campaign mailings by ambiguously named groups; the Delawareans wanted to know who was behind the communications.

IV. Delaware Campaign Finance Reporting for Third-Party Advertisers

13. The Department of Elections operates the Delaware Campaign Finance Reporting System (“CFRS”), the website through which campaign finance reports required by the Disclosure Act are submitted. The CFRS website is located at <https://cfrs.elections.delaware.gov/>. Filings made on the CFRS website are accessible to the public upon submission.

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14. I am aware that members of the public and the press access the CFRS system to gain information about the sources of funding for political advertisements.

15. CFRS's website contains an online form for a person to register as a third-party advertiser. This form is referred to as a Third-Party Advertiser Statement of Organization. Completion of this form is sufficient under Delaware law to document the creation of a new unincorporated association to act as a third-party advertiser, if a person chooses to proceed in that fashion.

16. CFRS's website contains an online form for a person to register as or to form a Delaware PAC. This form is referred to as a Political Action Committee Statement of Organization. Filing a Political Action Committee Statement of Organization with Delaware's Department of Elections through the CFRA website is sufficient to form a PAC. Delaware law does not require a PAC to maintain a separate bank account. A Delaware PAC can be dissolved by choosing the final report button when filing a financial report for the PAC that reflects the distribution of all funds held by the PAC and repayment of all debts owed by the PAC. A final report reflecting a PAC's closure is attached as Exhibit 10 hereto.

17. CFRS's website contains an online form for submitting the third-party advertisement reports described in 15 Del. C. § 8031. This form is referred to as a Third-Party Advertisement Report.

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18. Attached as exhibits hereto are true and correct copies of the following forms, which are available on the CFRS website at the internet addresses listed:

Exhibit	Forms Available on CFRS Website: https://cfrs.elections.delaware.gov/
11	Statement of Organization for Third-Party Advertiser https://cfrs.elections.delaware.gov/Public/ThirdPartyAdvertisersRegistration?isInitial=true#
12	Statement of Organization for Political Action Committee https://cfrs.elections.delaware.gov/Public/PoliticalActionRegistration?isInitial=true
13	Third-Party Advertisement Report https://cfrs.elections.delaware.gov/Public/ThirdPartyAdvertisersRegistration?isInitial=true

19. In my experience, third-parties that intend to issue election related communications in Delaware often form a political action committee, an unincorporated association, or both specifically for that purpose. By forming these entities and issuing third-party advertising through the new entity, groups can lawfully designate a subset of their funding as the source of funding for political advertisements.

20. It is my understanding that Delaware corporate and alternative entity laws require agencies, such as the Department of Elections, to respect entities' corporate form, absent specific circumstances or direction in code.

21. Delaware's campaign finance laws do not currently contain any provisions permitting the Department of Elections to disregard special purpose entities or unincorporated associations through which people engage in third-party

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advertising. Thus, Delaware's current Disclosure Act permits third-party advertisers to limit disclosure of their underlying donors by forming PACs and unincorporated associations for the purposes of making third-party advertisements.

22. Delaware's campaign finance laws do not currently contain any limitations on the amount that may be contributed to a PAC or to an unincorporated association during a reporting period.

23. An example of a Third-Party Advertisement Report where the reporting party did not create special purpose entities for purposes of third-party advertising is attached as Exhibit 14 hereto. An example of a Third-Party Advertisement Report reflecting the creation of special purpose entities for purposes of third-party advertising is attached as Exhibit 15 hereto.

24. The Department enforces the Disclosure Act's requirement that a third-party advertiser file a statement describing their organization and a report reflecting the expenditures related to third-party advertising. When doing so, the Department does not, however, take enforcement actions against people who engage in third-party advertising through unincorporated entities created for that purpose, provided that the use of such unincorporated entities is properly reported. This is because that conduct is not prohibited by current law.

25. On June 30, 2025, legislation was introduced in Delaware's General Assembly to change the use of PACs and other associations to limit disclosure under

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Act. A copy of that legislation is attached hereto as Exhibit 16. The current state of this legislation is reflected on the Delaware General Assembly's website at: <https://legis.delaware.gov/BillDetail?LegislationId=143188>. If this legislation is passed, the Department of Elections will implement this legislation as soon as it becomes effective.

26. If enacted, this amendment would require third-party advertisers to disclose their actual funding sources. The legislation, as currently amended, would be implemented on July 1, 2028. See Exhibit 16, at line 268.

V. Plaintiffs' Campaign Finance Reporting

27. I am familiar with the steps necessary to search Delaware's CFRS system. I have searched CFRS and to the best of my knowledge neither plaintiff has ever reported any campaign contribution or third-party advertisement in Delaware.

28. I have reviewed the Federal Campaign Finance Reporting System. Based upon my review of that system, I understand that Plaintiffs have a federally organized PAC that operates under the same name and control as Plaintiffs do.

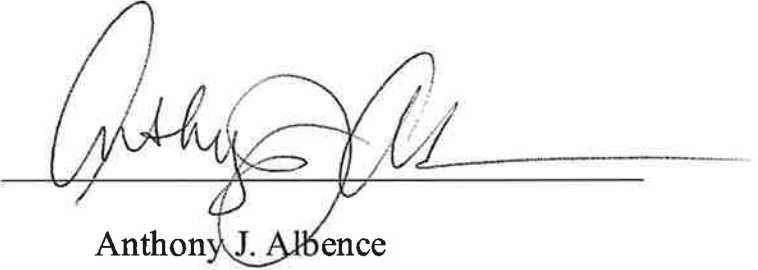
29. Current Delaware law would permit Plaintiffs to fund third-party advertising in Delaware through their associated federal PAC or through a newly-created Delaware PAC or unincorporated association. If Plaintiffs did this, they would be required to file a disclosure report in Delaware's CFRS that identified

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Plaintiffs' federal or Delaware PAC or unincorporated association as the third-party advertiser and Plaintiffs as the source of donations to the PAC.

I declare under penalty of perjury that the foregoing is true and correct.

Executed May 26, 2026.



Anthony J. Albence

Americans for Prosperity Foundation, et. al. v. Albence, et. al., C.A. No. 1:26-cv-00445-JLH

Exhibit 1

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE STRONG FAMILIES,

Plaintiff,

vs.

Civil Action No. 1:13-cv-1746-SLR

JOSEPH R. BIDEN III, in his official
capacity as Attorney General of the State of
Delaware; and

ELAINE MANLOVE, in her official
capacity as Commissioner of Elections for
the State of Delaware,

Defendants.

DECLARATION OF WEILI J. SHAW

I, Weili J. Shaw, declare under penalty of perjury that the following is true and correct:

1. I submit this declaration to accompany Defendants' Opposition to Plaintiff's Motion for a Preliminary Injunction.
2. I am currently a senior associate at Wilmer Cutler Pickering Hale and Dorr LLP, counsel to Defendants in this action.
3. Attached as exhibits are true and correct copies of the following documents:

Exhibit	Description
A	Minutes from the House Administration Committee hearing on H.B. 300 on May 2, 2012, and accompanying certification from the Chief Clerk of the Delaware House of Representatives, both received from the Chief Clerk of the Delaware House of Representatives

B	2011 Tax Return for Delaware Strong Families Inc. that Plaintiff admitted to be a true and accurate copy of the original in Plaintiff's Responses and Objections to Defendants' Discovery Requests, <i>see</i> D.I. 21-1, at 6
C	2011 Tax Return for Delaware Family Policy Council, Inc. ("DFPC") that Plaintiff admitted to be a true and accurate copy of the original in Plaintiff's Responses and Objections to Defendants' Discovery Requests, <i>see</i> D.I. 21-1, at 6
D	DFPC 2012 General Election Values Scorecard, downloaded from the Internet Archive at https://web.archive.org/web/20130301152700/http://www.delawarefamilies.org/pdfs/2012_C4_General_Election_Voter_Scorecard_Final2.pdf
E	Andrew Staub, <i>Mailers Promote Mayoral Hopeful Through Loophole</i> , Wilmington News Journal, Aug. 31, 2012.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: March 7, 2014

/s/ Weili J. Shaw
Weili J. Shaw

EXHIBIT A



RICHARD PUFFER
CHIEF CLERK

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

ROOM H129
Phone: (302) 744-4087
Fax: (302) 739-7854
Richard.Puffer@state.de.us

February 20, 2014

Adam Klein, Esq.
WilmerHale
1875 Pennsylvania Ave. NW
Washington, DC 20006

Dear Mr. Klein,

This letter will confirm the Office of the Chief Clerk of the Delaware House of Representatives has provided a true and correct copy of the May 2, 2012 Delaware House Administration Committee minutes in which House Bill 300 was discussed. The committee meeting took place in the Chambers of the Delaware House of Representatives and was chaired by then-Majority Leader Peter C. Schwartzkopf. The meeting minutes were submitted by Legislative Fellow Abigail N. Stollar and approved by the committee for distribution and publication.

Thank you for your request to provide the minutes. Please do not hesitate to contact me should you need further assistance.

Sincerely,

Richard L. Puffer
Chief Clerk of the House
Delaware House of Representatives





PETER C. SCHWARTZKOPF
MAJORITY LEADER
Fourteenth District

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

COMMITTEES
Ethics, Chair
House Administration, Chair
House Rules, Chair
Gaming & Pari-mutuels
Veterans Affairs

House Administration Committee

Meeting Minutes
May 2, 2012

Chairman Schwartzkopf called the meeting to order at 2:45 p.m. Members present included Speaker of the House Robert F. Gilligan and Representatives Hocker, Lavelle, and Longhurst. Rep. Mulrooney was also present. For a list of guests, please see attached.

Chairman Schwartzkopf first introduced **HB 307: AN ACT TO REINCORPORATE THE CHARTER OF THE CITY OF NEW CASTLE, CHAPTER 216, VOLUME 27, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING, AND CONSOLIDATING THE CHARTER OF THE CITY OF NEW CASTLE"** and asked Rep. Mulrooney, the prime sponsor, to speak on the bill. He indicated that the city has been talking about a potential charter change for a few years and established a committee last year to update the charter. Rep. Mulrooney, as well as co-sponsors Rep. J. Johnson, Sen. Connor, and Sen. Henry, have all met with the City Council and agree with these proposed changes.

Rep. Mulrooney then introduced Daniel Losco, the City Solicitor for the City of New Castle, who noted that it's been over ninety years since this charter has been modernized. Losco stated that there were eight public hearings, all which were advertised via public notice, and three workshops held by the City's charter commission to receive input from citizens regarding the changes. The City also sent out postcards to every citizen inviting them to these workshops. Finally, the City Council voted unanimously for these changes.

Losco summarized the changes within the bill, many of which were housekeeping in nature. Since it hasn't been modernized in over years, the original charter contained various provisions that were out of compliance with federal or state law, and the revised charter fixes those provisions. They also made the charter gender neutral and attempted to omit some of the archaic language.

There were two substantial changes, Losco said. The first major change was changing their current City Council terms from non-staggered two year terms to staggered four year terms. With this change, an election would still occur every two years. In one year, three councilpersons would be up for reelection, and in the next election year, two councilpersons and the Mayor would be up for reelection. Losco noted that this change is a result of studying many other town charters and laws.

The second substantial change regards borrowing money for the City. Currently, their charter dictates that the City cannot borrow any money without a City-wide referendum. They examined various charters to find a different borrowing system and adopted a three-tiered system found in the Middletown charter. First, they established a new short-term borrowing system, with various checks and balances built in. Therefore, the maximum aggregate that they can borrow is \$150,000 with the super majority vote of Council (four of five councilpersons in favor). The second tier is long-term borrowing with a maximum aggregate of 1.2 percent of their real estate taxes base, which is currently about \$3 million. This also requires a public hearing and a super majority vote from the Council. Finally, the third level of borrowing remains the same, so any other amount must be approved by a City-wide referendum.

Chairman Schwartzkopf then allowed the committee members to ask any questions. Speaker Gilligan, who had heard objections about the bill, asked if there had been public hearings and how many people attended them. Losco responded that they did hold public hearings which were all properly noticed under FOIA and had a turnout of about fifty or sixty individuals. Cathryn Thomas, City Administrator for the City of New Castle, noted that they also included details about the meeting in the town newsletter, which piqued citizen interest. Therefore, they moved the hearing from their regular chambers to the local senior center to accommodate more individuals.

William Barthel, President of the City of New Castle, noted the reasons for these changes in the borrowing provisions. In May 2005, the City needed a loan to meet payroll but wasn't able to do so under the current City-wide referendum. Therefore, they had a choice to violate the charter and take out a \$250,000 line of credit or bankrupt the city. Last year, they ran into another issue when they needed to fix the dikes around the City from flooding. They were up for a matching grant, but they were not able to perform a City-wide referendum in time to get approved for the funds, so they lost out on that opportunity. Therefore, this new tiered borrowing system allows the government to function more efficiently in these types of situations.

Barthel concluded that this change was necessary because of the expense of City-wide referendum. He stated that if the City needed a police car that cost around \$20,000, they would have to have a city referendum that could cost almost \$5,000 to advertise and conduct, which is nearly 25 percent of the actual cost of a police care. He stated that this is impractical and therefore a new borrowing system is necessary.

Rep. Lavelle then clarified that there is a \$150,000 cap on short-term borrowing and then a \$3 million cap on long-term borrowing. He asked how the City chose these numbers. Losco responded that they borrowed these numbers from existing charters. He stated that these short-term borrowing provisions allow the City to take out credit for short-term operational expenses, such as salaries, but are not applicable to capital expenditures. He noted that the second tier applies to capital expenditures to allow a more efficient process, but would remain capped at \$3 million so that the City could not enter crippling debt.

Rep. Lavelle then asked what the City's total budget is. Losco responded that it is around \$5-\$6 million total, and Thomas noted that their capital budget is about \$500,000 per year.

Chairman Schwartzkopf then opened up the meeting for public comment. Jack Klingmeyer, former member of City Council and Mayor of the City of New Castle, stated that he asked for minutes from these charter committee hearings and was told that minutes had never been filed, which is a violation of FOIA.

Klingmeyer stated that a charter acts like a state or federal constitution to set boundaries between people and government, and these changes are very unnecessary. He noted that voters should have the right to referendum. In addition, the City is not in dire financial need, so these borrowing provisions are also unnecessary. He stated that the issue is that the Mayor and other Councilpersons refuse to raise taxes and therefore are looking for other ways to provide funds, which is a political move. He concluded that the City needs to get their financial house in order and get a City Council that will raise taxes rather than try to convince the General Assembly to give them borrowing power.

Next, Carol Hickman, a New Castle citizen, brought up two main issues with this legislation – the term limits and the borrowing power. She noted that many citizens of New Castle were unable to attend the workshops because of work or other commitments and although they were somewhat advertised, they were not public enough. Hickman said that she opposes the changes in term limits because two years should be sufficient, as state representatives serve those two-year terms. Finally, she stated that any major funding decisions should go to the people via referendum, as they always have.

John Cochran, New Castle City Council member, stated that four year terms are necessary because you can gain more experience and run government more efficiently.

Rep. Longhurst then asked if any other towns or cities in Delaware have four-year terms. Losco noted that the City of Wilmington, City of Dover, Delmar, Laurel, and Newark all have four-year terms, while others have three- or two- year terms. Rep. Mulrooney noted that four-year terms help save money for the city while still allowing citizens to be actively involved in the process. He stated that a diverse committee helped make the decision in the best interest of the citizens.

John Houben, former mayor of the City of New Castle, noted that he was elected with no prior political experience and spent the first two years figuring out the job. Therefore, he supports the staggered four-year terms because the learning process takes time. He concluded by sharing the results of a survey which found that the majority of citizens favored four-year terms for councilpersons.

Arlene Harris, New Castle citizen, stated that she has issues with borrowing for operational and capital needs because the City should learn to stay within its means. Harris noted that she attended a workshop but didn't believe her opinion was considered in the Council's decisions. She said that she's been getting a lot of conflicting information and therefore believes the charter needs to be reexamined. Because the citizens pay for whatever the City borrows, she believes they reserve the right to vote on projects.

Rep. Johnson, a co-sponsor of the bill, stated that he represents Buttonwood, which is a largely minority section of the City. He noted that when City flooded and new dikes were needed, there

was very little done because of the referendum issue. Therefore, he supports the legislation because of the changes necessary to correct such issues.

Mark Lally, representing the Delaware League of Local Governments, stated that they support this legislation and asked the committee to release it.

Next, Teel Petty, a New Castle Councilwoman, stated that with the current charter, there is a possibility to have a brand new Council every two years. She noted that term length makes a difference because you understand the job better the longer you're in office. She concluded by saying that anything ninety years old needs updating.

Rep. Hocker stated that he represents seven different cities, and they all have limited borrowing powers. In addition, all of them have some type of borrowing power beyond referendum.

Chairman Schwartzkopf stated that the towns he represents also have staggered terms, which he believes is important. He noted that he's never heard of a City having so many public hearings for a charter change, and they went above and beyond the necessary hearings. Chairman Schwartzkopf said that those hearings were the time for public comment, and the City Council has decided to approve this charter. Finally, he stated that their borrowing system satisfies their short, medium, and long-term needs, and although they shouldn't get into continual debt, it's often necessary to borrow for necessary long-term decisions and projects.

Finally, Klingmeyer read from Title 22 of the Delaware Code and stated that this charter violates the public's right to be part of the democratic process. Chairman Schwartzkopf concluded that these term limits begin in 2013, and if citizens are unhappy with the decisions of the current Council, they can vote them out of office.

After hearing no more questions or comments, Chairman Schwartzkopf then asked for a motion on HB 307. Rep. Longhurst motioned to release the bill from committee and Rep. Hocker seconded the motion. The bill was released from committee on a vote of 5-0.

Next, Chairman Schwartzkopf introduced **HB 300: AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ENHANCED DISCLOSURE REPORTING AND DISCLAIMER REQUIREMENTS IN DELAWARE'S CAMPAIGN FINANCE LAWS.** Andrew Lippstone, Deputy Legal Counsel for Governor Markell, spoke on behalf of the legislation.

Lippstone stated that Delaware's election disclosure laws were adopted over twenty years ago, and there has been a rapid increase in spending since then. Therefore, it's necessary to update these laws. He noted that federal laws and Supreme Court decisions have allowed more money to flow into the elections, but courts have consistently upheld disclosure laws.

Lippstone continued that this legislation closes loopholes about the transparency of third-party ads. This bill requires that any person or entity who spends \$500 or more on electioneering communications within 30 days of a primary election or 60 days of a general election submit a

report disclosing this information. This report provides voters with timely information about who's responsible for ads and where the money came from.

Lippstone also noted that this legislation includes "stand-by-your-ad provisions," requiring these third parties to state in the ad how it was paid for. He said it also clarifies the law about political action committees and provides definitions for certain things that were not previously defined. He concluded that the influx of anonymous outside spending could violate Delaware's tradition of direct and honest political dialogue, which is why this legislation is necessary,

Speaker Gilligan then asked if school board elections are covered under this legislation. Lippstone responded that they are covered under this legislation. Speaker Gilligan responded that he hopes they are because there is an issue with undisclosed electioneering communications in Red Clay and other schools districts. The committee discussed adding an amendment if necessary to clarify that school boards are included.

Mimi Marziani, an attorney at the Brennan School for Justice at the New York University School of Law, shared two main reasons for this legislation. First, it's essential for voters to know who's influencing their votes, and with partisan outside groups playing more of a role in electioneering communications, it's more important than ever for disclosure laws. Marziani noted that the Supreme Court has upheld disclosure laws consistently over the last 35 years, both in the Citizens United decision and other decisions.

Secondly, Marziani noted that Delaware's current disclosure law hasn't been updated to reflect the Citizens United decision and it lags behind many other states. Therefore, this legislation modernizes Delaware law in three main ways. First, it better regulates electioneering communications by third-parties. Second, the act enhances reporting requirements to make reports more prompt and accessible to the citizens online. Third, it requires spenders to stand by their advertisements through disclaimers on their ads. Finally, the proposed law provides a link to the Elections website where voters can go to find out more information about these third parties and who's influencing their vote.

Rep. Lavelle asked what information will be on the website that these ads link to. Lippstone responded that the information online will include how the third party receives funding and where that money goes. It also will include short statement about its purpose and goals. Rep. Lavelle then asked if this law also includes state political committees. Lippstone responded that a political committee will abide by the same rules as these third parties, and they will be required to provide that information once they hit that \$500 mark.

Rep. Lavelle then responded that not all of these political committees hit that \$500 mark through advertising but still spend significant money to fund candidates. He noted that it's very difficult to navigate the Department of Elections website because you must know the exact name of the PAC to actually look it up and find these reports. He concluded by asking how they came up with the amount of \$500 to trigger the disclosure of this information.

Lippstone then stated that if you're a PAC, you are required to file regular reports. These reports are also found online. Marziana noted that the disclosure is triggered by an event rather than

periodic reporting because when citizens see or hear an advertisement, they have an immediate interest and therefore deserve immediate information about who's behind that advertisement.

Rep. Lavelle then asked if candidate committees are covered under this law, and Lippstone responded that they are not. Rep. Schwartzkopf stated that candidates are required to file periodic reports, regardless of if or how they advertise.

Rep. Lavelle conveyed his support for disclosure and asked if other parts of speech should also be covered. He stated that you must be careful how you use speech and how you regulate it. He noted that founders like Thomas Payne hid beyond anonymous speech to achieve life and liberty, and that anonymous speech has held an important place in our society.

Rep. Schwartzkopf said that he doesn't view this as regulating speech. Instead, this gives citizens the opportunity to know who sponsored the advertisement and who's trying to influence elections in a district.

Marziana stated that our nation has a long tradition of anonymous speech but not necessary anonymous spending. She also clarified that the legislation regulates all outside groups besides the actual candidate committee, so that all outside spending is subject to disclosure requirements.

Ron Smith, a house attorney, noted that there is a heavy burden on the legislative branch to apply law that isn't too broad or overreaching. Smith expressed concerns about this legislation, as it allows the Election Commissioner to make an exemption without any stipulations or guidelines as to how they can make exemptions. As a result, the state is delegating broad authority to a single person, and this could result in potential long-term problems.

Lippstone responded that the Commissioner could not require any additional information not listed in the bill and must go through a process listed in the Administrative Procedures Act. Smith responded that his concerns deal with delegating such broad power to an executive branch nominee. He asked if there are any avenues for the General Assembly to take to put some guidelines in place here around this exemption. Marziana responded that there is nothing unusual about this type of exemption.

Smith stated that the goal here is equality and a fair and open process, and this exemption process doesn't promote that fairness. He also referenced the case of *McIntyre v. Ohio Elections Commission*, which dealt with a woman who passed out flyers without her name and therefore faced criminal penalties since they were anonymous. Smith said that under this legislation, there are exemptions for any advertisements less than ninety square feet, which could led to many exemptions.

Lippstone responded that the legislation attempts to exempt any less noticeable types of communication, such as yard signs or pamphlets. Marziana also stated that *McIntyre* demonstrates the history of anonymous speech in the United States, but that the Supreme Court has continuously made it clear that *McIntyre* does not apply to spending money in elections.

Rep. Lavelle then asked how they could track down mail that goes out without any type of identification. Marziana replied that they have criminal penalties built into the legislation to try to deter this. Rep. Schwartzkopf also noted that in most cases, people will abide by a law if there are penalties.

Rep. Lavelle asked if out-of-state communications are also regulated. For example, if someone in Ohio sponsors advertisements in Delaware and they do not abide by the disclosure requirements, could the state prosecute whoever sponsored the anonymous communication? Marziana replied that yes, the offender could be prosecuted even if he or she resides outside of Delaware.

Rep. Schwartzkopf then opened the floor for public comment. Kathleen MacRae, representing the ACLU of Delaware and Common Cause, stated Common Cause's support for this legislation because of its ability to disclose "sham issue ads," which mention candidates by name. Because this legislation keeps voters aware of who is trying to influence their elections, these two organizations support the bill.

Charlotte King, League of Women Voters, stated that increased elections disclosure is a priority for their national organization. She said that this legislation is a good step towards campaign finance reform.

Nancy Willing, representing the Civic league, noted her concerns about anonymous spending in school board elections both in Red Clay and Christiana school districts. She asked that school board elections be included under this legislation to help curb the vicious, anonymous spending.

Speaker Gilligan then asked why the legislation is set to take effect on June 30, 2013, versus earlier next year. Lippstone stated that they chose that date to give the Elections Department more time to prepare for these regulatory changes. Speaker Gilligan stated that June 30 would exclude the next school board elections. The committee then discussed a possible amendment to change this date.

Jack Polidori of the Delaware School Board Association stated that his organization supports this disclosure legislation and would like to be sure that school board elections are included in under this bill. He handed out sample literature that has been sent out in certain school districts from a PAC. He demonstrated that this anonymous speech and spending is difficult to track and almost impossible for voters to understand where money comes from and who's trying to influence their votes.

After hearing no more questions of the committee, Chairman Schwartzkopf asked for a motion. Speaker Gilligan motioned to release the bill, and Rep. Longhurst seconded the motion. HB 300 was released from committee on a 4-1 vote.

Rep. Lavelle noted that he voted against the release of this bill because of the concerns Smith brought up. Chairman Schwartzkopf agreed that they need to resolve these issues about the exemptions and signage before bringing the legislation to the floor. The committee and interested parties agreed to review concerns and propose amendments, if necessary.

Chairman Schwartzkopf then introduced the final bill on the agenda, **HB 310: AN ACT TO AMEND CHAPTER 80, TITLE 15 OF THE DELAWARE CODE RELATIN GTO VIOLATIONS OF CAMPAIGN FINANCE LAWS** and asked Rep. Longhurst, the prime sponsor of the bill, to introduce the legislation. Rep. Longhurst stated that this bill enhances the penalties regarding filing election disclosure reports.

Rep. Longhurst stated that the bill has four main parts. First, it increases the penalties of late filing from \$50 per month to \$50 per day. Second, it makes the penalties the same for late or incomplete reports. Third, it imposes a fine of \$500 or 25 percent of the cost of the ad to whatever ad fails to include the “paid by for...” disclaimer. Finally, it requires the Commissioner to send a written notice and allows the party 30 days to appeal.

Rep. Lavelle asks how the Elections Department determines if reports are late or incomplete. He stated that he supports the increase of transparency, but there are issues with enforcement. He stated that they need better enforcement before legislation like this could actually work. Rep. Longhurst responded that because the Governor supports this legislation, she suspects more attention will be paid to enforcement.

Rep. Lavelle then inquired whether or not this bill needs to have a fiscal note. Lippstone replied that, based on their discussions with the Elections Commissioner, there is no additional cost involved.

Rep. Hocker then asked how many individuals have actually paid this fine. Lippstone stated that this legislation seeks to put due process around this filing process. If there is a late filing, the Elections Commissioner must notify the party and allow for a 30-day appeal period.

Smith asked what organizations should do if they absolutely cannot comply with the law, due to illness or any other issues. Lippstone replied that there are standards in existing law to address these concerns.

Chairman Schwartzkopf then asked for a motion. Speaker Gilligan motioned to release HB 310 from committee, and Rep. Longhurst seconded the motion. The bill was released on a 5-0 vote.

Chairman Schwartzkopf adjourned the meeting at 4:37 p.m.

Respectfully submitted by,

Abigail N. Stollar

House Administration Committee

Attendance

May 2, 2012

1. William Barthel, President of City of New Castle
2. Daniel Losco, City of New Castle
3. Cathryn Thomas, City of New Castle
4. Theodore Megginon, City of New Castle
5. John Cochran, City of New Castle
6. Donald Reese, City of New Castle
7. Marellira Petty, City of New Castle
8. Janet Wurtzel, City of New Castle citizen
9. Linda Ratchford, City of New Castle resident
10. Nancy Willing, Civic League of New Castle County
11. Ron Smith, House Attorney
12. Seth Thompson, House Attorney
13. James Stewart, City of New Castle Property Owner
14. John L. Houben
15. George Lovett
16. William Boyle, New Castle resident
17. Holly Denton, Resident of New Castle
18. Jack Polidori, DSEA
19. Mark Lally, Delaware League of Local Governments
20. Kathleen MacRae, ACLU-DE; Common Cause
21. Arleen Harris, City of New Castle citizen
22. John Klingmeyer
23. Carol Hickman, City of New Castle
24. Charlotte King, League of Women Voters

EXHIBIT B

Short Form

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code

(except black lung benefit trust or private foundation)

- Sponsoring organizations of donor advised funds, organizations that operate one or more hospital facilities, and certain controlling organizations as defined in section 512(b)(13) must file Form 990 (see instructions). All other organizations with gross receipts less than \$200,000 and total assets less than \$500,000 at the end of the year may use this form.
- The organization may have to use a copy of this return to satisfy state reporting requirements.

OMB No. 1545-1150

2011

Open to Public Inspection

Department of the Treasury
Internal Revenue Service

A For the 2011 calendar year, or tax year beginning

, 2011, and ending

, 20

B Check if applicable:

- ☐ Address change
- ☒ Name change
- ☐ Initial return
- ☐ Terminated
- ☐ Amended return
- ☐ Application pending

C Name of organization

DELAWARE STRONG FAMILIES INC

Number and street (or P.O. box, if mail is not delivered to street address)

Room/suite

50 FALLON DRIVE

City or town, state or country, and ZIP + 4

SEAFORD, DE 19973

D Employer identification number

26-1294144

E Telephone number

F Group Exemption Number

G Accounting Method ☐ Cash ☐ Accrual Other (specify) ☒ INCOME TAX BASISI Website: ☒ NAH Check ☐ if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF)J Tax-exempt status (check only one) - ☒ 501(c)(3) ☐ 501(c)() (insert no.) ☐ 4947(a)(1) or ☐ 527K Check ☐ if the organization is not a section 509(a)(3) supporting organization or section 527 organization and its gross receipts are normally not more than \$50,000. A Form 990-EZ or Form 990 return is not required though Form 990-N (e-postcard) may be required (see instructions). But if the organization chooses to file a return, be sure to file a complete return.L Add lines 5b, 6c, and 7b, to line 9 to determine gross receipts. If gross receipts are \$200,000 or more, or if total assets (Part II, line 25, column (B) below) are \$500,000 or more, file Form 990 instead of Form 990-EZ. ☒ \$ 63,212

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (see the instructions for Part I)

Check if the organization used Schedule O to respond to any question in this Part I ☒

Revenue	1	Contributions, gifts, grants, and similar amounts received	1	63,212
	2	Program service revenue including government fees and contracts	2	
	3	Membership dues and assessments	3	
	4	Investment income	4	
	5a	Gross amount from sale of assets other than inventory	5a	
	5b	Less: cost or other basis and sales expenses	5b	
	5c	Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a)	5c	
	6	Gaming and fundraising events		
	6a	Gross income from gaming (attach Schedule G if greater than \$15,000)	6a	
Expenses	6b	Gross income from fundraising events (not including \$ of contributions from fundraising events reported on line 1) (attach Schedule G if the sum of such gross income and contributions exceeds \$15,000)	6b	
	6c	Less: direct expenses from gaming and fundraising events	6c	
	6d	Net income or (loss) from gaming and fundraising events (add lines 6a and 6b and subtract line 6c)	6d	
	7a	Gross sales of inventory, less returns and allowances	7a	
	7b	Less: cost of goods sold	7b	
	7c	Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a)	7c	
	8	Other revenue (describe in Schedule O)	8	
	9	Total revenue. Add lines 1, 2, 3, 4, 5c, 6d, 7c, and 8	9	63,212
	10	Grants and similar amounts paid (list in Schedule O)	10	
	11	Benefits paid to or for members	11	
	12	Salaries, other compensation, and employee benefits	12	
	Assets	13	Professional fees and other payments to independent contractors	13
14		Occupancy, rent, utilities, and maintenance	14	
15		Printing, publications, postage, and shipping	15	
16		Other expenses (describe in Schedule O)	16	59,469
17		Total expenses. Add lines 10 through 16	17	59,469
18		Excess or (deficit) for the year (Subtract line 17 from line 9)	18	3,743
19		Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)	19	15,007
20		Other changes in net assets or fund balances (explain in Schedule O)	20	
21		Net assets or fund balances at end of year. Combine lines 18 through 20	21	18,750

For Paperwork Reduction Act Notice, see the separate instructions.

EEA

Form 990-EZ (2011)

98-10 21

SCANNED DEC 12 2012

Part II Balance Sheets. (see the instructions for Part II) 075aCheck if the organization used Schedule O to respond to any question in this Part II ☒

	(A) Beginning of year	(B) End of year
22 Cash, savings, and investments	37,777	22 26,307
23 Land and buildings	1,762	23 1,762
24 Other assets (describe in Schedule O)	0	24 1,470
25 Total assets	39,539	25 29,539
26 Total liabilities (describe in Schedule O)	24,532	26 10,789
27 Net assets or fund balances (line 27 of column (B) must agree with line 21)	15,007	27 18,750

Part III Statement of Program Service Accomplishments (see the instructions for Part III)Check if the organization used Schedule O to respond to any question in this Part III ☐What is the organization's primary exempt purpose? TO EDUCATE ON ISSUES IMPACTING FAMILIES

Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. In a clear and concise manner, describe the services provided, the number of persons benefited, and other relevant information for each program title.

Expenses
 (Required for section 501(c)(3) and 501(c)(4) organizations and section 4947(a)(1) trusts, optional for others)

28 EDUCATED 200 PEOPLE ON THEIR CONSTITUTIONAL RIGHTS. WORKED TO BRING COMMUNITY LEADERS TOGETHER IMPACTING 600 LEADERS.		
(Grants \$) If this amount includes foreign grants, check here ☐	28a	59,469
29		
(Grants \$) If this amount includes foreign grants, check here ☐	29a	
30		
(Grants \$) If this amount includes foreign grants, check here ☐	30a	
31 Other program services (describe in Schedule O)		
(Grants \$) If this amount includes foreign grants, check here ☐	31a	
32 Total program service expenses (add lines 28a through 31a)	32	59,469

Part IV List of Officers, Directors, Trustees, and Key Employees. List each one even if not compensated (see the instructions for Part IV)Check if the organization used Schedule O to respond to any question in this Part IV ☐

(a) Name and address	(b) Title and average hours per week devoted to position	(c) Reportable compensation (Form W-2/1099-MISC) (if not paid, enter -0-)	(d) Health benefits, contributions to employee benefit plans, and deferred compensation	(e) Estimated amount of other compensation
NICOLE THEIS 50 FALLON DRIVE, SEAFORD DE 19973	PRESIDENT 10	0	0	0
TOM BIROWSKI 50 FALLON DRIVE, SEAFORD DE 19973	BOARD CHAIR 1	0	0	0
CHRIS THEIS 50 FALLON DRIVE, SEAFORD DE 19973	SECRETARY 1	0	0	0
ALAN COLE 50 FALLON DRIVE, SEAFORD DE 19973	TREASURER 1	0	0	0
ANN SMITH 50 FALLON DRIVE, SEAFORD DE 19973	DIRECTOR 1	0	0	0
DAVID BOOTHE 50 FALLON DRIVE, SEAFORD DE 19973	DIRECTOR 1	0	0	0
TIM WAMPLER 50 FALLON DRIVE, SEAFORD DE 19973	DIRECTOR 1	0	0	0
JOHN GOOSS 50 FALLON DRIVE, SEAFORD DE 19973	DIRECTOR 1	0	0	0

Part V Other Information (Note the Schedule A and personal service contract statement requirements in the instructions for Part V) Check if the organization used Schedule O to respond to any question in this Part V ☐

	Yes	No
33 Did the organization engage in any significant activity not previously reported to the IRS? If "Yes," provide a detailed description of each activity in Schedule O		X
34 Were any significant changes made to the organizing or governing documents? If "Yes," attach a conformed copy of the amended documents if they reflect a change to the organization's name. Otherwise, explain the change on Schedule O (see instructions)	X	
35 a Did the organization have unrelated business gross income of \$1,000 or more during the year from business activities (such as those reported on lines 2, 6a, and 7a, among others)?		X
b If "Yes," to line 35a, has the organization filed a Form 990-T for the year? If "No," provide an explanation in Schedule O		
35c Was the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization subject to section 6033(e) notice, reporting, and proxy tax requirements during the year? If "Yes," complete Schedule C, Part III		X
36 Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If "Yes," complete applicable parts of Schedule N		X
37 a Enter amount of political expenditures, direct or indirect, as described in the instructions 37a 5,117		
b Did the organization file Form 1120-POL for this year?		X
38 a Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee or were any such loans made in a prior year and still outstanding at the end of the tax year covered by this return?		X
b If "Yes," complete Schedule L, Part II and enter the total amount involved 38b		
39 Section 501(c)(7) organizations Enter		
a Initiation fees and capital contributions included on line 9 39a		
b Gross receipts, included on line 9, for public use of club facilities 39b		
40 a Section 501(c)(3) organizations Enter amount of tax imposed on the organization during the year under section 4911 40a		
b Section 501(c)(3) and 501(c)(4) organizations Did the organization engage in any section 4958 excess benefit transaction during the year, or did it engage in an excess benefit transaction in a prior year that has not been reported on any of its prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I		X
c Section 501(c)(3) and 501(c)(4) organizations Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958 40c		
d Section 501(c)(3) and 501(c)(4) organizations Enter amount of tax on line 40c reimbursed by the organization 40d		
e All organizations At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If "Yes," complete Form 8886-T 40e		X
41 List the states with which a copy of this return is filed 41		
42 a The organization's books are in care of NICOLE THEIS Telephone no 302-548-5106		
Located at 50 FALLON DRIVE SEAFORD, DE ZIP + 4 19973		
b At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? If "Yes," enter the name of the foreign country		X
See the instructions for exceptions and filing requirements for Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts.		
c At any time during the calendar year, did the organization maintain an office outside of the U S ? If "Yes," enter the name of the foreign country		
43 Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of Form 1041-Check here and enter the amount of tax-exempt interest received or accrued during the tax year 43		
44 a Did the organization maintain any donor advised funds during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ		X
b Did the organization operate one or more hospital facilities during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ		X
c Did the organization receive any payments for indoor tanning services during the year?		X
d If "Yes," to line 44c, has the organization filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O		
45 a Did the organization have a controlled entity within the meaning of section 512(b)(13)?		X
45 b Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," Form 990 and Schedule R may need to be completed instead of Form 990-EZ (see instructions)		X

077a

- 46 Did the organization engage, directly or indirectly, in political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I

	Yes	No
46		X

Part VI Section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts only. All section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts must answer questions 47-49b and 52, and complete the tables for lines 50 and 51.

Check if the organization used Schedule O to respond to any question in this Part VI ☐

- 47 Did the organization engage in lobbying activities or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II
- 48 Is the organization a school as described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E
- 49a Did the organization make any transfers to an exempt non-charitable related organization?
- b If "Yes," was the related organization a section 527 organization?
- 50 Complete this table for the organization's five highest compensated employees (other than officers, directors, trustees and key employees) who each received more than \$100,000 of compensation from the organization. If there is none, enter "None"

	Yes	No
47	X	
48		X
49a	X	
49b		X

(a) Name and address of each employee paid more than \$100,000	(b) Title and average hours per week devoted to position	(c) Reportable compensation (Forms W-2/1099-MISC)	(d) Health benefits, contributions to employee benefit plans, and deferred compensation	(e) Estimated amount of other compensation
NONE				

f Total number of other employees paid over \$100,000

- 51 Complete this table for the organization's five highest compensated independent contractors who each received more than \$100,000 of compensation from the organization. If there is none, enter "None"

(a) Name and address of each independent contractor paid more than \$100,000	(b) Type of service	(c) Compensation
NONE		

d Total number of other independent contractors each receiving over \$100,000

- 52 Did the organization complete Schedule A? **Note:** All section 501(c)(3) nonexempt charitable trusts must attach a completed Schedule A

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules, and the information is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which

Sign Here

Signature of officer

NICOLE THEIS, PRESIDENT

Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name

Jeff Premo CPA

Preparer's signature

Firm's name Jeffrey L Premo PA

Firm's address 214 E Front Street

LAUREL DE 19956

May the IRS discuss this return with the preparer shown above? See Instructions

SCHEDULE A
(Form 990 or 990-EZ)**Public Charity Status and Public Support**

OMB No 1545-0047

2011**Open to Public
Inspection**Department of the Treasury
Internal Revenue Service

Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.

▶ Attach to Form 990 or Form 990-EZ. ▶ See separate instructions.

Name of the organization

Employer identification number

DELAWARE STRONG FAMILIES INC

26-1294144

Part I Reason for Public Charity Status (All organizations must complete this part.) See instructions

The organization is not a private foundation because it is (For lines 1 through 11, check only one box.)

- 1 ☐ A church, convention of churches, or association of churches described in **section 170(b)(1)(A)(i).**
- 2 ☐ A school described in **section 170(b)(1)(A)(ii).** (Attach Schedule E.)
- 3 ☐ A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii).**
- 4 ☐ A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii).** Enter the hospital's name, city, and state _____
- 5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv).** (Complete Part II.)
- 6 ☐ A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v).**
- 7 ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi).** (Complete Part II.)
- 8 ☐ A community trust described in **section 170(b)(1)(A)(vi).** (Complete Part II.)
- 9 ☐ An organization that normally receives (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions - subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2).** (Complete Part III.)
- 10 ☐ An organization organized and operated exclusively to test for public safety. See **section 509(a)(4).**
- 11 ☐ An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in **section 509(a)(1)** or **section 509(a)(2).** See **section 509(a)(3).** Check the box that describes the type of supporting organization and complete lines 11e through 11h.
- a ☐ Type I b ☐ Type II c ☐ Type III-Functionally integrated d ☐ Type III-Other
- e ☐ By checking this box, I certify that the organization is not controlled directly or indirectly by one or more disqualified persons other than foundation managers and other than one or more publicly supported organizations described in **section 509(a)(1)** or **section 509(a)(2).**
- f If the organization received a written determination from the IRS that it is a Type I, Type II, or Type III supporting organization, check this box ☐
- g Since August 17, 2006, has the organization accepted any gift or contribution from any of the following persons?
- (i) A person who directly or indirectly controls, either alone or together with persons described in (ii) and (iii) below, the governing body of the supported organization? ☐
- (ii) A family member of a person described in (i) above? ☐
- (iii) A 35% controlled entity of a person described in (i) or (ii) above? ☐
- h Provide the following information about the supported organization(s)

	Yes	No
11g(i)		
11g(ii)		
11g(iii)		

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1-9 above or IRC section (see instructions))	(iv) Is the organization in col (i) listed in your governing document?		(v) Did you notify the organization in col (i) of your support?		(vi) Is the organization in col (i) organized in the U.S.?		(vii) Amount of support
			Yes	No	Yes	No	Yes	No	
(A)									
(B)									
(C)									
(D)									
(E)									
Total									

For Paperwork Reduction Act Notice, see the Instructions for Form 990 or 990-EZ.

EEA

Schedule A (Form 990 or 990-EZ) 2011

Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)

(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under

Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
1 Gifts, grants, contributions, and membership fees received (Do not include any "unusual grants")		44,068	54,496	71,154	63,212	232,930
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge						
4 Total. Add lines 1 through 3		44,068	54,496	71,154	63,212	232,930
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						16,129
6 Public support. Subtract line 5 from line 4						216,801

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
7 Amounts from line 4		44,068	54,496	71,154	63,212	232,930
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
9 Net income from unrelated business activities, whether or not the business is regularly carried on						
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV)						
11 Total support. Add lines 7 through 10						232,930
12 Gross receipts from related activities, etc. (see instructions)					12	1,771
13 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here ☐						

Section C. Computation of Public Support Percentage

14 Public support percentage for 2011 (line 6, column (f) divided by line 11, column (f))	14	93.08	%
15 Public support percentage from 2010 Schedule A, Part II, line 14	15	97.41	%
16a 33 1/3% support test - 2011. If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization ☒			
b 33 1/3% support test - 2010. If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization ☐			
17a 10%-facts-and-circumstances test - 2011. If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization ☐			
b 10%-facts-and-circumstances test - 2010. If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization ☐			
18 Private foundation. If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions ☐			

Part III Support Schedule for Organizations Described in Section 509(a)(2)

(Complete only if you checked the box on line 9 of Part I or if the organization failed to qualify under Part II)

If the organization fails to qualify under the tests listed below, please complete Part II.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ►	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
1 Gifts, grants, contributions, and membership fees received (Do not include any "unusual grants")						
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose						
3 Gross receipts from activities that are not an unrelated trade or business under sec 513						
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
5 The value of services or facilities furnished by a governmental unit to the organization without charge						
6 Total. Add lines 1 through 5						
7a Amounts included on lines 1, 2, and 3 received from disqualified persons						
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year						
c Add lines 7a and 7b						
8 Public support (Subtract line 7c from line 6)						

Section B. Total Support

Calendar year (or fiscal year beginning in) ►	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
9 Amounts from line 6						
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975						
c Add lines 10a and 10b						
11 Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on						
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV)						
13 Total support. (Add lines 9, 10c, 11, and 12)						
14 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here						☐

Section C. Computation of Public Support Percentage

15 Public support percentage for 2011 (line 8, column (f) divided by line 13, column (f))	15	%
16 Public support percentage from 2010 Schedule A, Part III, line 15	16	%

Section D. Computation of Investment Income Percentage

17 Investment income percentage for 2011 (line 10c, column (f) divided by line 13, column (f))	17	%
18 Investment income percentage from 2010 Schedule A, Part III, line 17	18	%

19a 33 1/3% support tests - 2011. If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and stop here. The organization qualifies as a publicly supported organization ☐

b 33 1/3% support tests - 2010. If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3%, and line 18 is not more than 33 1/3%, check this box and stop here. The organization qualifies as a publicly supported organization ☐

20 Private foundation. If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions ☐

SCHEDULE C
(Form 990 or 990-EZ)Department of the Treasury
Internal Revenue Service**Political Campaign and Lobbying Activities**

OMB No 1545-0047

2011**Open to Public
Inspection**

- For Organizations Exempt From Income Tax Under section 501(c) and section 527
- ▶ **Complete if the organization is described below.** ▶ **Attach to Form 990 or Form 990-EZ.**
- ▶ **See separate instructions.**

If the organization answered "Yes," to Form 990, Part IV, line 3, or Form 990-EZ, Part V, line 46 (Political Campaign Activities), then

- Section 501(c)(3) organizations Complete Parts I-A and B Do not complete Part I-C
- Section 501(c) (other than section 501(c)(3)) organizations Complete Parts I-A and C below Do not complete Part I-B
- Section 527 organizations Complete Part I-A only

If the organization answered "Yes," to Form 990, Part IV, line 4, or Form 990-EZ, Part VI, line 47 (Lobbying Activities), then

- Section 501(c)(3) organizations that have filed Form 5768 (election under section 501(h)) Complete Part II-A Do not complete Part II-B
- Section 501(c)(3) organizations that have NOT filed Form 5768 (election under section 501(h)) Complete Part II-B Do not complete Part II-A

If the organization answered "Yes," to Form 990, Part IV, line 5 (Proxy Tax) or Form 990-EZ, Part V, line 35c (Proxy Tax), then

- Section 501(c)(4), (5), or (6) organizations Complete Part III

Name of organization

DELAWARE STRONG FAMILIES INC

Employer identification number

26-1294144

Part I-A Complete if the organization is exempt under section 501(c) or is a section 527 organization.

- 1 Provide a description of the organization's direct and indirect political campaign activities in Part IV.
- 2 Political expenditures ▶ \$
- 3 Volunteer hours ▶

Part I-B Complete if the organization is exempt under section 501(c)(3).

- 1 Enter the amount of any excise tax incurred by the organization under section 4955 ▶ \$
- 2 Enter the amount of any excise tax incurred by organization managers under section 4955 ▶ \$
- 3 If the organization incurred a section 4955 tax, did it file Form 4720 for this year? ☐ Yes ☐ No
- 4a Was a correction made? ☐ Yes ☐ No
- b If "Yes," describe in Part IV

Part I-C Complete if the organization is exempt under section 501(c), except section 501(c)(3).

- 1 Enter the amount directly expended by the filing organization for section 527 exempt function activities ▶ \$
- 2 Enter the amount of the filing organization's funds contributed to other organizations for section 527 exempt function activities ▶ \$
- 3 Total exempt function expenditures Add lines 1 and 2 Enter here and on Form 1120-POL, line 17b ▶ \$
- 4 Did the filing organization file Form 1120-POL for this year? ☐ Yes ☐ No
- 5 Enter the names, addresses and employer identification number (EIN) of all section 527 political organizations to which the filing organization made payments For each organization listed, enter the amount paid from the filing organization's funds Also enter the amount of political contributions received that were promptly and directly delivered to a separate political organization, such as a separate segregated fund or a political action committee (PAC) If additional space is needed, provide information in Part IV

(a) Name	(b) Address	(c) EIN	(d) Amount paid from filing organization's funds If none, enter -0-	(e) Amount of political contributions received and promptly and directly delivered to a separate political organization If none, enter -0-
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				

Part II-A Complete if the organization is exempt under section 501(c)(3) and filed Form 5768 (election under section 501(h)).

- A** Check ☐ if the filing organization belongs to an affiliated group (and list in Part IV each affiliated group member's name, address, EIN, expenses, and share of excess lobbying expenditures)
- B** Check ☐ if the filing organization checked box A and "limited control" provisions apply

Limits on Lobbying Expenditures (The term "expenditures" means amounts paid or incurred.)		(a) Filing organization's totals	(b) Affiliated group totals												
1a	Total lobbying expenditures to influence public opinion (grass roots lobbying)														
b	Total lobbying expenditures to influence a legislative body (direct lobbying)														
c	Total lobbying expenditures (add lines 1a and 1b)														
d	Other exempt purpose expenditures														
e	Total exempt purpose expenditures (add lines 1c and 1d)														
f	Lobbying nontaxable amount. Enter the amount from the following table in both columns														
<table border="1"> <thead> <tr> <th>If the amount on line 1e, column (a) or (b) is:</th> <th>The lobbying nontaxable amount is:</th> </tr> </thead> <tbody> <tr> <td>Not over \$500,000</td> <td>20% of the amount on line 1e</td> </tr> <tr> <td>Over \$500,000 but not over \$1,000,000</td> <td>\$100,000 plus 15% of the excess over \$500,000</td> </tr> <tr> <td>Over \$1,000,000 but not over \$1,500,000</td> <td>\$175,000 plus 10% of the excess over \$1,000,000</td> </tr> <tr> <td>Over \$1,500,000 but not over \$17,000,000</td> <td>\$225,000 plus 5% of the excess over \$1,500,000</td> </tr> <tr> <td>Over \$17,000,000</td> <td>\$1,000,000</td> </tr> </tbody> </table>		If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:	Not over \$500,000	20% of the amount on line 1e	Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000	Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000	Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000	Over \$17,000,000	\$1,000,000		
If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:														
Not over \$500,000	20% of the amount on line 1e														
Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000														
Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000														
Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000														
Over \$17,000,000	\$1,000,000														
g	Grassroots nontaxable amount (enter 25% of line 1f)														
h	Subtract line 1g from line 1a. If zero or less, enter -0-														
i	Subtract line 1f from line 1c. If zero or less, enter -0-														
j	If there is an amount other than zero on either line 1h or line 1i, did the organization file Form 4720 reporting section 4911 tax for this year?		☐ Yes ☐ No												

4-Year Averaging Period Under Section 501(h)

(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the instructions for lines 2a through 2f on page 4.)

Lobbying Expenditures During 4-Year Averaging Period					
Calendar year (or fiscal year beginning in)	(a) 2008	(b) 2009	(c) 2010	(d) 2011	(e) Total
2a Lobbying nontaxable amount					
b Lobbying ceiling amount (150% of line 2a, column (e))					
c Total lobbying expenditures					
d Grassroots nontaxable amount					
e Grassroots ceiling amount (150% of line 2d, column (e))					
f Grassroots lobbying expenditures					

Part II-B Complete if the organization is exempt under section 501(c)(3) and has NOT filed Form 5768 (election under section 501(h)).

For each "Yes" response to lines 1a through 1i below, provide in Part IV a detailed description of the lobbying activity

	(a)		(b)
	Yes	No	Amount
1 During the year, did the filing organization attempt to influence foreign, national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of			
a Volunteers?	X		
b Paid staff or management (include compensation in expenses reported on lines 1c through 1i)?	X		
c Media advertisements?		X	
d Mailings to members, legislators, or the public?		X	
e Publications, or published or broadcast statements?		X	
f Grants to other organizations for lobbying purposes?		X	
g Direct contact with legislators, their staffs, government officials, or a legislative body?		X	
h Rallies, demonstrations, seminars, conventions, speeches, lectures, or any similar means?		X	
i Other activities?	X		5,117
j Total. Add lines 1c through 1i.			5,117
2a Did the activities in line 1 cause the organization to be not described in section 501(c)(3)?		X	
b If "Yes," enter the amount of any tax incurred under section 4912			
c If "Yes," enter the amount of any tax incurred by organization managers under section 4912			
d If the filing organization incurred a section 4912 tax, did it file Form 4720 for this year?			

Part III-A Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6).

	Yes	No
1 Were substantially all (90% or more) dues received nondeductible by members?	1	
2 Did the organization make only in-house lobbying expenditures of \$2,000 or less?	2	
3 Did the organization agree to carry over lobbying and political expenditures from the prior year?	3	

Part III-B Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6) and if either (a) BOTH Part III-A, lines 1 and 2, are answered "No" OR (b) Part III-A, line 3, is answered "Yes."

1 Dues, assessments and similar amounts from members.	1	
2 Section 162(e) nondeductible lobbying and political expenditures (do not include amounts of political expenses for which the section 527(f) tax was paid).		
a Current year	2a	
b Carryover from last year	2b	
c Total	2c	
3 Aggregate amount reported in section 6033(e)(1)(A) notices of nondeductible section 162(e) dues	3	
4 If notices were sent and the amount on line 2c exceeds the amount on line 3, what portion of the excess does the organization agree to carryover to the reasonable estimate of nondeductible lobbying and political expenditure next year?	4	
5 Taxable amount of lobbying and political expenditures (see instructions)	5	

Part IV Supplemental Information

Complete this part to provide the descriptions required for Part I-A, line 1, Part I-B, line 4, Part I-C, line 5, Part II-A, and Part II-B, line

1 Also, complete this part for any additional information

SCHEDULE O
(Form 990 or 990-EZ)**Supplemental Information to Form 990 or 990-EZ**

OMB No 1545-0047

2011**Open to Public
Inspection**Department of the Treasury
Internal Revenue ServiceComplete to provide information for responses to specific questions on
Form 990 or 990-EZ or to provide any additional information.

▶ Attach to Form 990 or 990-EZ.

Name of the organization

Employer identification number

DELAWARE STRONG FAMILIES INC

26-1294144

01. General explanation attachment**PART 1 LINE 16 OTHER EXPENSES**

DE FAMILY POLICY COUNCIL INC A C4 27-0375433 PERFORMS C-3 ACTIVITIES FOR DE STRONG FAMILY

FAMILIES A C3. THESE EXPENSES ARE TRACTED AND REIMBURSED. SCHEDULE C; PART IIB LINE LI

OTHER ACTIVITIES

THIS AMOUNT INCLUDES \$2893 OF STAFF TIME AND \$2224 OF OVERHEAD ATTRIBUTED TO

DIRECT AND INDIRECT LOBBYING.

02. Description of other expenses (Part I, line 16)

DESCRIPTION	AMOUNT
CORPORATE TAXES	164
BANKING AND PROCESSING FEES	52
INFORMATION TECHNOLOGY	186
PY EXP CHARGED BACK TO C4	24,660
DIRECT EXP CHARGED BACK TO C4	34,407

03. Description of other assets (Part II, line 24)

BEGINNING

CATEGORY	OF YEAR	END OF YEAR
UNDEPOSITED FUNDS	0	1,470

04. Description of total liabilities (Part II, line 26)

BEGINNING

Schedule O (Form 990 or 990-EZ) (2011)

Page 2

Name of the organization

085a

Employer identification number

DELAWARE STRONG FAMILIES INC

26-1294144

CATEGORY

OF YEAR

END OF YEAR

ACCOUNTS PAYABLE

24,532

10,789

086a

State of Delaware
Secretary of State
Division of Corporations
Delivered 11:30 AM 10/20/2011
FILED 11:30 AM 10/20/2011
SRV 111123190 - 4477569 FILE

Accr

290805301

**STATE OF DELAWARE
CERTIFICATE OF AMENDMENT
(A CORPORATION WITHOUT CAPITAL STOCK)**

The corporation, Delaware Family Policy Council Education Fund,
organized and existing under the laws of the State of Delaware, hereby certifies as
follows:

(1) That at a meeting a vote of the members of the governing body was taken
for and against the amendment to the Certificate of Incorporation, said Amendment being
as follows:

The name of the Corporation shall be Delaware
Strong Families Inc.

(2) That said amendment was duly adopted in accordance with the provisions of
Section 242 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, said corporation has caused this certificate to be
signed this 13th day of October, A.D. 2011.

By: Thomas Bixowski
Authorized Officer

Name: Tom Bixowski, Chairman of the Board
Print or Type

EXHIBIT C

Part II

Balance Sheets

Check if the organization used Schedule O to respond to any question in this Part II

☒

(See the instructions for Part II)

	(A) Beginning of year		(B) End of year
22 Cash, savings, and investments	48,715	22	25,534
23 Land and buildings	570	23	570
24 Other assets (describe in Schedule O)	24,532	24	11,089
25 Total assets	73,817	25	37,193
26 Total liabilities (describe in Schedule O)	0	26	3,183
27 Net assets or fund balances (line 27 of column (B) must agree with line 21)	73,817	27	34,010

Part III

Statement of Program Service Accomplishments

Check if the organization used Schedule O to respond to any question in this Part III

☐

What is the organization's primary exempt purpose?
TO INFORM FAMILIES ABOUT PUBLIC POLICES

Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. In a clear and concise manner, describe the services provided, the number of persons benefited, and other relevant information for each program title

		Expenses (Required for section 501(c)(3) and 501(c)(4) organizations and section 4947(a)(1) trusts, optional for others)
28 ADVOCATE AND ENCOURAGE PEOPLE TO ACTION ON SPECIFIC ISSUES (Grants \$) If this amount includes foreign grants, check here	☐	28a 168,156
29 (Grants \$) If this amount includes foreign grants, check here	☐	29a
30 (Grants \$) If this amount includes foreign grants, check here	☐	30a
31 Other program services (describe in Schedule O) (Grants \$) If this amount includes foreign grants, check here	☐	31a
32 Total program service expenses (add lines 28a through 31a)	☒	32 168,156

Part IV

List of Officers, Directors, Trustees, and Key Employees. List each one even if not compensated (See the instructions for Part IV)

Check if the organization used Schedule O to respond to any question in this Part IV

☐

(a) Name and address	(b) Title and average hours per week devoted to position	(c) Compensation (If not paid, enter -0-.)	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
See Additional Data Table				

Part V Other Information (Note the statement requirements in the instructions for Part V.)

Check if the organization used Schedule O to respond to any question in this Part V

		Yes	No
33	Did the organization engage in any significant activity not previously reported to the IRS? If "Yes," provide a detailed description of each activity in Schedule O		No
34	Were any significant changes made to the organizing or governing documents? If "Yes," attach a conformed copy of the amended documents if they reflect a change to the organization's name. Otherwise, explain the change on Schedule O (see instructions)		No
35	If the organization had income from business activities, such as those reported on lines 2, 6a, and 7a (among others), but not reported on Form 990-T, explain in Schedule O why the organization did not report the income on Form 990-T		
35a	Did the organization have unrelated business gross income of \$1,000 or more during the year from business activities (such as those reported on lines 2, 6a, and 7a, among others)?		No
35b	If "Yes" to line 35a, has the organization filed a Form 990-T for the year? If "No," provide an explanation in Schedule O		
35c	Was the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization subject to section 6033(e) notice, reporting, and proxy tax requirements during the year? If "Yes," complete Schedule C, Part III		No
36	Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If "Yes," complete applicable parts of Schedule N		No
37a	Enter amount of political expenditures, direct or indirect, as described in the instructions ▶	37a	19,524
37b	Did the organization file Form 1120-POL for this year?		No
38a	Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee or were any such loans made in a prior year and still outstanding at the end of the tax year covered by this return?		No
38b	If "Yes," complete Schedule L, Part II and enter the total amount involved		
39	Section 501(c)(7) organizations. Enter		
39a	Initiation fees and capital contributions included on line 9		
39b	Gross receipts, included on line 9, for public use of club facilities		
40a	Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under section 4911 ▶, section 4912 ▶, section 4955 ▶		
40b	Section 501(c)(3) and 501(c)(4) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year or did it engage in an excess benefit transaction in a prior year that has not been reported on any of its prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I		No
40c	Section 501(c)(3) and 501(c)(4) organizations. Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958		
40d	Section 501(c)(3) and 501(c)(4) organizations. Enter amount of tax on line 40c reimbursed by the organization		
40e	All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If "Yes," complete Form 8886-T		No
41	List the states with which a copy of this return is filed ▶		
42a	The organization's books are in care of ▶ NICOLE THEIS Telephone no ▶ (302) 542-5106 50 FALLON AVENUE Located at ▶ SEAFORD, DE ZIP + 4 ▶ 19973		
42b	At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? If "Yes," enter the name of the foreign country ▶ See the instructions for exceptions and filing requirements for Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts.	Yes	No
42c	At any time during the calendar year, did the organization maintain an office outside of the U S ? If "Yes," enter the name of the foreign country ▶		No
43	Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of Form 1041 —Check here and enter the amount of tax-exempt interest received or accrued during the tax year	43	
44a	Did the organization maintain any donor advised funds? If "Yes", Form 990 must be completed instead of Form 990-EZ.		No
44b	Did the organization operate one or more hospital facilities during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ		No
44c	Did the organization receive any payments for indoor tanning services during the year?		No
44d	If "Yes" to line 44c, has the organization filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O		
45a	Did the organization have a controlled entity within the meaning of section 512(b)(13)?		No
45b	Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," Form 990 and Schedule R may need to be completed instead of Form 990-EZ (see instructions)		No

		Yes	No
46	Did the organization engage, directly or indirectly, in political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I	46	Yes

Part VI Section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts only.
All section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts must answer questions 47-49b and 52.
Check if the organization used Schedule O to respond to any question in this Part VI

		Yes	No
47	Did the organization engage in lobbying activities or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II	47	
48	Is the organization a school described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E	48	
49a	Did the organization make any transfers to an exempt non-charitable related organization?	49a	
49b	If "Yes," was the related organization a section 527 organization?	49b	

50 Complete this table for the organization's five highest compensated employees (other than officers, directors, trustees and key employees) who each received more than \$100,000 of compensation from the organization. If there is none, enter "None "				
(a) Name and address of each employee paid more than \$100,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
f Total number of other employees paid over \$100,000				

51 Complete this table for the organization's five highest compensated independent contractors who each received more than \$100,000 of compensation from the organization. If there is none, enter "None "		
(a) Name and address of each independent contractor paid more than \$100,000	(b) Type of service	(c) Compensation

d	Total number of other independent contractors each receiving over \$100,000
52	Did the organization complete Schedule A? NOTE: All Section 501(c)(3) organizations must attach a completed Schedule A

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on information furnished by filer.

Sign Here	***** Signature of officer	
	NICOLE THEIS PRES Type or print name and title	
Paid Preparer's Use Only	Preparer's signature	Jeff Premo CPA
	Date	2012-11-15
	Firm's name (or yours if self-employed), address, and ZIP + 4	Jeffrey L Premo PA 214 E Front Street LAUREL, DE 19956

May the IRS discuss this return with the preparer shown above? See instructions for Form 990-EZ.

If the organization answered “Yes,” to Form 990, Part IV, Line 3, or Form 990-EZ, Part V, line 46 (Political Campaign Activities), then

- Section 501(c)(3) organizations Complete Parts I-A and B Do not complete Part I-C
- Section 501(c) (other than section 501(c)(3)) organizations Complete Parts I-A and C below Do not complete Part I-B
- Section 527 organizations Complete Part I-A only

If the organization answered “Yes,” to Form 990, Part IV, Line 4, or Form 990-EZ, Part VI, line 47 (Lobbying Activities), then

- Section 501(c)(3) organizations that have filed Form 5768 (election under section 501(h)) Complete Part II-A Do not complete Part II-B
- Section 501(c)(3) organizations that have NOT filed Form 5768 (election under section 501(h)) Complete Part II-B Do not complete Part II-A

If the organization answered “Yes,” to Form 990, Part IV, Line 5 (Proxy Tax) or Form 990-EZ, line 35c (Proxy Tax), then

- Section 501(c)(4), (5), or (6) organizations Complete Part III

Name of the organization DE FAMILY POLICY COUNCIL INC	Employer identification number 27-0375433
--	--

Part I-A Complete if the organization is exempt under section 501(c) or is a section 527 organization.

1	Provide a description of the organization's direct and indirect political campaign activities on behalf of or in opposition to candidates for public office in Part IV	
2	Political expenditures	▶ \$ 19,524
3	Volunteer hours	92

Part I-B Complete if the organization is exempt under section 501(c)(3).

1	Enter the amount of any excise tax incurred by the organization under section 4955	▶ \$
2	Enter the amount of any excise tax incurred by organization managers under section 4955	▶ \$
3	If the organization incurred a section 4955 tax, did it file Form 4720 for this year?	☐ Yes ☐ No
4a	Was a correction made?	☐ Yes ☐ No
b	If "Yes," describe in Part IV	

Part I-C Complete if the organization is exempt under section 501(c) except section 501(c)(3).

1	Enter the amount directly expended by the filing organization for section 527 exempt function activities	▶ \$
2	Enter the amount of the filing organization's funds contributed to other organizations for section 527 exempt funtion activities	▶ \$
3	Total exempt function expenditures Add lines 1 and 2 Enter here and on Form 1120-POL, line 17b	▶ \$
4	Did the filing organization file Form 1120-POL for this year?	☐ Yes ☒ No
5	Enter the names, addresses and employer identification number (EIN) of all section 527 political organizations to which the filing organization made payments For each organization listed, enter the amount paid from the filing organization's funds Also enter the amount of political contributions received that were promptly and directly delivered to a separate political organization, such as a separate segregated fund or a political action committee (PAC) If additional space is needed, provide information in Part IV	

(a) Name	(b) Address	(c) EIN	(d) Amount paid from filing organization's funds If none, enter -0-	(e) Amount of political contributions received and promptly and directly delivered to a separate political organization If none, enter -0-

Part II-A Complete if the organization is exempt under section 501(c)(3) and filed Form 5768 (election under section 501(h)).

093a

- A ☐ if the filing organization belongs to an affiliated group (and list in Part IV each affiliated group member's name, address, EIN, expenses, and share of excess lobbying expenditures)
- B ☐ if the filing organization checked box A and "limited control" provisions apply

Limits on Lobbying Expenditures (The term "expenditures" means amounts paid or incurred.)		(a) Filing Organization's Totals	(b) Affiliated Group Totals												
1a Total lobbying expenditures to influence public opinion (grass roots lobbying)															
b Total lobbying expenditures to influence a legislative body (direct lobbying)															
c Total lobbying expenditures (add lines 1a and 1b)															
d Other exempt purpose expenditures															
e Total exempt purpose expenditures (add lines 1c and 1d)															
f Lobbying nontaxable amount Enter the amount from the following table in both columns															
<table><tr><td>If the amount on line 1e, column (a) or (b) is:</td><td>The lobbying nontaxable amount is:</td></tr><tr><td>Not over \$500,000</td><td>20% of the amount on line 1e</td></tr><tr><td>Over \$500,000 but not over \$1,000,000</td><td>\$100,000 plus 15% of the excess over \$500,000</td></tr><tr><td>Over \$1,000,000 but not over \$1,500,000</td><td>\$175,000 plus 10% of the excess over \$1,000,000</td></tr><tr><td>Over \$1,500,000 but not over \$17,000,000</td><td>\$225,000 plus 5% of the excess over \$1,500,000</td></tr><tr><td>Over \$17,000,000</td><td>\$1,000,000</td></tr></table>		If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:	Not over \$500,000	20% of the amount on line 1e	Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000	Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000	Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000	Over \$17,000,000	\$1,000,000		
If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:														
Not over \$500,000	20% of the amount on line 1e														
Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000														
Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000														
Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000														
Over \$17,000,000	\$1,000,000														
g Grassroots nontaxable amount (enter 25% of line 1f)															
h Subtract line 1g from line 1a If zero or less, enter -0-															
i Subtract line 1f from line 1c If zero or less, enter -0-															
j If there is an amount other than zero on either line 1h or line 1i, did the organization file Form 4720 reporting section 4911 tax for this year?		☐ Yes ☐ No													

4-Year Averaging Period Under Section 501(h)
(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the instructions for lines 2a through 2f on page 4.)

Lobbying Expenditures During 4-Year Averaging Period					
Calendar year (or fiscal year beginning in)	(a) 2008	(b) 2009	(c) 2010	(d) 2011	(e) Total
2a Lobbying non-taxable amount					
b Lobbying ceiling amount (150% of line 2a, column(e))					
c Total lobbying expenditures					
d Grassroots non-taxable amount					
e Grassroots ceiling amount (150% of line 2d, column (e))					
f Grassroots lobbying expenditures					

Part II-B Complete if the organization is exempt under section 501(c)(3) and has NOT filed Form 5768 (election under section 501(h)).

		(a)		(b)
		Yes	No	Amount
1	During the year, did the filing organization attempt to influence foreign, national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of			
a	Volunteers?			
b	Paid staff or management (include compensation in expenses reported on lines 1c through 1i)?			
c	Media advertisements?			
d	Mailings to members, legislators, or the public?			
e	Publications, or published or broadcast statements?			
f	Grants to other organizations for lobbying purposes?			
g	Direct contact with legislators, their staffs, government officials, or a legislative body?			
h	Rallies, demonstrations, seminars, conventions, speeches, lectures, or any similar means?			
i	Other activities? If "Yes," describe in Part IV			
j	Total lines 1c through 1i			
2a	Did the activities in line 1 cause the organization to be not described in section 501(c)(3)?			
b	If "Yes," enter the amount of any tax incurred under section 4912			
c	If "Yes," enter the amount of any tax incurred by organization managers under section 4912			
d	If the filing organization incurred a section 4912 tax, did it file Form 4720 for this year?			

Part III-A Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6).

		Yes	No
1	Were substantially all (90% or more) dues received nondeductible by members?	1 Yes	
2	Did the organization make only in-house lobbying expenditures of \$2,000 or less?	2	No
3	Did the organization agree to carryover lobbying and political expenditures from the prior year?	3	No

Part III-B Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6) if BOTH Part III-A, lines 1 and 2 are answered "No" OR if Part III-A, line 3 is answered "Yes".

1	Dues, assessments and similar amounts from members	1	
2	Section 162(e) non-deductible lobbying and political expenditures (do not include amounts of political expenses for which the section 527(f) tax was paid).		
a	Current year	2a	
b	Carryover from last year	2b	
c	Total	2c	
3	Aggregate amount reported in section 6033(e)(1)(A) notices of nondeductible section 162(e) dues	3	
4	If notices were sent and the amount on line 2c exceeds the amount on line 3, what portion of the excess does the organization agree to carryover to the reasonable estimate of nondeductible lobbying and political expenditure next year?	4	
5	Taxable amount of lobbying and political expenditures (see instructions)	5	

Part IV Supplemental Information

Complete this part to provide the descriptions required for Part I-A, line 1, Part I-B, line 4, Part I-C, line 5, and Part II-B, line 1.
Also, complete this part for any additional information.

Identifier	Return Reference	Explanation
------------	------------------	-------------

SCHEDULE O
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Supplemental Information to Form 990 or 990-EZ

**Complete to provide information for responses to specific questions on
Form 990 or to provide any additional information.**
▶ Attach to Form 990 or 990-EZ.

2011

Open to Public Inspection

Name of the organization DE FAMILY POLICY COUNCIL INC	Employer identification number 27-0375433
--	--

Identifier	Return Reference	Explanation
01 General explanation attachment		990EZ PART I LINE 8 OTHER REVENUE THIS REVENUE IS A CHARGEBACK OF EXPENSES FOR WORK PERFORMED FOR DE STRONG FAMILIES 26-1294144 SCHEDULE C PART IV SUPPLEMENTAL INFORMATION THIS WAS FOR POLLING AND ENCOURAGE PEOPLE TO ACT ON SPECIFIC POLITICAL ISSUES
02 Description of other revenue (Part I, line 8)		DESCRIPTION AMOUNT CHARGEBACK FROM C3 59067
03 Description of other expenses (Part I, line 16)		DESCRIPTION AMOUNT SPECIAL APPEAL 228 LEGISLATIVE ADVOCACY 25979 BANK AND PROCESSING FEES 1291 WEBSITE 41 CRM AND DATABASE SERVICES 11960 TRAILING AND DEVELOPMENT 870 BOOKS AND SUBSCRIPTIONS 411 POSTAGE AND MAILING 971 SUPPLIES 1873 TELEPHONE 2932 TRAVEL AND MEETINGS 11377 MARKETING AND PROMOTION 11135 EVENTS EXPENSE 22511
04 Description of other assets (Part II, line 24)		BEGINNING CATEGORY OF YEAR END OF YEAR ACCOUNTS RECEIVABLE 24532 10699 UNDEPOSITED FUNDS 0 390
05 Description of total liabilities (Part II, line 26)		BEGINNING CATEGORY OF YEAR END OF YEAR ACCOUNTS PAYABLE 0 3183

Additional Data

Case 1:26-cv-01745-JLR Document 23-1 Filed 05/20/26 Page 37 of 246 PageID #: 254

096a

Software ID:**Software Version:****EIN:** 27-0375433**Name:** DE FAMILY POLICY COUNCIL INC**Form 990-EZ, Special Condition Description:****Special Condition Description****Form 990EZ, Part IV - List of Officers, Directors, Trustees, and Key Employees**

(A) Name and address	(B) Title and average hours per week devoted to position	(C) Compensation (If not paid, enter -0-.)	(D) Contributions to employee benefit plans & deferred compensation	(E) Expense account and other allowances
NICOLE THEIS 50 FALLON AVENUE SEAFORD, DE 19973	PRESIDENT 30	30,000	0	0
TOM BIROWSKI 50 FALLON AVENUE SEAFORD, DE 19973	BOARD CHAIR 1	0	0	0
CHRIS THEIS 50 FALLON AVENUE SEAFORD, DE 19973	SECRETARY 1	0	0	0
ALAN COLE 50 FALLON AVENUE SEAFORD, DE 19973	TREASURER 1	0	0	0
ANN SMITH 50 FALLON AVENUE SEAFORD, DE 19973	DIRECTOR 1	0	0	0
DAVID BOOTHE 50 FALLON AVENUE SEAFORD, DE 19973	DIRECTOR 1	0	0	0
TIM WAMPLER 50 FALLON AVENUE SEAFORD, DE 19973	DIRECTOR 1	0	0	0
JOHN GOOSS 50 FALLON AVENUE SEAFORD, DE 19973	DIRECTOR 1	0	0	0

EXHIBIT D



Values Scorecard

A Service of Delaware Family Policy Council

Delaware Family Policy Council (DFPC) is pleased to present the 2012 Values Scorecard. DFPC is a 501c4 member-driven organization committed to standing for values that strengthen Delaware families.

All candidates were provided a questionnaire and given an equal opportunity to respond and to provide explanations or comments concerning each question. Any additional explanations or comments that were made by candidates are noted with an asterisk (*) next to the answer and can be found on our website.

For your convenience, the Voter Scorecard includes phone numbers for all candidates if you wish to call those who failed to respond. Positions for non-responding candidates are based on voting records, public statements, and/or campaign literature.

A printable version of the Voter Scorecard is available on our website www.delawarefamilies.org. Please Facebook and share the Voter Scorecard and encourage your friends and family to vote on November 6th.

Remember, this Voter Scorecard does not address a candidate's character, only their position on issues. It should not take the place of your effort to personally evaluate a candidate.

The stakes couldn't be higher this election. Our hope is that on November 6th, this Voter Scorecard will help you choose candidates who best represent your values.

Nicole Theris



President

Delaware Family Policy Council

FEDERAL QUESTIONS:

- Do you oppose taxpayer funding of abortions?
- Do you oppose giving tax dollars to Planned Parenthood?
- Do you oppose the federal funding of embryonic stem cell research?
- Do you support federal legislation prohibiting human cloning of all kinds, both "therapeutic" and "reproductive"?
- Do you support repealing federal estate tax?
- Do you support parental rights in education (educational choice)?
- Do you support the state constitutional amendments preserving natural marriage?
- Do you support enforcement of the Defense of Marriage Act (DOMA)?
- Do you support a marriage protection amendment to the U.S. Constitution that defines marriage as the union of one man and one woman?
- Do you oppose the Federal Employment Non-Discrimination Act?
- Do you support strict constructionist judges?
- Do you oppose open homosexuality in the military?
- Do you support repealing the healthcare law known as "Obamacare"?
- Do you support protection for institutions, organizations, and individuals from having the government force them to violate their moral or religious beliefs?

Federal Candidates			1	2	3	4	5	6	7	8	9	10	11	12	13	14	Grade
Senate	(202) 905-6706	Alexander Pires (I) X	-	-	-	-	-	-	N	N	N	-	-	N	-	-	D
Senate	(202) 224-2441	Thomas Carper (D) X	N	N	N	-	-	-	-	N	N	-	N	N	N	N	F
Senate	(302) 339-1763	Kevin Wade (R)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A
US Congress	(302) 536-9495	Tom Kovach (R) X	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
US Congress	(302) 654-1718	John Carney (D) X	N	N	-	-	-	N	-	N	-	-	-	-	N	-	F

Color Key

	Family Advocate
	Needs Improvement
	Hostile

Answer Key

- Y = Yes, **Pro-Family Position**
- N = No, **Anti-Family Position**
- U = **Undecided**
- X = **Candidate failed to respond**, information compiled from other sources listed online at www.delawarefamilies.org
- * = **Additional Comments** or voting record online at www.delawarefamilies.org
- = **Failed to respond/Position Unknown**

Party Key

- D= Democrat
- R= Republican
- L= Libertarian
- I = Independent

Endorsements/Ranking Key

- L = Delaware Liberty Fund LGBT
- S = Stonewall Democrats
- V = Gay and Lesbian Victory fund
- P = Scored more than 60% Pro-Choice on Planned Parenthood's Survey

Explanation of Information

To find your voting district and contact information on the candidates, go to www.delawarefamilies.org.

This Values Scorecard is for personal distribution. For a 501c3 or church-friendly Voter Guide, please go to www.delawarestrong.org.

To help you make an informed decision, we have included endorsements of organizations that have a mission and agenda opposite of the family values promoted by DFPC. The mission of those organizations can be viewed in the endnotes online.

The A+ grade is only awarded to incumbents who are proven champions of pro-family legislation. Those who earned an A+ grade are considered Outstanding Family Advocates.

Do you support prohibiting coverage for abortion in the state insurance exchanges mandated by the new federal healthcare law?

Do you support an annual inspection of abortion clinics for unsafe and unsanitary conditions?

Do you oppose using taxpayer money to fund Planned Parenthood and other organizations that provide abortion services?

Do you support a policy that ensures parental guardian notification prior to the introduction or instructional use of classroom curriculum or materials, whether brought or introduced by school educators, administrators, and officials, or by guests invited at their request, which involve human sexual education, human sexuality issues, sexual acts, family planning, profanity, drugs, or alcohol?

Do you support a Delaware Marriage Protection Amendment defining marriage between a man and a woman in the state constitution? (It does not ban civil unions. SS1 for SB27 2009)

[illegible]

New Castle: State Senate			1	2	3	4	5	6	7	8	9	10	11	12	Grade
656-2921	L,P		Harris McDowell (D) X	-	N	-	N	N	N	-	-	-	-	N	F
764-2309		1	Robert Clark (I)	Y	Y	U	Y	Y	U	Y	Y	Y	Y	Y	B+
Not Listed	P		Brian Lintz (L)	Y	N	N	U	N	Y*	N	U*	U*	Y	-	D
425-4148 No Opponent	L,S,P	2	Margaret Henry (D) X	-	-	N	-	N	N	N	-	-	-	-	F
656-7261 No Opponent	L	3	Robert Marshall (D) X	-	-	N	-	Y	N	Y	-	-	-	Y	C+
598-3194	L,S,P		Michael Katz (D) X	-	-	N	-	N	N	N	-	-	-	-	F
478-6128		4	Gregory Lavelle (R) X	Y	-	Y	Y	-	-	Y	-	Y	-	-	B
439-0992	L,S,P		Christopher Counihan (D) X	-	-	N	-	N	N	-	-	-	-	-	F
478-9616	P	5	Catherine Cloutier (R)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A
994-4843	L,S,P		Patricia Blevins (D) X	-	-	N	-	N	N	N	-	-	-	-	F
Not Listed		7	James Christina (L) X	-	-	N	-	N	-	-	-	-	-	-	F
239-2193	L,S,P		David Sokola (D) X	-	-	N	-	N	N	N	-	-	-	N	F
894-4591		8	William Stritzinger (R) X	-	-	-	-	-	-	-	-	-	-	-	N/A
999-7522 No Opponent	L,S	9	Karen Peterson (D) X	-	-	N	-	N	N	Y	-	-	-	-	D
378-8386 No Opponent	L,P	10	Bethany Hall-Long (D) X	-	-	N	-	N	N	N	-	-	-	-	F
709-1516	L		Bryan Townsend (D) X	-	-	N	-	N	N	-	-	-	-	-	F
754-1787		11	Evan Queitsch (R)	Y	Y	Y*	Y	Y	Y	Y	Y	Y	Y	Y	A
562-2106	L,S,P		Nicole Poore (D) X	-	-	N	-	N	N	-	-	-	-	-	F
328-8944	P	12	Dorinda Connor (R) X	-	-	Y	-	-	-	N	-	-	-	-	C-
322-6100 No Opponent	L	13	David McBride (D) X	-	-	N	-	N	N	N	-	-	-	-	F
653-7566	P		Bruce Ennis (D)	Y	Y	Y	U	Y	U	N	U	Y	U	Y	B
378-6036		14	Scott Unruh (R)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A
New Castle: State Representatives			1	2	3	4	5	6	7	8	9	10	11	12	Grade
762-8322 No Opponent		1	Charles Potter (D) X	-	-	-	-	-	-	-	-	-	-	-	N/A
428-1269 No Opponent	L,S	2	Stephanie Bolden (D) X	N	-	N	N	-	N	N	-	Y	-	-	C
655-7071 No Opponent	L,S,P	3	Helene Keeley (D) X	N	-	N	-	N	N	Y	-	N	-	-	D
655-1373 No Opponent	L	4	Gerald Brady (D) X	N	-	N	Y	N	N	N	-	N	-	Y	C-
832-1956 No Opponent	L,S	5	Melanie Smith (D) X	N	-	N	-	N	N	N	-	N	-	-	F
Not Listed	L,S,P		Debra Heffernan (D) X	N	-	N	-	N	N	N	-	N	-	-	F
478-4754		6	Eric Taylor (R) X	-	-	-	-	-	-	-	-	-	-	-	N/A
475-2252	L,S		Bryon Short (D) X	N	-	N	-	N	N	Y	-	N	-	-	D
798-0960		7	Daniel Lepre (R)	Y	N*	N	Y	N*	N	Y	Y	Y	Y	Y	C
378-2681	L		Quinton Johnson (D) X	Y	-	N	N	N	N	N	-	N	-	-	D
919-900-0401		8	Matthew Brown (R)	Y*	U*	U*	Y*	Y*	Y	N*	Y	Y	Y	Y*	B+
293-2356 No Opponent	L,P	9	Rebecca Walker (D) X	Y	-	N	N	N	N	N	-	N	-	-	D
373-0115	L,S		Dennis Williams (D) X	N	-	N	-	N	N	N	-	N	-	-	F
478-4763		10	Robert Rhodunda (R) X	-	-	-	-	-	-	-	-	-	-	-	N/A
653-8247		11	Lynne Newlin (D) X	-	-	-	-	-	-	-	-	-	-	-	N/A
526-2267			Jeffrey Spiegelman (R) X	-	-	-	-	-	-	-	-	-	-	-	N/A
651-9571 No Opponent	P	12	Deborah Hudson (R) X	Y	-	Y	Y	Y	N	Y	-	Y	-	Y	B+
995-1803 No Opponent	L	13	John Mitchell (D) X	N	-	N	-	N	N	N	-	N	-	-	F
562-6640	L,S,P		Valerie Longhurst (D) X	N	-	N	-	N	N	N	-	N	-	-	F
Not Listed		15	Amy Merlino (L) X	-	-	N	-	N	-	-	-	-	-	-	F
322-3521	L,P		James Johnson (D) X	N	-	N	-	N	N	N	-	N	-	-	F
985-7025	P	16	John Machurek (L) X	-	-	N	-	N	-	-	-	-	-	-	F
322-1249	L,P		Michael Mulrooney (D) X	N	-	N	-	N	N	N	-	N	-	-	F
395-1998		17	Laura Brown (R) X	-	-	-	-	-	-	-	-	-	-	-	N/A
368-7257 No Opponent	L,S,P	18	Michael Barbieri (D) X	N	-	N	N	N	N	N	-	N	-	-	F
633-1289	L,S		Kimberly Williams (D) X	-	-	N	-	N	N	-	-	-	-	-	F
999-8191		19	Dennis Cini (R) X	-	-	-	-	-	-	-	-	-	-	-	N/A
584-8601 No Opponent	L	21	Michael Ramone (R) X	Y	-	N	Y	-	-	N	-	Y	-	Y	C+
983-2622	L,S,P		David Ellis (D) X	-	-	N	-	N	N	-	-	-	-	-	F
454-1840		22	Joseph Miro (R)	Y	U*	Y*	Y*	Y	N*	N*	Y	Y	Y	Y*	B
562-4546	L,S,P		Paul Baumbach (D) X	-	-	N	-	N	N	-	-	-	-	-	F
731-9766		23	Mark Doughty (R) X	-	-	-	-	-	-	-	-	-	-	-	N/A
292-8903 No Opponent	L,S,P	24	Edward Osienki (D) X	N	-	N	N	N	N	N	-	N	-	-	F
547-9351 No Opponent	L,S,P	25	John Kowalko (D) X	N	-	N	N	N	N	N	-	N	-	-	F
832-2209 No Opponent	L,P	26	John Viola (D) X	N	-	N	-	N	N	N	-	N	-	-	F
834-9231 No Opponent	L,S	27	Earl Jaques (D) X	Y	-	N	Y	N	N	Y	-	N	-	-	C

STATE QUESTIONS:

- Do you support the right of parents to choose what services their children may receive at school-based wellness centers?
- Do you support tax incentives to encourage natural marriage and incent married couples to stay together as a solution to reducing poverty and dependency on government services?
- Do you oppose same-sex civil union legislation?
- Do you support parental consent of abortion for minors under the age of 18? (HB80)
- Do you support strengthening and maintaining marriage as the union of one man and one woman?
- Do you oppose adding "gender identity or gender expression" to the protected classes in Delaware's anti-discrimination laws for housing, employment, and public accommodation?
- Do you oppose legislation that includes legalizing internet gambling as a means to increase state revenue and provide jobs?
- Do you oppose prohibiting coverage for abortion in the state insurance exchanges mandated by the new federal healthcare law?
- Do you support an annual inspection of abortion clinics for unsafe and unsanitary conditions?
- Do you oppose using taxpayer money to fund Planned Parenthood and other organizations that provide abortion services?
- Do you support a policy that ensures parental guardian notification prior to the introduction or instructional use of classroom curriculum or materials, whether brought or introduced by school educators, administrators, and officials, or by guests invited at their request, which involve human sexual education, human sexuality issues, sexual acts, family planning, profanity, drugs, or alcohol?
- Do you support a Delaware Marriage Protection Amendment defining marriage between a man and a woman in the state constitution? (It does not ban civil unions. SS1 for SB27 2009)

Kent County: Clerk of the Peace			1	2	3	4	5	6	7	8	9	10	11	12	Grade
335-3392		Loretta Wootten (D) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
730-0454		Mary McVay (L) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Kent County: State Senate			1	2	3	4	5	6	7	8	9	10	11	12	Grade
653-7566	14	Bruce Ennis (D)	Y	Y	Y	U	Y	U	N	U	Y	U	Y	Y	B
378-6036		Scott Unruh (R)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A
270-2012	15	Kathleen Cooke (D) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
492-1155		Dave Lawson (R)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A+
698-0960	16	Colin Bonini (R)	Y	Y	Y	Y	Y	Y	N*	Y	Y	Y	Y	Y	A-
697-1740		Michael Tedesco (I) X	-	-	-	-	-	-	-	-	-	-	Y	Y	B-
674-5442 No Opponent	L,S	17 Brian Bushweller (D) X	-	-	N	-	N	N	N	-	-	-	-	N	F
422-3460 No Opponent	18	Gary Simpson (R)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A+
Kent County: State Representatives			1	2	3	4	5	6	7	8	9	10	11	12	Grade
653-8247	11	Lynne Newlin (D) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
526-2267		Jeffrey Spiegelman (R) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
653-8642	28	William Carson (D) X	Y	-	Y	-	Y	-	N	-	N	-	Y	Y	B
242-4253		Christopher Sylvester (R) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
659-5850	L,P	29 Charles Paradee (D) X	-	-	N	-	N	N	-	-	-	-	-	N	F
659-3436		Lincoln Willis (R)	Y	U*	Y	Y	Y	Y*	N	Y*	Y	Y	Y	Y	A-
Not Listed	30	William Outten (R)	Y	Y	Y	Y	Y	Y*	Y	Y	Y	Y	Y	Y	A+
272-1373		Gordon Smith (L)	Y	Y	N	Y	Y	N	U	Y	Y	Y	Y	U	C+
735-1781	L,S,P	31 Darryl Scott (D) X	N	-	N	N	N	N	N	-	N	-	-	N	F
222-2577		Samuel Chick (R)	Y	U*	Y*	Y	N*	Y	Y*	Y	Y*	Y	Y*	N*	B
545-0198	32	Andria Bennett (D) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
697-8271		Ellis Parrott (R)	Y	Y	Y	Y	Y	Y	Y	Y	Y*	Y	Y	Y	A
335-5633	33	John Robbins (D) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
335-4261		Harold Peterman (R)	Y	Y	Y	Y	Y	Y	N	U	Y	U	U	Y	B+
697-2554	S	34 Theodore Yacucci (D) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
697-6723		Donald Blakey (R)	Y	Y	Y	Y	Y	N	N	U	U	Y	Y	Y	B

Color Key	Answer Key	Party Key	Endorsements/Ranking Key
 Family Advocate	Y = Yes, Pro-Family Position	D= Democrat	L = Delaware Liberty Fund LGBT
 Needs Improvement	N = No, Anti-Family Position	R= Republican	S = Stonewall Democrats
 Hostile	U = Undecided	L= Libertarian	V = Gay and Lesbian Victory fund
	X = Candidate failed to respond , information compiled from other sources listed online at www.delawarefamilies.org	I = Independent	P = Scored more than 60% Pro- Choice on Planned Parenthood's Survey
	* = Additional Comments or voting record online at www.delawarefamilies.org		
	- = Failed to respond/Position Unknown		

EXHIBIT E

Mailers promote mayoral hopeful through loophole

The News Journal - Wilmington, Del.

Author: Staub, Andrew

Date: Aug 31, 2012

Start Page: n/a

Section: Government & Politics

Document Text

The News Journal

A mystery group led by out-of-state political operatives is spending money in the Wilmington mayoral race, paying for three glossy mailers that pump up Bill Montgomery's public safety proposals and attack state Rep. Dennis P. Williams.

Montgomery appears to benefit most from the group's efforts, promoting his favored Safe Communities program, although he said he has no idea who is behind it.

"They stress a program that's near and dear to me," he said. "Do they upset me? No. Somebody obviously has an interest in Safe Communities and in stopping violence. I was surprised to see them. I can't say I'm upset by them."

Montgomery said he doesn't support anonymous donors spending money on campaigns, but he has no plans to investigate whose money is behind the brochures mailed to voters two weeks before the Sept. 11 primary.

The tactic, far more common in federal and state elections, has caught some off guard. It's clear the practice has filtered down to the local level, and that raises accountability issues, said Theo Gregory, a former city councilman with nearly three decades of political experience.

"It's contagious. It's like a cancer," said Gregory, who is running unopposed for City Council president.

The materials identify Citizens for a Secure Community as the group behind the mailings. The group uses a Wilmington address identified by The News Journal as a rented mail space at The Neighborhood Mailbox. The mailings include few details other than a phone number, email address and a website that offers little information.

Messages left at the phone number and email address were not returned.

Voters may never know who is paying for the mailings because the group is using a loophole in Delaware's election laws.

Because Citizens for a Secure Community did not endorse Montgomery or coordinate with him on the mailings and only promotes issues in the mailings, the advertisements are not considered campaign literature under state law, said Elaine Manlove, the state elections commissioner. The group does not qualify as a political action committee and does not have to file a campaign finance report, she said.

As currently constructed, Delaware law has a "weird loophole" in which third-party groups can avoid disclosure requirements if they do not expressly advocate for a candidate's election or defeat with "magic words" such as "vote for" or "don't vote for," said Andrew Lippstone, the deputy legal counsel for Gov. Jack Markell.

That will change next year, when a new law goes into effect. Signed by Markell earlier this month, it will close the loophole by requiring the reporting of "electioneering communications," defined as campaign advertisements that "refer to a clearly identified candidate" and are distributed within 30 days before a primary and 60 days before a general election.

While the name Citizens for a Secure Community connotes a grass-roots organization of concerned Wilmington residents, The News Journal discovered that the group is incorporated in Texas and led by conservative-leaning political operatives based in Nevada, Ohio and Texas.

Jeffrey S. Bensing is listed as president and treasurer of Citizens for a Secure Community on one of the mailers. He previously served as chief of staff to former U.S. Sen. John Ensign, a Nevada Republican, and now runs a consulting

104a

firm with offices in Reno, Nev., and Washington, D.C. He did not return phone messages seeking comment.

Another director of Citizens for a Secure Community, James Nathanson, answered the phone number listed for JSN Associates, a political and advocacy consulting firm in Dayton, Ohio. He first said he was "never involved" with the group but later acknowledged his association when told that Texas Department of State records showed him as a director.

In explaining his confusion, Nathanson said that the group recently changed its name and that he believed it previously operated as Freedom Vote. Nathanson said he was unaware of any political activity in Delaware.

"I have not been informed of involvement, but that doesn't mean that the involvement has not happened," he said.

Freedom Vote is a nonprofit advocacy group that worked to register voters in Ohio and promoted economic policy, fiscal responsibility and job growth. It took in more than \$1.3 million from July to September 2010 and spent more than \$1.2 million in the same period, mostly on "issues education" and voter registration, according to IRS documents.

Citizens for a Secure Community was incorporated as a Texas nonprofit in April 2011. The group's Wilmington mailers distributed in the mayor's race clearly benefit Montgomery but at no cost to his campaign. Ed Osborne, a Williams supporter who has helped with the candidate's publicity efforts, said a similar mailing cost his candidate's campaign about \$6,000.

One of the group's mailers declares "there's no time to wait" for the Safe Communities program, noting the city's rising number of homicides. One includes a photo of Montgomery that identifies him only as a "Wilmington resident" and the other mailer thanks him for supporting the strategy that targets the worst criminals and offers social services to lower-level offenders.

The advertisements neither identify Montgomery as a candidate for mayor nor expressly urge his election.

Montgomery, the former chief of staff to Mayor James M. Baker, noted the photos used in the mailings were from his campaign website and his Facebook page.

A third mailer takes a more direct approach in attacking Williams for past tax delinquencies. "In tough economic times, does Wilmington really need a mayor who can't pay his taxes?" the ad asks, displaying Williams as a caricature of a politician surrounded by cash.

Williams, who has said he fell behind while paying his mother's medical bills, called the brochures attacking him "cowardly" in a message on his Facebook page. On Thursday, he called them an act of "desperation."

"We're just going to take the high road, and we're going to keep moving," he said.

Sam Hoff, a political science professor at Delaware State University, wonders if they'll play well with state residents who have embraced a culture of increased transparency while often bristling at outside involvement.

"That's not something that Delawareans normally like to see," he said.

The mayoral mailers aren't the only example of third-party advertising playing a role this election cycle.

Last week, Manlove ruled Ernesto Lopez, one of two Republican candidates for the 6th Senate District in Sussex County, had to list about \$28,000 in television advertising from a third-party group, The Project to Restore America, on his campaign finance report as an in-kind receipt and expenditure.

Lopez helped plan the content and appeared in the commercials, which advocated his candidacy, not issues, Manlove wrote in an Aug. 24 letter.

She decided that Lopez would have to reimburse Restore American for the ads - minus the maximum allowed contribution of 600 - and that he could not buy further advertising until satisfying the debt.

Contact Andrew Staub at 324-2837, on Twitter @AndrewStaubTNJ or at astaub@delawareonline.com.

ID_Code: BL-308310030

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Abstract (Document Summary)

The News Journal A mystery group led by out-of-state political operatives is spending money in the Wilmington mayoral race, paying for three glossy mailers that pump up Bill Montgomery's public safety proposals and attack state Rep. Dennis P. Williams. Voters may never know who is paying for the mailings because the group is using a loophole in Delaware's election laws. Because Citizens for a Secure Community did not endorse Montgomery or coordinate with him on the mailings and only promotes issues in the mailings, the advertisements are not considered campaign literature under state law, said Elaine Manlove, the state elections commissioner.

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Americans for Prosperity Foundation, et. al. v. Albence, et. al., C.A. No. 1:26-cv-00445-JLH

Exhibit 2

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE STRONG FAMILIES,

Plaintiff,

vs.

Civil Action No. 1:13-cv-1746-SLR

JOSEPH R. BIDEN III, in his official
capacity as Attorney General of the State of
Delaware; and

ELAINE MANLOVE, in her official
capacity as Commissioner of Elections for
the State of Delaware,

Defendants.

DECLARATION OF MIMI MURRAY DIGBY MARZIANI

I, Mimi Murray Digby Marziani, declare under penalty of perjury that the following is true and correct:

1. I submit this declaration to accompany Defendants' Opposition to Plaintiffs' Motion for a Preliminary Injunction.
2. I am currently an associate at Sullivan & Cromwell LLP in New York.
3. From September 2009 until December 2012, I was a counsel at the Brennan Center for Justice at New York University School of Law.
4. In that capacity, I testified before the Delaware House Administration Committee on May 2, 2012, in support of the Delaware Elections Disclosure Act.

5. Attached to this declaration as Exhibit A is a true and correct copy of the written statement I submitted to the Committee for that hearing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: March 5, 2014

/s/ Mimi Murray Digby Marziani
Mimi Murray Digby Marziani

EXHIBIT A

BRENNAN
CENTER
FOR JUSTICE

Brennan Center for Justice
at New York University School of Law

161 Avenue of the Americas
12th Floor
New York, New York 10013
212.998.6730 Fax 212.995.4550
www.brennancenter.org

**Testimony of
MIMI MURRAY DIGBY MARZIANI¹**

**Submitted to the
HOUSE ADMINISTRATION COMMITTEE**

**For the hearing on
HB 300: DELAWARE ELECTIONS DISCLOSURE ACT
May 2, 2012**

I appreciate the opportunity to testify today and express my strong support for the Delaware Elections Disclosure Act, which would enhance transparency in Delaware's elections.

Robust disclosure of money in politics is an essential component of a healthy democracy. Voters have a right to know the identities of those seeking to influence their vote. Moreover, disclosure deters corrupt, back-room dealings and enables regulators to detect violations of other campaign finance laws, like contribution limits.

Delaware's current campaign finance disclosure regime has not been updated to meet the challenges of modern elections, and it lags behind the laws of many other states. The Delaware Elections Disclosure Act (the "Act") is necessary to bring Delaware elections into the twenty-first century.

The Act Would Modernize Delaware Elections

Since *Citizens United v. FEC*² lifted restrictions on independent spending in US elections, outside parties, including business corporations, unions, and Super PACs, have spent astronomical sums on campaign advertisements in both federal and state elections. In the 2010 federal elections, for example, outside groups spent a total of \$294 million on political advertising—an increase of more than 400 percent compared with the previous midterm cycle.³ Similarly, an analysis of just 20 states showed that at least \$193 million was spent independent of campaigns during their 2009 and 2010

¹ Mimi Marziani serves as counsel for the Brennan Center's Democracy Program where her work focuses on money in politics and voting rights.

² 130 S. Ct. 876 (2010).

³ See PUBLIC CITIZEN, 12 MONTHS AFTER: THE EFFECTS OF *CITIZENS UNITED* ON ELECTIONS AND THE INTEGRITY OF THE LEGISLATIVE PROCESS 9 (2011).

state elections—a 14% increase from the comparable 2005-2006 cycle.⁴ Delaware has not been immune to this influx of new money. In 2010, for instance, outside groups—many funded by out-of-state interests—spent over \$1.7 million dollars to influence the results of the state’s US Senate race.⁵

As third parties play an increasingly central role in American elections, it becomes even more important that strong disclosure laws promote accountability and deter corruption. To be effective, such laws must be broad enough to capture a significant amount of political spending and rigorous enough to provide useful information to the public. The Act would further these goals in three main ways.

Regulating Electioneering Communications

First, the Act would mend a gaping hole in existing state law by regulating “electioneering communications”—campaign advertisements that target candidates right before an election, but escape disclosure by avoiding the “magic words” of express advocacy like “vote for” or “vote against” that have traditionally triggered disclosure requirements. Over the years, sophisticated players have had little trouble avoiding these magic words and thereby shielding their campaign spending from public scrutiny. Recognizing the problem of so-called sham issues ads in federal elections, the Supreme Court wryly noted that one cannot “satisfactorily answer the question of how ‘uninhibited, robust, and wide-open’ speech can occur when organizations hide themselves from the scrutiny of the voting public.”⁶

State elections nationwide have experienced similar issues, and Delaware is no exception. In 2010, for instance, many Delawareans received colorful mailings about several state legislative candidates, largely attacking them for their stance on taxes. The mailings listed a P.O. Box in Newark, but no other identifying information. And, because the cards carefully never told recipients to “vote against” any candidate, state law did not require those responsible for funding this effort to publically report their spending.⁷

Accordingly, over the last decade, federal law and the laws of twenty-one states have been extended to regulate electioneering communications. Delaware should follow suit, and likewise expand the scope of its disclosure regime to capture these ubiquitous campaign ads.

Enhancing Reporting Requirements

Second, the Act would require prompt disclosure from third parties spending significant amounts on independent expenditures and/or electioneering communications. Specifically, within twenty-four

⁴ See National Institute of Money in State Politics, *Independent Spending’s Role in State Elections: 2005-2010*, FOLLOWTHEMONEY.ORG (March 15, 2012), <http://www.followthemoney.org/press/PrintReportView.phtml?r=481>.

⁵ Center for Responsive Politics, *2010 Race: Delaware Senate, Outside Spending*, OPENSECRETS.ORG (last visited April 30, 2012), <http://www.opensecrets.org/races/index.php?cycle=2010&id=DES2>.

⁶ *McConnell v. FEC*, 540 U.S. 93, 197 (2003) (citation omitted).

⁷ See Celia Cohen, *None of Your Business Who Paid for This Ad*, DELAWAREGRAPEVINE.COM (Oct. 27, 2010), <http://www.delawaregrapevine.com/10-10PObox.asp>.

hours of spending \$500 or more on campaign advertisements right before an election,⁸ outside spenders would have to file a report with information about their political spending and a list of everyone who has recently donated more than \$100 to them. If more than \$1,200 of the underlying funds came from a non-human entity, a representative from that entity must also be identified. Thereafter, the Elections Commission will post the spending report online.

Disclosing information about the spender, the target of their spending, and the people or entities providing the underlying funding is necessary to paint a full and accurate picture of election spending in Delaware. Otherwise, corporate or other political actors seeking to veil their involvement in partisan politics may seek to funnel their funds through another organization, evading meaningful disclosure and thus any public accountability. This, too, has been a substantial problem nationwide.⁹

Delaware thus has a strong interest in joining with the numerous other states that require robust disclosure of outside spending, including information about underlying donors.¹⁰

Requiring Spenders to Stand by their Advertisements

Finally, the Act would require outside spenders to stand by their advertisements, just like candidates must do. As the *Citizens United* Court explained, stand-by-your-ad requirements are necessary to “insure that . . . voters are fully informed about the person or group who is speaking,” and “avoid confusion by making clear that the ads are not funded by a candidate or political party.”¹¹ And so, federal law and the laws of thirty-eight states include disclaimer requirements as part of their campaign finance regimes.

In addition to mandating that groups include their name on the face of campaign ads, the Act would require a link to the Election Commission’s website, where a voter can easily learn more about the spender and its funders. This is of vital importance; too often the name on the face of an ad is that of a benign-sounding group that obscures who is running, the organization and how it obtains its funding. Examples of this problem abound in state elections nationwide:

⁸ If the \$500 threshold is reached more than 30 days before a primary or special election, or 60 days before a general election, spenders have forty-eight hours to file their report.

⁹ Indeed, in the 2010 federal elections, an estimated \$135 million was spent by groups that did not provide any information about their sources of money. 12 MONTHS AFTER, *supra* note 3, at 10. And, of the ten highest spending outside groups that year, seven disclosed nothing about their contributors—even though they collectively accounted for nearly half of all outside spending. *Id.*

¹⁰ Many states that are close to Delaware in population and geographic distance have similar requirements. For states with similar total population, *see, e.g.*, Haw. Rev. Stat. § 11-341(c) (requiring disclosure of *all* underlying donors funding electioneering communications); Alaska Stat. § 15.13.040(d)-(e) (requiring requiring disclosure of *all* underlying donors funding campaign advertisements). For states that are geographically close to Delaware, *see, e.g.*, MD Code Ann., Elec. Law §§ 13-306(e)(5); 13-307(e)(5) (requiring disclosure of underlying donors contributing over \$51 to fund campaign advertisements); Mass. Gen. Laws ch. 55, § 18F (requiring disclosure of underlying donors contributing over \$250 for electioneering communications). *See also* 2 U.S.C. § 434(f)(2) (mandating disclosure of underlying donors contributing over \$1,000 to fund electioneering communications); *Van Hollen v. FEC*, ___ F.Supp.2d ___, 2012 WL 1066717 (March 30, 2012) (striking down FEC interpretations narrowing scope of underlying disclosure required by § 434(f)(2)).

¹¹ *Citizens United*, 130 S. Ct. at 915.

- During the 2011 Wisconsin Supreme Court race, a group named “Citizens for a Strong America” funded an advertising blitz against candidate JoAnne Kloppenburg, but provided no public information about its organization, leadership, or funders. The address listed for the group led to a mailbox at a local UPS store and its phone number led to a full voicemail box. Eventually, the Center for Media and Democracy discovered that “Citizens for a Strong America” was controlled by a leader of Americans for Prosperity, a national organization largely funded by billionaire David Koch.¹²
- In a 2010 Colorado ballot measure election, a group called “Littleton Neighbors Voting No,” spent \$170,000 to defeat a restriction that would have prevented Wal-Mart from coming to town. When the disclosure reports for these groups were filed, however, it was revealed that “Littleton Neighbors” was exclusively funded by Wal-Mart; it was not a grassroots campaign at all.¹³

The Act would prevent this mischief by giving curious voters a link where they can quickly and easily access the outside spender’s campaign finance report, with full information about a spender’s identity, their spending decisions, and the source of their funds.

The Act Stands on Firm Constitutional Ground

For more than three decades—from *Buckley v. Valeo*,¹⁴ upholding the post-Watergate regulation of money and politics in 1976, through *McConnell v. FEC*,¹⁵ upholding the Bipartisan Campaign Reform Act’s (“BCRA”) disclosure requirements in 2003, to *Citizens United*¹⁶ and beyond—the US Supreme Court has consistently and repeatedly held laws requiring the robust disclosure of money in politics. Moreover, the Court has twice upheld the specific reforms that are central to HB 300—mandating robust disclosure of electioneering communications and disclaimers on the face of campaign advertisements.¹⁷ This unbroken chain of precedent leaves no doubt that the Act is constitutional.

In *Buckley v. Valeo*, the Court explained that campaign finance disclosure serves three vital governmental interests:

¹² Lisa Graves, *Group Called “Citizens for a Strong America” Operates out of a UPS Mail Drop but Runs Expensive Ads in Supreme Court Race?*, PRWATCH.ORG (Apr. 2, 2011, 6:37 PM), <http://www.prwatch.org/news/2011/04/10534/group-called-citizens-strong-america-operates-out-ups-mail-drop-runs-expensive-ad>.

¹³ See Def.’s Response Br. to Pls.’ Motion for Summary Judgment, *Sampson v. Coffman*, 06-cv-01858 at 43-44 (D. Co. 2007) (Dkt. #34).

¹⁴ 424 U.S. 1 (1976).

¹⁵ 540 U.S. at 194-96.

¹⁶ 130 S. Ct. at 914-16.

¹⁷ See *Citizens United*, 130 S. Ct. at 914-16; *McConnell*, 540 U.S. at 194-96. Under federal law, an electioneering communication is “any broadcast, cable, or satellite communication that (1) Refers to a clearly identified candidate for Federal office; (2) Is publicly distributed within 60 days before a general election for the office sought by the candidate; or within 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for the office sought by the candidate, and the candidate referenced is seeking the nomination of that political party; and (3) Is targeted to the relevant electorate” Electioneering Communication, 11 C.F.R. § 100.29(a) (2011). See also 2 U.S.C. § 434(f)(3).

(1) “disclosure provides the electorate with information as to where political campaign money comes from and how it is spent;” (2) “disclosure requirements deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity;” and (3) “disclosure requirements are an essential means of gathering the data necessary to detect violations” of other campaign finance regulations.¹⁸

The *Buckley* court went on to find these interests important enough to justify any incidental burdens on political speech that disclosure requirements could cause. In 2003, the *McConnell* Court reaffirmed this triumvirate of governmental interests by upholding the reporting and disclaimer requirements for electioneering communications in BCRA.

More recently, in *Citizens United*, eight justices voted to uphold BCRA’s disclosure requirements as applied to a politically-active nonprofit, Citizens United. In doing so, the Court explained that even if “[d]isclaimer and disclosure requirements may burden the ability to speak, . . . they impose no ceiling on campaign-related activities, and do not prevent anyone from speaking.”¹⁹ And, the Court made clear that laws of this nature further important First Amendment values, and are necessary components of our electoral process:

The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.²⁰

Since *Citizens United*, lower federal courts—from Washington to Florida and from Maine to Hawaii—have consistently and repeatedly upheld state campaign finance disclosure laws that target outside spending.²¹ Over and over, these courts have stressed the importance of robust

¹⁸ 424 U.S. at 66-68 (citations and internal quotation marks omitted).

¹⁹ 130 S. Ct. at 914 (citations and internal quotation marks omitted).

²⁰ *Id.* at 916.

²¹ See, e.g., *Family PAC v. McKenna*, Nos. 10–35832, 10–35893, 2012 WL 266111, at *6 (9th Cir. Jan. 31, 2012) (upholding Washington’s \$25 and \$100 disclosure thresholds for reporting information about contributors to political committees that support ballot measures); *Nat’l Org. for Marriage v. Daluz*, 654 F.3d 115, 118 (1st Cir. 2011) (finding that Rhode Island’s “relatively small imposition” for disclosing information about independent expenditures is related to government interest in providing electorate with key information); *Nat’l Org. for Marriage v. McKee*, 649 F.3d 34, 41 (1st Cir. 2011) (upholding Maine’s political committee financial disclosure requirements and finding that provisions “neither erect a barrier to political speech nor limit its quantity”), *aff’d* No. 11-1196, 40 (1st Cir. Jan. 31, 2012) (finding that “ballot question committee” law, like PAC laws, are constitutional and that “transparency is a compelling objective”), *cert. denied*, No. 11-559 (U.S. Feb. 27, 2012); *Human Life of Wash. Inc. v. Brumsickle*, 624 F.3d 990, 1013 (9th Cir. 2010) (upholding Washington’s political committee financial disclosure requirements and noting, “indeed, it is the Supreme Court’s decision in *Citizens United* . . . that provides the best guidance regarding the constitutionality of the Disclosure Law’s requirements.”); *Justice v. Hosemann*, No. 3:11-CV-138-SA-SAA, 2011 WL 5326057, at *14 (N.D. Miss. Nov. 3, 2011) (holding that Mississippi’s disclosure forms are not “overly intrusive” and that \$200 threshold amount is rational and substantially related to government’s important informational interest); *ProtectMarriage.com v. Bowen*, No. 2:09-CV-00058-MCE-DAD, 2011 WL 5507204, at *18 (E.D. Cal. Nov. 4, 2011) (finding that alleged harassment related to financial support of Proposition 8 did not warrant exception from California’s general disclosure laws); *Nat’l Org. for Marriage, Inc. v. Roberts*, 753 F.Supp.2d 1217, 1222 (N.D. Fla. 2010)

transparency of money in state politics. For instance, as the Ninth Circuit Court of Appeals explained, upholding Washington state disclosure laws:

Campaign finance disclosure requirements . . . advance the important and well-recognized governmental interest of providing the voting public with the information with which to assess the various messages vying for their attention in the marketplace of ideas. An appeal to cast one's vote a particular way might prove persuasive when made or financed by one source, but the same argument might fall on deaf ears when made or financed by another.²²

For the reasons set forth above, the reforms contained in HB 300 should be embraced by the House Administration Committee and recommended to the General Assembly for prompt passage.

(finding that Florida disclosure requirements connected to “electioneering communications organizations” “would not prohibit [plaintiff] from engaging in its proposed speech”); *Yamada v. Kuramoto*, No. 10-00497 JMS/LEK, 2010 WL 4603936, at *1 (D. Haw. Oct. 29, 2010) (finding that “*Citizens United* also endorsed disclosure” and upholding Hawaii’s disclosure regime); *Iowa Right to Life Comm., Inc. v. Smithson*, 750 F.Supp.2d 1020, 1026 (S.D. Iowa 2010) (finding “under *Citizens United*, [t]he Government may regulate corporate political speech through disclaimer and disclosure requirements” and upholding Iowa disclosure regime (alteration in original)); *Wis. Club for Growth, Inc. v. Myse*, No. 10-cv-427-wmc, 2010 WL 4024932, at *5 (W.D. Wis. Oct. 13, 2010) (refusing to enjoin Wisconsin’s disclosure regulations; noting “[P]laintiffs’ reliance on *FEC v. WRTL* ignores the Supreme Court’s later treatment of disclosure and disclaimer regulations in *Citizens United*”); *Ctr. for Individual Freedom v. Madigan*, 735 F. Supp. 2d 994, 1000 (N.D. Ill. 2010) (upholding Illinois’ registration, disclosure, and reporting provisions; noting “in *Citizens United*, the Supreme Court expressly rejected the contention that election-law disclosure requirements are limited to express advocacy or its functional equivalent”). See also *SpeechNow.org v. FEC*, 599 F.3d 686, 696–97 (D.C. Cir. 2010) (upholding federal disclosure requirements for organizations making independent expenditures; finding “*Citizens United* upheld disclaimer and disclosure requirements for electioneering communications as applied to Citizens United, again citing the government’s interest in providing the electorate with information”).

²² *Brumsickle*, 624 F.3d at 1008.

Americans for Prosperity Foundation, et. al. v. Albence, et. al., C.A. No. 1:26-cv-00445-JLH

Exhibit 3

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE STRONG FAMILIES,

Plaintiff,

vs.

Civil Action No. 1:13-cv-1746-SLR

JOSEPH R. BIDEN III, in his official
capacity as Attorney General of the State of
Delaware; and

ELAINE MANLOVE, in her official
capacity as Commissioner of Elections for
the State of Delaware,

Defendants.

DECLARATION OF LIANE SORENSON

I, Liane Sorenson, declare under penalty of perjury that the following is true and correct:

1. I submit this declaration to accompany Defendants' Opposition to Plaintiffs' Motion for a Preliminary Injunction.
2. I recently retired from public life but remain active as a volunteer for several community organizations.
3. I served for twenty years as an elected official in the Delaware General Assembly, including eighteen years as a member of the State Senate.
4. I was elected to the Delaware House of Representatives in 1992.
5. I was elected to the Delaware Senate in 1994.

6. My Senate district, the Sixth District, covered primarily North Wilmington until the redistricting preceding the 2002 election cycle. In 2002, my district shifted southwest to cover most of municipal Newark.
7. I was re-elected to the Senate in 1998, 2002, 2004, and 2008.
8. I chose not to run for re-election in 2012.
9. During my last ten years in the Senate, I served in the Republican leadership as Minority Whip.
10. In that capacity, I was frequently involved in other Republican Senators' re-election campaigns.
11. Delaware Senators run for re-election in staggered classes, so three or four incumbent Republican senators came up for re-election in any given election year. I had some degree of involvement in each of these campaigns.
12. I voted in favor of the Delaware Elections Disclosure Act on June 6, 2012, when the Act passed the Senate by a unanimous 21-0 vote.
13. Disclosure enables voters to evaluate the credibility of political messages in light of the track record and interests of those behind them.
14. In my experience, if voters know who is funding political advertisements, that information affects their evaluation of the message.
15. It is important that this disclosure cover all ads that refer to a candidate by name during the run-up to an election.
16. I have seen many electioneering "issue ads"—that is, communications that refer to a candidate or candidates but do not include an express voting appeal—disseminated during the closing days of elections in which I have been involved.

17. I have also seen many such communications aired by campaigns in neighboring states.
18. In my experience, communications that mention candidates during the run-up to an election affect voting behavior. That is why groups put out these communications.
19. Referring to a candidate by name ties the advertisement to the upcoming election and creates a positive or negative association in voters' minds. Those impressions often carry over into the voting booth.
20. Voters are smart enough to understand the subtext of these communications. When a communication criticizes or supports a position taken by a candidate in an impending election, voters understand that they are being urged to vote, respectively, against or for the candidate.
21. In my experience, disclosure of who is funding election-related communications allows voters to evaluate political messages in light of the interests and credibility of those who are funding them.
22. Voters may give more weight to a message about Delaware legislation if it is funded by a grassroots group of fellow citizens; they may give the same message less weight if it is funded by out-of-state activists or a corporation with a financial interest in the issue.
23. For example, voters would likely give less weight to an anti-gun-control message if they knew that it was funded by the firearm industry. They might give the same message more weight if it was funded by a local hunting club.
24. Unlike bans on speech, disclosure laws increase the quantity of information available to voters.

25. By helping voters evaluate the messages they receive during an election campaign, disclosure improves the functioning of the marketplace of ideas, and reduces the likelihood that voters will be misled about the information they receive.
26. Disclosure also informs the public as to what interests are spending money to affect the outcome of elections.
27. This information improves the electoral process and increases accountability for elected officials. Full disclosure of who is supporting a candidate during the campaign allows voters to monitor elected officials' post-election behavior and see if they are responding to those funders with favorable legislation.
28. Without the disclosure required by the Act, groups could hide behind anodyne or misleading names to conceal the true source of their funds. Even when a group does not use a misleading name, the identities of those who fund the group's activities provide valuable information to voters.
29. The public's interest in disclosure applies equally to voter guides.
30. During my career, I have been involved in the planning of some voter guides.
31. Voter guides are typically intended to influence voter behavior, and they, in fact, generally do so. Otherwise, organizations would not go to the expense of producing them.
32. In my experience, the public has the same interest in knowing who is funding voter guides as it has in knowing who is funding other kinds of communications intended to influence voter behavior.
33. Many voter guides portray candidates' positions in a positive or negative light depending on whether a candidate agrees with the organization's views. Moreover,

- as the term “voter guide” conveys, they all provide information to inform the decisions that voters make when they cast their ballots.
34. Disclosure enables voters to evaluate a voter guide’s portrayal of a candidate’s positions in light of the reputations and motives of those funding the guide.
35. I have reviewed the copy of the voter guide put out by Delaware Strong Families in 2012 that was attached to the complaint as Exhibit A.
36. This voter guide illustrates how election-related communications of this kind, though lacking words of express advocacy, may well influence voters’ choices. The considerations that lead me to that conclusion include (i) the selection and phrasing of the issues or questions, (ii) the document’s self-description as a “Values Voter Guide,” (iii) its statement near the top of the first page that “The stakes couldn’t be higher this election. Our hope is that on November 6th, this Voter Guide will help you choose candidates who represent your values,” and (iv) its identification of Delaware Strong Families as an affiliate of the Delaware Family Policy Council, an organization that expressly supports and opposes candidates.
37. With reference to the first consideration, for example, federal question 7 refers to “The state constitutional amendments preserving natural marriage,” and state question 6 refers to “Strengthening and maintaining marriage as the union of one man and one woman, and not redefining or adding to man/woman marriage.”
38. With reference to the fourth consideration, the Delaware Family Policy Council, for example, put out a “Values Scorecard” in the 2012 election that is similar to Delaware Strong Families’ “Values Voter Guide,” but it rated the candidates with letter grades and indicated which candidates it considered “Family Advocates” or “Pro-Family” and which candidates it considered “Hostile” or “Anti-Family.” The Delaware

- Family Policy Council's 2012 "Values Scorecard," which was supplied to me by counsel for the Defendants, is attached hereto as Exhibit A.
39. Disclosure would not be effective in Delaware if it did not extend to non-broadcast media.
40. Television advertising is not a realistic option for most Delaware campaigns. Some statewide campaigns and political advertisers use radio, but direct mail and phone messaging are the most common media for election-related advertisements.
41. Direct mail is the most common advertising medium for Delaware political campaigns.
42. During my time as an elected official, direct mail was the primary method by which my campaigns communicated with voters.
43. Because Delaware campaigns purchase so little television advertising, the cost of Delaware campaigns is low relative to the cost in other states in the region.
44. Costs are also low because districts are quite small. My Senate district contained fewer than 50,000 residents; a comparable district in New Jersey contains hundreds of thousands of residents.
45. This means that even a relatively small expenditure can have a significant impact on a Delaware campaign.
46. For that reason, the legislature had a sound basis for setting the threshold for disclosure at \$500 of third-party advertising expenditures.
47. A higher threshold would have risked omitting many expenditures that are large enough to affect Delaware campaigns.
48. It is also important that disclosure occur within a short period after an expenditure.

49. Political advertisers are aware of filing deadlines and will time their advertisements to avoid having to submit campaign-finance reports until after the election.
50. I have often seen political advertisers pour money into a race just after the date that would trigger the final campaign-finance report.
51. Without timely disclosure, voters may have no opportunity to evaluate these last-minute electioneering efforts in light of the interests of those funding them.
52. The Disclosure Act's quick filing turnarounds will address this problem by providing disclosure right up until Election Day.
53. During my two decades in elective office, my campaigns filed many campaign-finance reports.
54. Based on that experience, I do not believe that the Act will impose a significant administrative burden on groups subject to its filing and recordkeeping requirements.
55. It is easier than ever to keep the basic records required by the Disclosure Act. Simple software, like Quicken or Excel, can be used to track expenses and contributions. In my experience, most groups that engage in election-related communications use software of this kind to keep records of these sorts.
56. I became familiar with the Commissioner of Elections' electronic-filing system during my last Senate campaign.
57. Electronic filing eliminates the inconvenience of photocopying and trips to the Post Office.
58. I received no compensation for the preparation of this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: March 5, 2014

/s/ Liane Sorenson

Liane Sorenson

EXHIBIT A



Values Scorecard

A Service of Delaware Family Policy Council

Delaware Family Policy Council (DFPC) is pleased to present the 2012 Values Scorecard. DFPC is a 501c4 member-driven organization committed to standing for values that strengthen Delaware families.

All candidates were provided a questionnaire and given an equal opportunity to respond and to provide explanations or comments concerning each question. Any additional explanations or comments that were made by candidates are noted with an asterisk (*) next to the answer and can be found on our website.

For your convenience, the Voter Scorecard includes phone numbers for all candidates if you wish to call those who failed to respond. Positions for non-responding candidates are based on voting records, public statements, and/or campaign literature.

A printable version of the Voter Scorecard is available on our website www.delawarefamilies.org. Please Facebook and share the Voter Scorecard and encourage your friends and family to vote on November 6th.

Remember, this Voter Scorecard does not address a candidate's character, only their position on issues. It should not take the place of your effort to personally evaluate a candidate.

The stakes couldn't be higher this election. Our hope is that on November 6th, this Voter Scorecard will help you choose candidates who best represent your values.

Nicole Theris



President

Delaware Family Policy Council

FEDERAL QUESTIONS:

- Do you oppose taxpayer funding of abortions?
- Do you oppose giving tax dollars to Planned Parenthood?
- Do you oppose the federal funding of embryonic stem cell research?
- Do you support federal legislation prohibiting human cloning of all kinds, both "therapeutic" and "reproductive"?
- Do you support repealing federal estate tax?
- Do you support parental rights in education (educational choice)?
- Do you support the state constitutional amendments preserving natural marriage?
- Do you support enforcement of the Defense of Marriage Act (DOMA)?
- Do you support a marriage protection amendment to the U.S. Constitution that defines marriage as the union of one man and one woman?
- Do you oppose the Federal Employment Non-Discrimination Act?
- Do you support strict constructionist judges?
- Do you oppose open homosexuality in the military?
- Do you support repealing the healthcare law known as "Obamacare"?
- Do you support protection for institutions, organizations, and individuals from having the government force them to violate their moral or religious beliefs?

Federal Candidates			1	2	3	4	5	6	7	8	9	10	11	12	13	14	Grade
Senate	(202) 905-6706	Alexander Pires (I) X	-	-	-	-	-	-	N	N	N	-	-	N	-	-	D
Senate	(202) 224-2441	Thomas Carper (D) X	N	N	N	-	-	-	-	N	N	-	N	N	N	N	F
Senate	(302) 339-1763	Kevin Wade (R)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A
US Congress	(302) 536-9495	Tom Kovach (R) X	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
US Congress	(302) 654-1718	John Carney (D) X	N	N	-	-	-	N	-	N	-	-	-	-	N	-	F

Color Key

	Family Advocate
	Needs Improvement
	Hostile

Answer Key

- Y = Yes, **Pro-Family Position**
- N = No, **Anti-Family Position**
- U = **Undecided**
- X = **Candidate failed to respond**, information compiled from other sources listed online at www.delawarefamilies.org
- * = **Additional Comments** or voting record online at www.delawarefamilies.org
- = **Failed to respond/Position Unknown**

Party Key

- D= Democrat
- R= Republican
- L= Libertarian
- I = Independent

Endorsements/Ranking Key

- L = Delaware Liberty Fund LGBT
- S = Stonewall Democrats
- V = Gay and Lesbian Victory fund
- P = Scored more than 60% Pro-Choice on Planned Parenthood's Survey

Explanation of Information

To find your voting district and contact information on the candidates, go to www.delawarefamilies.org.

This Values Scorecard is for personal distribution. For a 501c3 or church-friendly Voter Guide, please go to www.delawarestrong.org.

To help you make an informed decision, we have included endorsements of organizations that have a mission and agenda opposite of the family values promoted by DFPC. The mission of those organizations can be viewed in the endnotes online.

The A+ grade is only awarded to incumbents who are proven champions of pro-family legislation. Those who earned an A+ grade are considered Outstanding Family Advocates.

1. Do you support the right of parents to choose what services their children may receive at school-based wellness centers?
2. Do you support tax incentives to encourage natural marriage and incent married couples to stay together as a solution to reducing poverty and dependency on government services?
3. Do you oppose same-sex civil union legislation?
4. Do you support parental consent of abortion for minors under the age of 18? (HB80)
5. Do you support strengthening and maintaining marriage as the union of one man and one woman?
6. Do you oppose adding "gender identity or gender expression" to the protected classes in Delaware's anti-discrimination laws for housing, employment, and public accommodation?
7. Do you oppose legislation that includes legalizing internet gambling as a means to increase state revenue and provide jobs?

[illegible]

New Castle: State Senate			1	2	3	4	5	6	7	8	9	10	11	12	Grade
656-2921	L,P		Harris McDowell (D) X	-	N	-	N	N	N	-	-	-	-	N	F
764-2309		1	Robert Clark (I)	Y	Y	U	Y	Y	U	Y	Y	Y	Y	Y	B+
Not Listed	P		Brian Lintz (L)	Y	N	N	U	N	Y*	N	U*	U*	Y	-	D
425-4148 No Opponent	L,S,P	2	Margaret Henry (D) X	-	-	N	-	N	N	N	-	-	-	-	F
656-7261 No Opponent	L	3	Robert Marshall (D) X	-	-	N	-	Y	N	Y	-	-	-	Y	C+
598-3194	L,S,P		Michael Katz (D) X	-	-	N	-	N	N	N	-	-	-	-	F
478-6128		4	Gregory Lavelle (R) X	Y	-	Y	Y	-	-	Y	-	Y	-	-	B
439-0992	L,S,P		Christopher Counihan (D) X	-	-	N	-	N	N	-	-	-	-	-	F
478-9616	P	5	Catherine Cloutier (R)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A
994-4843	L,S,P		Patricia Blevins (D) X	-	-	N	-	N	N	N	-	-	-	-	F
Not Listed		7	James Christina (L) X	-	-	N	-	N	-	-	-	-	-	-	F
239-2193	L,S,P		David Sokola (D) X	-	-	N	-	N	N	N	-	-	-	N	F
894-4591		8	William Stritzinger (R) X	-	-	-	-	-	-	-	-	-	-	-	N/A
999-7522 No Opponent	L,S	9	Karen Peterson (D) X	-	-	N	-	N	N	Y	-	-	-	-	D
378-8386 No Opponent	L,P	10	Bethany Hall-Long (D) X	-	-	N	-	N	N	N	-	-	-	-	F
709-1516	L		Bryan Townsend (D) X	-	-	N	-	N	N	-	-	-	-	-	F
754-1787		11	Evan Queitsch (R)	Y	Y	Y*	Y	Y	Y	Y	Y	Y	Y	Y	A
562-2106	L,S,P		Nicole Poore (D) X	-	-	N	-	N	N	-	-	-	-	-	F
328-8944	P	12	Dorinda Connor (R) X	-	-	Y	-	-	-	N	-	-	-	-	C-
322-6100 No Opponent	L	13	David McBride (D) X	-	-	N	-	N	N	N	-	-	-	-	F
653-7566	P		Bruce Ennis (D)	Y	Y	Y	U	Y	U	N	U	Y	U	Y	B
378-6036		14	Scott Unruh (R)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A
New Castle: State Representatives			1	2	3	4	5	6	7	8	9	10	11	12	Grade
762-8322 No Opponent		1	Charles Potter (D) X	-	-	-	-	-	-	-	-	-	-	-	N/A
428-1269 No Opponent	L,S	2	Stephanie Bolden (D) X	N	-	N	N	-	N	N	-	Y	-	-	C
655-7071 No Opponent	L,S,P	3	Helene Keeley (D) X	N	-	N	-	N	N	Y	-	N	-	-	D
655-1373 No Opponent	L	4	Gerald Brady (D) X	N	-	N	Y	N	N	N	-	N	-	Y	C-
832-1956 No Opponent	L,S	5	Melanie Smith (D) X	N	-	N	-	N	N	N	-	N	-	-	F
Not Listed	L,S,P		Debra Heffernan (D) X	N	-	N	-	N	N	N	-	N	-	-	F
478-4754		6	Eric Taylor (R) X	-	-	-	-	-	-	-	-	-	-	-	N/A
475-2252	L,S		Bryon Short (D) X	N	-	N	-	N	N	Y	-	N	-	-	D
798-0960		7	Daniel Lepre (R)	Y	N*	N	Y	N*	N	Y	Y	Y	Y	Y	C
378-2681	L		Quinton Johnson (D) X	Y	-	N	N	N	N	N	-	N	-	-	D
919-900-0401		8	Matthew Brown (R)	Y*	U*	U*	Y*	Y*	Y	N*	Y	Y	Y	Y*	B+
293-2356 No Opponent	L,P	9	Rebecca Walker (D) X	Y	-	N	N	N	N	N	-	N	-	-	D
373-0115	L,S		Dennis Williams (D) X	N	-	N	-	N	N	N	-	N	-	-	F
478-4763		10	Robert Rhodunda (R) X	-	-	-	-	-	-	-	-	-	-	-	N/A
653-8247		11	Lynne Newlin (D) X	-	-	-	-	-	-	-	-	-	-	-	N/A
526-2267			Jeffrey Spiegelman (R) X	-	-	-	-	-	-	-	-	-	-	-	N/A
651-9571 No Opponent	P	12	Deborah Hudson (R) X	Y	-	Y	Y	Y	N	Y	-	Y	-	Y	B+
995-1803 No Opponent	L	13	John Mitchell (D) X	N	-	N	-	N	N	N	-	N	-	-	F
562-6640	L,S,P		Valerie Longhurst (D) X	N	-	N	-	N	N	N	-	N	-	-	F
Not Listed		15	Amy Merlino (L) X	-	-	N	-	N	-	-	-	-	-	-	F
322-3521	L,P		James Johnson (D) X	N	-	N	-	N	N	N	-	N	-	-	F
985-7025	P	16	John Machurek (L) X	-	-	N	-	N	-	-	-	-	-	-	F
322-1249	L,P		Michael Mulrooney (D) X	N	-	N	-	N	N	N	-	N	-	-	F
395-1998		17	Laura Brown (R) X	-	-	-	-	-	-	-	-	-	-	-	N/A
368-7257 No Opponent	L,S,P	18	Michael Barbieri (D) X	N	-	N	N	N	N	N	-	N	-	-	F
633-1289	L,S		Kimberly Williams (D) X	-	-	N	-	N	N	-	-	-	-	-	F
999-8191		19	Dennis Cini (R) X	-	-	-	-	-	-	-	-	-	-	-	N/A
584-8601 No Opponent	L	21	Michael Ramone (R) X	Y	-	N	Y	-	-	N	-	Y	-	Y	C+
983-2622	L,S,P		David Ellis (D) X	-	-	N	-	N	N	-	-	-	-	-	F
454-1840		22	Joseph Miro (R)	Y	U*	Y*	Y*	Y	N*	N*	Y	Y	Y	Y*	B
562-4546	L,S,P		Paul Baumbach (D) X	-	-	N	-	N	N	-	-	-	-	-	F
731-9766		23	Mark Doughty (R) X	-	-	-	-	-	-	-	-	-	-	-	N/A
292-8903 No Opponent	L,S,P	24	Edward Osienki (D) X	N	-	N	N	N	N	N	-	N	-	-	F
547-9351 No Opponent	L,S,P	25	John Kowalko (D) X	N	-	N	N	N	N	N	-	N	-	-	F
832-2209 No Opponent	L,P	26	John Viola (D) X	N	-	N	-	N	N	N	-	N	-	-	F
834-9231 No Opponent	L,S	27	Earl Jaques (D) X	Y	-	N	Y	N	N	Y	-	N	-	-	C

STATE QUESTIONS:

- Do you support the right of parents to choose what services their children may receive at school-based wellness centers?
- Do you support tax incentives to encourage natural marriage and incent married couples to stay together as a solution to reducing poverty and dependency on government services?
- Do you oppose same-sex civil union legislation?
- Do you support parental consent of abortion for minors under the age of 18? (HB80)
- Do you support strengthening and maintaining marriage as the union of one man and one woman?
- Do you oppose adding "gender identity or gender expression" to the protected classes in Delaware's anti-discrimination laws for housing, employment, and public accommodation?
- Do you oppose legislation that includes legalizing internet gambling as a means to increase state revenue and provide jobs?
- Do you oppose prohibiting coverage for abortion in the state insurance exchanges mandated by the new federal healthcare law?
- Do you support an annual inspection of abortion clinics for unsafe and unsanitary conditions?
- Do you oppose using taxpayer money to fund Planned Parenthood and other organizations that provide abortion services?
- Do you support a policy that ensures parental guardian notification prior to the introduction or instructional use of classroom curriculum or materials, whether brought or introduced by school educators, administrators, and officials, or by guests invited at their request, which involve human sexual education, human sexuality issues, sexual acts, family planning, profanity, drugs, or alcohol?
- Do you support a Delaware Marriage Protection Amendment defining marriage between a man and a woman in the state constitution? (It does not ban civil unions. SS1 for SB27 2009)

Kent County: Clerk of the Peace			1	2	3	4	5	6	7	8	9	10	11	12	Grade
335-3392		Loretta Wootten (D) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
730-0454		Mary McVay (L) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Kent County: State Senate			1	2	3	4	5	6	7	8	9	10	11	12	Grade
653-7566	14	Bruce Ennis (D)	Y	Y	Y	U	Y	U	N	U	Y	U	Y	Y	B
378-6036		Scott Unruh (R)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A
270-2012	15	Kathleen Cooke (D) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
492-1155		Dave Lawson (R)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A+
698-0960	16	Colin Bonini (R)	Y	Y	Y	Y	Y	Y	N*	Y	Y	Y	Y	Y	A-
697-1740		Michael Tedesco (I) X	-	-	-	-	-	-	-	-	-	-	Y	Y	B-
674-5442 No Opponent	L,S	17 Brian Bushweller (D) X	-	-	N	-	N	N	N	-	-	-	-	N	F
422-3460 No Opponent		18 Gary Simpson (R)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A+
Kent County: State Representatives			1	2	3	4	5	6	7	8	9	10	11	12	Grade
653-8247	11	Lynne Newlin (D) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
526-2267		Jeffrey Spiegelman (R) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
653-8642	28	William Carson (D) X	Y	-	Y	-	Y	-	N	-	N	-	Y	Y	B
242-4253		Christopher Sylvester (R) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
659-5850	L,P	29 Charles Paradee (D) X	-	-	N	-	N	N	-	-	-	-	-	N	F
659-3436		Lincoln Willis (R)	Y	U*	Y	Y	Y	Y*	N	Y*	Y	Y	Y	Y	A-
Not Listed	30	William Outten (R)	Y	Y	Y	Y	Y	Y*	Y	Y	Y	Y	Y	Y	A+
272-1373		Gordon Smith (L)	Y	Y	N	Y	Y	N	U	Y	Y	Y	Y	U	C+
735-1781	L,S,P	31 Darryl Scott (D) X	N	-	N	N	N	N	N	-	N	-	-	N	F
222-2577		Samuel Chick (R)	Y	U*	Y*	Y	N*	Y	Y*	Y	Y*	Y	Y*	N*	B
545-0198	32	Andria Bennett (D) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
697-8271		Ellis Parrott (R)	Y	Y	Y	Y	Y	Y	Y	Y	Y*	Y	Y	Y	A
335-5633	33	John Robbins (D) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
335-4261		Harold Peterman (R)	Y	Y	Y	Y	Y	Y	N	U	Y	U	U	Y	B+
697-2554	S	34 Theodore Yacucci (D) X	-	-	-	-	-	-	-	-	-	-	-	-	N/A
697-6723		Donald Blakey (R)	Y	Y	Y	Y	Y	N	N	U	U	Y	Y	Y	B

Color Key	Answer Key	Party Key	Endorsements/Ranking Key
 Family Advocate	Y = Yes, Pro-Family Position	D= Democrat	L = Delaware Liberty Fund LGBT
 Needs Improvement	N = No, Anti-Family Position	R= Republican	S = Stonewall Democrats
 Hostile	U = Undecided	L= Libertarian	V = Gay and Lesbian Victory fund
	X = Candidate failed to respond , information compiled from other sources listed online at www.delawarefamilies.org	I = Independent	P = Scored more than 60% Pro- Choice on Planned Parenthood's Survey
	* = Additional Comments or voting record online at www.delawarefamilies.org		
	- = Failed to respond/Position Unknown		

Americans for Prosperity Foundation, et. al. v. Albence, et. al., C.A. No. 1:26-cv-00445-JLH

Exhibit 4

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE STRONG FAMILIES,

Plaintiff,

vs.

Civil Action No. 1:13-cv-1746-SLR

JOSEPH R. BIDEN III, in his official
capacity as Attorney General of the State of
Delaware; and

ELAINE MANLOVE, in her official
capacity as Commissioner of Elections for
the State of Delaware,

Defendants.

DECLARATION OF ERIK RASER-SCHRAMM

I, Erik Raser-Schramm, declare under penalty of perjury that the following is true and correct:

1. I submit this declaration to accompany Defendants' Opposition to Plaintiff's Motion for a Preliminary Injunction.
2. I am currently a principal at the Twelve Seven Group LLC, an organizing, strategy, and consulting firm in Delaware.
3. I entered Delaware politics in 2002, when I became campaign manager for State Senator Dave Sokola's re-election campaign.
4. After Senator Sokola's re-election, I joined Governor Ruth Ann Minner's 2004 re-election campaign as campaign coordinator.
5. In 2004, I also became Vice Chairman of the New Castle County Democratic Party.

6. During the 2004–2006 election cycle, I managed then-State Treasurer Jack Markell’s re-election campaign. I also advised the re-election campaigns of dozens of local candidates at the legislative and county level.
7. In 2007, I was hired as Chief of Staff for the Minority Caucus in the Delaware House of Representatives.
8. In 2008, when the Democratic Party won a majority in the House, I became Chief of Staff to the Majority Caucus. I held that position until September 2011.
9. In that role, I was involved in the campaigns of dozens of Democratic candidates, including statewide candidates, State House and Senate candidates, and county-level candidates.
10. Beginning in 2009, I also served as Chairman of the New Castle County Democrats.
11. In the 2012 election cycle, I served as Chairman of the statewide Coordinated Campaign for the Democratic Party of Delaware.
12. The Coordinated Campaign had nine field offices and 22 staff members.
13. As Chairman of the Coordinated Campaign, I worked with every Democratic campaign in Delaware during the 2012 election cycle.
14. Delaware has no major-network television station of its own.
15. The major-network television stations covering northern Delaware are based in Philadelphia, Pennsylvania. The major-network stations for southern Delaware are based in Salisbury, Maryland.
16. Ads run on these Pennsylvania- and Maryland-based stations are prohibitively expensive for most Delaware campaigns and are generally a poor investment, given that they reach primarily non-Delaware voters.

17. Accordingly, television advertising does not play as big a role in most Delaware campaigns as it does in many other States.
18. Radio is used by statewide campaigns, but is typically too expensive for most legislative or local races.
19. Direct mail is by far the dominant form of political advertising. Approximately 80% of the spending in Delaware campaigns goes toward direct mail.
20. For that reason, it is essential that Delaware campaign-finance law, including the Disclosure Act, cover direct mail.
21. In my experience, by the 2008 cycle, third-party issue advertisements—that is, advertisements mentioning one or more candidates but without an express appeal to vote for or against a candidate—had become a major phenomenon in Delaware elections.
22. In a typical legislative race, outside issue advertising can double the number of direct-mail pieces, whether positive or negative, influencing voters.
23. Disclosure of contributors to groups issuing third-party ads allows voters to evaluate each message in light of the interests and credibility of those who funded it.
24. During the 2010 election cycle, many anonymous mailings targeted candidates with negative attacks, without disclosing who was behind them or who funded them.
25. For example, one set of mailings listed as the return address only “P.O. Box 1180.”
26. One of these “P.O. Box 1180” ads encouraged recipients to “Call Terry Schooley . . . and tell her our working families can’t afford more taxes.” (Attached hereto as Exhibit A.) Another encouraged recipients to “Call Bill Stritzinger,” Schooley’s

opponent, “and tell him you support his plan to get Delaware working again.”

(Attached hereto as Exhibit B.)

27. Other “P.O. Box 1180” ads encouraged recipients to “Call Darryl Scott,” a candidate for the Delaware House, “and tell him we can’t afford his tax and spending habits” (attached hereto as Exhibit C); to “Call Pete Schwartzkopf & tell him to stop hitting Delaware businesses with his job-killing taxes and fees” (attached hereto as Exhibit D); and to “Call John A. Kowalko and tell him to stop the spending” (attached hereto as Exhibit E).
28. I affirm that the attached exhibits are true and correct copies of these advertisements.
29. Despite their phrasing as appeals simply to call officeholders and candidates, these ads were clearly intended to affect voters’ choices at the ballot box and likely did so.
30. In my experience, these ads were phrased as appeals to “call” candidates, rather than to vote for or against them, in order to avoid disclosure, which at the time was required only for express voting appeals.
31. Having spoken with dozens of candidates about the impact of third-party issue advertising, and having participated in dozens of campaigns in which issue ads were used, on both sides, I can say that these ads influence voters’ choices at the ballot box. That is the reason the groups producing them issue them.
32. In my experience, a negative ad closing with an appeal to vote against a candidate, and a negative ad closing with an appeal to *call* a candidate, may have the same practical effect on voters.
33. This is particularly true in state-legislative and local races, where name recognition is often crucial. The mere fact of having repeatedly seen a candidate’s name in a

- positive or negative context can, in my experience, be as important as the precise content of the message. Issue ads have proven to be very effective at increasing name recognition in this way.
34. Disclosure of the identity of contributors and sponsoring organizations, as required by the Elections Disclosure Act, enables voters to assess the value of the information conveyed in the ad.
35. The Disclosure Act's monetary thresholds make sense in light of the realities of Delaware campaigns.
36. Even a small amount of money can purchase a significant amount of advertising in a state- or local-level election in Delaware.
37. For example, for less than \$500 a campaign can place enough pre-recorded "robo-calls" to reach every household in a Delaware House district. If a hyper-targeted recipient list is used, as is common in campaigns, \$150 would suffice.
38. The Act's quick turnaround times for filing are important, as a recent example shows.
39. In the November 2013 Newark mayoral election, a group called the "I Like Polly's Plan PAC" sent a series of direct-mail pieces expressing support for candidate Polly Sierer's plan to approve construction of a data center and power plant at the University of Delaware. See K. Simmons & J. Shannon, *Polly Sierer Elected Mayor Of Newark In Tight Race*, Newark Post, Nov. 27, 2013, available at http://www.newarkpostonline.com/news/article_ea5fe3eb-4492-5f2d-b12c-6e51d60458be.html (attached hereto as Exhibit F.).
40. The "Polly's Plan" ads, which Sierer disavowed, did not contain an express voting appeal.

41. The PAC initially did not comply with the requirement to disclose its donors.
42. After a complaint was filed under the Elections Disclosure Act, the PAC disclosed its funders.
43. The disclosure report revealed that the PAC was funded by interests that would benefit economically from the data center project.
44. Because the PAC did not comply with the Act, disclosure did not occur until the afternoon before the election, so there was limited opportunity for the information to reach the voting public.
45. Sierer won the election by 115 votes.
46. In my experience, disclosure must occur quickly on the heels of a message if voters are to be able to use the information to evaluate the merits of that message.
47. In my experience, timely disclosure would have affected voters.
48. I received no compensation for the preparation of this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: March 5, 2014

/s/ Erik Raser-Schramm
Erik Raser-Schramm

EXHIBIT A

476
138a

TERRY SCHOOLEY

Hit Us With Massive Tax and Fee Hikes

*At a time when our families are being forced to cut back,
TERRY SCHOOLEY voted to increase government spending.
Worse, she voted for massive tax and fee hikes to pay for it.*

- » Terry Schooley voted to raise our taxes and fees 15 times.
- » Terry Schooley voted to raise our income taxes by nearly 17%.
- » Terry Schooley voted to increase state spending by over \$200 million.
- » We Can't Afford More Out-Of-Control Spending.
- » We Can't Afford More Job-Killing Taxes.

**Call TERRY SCHOOLEY at 302-744-4351 and tell her our
working families can't afford more taxes.**



477
139a

TERRY SCHOOLEY is Running Up Spending and Tax Increases We Can't Afford.

P.O. Box 1180
Newark, DE 19715



The
Current Resident



TI PI

109415017

EXHIBIT B

Politicians in Dover Have Hit Us With **MASSIVE JOB-KILLING TAXES.**

They succeeded in raising our taxes 15 times.

They increased state spending by hundreds of millions of dollars.

They raised our personal income tax nearly 17%.

Now, our families are paying the price.

BILL STRITZINGER has a plan to STOP
those tax hikes and get Delaware working again.

Control the Spending. Eliminate Waste.

- Streamline government by not replacing non-essential workers that leave state service.
- Require the state's budget bills be introduced earlier - preventing wasteful spending from being passed in the middle of the night with no public scrutiny.
- Provide Incentives for Employers to Work and Hire Locally.

Call BILL STRITZINGER
at 302-468-1421 and tell him
you support his plan to get
Delaware working again.



Delaware Families and Employers Can't Afford Government Reaching into Their Pockets **MORE and MORE.**

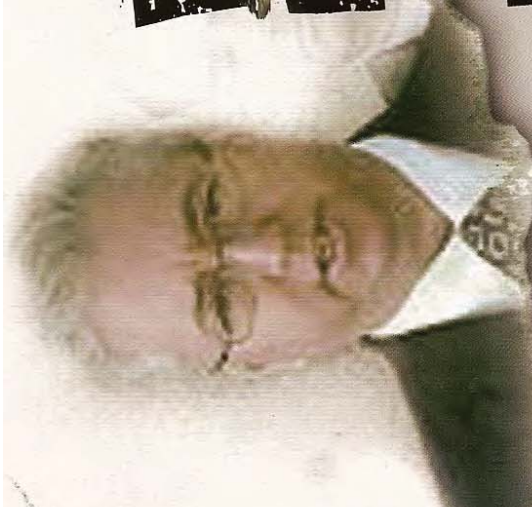
P.O. Box 11180
Newark, DE 19715

The
Or Current Resident

109415016

T1 P1

EXHIBIT C



We Can't Afford Darryl Scott's Tax Hikes.

Darryl Scott says "he delivered by cutting wasteful spending."
(Campaign Literature, 2010)

Darryl Scott
voted to:

Raise our taxes and fees 15 times

Raise our personal income tax by 16.8%

Increase spending by \$214 million

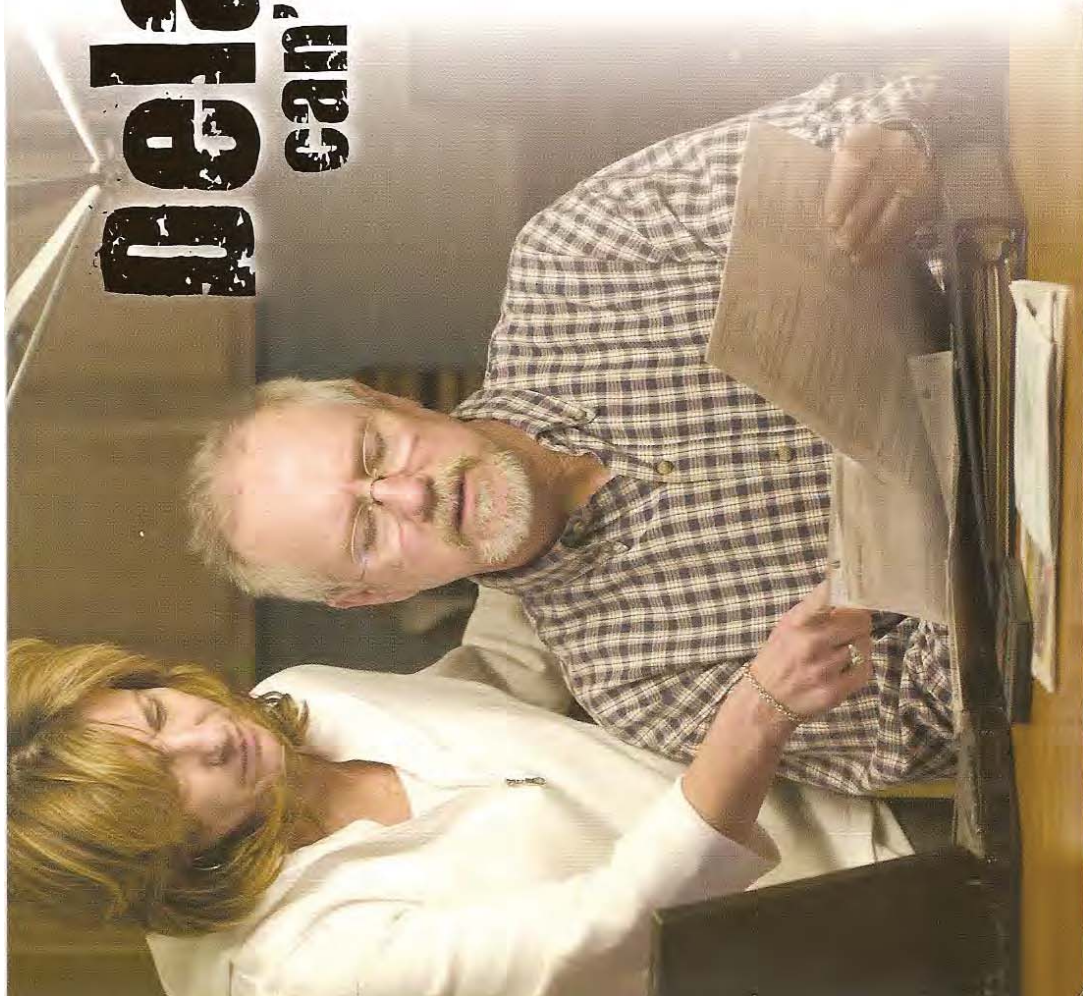
Hurt working families by taking more of
their hard-earned money

call Darryl Scott

**and tell him we can't afford his tax
and spending habits.**

[302] 744-4351





Delaware

can't afford another tax hike.

P.O. Box 1180
Newark, DE 19715

PRSRT STD
U.S. POSTAGE
PAID
MODERN MAIL

380
145a

T2 P1

The
Or Current Resident



904-13284

EXHIBIT D

DELAWARE BUSINESSES WOULD RATHER **CREATE JOBS**, BUT CAN'T BECAUSE THEY'RE PAYING **SCHWARTZKOPF'S TAXES**

**SINCE 2009 PETE SCHWARTZKOPF
VOTED TO RAISE -**

GROSS RECEIPTS TAX (HOUSE BILL 289)

ELECTRICITY TAX (HOUSE BILL 288)

INCOME TAX (HS 1 FOR HOUSE BILL 264)

TELEPHONE TAX (HOUSE BILL 288)

BUSINESS FRANCHISE TAX

(HOUSE BILL HS 1 FOR HOUSE BILL 267)

NATURAL GAS TAX (HOUSE BILL 288)

DEATH TAX (HOUSE BILL 291)

INTERNET TAX (HOUSE BILL 288)

ALCOHOLIC BEVERAGE LICENSE FEE
(HOUSE BILL 210)

CALL

PETE SCHWARTZKOPF &

TELL HIM TO **STOP HITTING** DELAWARE
BUSINESSES WITH
HIS JOB-KILLING
TAXES AND FEES.

302-744-4351



148a

PRSRT STD
U. S. POSTAGE
PAID
MODERN MAIL

P.O. Box 1180
Newark, DE 19715

15 P1

The
Or Current Resident



109515008

PETE SCHWARTZKOPF'S RECORD ON BUSINESSES IS "Taxing"



EXHIBIT E

150a

John A. Kowalko

Voted to Increase the Spending by \$214 Million

- Delaware's budget topped \$3.3 billion this year – a whopping 6.5% increase!
- Delaware is ranked 4th in the nation in per capita spending.
- The budget includes \$124 million in temporary federal stimulus funding – creating a big hole that'll have to be filled next year.
- And voted to raise our personal income tax by nearly 17%.

Call John A. Kowalko
and Tell Him to Stop the Spending.
(302) 744-4351



John A. Kowalko

Must Think
We Print Our
Own Money.

P.O. Box 1180
Newark, DE 19715

107814869

The advertisement features a woman in a grey patterned sweater and a tan cap, smiling while holding a large printer. A tray of US dollar bills is visible next to the printer. The background is a solid grey color.

EXHIBIT F

Polly Sierer elected mayor of Newark in tight race

By Karie Simmons and Josh Shannon Newark Post | Posted: Wednesday, November 27, 2013 12:48 am

Polly Sierer was elected mayor of Newark on Tuesday night, bringing to a close one of the city's most publicized and highly-charged races in recent memory.

Despite rainy and cold weather conditions, a record-setting 3,695 voters cast their ballots during the day at the six polling places around Newark. Looming large in many voters' minds was the controversy over the proposed data center and power plant on the University of Delaware's STAR Campus.

Sierer captured 1,506 votes (41 percent), and Amy Roe finished second with 1,391. Rounding out the field was Rebecca Powers at 487, Mark Morehead at 148, Don DelCollo at 108, Matthew Vento at 41 and Robyn Harland at 14.

Sierer is a Christianstead resident who serves as president of the Newark Area Welfare Committee and has volunteered around the city for more than two decades. She was endorsed by many in the business community and several veterans of city politics, including former mayor Vance A. Funk III and Deputy Mayor Jerry Clifton.

Sierer said Tuesday night she is excited to be Newark's mayor and is looking forward to working with council, residents, the university and even the six other candidates she ran against.

She acknowledged the divisions that exist in the city. Many cast the race as a contest between pro-business Sierer and anti-power-plant Roe, and the vote tally appeared to confirm that.

"We have a polarized community right now," Sierer said. "We need to regroup and come together and work toward the same goals to make this a great place to live, work and visit."

"We have some healing to do," she added.

She thinks it would be helpful to meet with the other candidates to share ideas and come up with a "game plan" to create a cohesive city.

"Getting the candidates together is step number one," Sierer said. "It will be healing for the community if the seven of us get together."

Sierer will be sworn into office at 6 p.m. Dec. 3 at city hall. She replaces Funk, who resigned Sept. 30.

Sierer will serve out the remainder of Funk's term, which ends in April 2016.

Turnout at 24 percent

Although polls closed at 8 p.m., results were not announced at city hall until about 9 p.m. due to a holdup at one of the polling places, City Secretary Renee Bensley said. Voters at the District 1 polling place at Wesleyan Church of Newark were still in line to vote when the polls closed, which Bensley said delayed the ballot-counting process.

That delay was evidence of unusually high turnout, especially considering the timing of the election – two days before Thanksgiving – and the poor weather on Election Day.

A total of 3,695 people voted, equating to an approximate turnout of 24 percent.

The total eclipsed by 128 the number of voters in 2004, when Funk unseated incumbent Hal Godwin.

“Newark really needed this,” Sierer said of the turnout. “We have a lot of concerns and a lot of issues facing our city at the moment. This kind of turnout is unprecedented for a special election. It says a lot that our community and the people who live here feel this is important. Their voices are going to be heard.”

Roe falls 115 votes short

Runner-up Roe, an avid opponent of the data center and power plant, said she was disappointed that she lost the race but remained proud of her campaign, calling it tasteful and an overall “tremendous success.”

She, too, was overwhelmed by the number of people who came out to vote in the special election.

“We’ve energized the neighbors in a way that’s never occurred in the past,” Roe said.

Although she was unable to win the mayor seat, Roe said she will continue to attend council meetings as a concerned resident and speak out on city issues.

“That won’t change,” she said.

Townsend Road resident Stephen Toy, who voted today at the District 4 polling place, said he likes Roe in her current position as a watchdog and strong voice of the Newark people. Over the years, Roe has spoken out on a variety of issues during council meetings, often challenging council’s decisions and investigating claims.

“People who are champions like Amy tend to not be very good at working with people to come to a consensus,” Toy said. “Besides, we need a good watchdog. Leave her out there, leave her snarling.”

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Roe said she plans to keep up her efforts against The Data Centers, LLC's project and hopes council and Sierer continue to stay up on the issue. She currently spearheads the group Residents Against the Power Plant.

After Tuesday night's results were announced, Roe remained positive and said she was still heading out to celebrate the end of a long two-month campaign.

"Right now, we're going to Iron Hill and we're going to kick back a few pints," Roe said, smiling.

Morehead blasts PAC involvement

Morehead, the only sitting council member running in Tuesday's mayoral election, pulled no punches after the results were announced.

"Newark is not only open for business, but you can buy an election," he said.

In the days before the election, documents revealed that a political action committee, funded to the tune of \$45,000 by Delawareans for Environmental and Economic Development, distributed fliers to Newark homes promoting "Polly's plan."

Sierer denied any involvement with the PAC and issued a public plea for the group to stop.

"She'll never know if she could have done it herself without special interests," Morehead said.

"This sets a bad precedent," he added.

Americans for Prosperity Foundation, et. al. v. Albence, et. al., C.A. No. 1:26-cv-00445-JLH

Exhibit 5

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE STRONG FAMILIES,

Plaintiff,

vs.

Civil Action No. 1:13-cv-1746-SLR

JOSEPH R. BIDEN III, in his official
capacity as Attorney General of the State of
Delaware; and

ELAINE MANLOVE, in her official
capacity as Commissioner of Elections for
the State of Delaware,

Defendants.

DECLARATION OF ELAINE MANLOVE

I, Elaine Manlove, declare under penalty of perjury that the following is true and correct:

1. I submit this declaration to accompany Defendants' Opposition to Plaintiff's Motion for a Preliminary Injunction.
2. I am currently the State Election Commissioner for the State of Delaware. In my official capacity, I am one of the Defendants in this case.
3. In my capacity as State Election Commissioner, I am responsible for promulgating rules, regulations, and forms necessary to implement and enforce the Delaware Elections Disclosure Act. *See* 15 Del. C. § 8041(1). I am also responsible for adopting procedures for the electronic filing of reports under the Disclosure Act. *See id.* § 8041(1)(d).

4. The Office of the State Election Commissioner operates the Delaware Campaign Finance Reporting System, the website through which campaign finance reports required by the Disclosure Act are submitted. That website is located at <https://cfrs.elections.delaware.gov/>.
5. That website contains an online form for submitting the third-party advertisement reports described in 15 Del. C. § 8031. The form is located at <https://cfrs.elections.delaware.gov/Public/ThirdPartyAdvertisersRegistration?isInitial=true>. A true and correct printout of the first page of that form is attached hereto as Exhibit A.
6. I understand that Plaintiff has asserted that it does not—and, in fact, cannot consistent with its 501(c)(3) status—support or oppose particular candidates, yet, in its view, is required to state in this form that it supports or opposes particular candidates. *See* Plaintiff’s Opening Br. in Support of its Motion for Preliminary Injunction 17. That is not an accurate understanding of the form or of the Disclosure Act as interpreted and implemented by the Office of the State Election Commissioner.
7. Mandatory fields on the form are designated by a red asterisk. Mandatory fields must be completed in order to successfully submit the form.
8. Optional fields do not include a red asterisk. The user can successfully submit the form without completing the optional fields.
9. One of the fields on the third-party advertising form is labeled “Affiliated Candidate Information.” The field allows the user to enter the name of a candidate, select “Support” or “Oppose,” and then click “Save.” By repeating this process, the user can list multiple candidates.

10. The “Affiliated Candidate Information” field is an optional field, not a mandatory field. It is not designated with a red asterisk. The user can therefore submit the form successfully without entering any information in this field. In other words, the user can successfully submit the form without listing any candidates or stating whether they “Support” or “Oppose” any candidates.
11. Designating “Affiliated Candidate Information” as an optional field is consistent with my interpretation of the Disclosure Act.
12. As I interpret the Disclosure Act, an organization that is not a “political committee” under Delaware law and is required to submit a third-party advertisement report under 15 Del. C. § 8031 need not submit the information requested in this field if it does not wish to support or oppose any candidates or parties and does not make the relevant expenditure on behalf of any candidate.
13. On multiple occasions, I have been contacted by members of the electorate expressing both dismay about campaign mailings by groups with unrevealing names and a desire for information about who was funding the mailings.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: March 6, 2014

/s/ Elaine Manlove
Elaine Manlove

EXHIBIT A

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Delaware Campaign Finance Reporting System

MENU HOME

3rd Party Advertisers

STEP 1

STEP 2

STEP 3



3rd Party Advertisers

☒ Person ☐ Organization

Committee Name*

Prefix

First Name*

Middle Name

Last Name*

Suffix

Email*

Confirm Email*

Cell Phone*
(for Internal use)

Office Phone*

Home Phone
(If entered then Public can view it)

Fax

Date of Origination*

Purpose*

(Maximum characters: 250)

Party Affiliation

Physical Address

Address Line 1*

Address Line 2

City*

State*

Zip*

Mailing Address

Address Line 1*

Address Line 2

City*

State*

Zip*

Affiliated Candidate Information

Candidate Name

Position

Save Candidate Cancel

Candidate Committee Name	Candidate Name	Office Sought Name	PartyAffiliationName	Position	Status	Delete
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No records to view.

Name of Party if entire ticket is supported

Treasurer Information ☐ Self

Prefix

First Name*

Middle Name

Last Name*

Suffix

Email*

Confirm Email*

Cell Phone*
(for Internal use)

Work Phone*

Home Phone

Fax

Phone* 500 (If entered then Public can view it)

Physical Address

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Address Line 1*
City*

Address Line 2
State* Delaware ▼

Zip* -

Mailing Address

Address Line 1*
City*

Address Line 2
State* Delaware ▼

Zip* -

Additional Contacts (Optional)

Contact Role* --Select Role-- ▼

Prefix

First Name*

Middle Name

Last Name*

Suffix

Email

Confirm Email

Cell Phone* (for Internal use)

Work Phone

Home Phone (If entered then Public can view it)

Fax

Receive Notices ☐

For Public ☐

Residence Address

Address Line 1*
City*

Address Line 2
State* Delaware ▼

Zip* -

Mailing Address ☐ Same as Residence Address

Address Line 1*
City*

Address Line 2
State* Delaware ▼

Zip* -

Save Contact Cancel

Role	Name	Mailing Address	Work Phone	Cell Phone	Email	Start Date	End Date	Receive Notices	For Public	Actions
No records to view.										

Continue Clear Cancel



Office of the State Election Commissioner

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Americans for Prosperity Foundation, et. al. v. Albence, et. al., C.A. No. 1:26-cv-00445-JLH

Exhibit 6

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE STRONG FAMILIES,

Plaintiff,

vs.

Civil Action No. 1:13-cv-1746-SLR

JOSEPH R. BIDEN III, in his official
capacity as Attorney General of the State of
Delaware; and

ELAINE MANLOVE, in her official
capacity as Commissioner of Elections for
the State of Delaware,

Defendants.

DECLARATION OF JONATHAN D. MOLL, CPA

I, Jonathan D. Moll, declare under penalty of perjury that the following is true and correct:

1. I submit this declaration to accompany Defendants' Opposition to Plaintiff's Motion for a Preliminary Injunction.
2. I am a Director and Shareholder at Belfint, Lyons, & Shuman, PA (Belfint), a Certified Public Accounting (CPA) firm with offices in Delaware and Pennsylvania.
3. I joined Belfint in 2000 immediately after receiving a Bachelor of Science degree in Accounting from the University of Delaware.
4. I received my Delaware CPA certification and CPA permit to practice in 2004. The status of both my permit to practice and certificate is "active."

5. I am a member of the American Institute of Certified Public Accountants and the Delaware Society of Certified Public Accountants, and I am actively involved with the Delaware Alliance for Nonprofit Advancement (DANA).
6. I also serve as the Treasurer of the Board of Trustees of a nonprofit private school in Middletown, Delaware, and am a member of the Board of Directors of the Delaware Society of Certified Public Accountants, a nonprofit membership organization.
7. I currently have primary responsibility for Belfint's nonprofit practice. In that capacity, I provide tax-compliance, financial-statement, and consulting services for nonprofit clients.
8. I personally work with approximately fifty 501(c)(3) organization clients on an annual basis.
9. Most of these clients are Delaware organizations.
10. Over the course of my career, I conservatively estimate to have spent in excess of 10,000 hours providing accounting and tax services to nonprofit organizations.
11. My services for nonprofit clients include preparing IRS Form 990 and Form 990-EZ, the federal tax return for most tax-exempt organizations.
12. I also assist nonprofit clients with preparing financial statements and developing appropriate bookkeeping practices.
13. I am aware that the Delaware Elections Disclosure Act requires third-party advertisers to report certain information about their incoming contributions and outgoing expenditures.

14. Based on my experience providing services to nonprofit organizations, I do not believe that compiling this information should impose a significant administrative burden on nonprofit organizations that already file Form 990 or Form 990-EZ.
15. According to the tax returns provided in this case by Plaintiff Delaware Strong Families (DSF), DSF files IRS Form 990-EZ.
16. Organizations that annually file Form 990 or Form 990-EZ must report their aggregate contributions received. On Form 990-EZ, this information is reported on line 1.
17. Publicly Supported 501(c)(3) organizations that are required to file Form 990 or Form 990-EZ and received, during the year, \$5,000 or more (or 2% of total contributions if greater than \$5,000) from any one contributor are required to complete Schedule B to accompany their Form 990 or Form 990-EZ.
18. Schedule B of Form 990 or Form 990-EZ requires the filing organization to report the identities of contributors whose aggregate contributions exceed the \$5,000 *or* 2% of the gross contributions thresholds.
19. The IRS instructions for Schedule B state that in determining total contributions by donor, all separate and independent gifts of \$1,000 and greater must be identified and considered.
20. In my experience, however, nonprofits, particularly ones obligated to file a Form 990 or Form 990-EZ, generally keep records of contributions from *all donors*, not just large ones, for several reasons.
21. First, comprehensive contribution data is extremely valuable to most nonprofits in carrying out their mission. In the short-term, nonprofits *should* make it a priority to

- thank donors for their contributions. Many groups also recognize their donors in annual reports or other publications. In the longer-term, nonprofits should know who their contributors are so they can reach out to them in the future. Repeat donors are the lifeblood of any nonprofit organization.
22. Second, written acknowledgement of each contribution is expected by donors and, in some cases, required by tax law. In order for a contribution to a 501(c)(3) to be tax-deductible, IRS Publication 1771 requires that the donor receive a written acknowledgment of any donation over \$250. Every 501(c)(3) should issue such written acknowledgments when required. If an organization did not do so, it would risk losing many donors.
23. A 501(c)(3) must also issue written disclosure to a donor who receives goods or services in exchange for a single payment in excess of \$75, such that only part of the contribution is tax-deductible. (For example, a group might provide a donor with a \$75 lobster dinner in exchange for a \$250 ticket to a benefit gala. The group would have to issue a written confirmation explaining that only \$175 is tax-deductible.)
24. In practice, it is considered efficient and effective for nonprofits to send written acknowledgement for every contribution. Donors have come to expect an acknowledgement letter or email when they make a charitable contribution. Written acknowledgement of all contributions is considered a standard practice in the nonprofit sector.
25. The operational reasons to acknowledge in writing and record every contribution are so compelling that well-managed 501(c)(3) organizations do so as a best practice, even where federal tax law would not strictly require it.

26. Form 990 and Form 990-EZ also require the filing organization to provide a detailed account of its expenditures. A Form 990 filer must tabulate its expenditures by “natural classification” (e.g., compensation, office supplies) and “functional classification” (e.g., program services, administration, fundraising).
27. Moreover, many vendors need to receive a Form 1099 at the end of the year.
28. For an organization to comply with these tax-reporting obligations, it needs an accounting system in place that tracks payments to each vendor.
29. Such an accounting system is also essential for basic financial management. An organization needs to know how much money it has spent, how much it owes, and to whom.
30. IRS guidance documents reinforce the importance of keeping detailed records of both contributions and expenditures.
31. The IRS instructs nonprofits to retain “supporting documents” verifying “the amounts and sources of your gross receipts,” “purchases,” and “business expenses.” See IRS, *What Kind of Records Should I Keep*, at <http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/What-kind-of-records-should-I-keep> (last visited Feb. 27, 2014) (attached hereto as Exhibit A).
32. The IRS’s “Stay Exempt” training presentation for nonprofits further explains that 501(c)(3) organizations should retain for three years records of all “money coming in” and “money going out” of the organization. See IRS, *Maintaining 501(c)(3) Tax-Exempt Status Course 4–5*, at <http://www.stayexempt.irs.gov/Portals/0/MaintainingTES-Print.pdf> (last visited Feb. 27, 2014) (attached hereto as Exhibit B).

33. Part VI of IRS Form 990 asks whether an organization has a record-retention policy. The IRS has identified record retention as a best practice for nonprofit management and has acknowledged a correlation between record retention and tax compliance.
34. Basic bookkeeping software, such as QuickBooks, costs less than \$200 and allows even small organizations to easily track every receipt and expenditure, cross-referenced by donor and vendor, respectively.
35. In this way, an organization can easily aggregate contributions received from a given donor and expenditures made to a given vendor.
36. All but one of my existing nonprofit clients utilize accounting software packages that have the capability to generate information about receipts and disbursements with a level of detail comparable to that of QuickBooks.
37. Basic bookkeeping software is essential for sound financial management. Even a small nonprofit should not be operating without it.
38. If one of my nonprofit clients were not using basic bookkeeping software, my first priority would be to implement such a system. If needed, we generally accomplish this within a few weeks of the Firm's acceptance of the client.
39. If the software has been adequately set up, with a few keystrokes, this type of software can generate a report listing contributions arranged by donor or expenditures arranged by vendor.
40. Similarly, basic bookkeeping software can automatically tabulate an organization's gross receipts.
41. I would estimate that, using any one of the many accounting software packages widely available to nonprofit organizations of all sizes, an organization could

calculate its gross receipts and generate a listing of contributor and expenditure data in less than 30 minutes.

42. My compensation for preparing this declaration is \$535 and, if I give testimony, my compensation will not exceed an additional \$535.
43. In the past four years, I testified as an expert at deposition in two cases: *Cars vs. Copart*, Delaware Superior Court, C.A. No. 07C-11-163 MJB, and *In re Catholic Diocese of Wilmington, Inc.*, Bankr. D. Del., Case No. 09-13560; *Official Committee of Unsecured Creditors v. Catholic Diocese of Wilmington et al.*, Bankr. D. Del., Adv. Proc. No.: 09-52866CSS.
44. As far as I am aware, my only publications in the last ten years have been blog posts on my firm's nonprofits blog, available at <http://nonprofit.belfint.com/>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: March 7, 2014

/s/Jonathan D. Moll, CPA
Jonathan D. Moll, CPA

EXHIBIT A



Small Business/Self-Employed

- [Industries/Professions](#)
- [International Taxpayers](#)
- [Self-Employed](#)
- [Small Business/Self-Employed Home](#)

Small Business/Self-Employed Topics

- [A-Z Index for Business](#)
- [Forms & Pubs](#)
- [Starting a Business](#)
- [Deducting Expenses](#)
- [Businesses with Employees](#)
- [Filing/Paying Taxes](#)
- [Post-Filing Issues](#)
- [Closing Your Business](#)

What kind of records should I keep?

You may choose any recordkeeping system suited to your business that clearly shows your income and expenses. Except in a few cases, the law does not require any special kind of records. However, the business you are in affects the type of records you need to keep for federal tax purposes. Your recordkeeping system should also include a summary of your business transactions. This summary is ordinarily made in your business books (for example, accounting journals and ledgers). Your books must show your gross income, as well as your deductions and credits. For most small businesses, the business checkbook is the main source for entries in the business books.

Some businesses choose to use [electronic accounting software programs](#) to capture and organize their records. In some situations, you will still need to keep original documentation for certain items. The software program you choose should meet the same basic recordkeeping principals mentioned above.

Supporting Business Documents

Purchases, sales, payroll, and other transactions you have in your business will generate supporting documents such as invoices and receipts. Supporting documents include sales slips, paid bills, invoices, receipts, deposit slips, and canceled checks. These documents contain the information you need to record in your books. It is important to keep these documents because they support the entries in your books and on your tax return. You should keep them in an orderly fashion and in a safe place. For instance, organize them by year and type of income or expense. For more detailed information refer to [Publication 583, Starting a Business and Keeping Records](#).

The following are some of the types of records you should keep:

- **Gross receipts** are the income you receive from your business. You should keep supporting documents that show the amounts and sources of your gross receipts. Documents for gross receipts include the following:
 - Cash register tapes
 - Bank deposit slips
 - Receipt books
 - Invoices
 - Credit card charge slips
 - Forms 1099-MISC
- **Purchases** are the items you buy and resell to customers. If you are a manufacturer or producer, this includes the cost of all raw materials or parts purchased for manufacture into finished products. Your supporting documents should show the amount paid and that the amount was for purchases. Documents for purchases include the following:
 - Canceled checks
 - Cash register tape receipts
 - Credit card sales slips
 - Invoices
- **Expenses** are the costs you incur (other than purchases) to carry on your business. Your supporting documents should show the amount paid and that the amount was for a business expense. Documents for expenses include the following:
 - Canceled checks
 - Cash register tapes
 - Account statements
 - Credit card sales slips
 - Invoices
 - Petty cash slips for small cash payments
- **Travel, Transportation, Entertainment, and Gift Expenses**
If you deduct travel, entertainment, gift or transportation expenses, you must be able to prove (substantiate) certain elements of expenses. For additional information on how to prove certain business expenses, refer to [Publication 463, Travel, Entertainment, Gift, and Car Expenses](#).
- **Assets** are the property, such as machinery and furniture, that you own and use in your business. You must keep records to verify certain information about your business assets. You need records to compute the annual depreciation and the gain or loss when you sell the assets. Documents for assets include the following:
 - When and how you acquired the assets.
 - Purchase price
 - Cost of any improvements.
 - Section 179 deduction taken.
 - Deductions taken for depreciation.
 - Deductions taken for casualty losses, such as losses resulting from fires or storms.
 - How you used the asset.
 - When and how you disposed of the asset.

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- Selling price.
- Expenses of sale.

The following documents may show this information.

- Purchase and sales invoices.
- Real estate closing statements.
- Canceled checks.

•
Employment taxes

There are specific employment tax records you must keep. Keep all records of employment for at least four years. For additional information, refer to [Recordkeeping for Employers](#) and [Publication 15, Circular E Employers Tax Guide](#).

Page Last Reviewed or Updated: 03-Feb-2014

EXHIBIT B

175a

Maintaining 501(c)(3) Tax-Exempt Status Course

Print Version

Slide #	Page Content	Audio Script
1	Welcome to the Maintaining 501(c)(3) Tax-Exempt Status Course.	Leagle – Welcome to the Maintaining 501(c)(3) Tax-Exempt Status Course. This course is presented by the Exempt Organizations office of the IRS.
2	<i>Introduction</i> Before you begin, you may want to: • Print out the course for note taking purposes (link to printable version) • Learn to navigate the course (link to navigation mini course) • Get ready for knowledge checks and other activities throughout the course • Know that scores are for reference purposes only	Leagle: Hi. I'm Leagle and I'll guide you through the courses here at StayExempt. Before you start, there are a few things you should know. First, if you like to take written notes, you might want to print this course first. The print out may make it easier to follow along, especially if you haven't taken many online courses. Next, take a look at our navigation tutorial. It will provide you with helpful tips on how to navigate these courses. Also, this course includes questions and activities to test your knowledge. You'll need to click on the screen to answer the questions and participate in the activities. Finally, the scores given at the end of the course are for your reference only. They're designed to help you understand the material better. When you're ready learn about tax-exempt status, select the "Objectives" button.
3	<i>Objectives</i> • Demonstrate how to appropriately operate a 501(c)(3) organization once tax-exempt status is achieved. • Describe the responsibilities of a tax-exempt organization after achieving tax-exempt status. • List the activities that could jeopardize the tax-exempt status of an organization. • Learn about state charitable solicitation rules • Describe good governance practices.	Leagle – In this course, we'll talk about running an organization properly, once 501(c)(3) tax-exempt status is achieved. To do that, you'll need to know what responsibilities you have and what activities can jeopardize your organization's 501(c)(3) status. You'll also find it helpful to familiarize yourself with the charitable solicitation rules of your state - and learn a bit about "good governance" practices. First, let's start by meeting someone who just got their tax-exempt status. Select the <i>Meet Richard</i> button to continue.

Slide #	Page Content 176a	Audio Script
4	<i>Lifecycle Review</i> Link: http://www.irs.gov/Charities-&Non-Profits/Charitable-Organizations/Life-Cycle-of-a-Public-Charity Page Text: • Starting out: - o Create your organization - o Organizing documents - o Acquire an EIN - o Identify the appropriate federal tax classification • Applying for Exemption - o Apply to the IRS for tax-exempt status - o Form 1023 • Required Filings - o Annual exempt organization returns - o Unrelated business income tax filings - o Other returns and reports • Ongoing Compliance - o Jeopardizing exemption - o Employment taxes - o Public disclosure requirements - o Other ongoing compliance issues. • Significant Events - o Audits - o Private letter rulings - o Termination proceedings	Richard – Hi, I'm Richard! I just received my determination letter from the IRS. It says my animal rescue organization, <i>Cute and Curly Animal Rescue</i>, has been recognized under Section 501(c)(3) of the Internal Revenue Code as exempt from federal income tax. I've always loved taking care of animals, so managing this animal rescue correctly is really important to me. Starting my organization and applying for tax-exempt status were big steps - and I want to make sure I do everything I can to comply with the law. Leagle, can you offer any advice? Leagle – Sure I can, Richard. Maintaining your federal tax-exempt status isn't difficult, but it sure helps if you're aware of your organization's required interactions with the IRS. Here's the five-stage "life cycle of a public charity" tool the IRS uses to illustrate those interactions and when they occur. You've already completed the first two stages of the process: starting out and applying for exemption – as you may remember during our "Applying for 501(c)(3) Status Overview course. Here's a link if you'd like to review. Now, you have general responsibilities described in the three remaining stages: required filings, ongoing compliance and significant events. Click on each stage in the process to find out more about it. Although these topics were briefly covered in the Applying for Section 501(c)(3) Status Overview course, these three stages are most important to the daily operation of your organization. We'll cover them in more detail now. Let's start out with Required Filings. Select the <i>Required Filings</i> button to continue.

Slide #	Page Content 177a	Audio Script
4	<i>Required Filings – Recordkeeping</i> Page Text: - Financial records documenting entries in your organization's books - Permanent Records - Organizing Document - Copy of the exempt application form (Form 1023) and - Determination letter from the IRS - Annual filings - Returns and Attachments(Include list below in a pop-up) - Form 990 - Form 990-EZ - Form 990-N - Form 990-T - Descriptions of your organization's programs; - Minutes of meetings of the governing board and any standing committees (include as popup) - executive committees - compensation committees	Richard –Thanks for helping me keep up with the requirements of a tax-exempt organization! So, what should I focus on first? Leagle –Well Richard, it's a good idea to take a look at the IRS's Life Cycle tool. Here's a link. A very important stage of the Life Cycle is "Required Filings," which helps you understand just what to file with the IRS. But, before you learn what forms to use and when to file them, let's talk about something that will help you prepare – and that's Recordkeeping! If you don't keep accurate and detailed records of your organization's activities, you won't have the information you need to complete the filing requirements. Richard – But I'm still not sure what records I really need to keep. Leagle: I think my friend Vernon can help you with that. He's the treasurer of the Highland Middle School Parent Teacher Organization. Vernon – Hi Richard! I've managed a lot of records for our organization, which is classified as a public charity, just like yours. Your organization's going to have all kinds of financial records. You need to keep any accounting information you have, whether you do it using paper files, like I do, or fancy computer software. Leagle – That's right. You should also maintain a set of Permanent Records, which includes your organizing document (which is sometimes called your Articles of Incorporation or your Charter), a copy of your Form 1023 (the exemption application you submitted), and the determination letter from the IRS you just mentioned. Vernon – Have you filed any returns with the IRS yet? Richard – No, not yet. Vernon – Be sure to keep copies of any returns and attachments you send to the IRS. And keep the records you used to prepare the returns handy, too! This includes your financial records and other things, like information about your organization's programs, meeting minutes for the governing board, and minutes for any standing committees - like an executive or compensation committee. The IRS suggests keeping copies of returns and any supporting information for at least three years after you file the return.
Page 3 of 22		Leagle: Next, let's talk more about the financial records you need to keep. Select the Financial Records button to move on.

Slide #	Page Content 178a	Audio Script
5	<i>Required Filings – Financial Records</i> Page Text: • Money coming in • Money Going out • Employment tax records • Asset records	Richard – So what kind of financial records do I need to keep? Vernon – There are four basic types of financial records you should keep. They can be categorized as Money coming in, money going out, employment tax records and asset records. Leagle: Let's discuss each type of record. Select the Money Coming In button to learn more.
6	<i>Financial Records – Money Coming In</i> Page Text: Examples: • Cash register tapes • Bank deposit slips • Receipt books • Invoices • Credit card slips • Form 1099-MISC, <i>Miscellaneous Income</i> - http://www.irs.gov/pub/irs-pdf/f1099msc.pdf • Keep these records for 3 years after the return is due or filed, whichever is later.	Leagle: First, I recommend that you keep records of all the money that comes into your organization. This includes cash register receipts, bank deposit slips, receipt books, invoices, credit card slips and any Form 1099-MISC documents you send to the IRS. Save these records for three years after the date the return is due or filed, whichever is later, because during that time, you can amend a return to claim a credit or refund. Generally, this is also the period when the IRS can assess penalties or additional tax. In either case, you'll need those records. And remember that some interested parties, such as a grantor, insurance company, creditor, or state agency, may require you to keep certain records for a longer time. You should check with them for their requirements. Next, let's talk about money going out. Select the Money Going Out button to learn more.

Slide #	Page Content 179a	Audio Script
7	<i>Financial Records – Money Going Out</i> Page Text: Examples • Account statements • Canceled checks • Cash register tapes • Credit card sales slips • Invoices • Petty cash slips for small payments • Include documents for items purchased to produce items sold by your organization • Save these for 3 years after the date the return is due or filed, whichever is later. Publication 538, <i>Accounting Periods and Methods</i> - http://www.irs.gov/pub/irs-pdf/p538.pdf	Leagle: You should save any documents that show expenses you incurred while running your organization and its programs, including account statements, canceled checks, cash register receipts, credit card sales slips, invoices and petty cash slips. If your organization produces and sells items, save documents on the materials you purchased to produce those items. These records will also help you determine the value of your inventory at the end of the year. As I mentioned earlier, you should save these documents for three years after the date the return is due or filed, whichever is later. For more information, see Publication 538, <i>Accounting Periods and Methods</i>. Next, let's talk about Employment Tax Records. Select the Employment Tax Records button to continue.
8	<i>Financial Records – Employment Tax Records</i> Page Text: Keep any documents showing: • Salaries • Wages • Benefits paid • Taxes withheld You should save these records for at least 4 years. Publication 15 (Circular E), <i>Employer's Tax Guide</i> - http://www.irs.gov/pub/irs-pdf/p15.pdf	Leagle: You should save all employment tax records, including any documents that show salaries, wages, benefits paid and taxes withheld. You may think employment tax records sound like "money going out," but these documents are really a separate category. Employment records should be kept for at least 4 years. There are other employment-related items that deserve special attention. For those, take a look at Publication 15 (Circular E), <i>Employer's Tax Guide</i>, for more information. Finally, let's talk about the Asset Records. Select the Asset Records button to learn more.

Slide #	Page Content 180a	Audio Script
9	<i>Financial Records – Asset Records</i> Page Text: Asset Records: documents showing assets that your organization owns and uses in its activities, such as investments, buildings and furniture. Asset records should show: • When and how the asset was acquired • Whether any debt was used to acquire it • Purchase price • Selling price and expense of sale • Cost of any improvements • Deductions taken for depreciation or for casualty losses, such as fires or storms • How the asset is or was used • When and how the asset was disposed of Example documents: • Purchase and sales invoices • Real estate closing statements • Cancelled checks or certain financial account statements • Financing documents Keep documents for as long as you own the asset, plus three years after you dispose of the item.	Leagle - Asset records are documents showing the items your organization owns and uses in its activities, such as investments, buildings and furniture. Select this "Asset Records" link to find out more about what kinds of asset records you need to keep. Some example documents include purchase and sales invoices, real estate closing statements, cancelled checks or certain financial account statements as well as financing documents. Finally, you should keep these documents for as long as you own the asset, plus three years after you dispose of the item. Now that you understand the types of financial records you need to keep, let's try an activity. Select the Knowledge Check button to try it out.

Slide #	Page Content 181a	Audio Script
10	<i>Recordkeeping Skills Challenge</i> There are four record categories that the IRS suggests you retain: Money coming in, Money going out, Employment tax records, and Asset records. Put the four items below in that order. 1) Bank deposit slip (money coming in) 2) Cancelled check for office supplies (money going out) 3) Salary document (Employment tax records) 4) Credit card receipt for a desk (Asset records)	Leagle – Let's try an exercise. Richard is still unsure of what documents fall into each category. Help him place the documents in the appropriate categories by dragging them to the correct answer – or by selecting the appropriate letter in each dropdown menu. Incorrect Feedback: Sorry, that's not correct. Here is the correct order for the documents: • Bank deposit slip – money coming in • Cancelled checks for office supplies – money going out. • Salary document – employment tax records • Credit card receipt for a desk – asset records Correct feedback. Great job! Here are the correct matches. (see above)
11	<i>Required Filings – Record Keeping System</i> Page Text: • Choose any record keeping system that works for you & your organization • Organizations with multiple programs need to track income and expenses for each program separately. • Records should include a summary of transactions.	Richard – So, what record-keeping system should I use? Leagle – Generally, the IRS doesn't require a specific recordkeeping system, so you can choose one that makes sense for your organization. But remember: If your organization has more than one program, your recordkeeping system should allow you to track the income and expenses for each program separately. Also, your records should include a summary of transactions. This summary can be listed in your books (including journals and ledgers). Or, many small organizations use checkbooks as the main source for entries into the books, and that is fine, too. Next, we'll learn about the accounting periods and methods your organization should use in its reporting. Select the <i>Accounting Periods and Methods</i> button to continue.

Slide #	Page Content 182a	Audio Script
12	<i>Required Filings – Accounting Periods and Methods</i> Page Text: - Does my organization use a calendar or fiscal accounting period? (Link to Definitions in Glossary: Calendar accounting and Fiscal accounting) - Every organization should use a consistent accounting method - Cash method - Accrual accounting method - Hybrid method (Link to Definitions in Glossary: Cash Accounting, Accrual Accounting, Hybrid.) Link: Publication 538, <i>Accounting Periods and Methods</i> http://www.irs.gov/pub/irs-pdf/p538.pdf Link: Publication 583, <i>Starting a Business and Keeping Records</i>, http://www.irs.gov/pub/irs-pdf/p583.pdf	Leagle –So Richard, it's important for you to know if your organization will report to the IRS using a calendar year or a fiscal year? And, does your organization use a cash or accrual accounting method - or some sort of combination of the two? Select the links on the page to see the definitions of these items. Vernon – Every organization must use a consistent accounting method, which is a set of rules for determining when to report income and expenses. Under the cash method, generally, you report income in the tax year you received it; and you deduct expenses in the tax year you paid them. Generally, under an accrual method, you report income in the tax year you earn it, regardless of when payment is received. You deduct expenses in the tax year you incur them, regardless of when payment is made. My organization, for example, uses the cash method and the calendar year as its reporting (or "tax") year. Leagle – An organization typically makes these decisions when it begins operating and before it files its first annual tax return. When you applied for exemption, you used your application to tell the IRS what tax year and accounting method you planned to use. Make sure you know what your organization told the IRS, so you report the right items at the right time - using the right method. Now that we know about the records you should keep and a little bit about how you'll report - and for what period - let's talk about what you have to send to the IRS. Select the <i>Form 990 Options</i> button to move ahead.

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13	<i>Required Filings – Form 990 Options</i> Page Text: - No annual filing requirement for Churches and certain church-affiliated organizations don't have an annual filing requirement - May have other filing requirements such as employment tax returns (Fade off when going onto consequences. - Serious consequences for non-compliance - Three consecutive years without filing and tax-exempt status is automatically revoked. - To reinstate, you have to re-apply - To have it retroactive, you must present a reasonable cause for not filing. Page Links LifeCycle - http://www.irs.gov/Charities-&Non-Profits/Life-Cycle-of-an-Exempt-Organization www.irs.gov/990filing for Form 990 series thresholds Link: Publication 4221-PC, <i>Compliance Guide for 501(c)(3) Public Charities</i> http://www.irs.gov/pub/irs-pdf/p4221pc.pdf Link to course Form 990	Richard – Ok, so what am I required to file with the IRS? Vernon – Well, there are details on annual filing requirements on the Required Filings page of the Lifecycle at IRS.gov. You'll probably need to file one of the Form 990-series returns – which is the annual information return required for most tax-exempt organizations. Which one you'll file will depend on the type of your organization, the amount of your annual gross receipts and the total of your organization's assets at the end of the tax year. www.irs.gov/990filing shows the dollar thresholds for different forms. You'll also see them in the Form 990 course here on StayExempt. Richard – Do all tax-exempt organizations have to file a Form 990-series return? Leagle – Churches and certain church-affiliated organizations don't have an annual filing requirement, but they may have other filing requirements, such as employment tax records. It's important to note that there are serious consequences for not filing a required annual information return. If your organization doesn't file for three years in a row, its tax-exempt status will be automatically revoked on the due date of the third return. If your tax-exempt status is revoked for not filing - and you want to get your status back - you'll have to redo the application process, including filing Form 1023 and paying the appropriate user fees. Once revoked, If you want your reinstatement to be retroactive (which means "dated back to the day it was revoked"), you'll have to show you had reasonable cause for not filing. So, my best advice is to file annually. Remember that in addition to submitting an annual return, you may need to submit filings for your unrelated business income, or UBI. Select the <i>UBI Basics</i> button to move forward.

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14	<i>Required Filings – UBI Basics</i> Page Links Link: Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities http://www.irs.gov/pub/irs-pdf/p4221pc.pdf Link to UBI course Page Text: Unrelated Business Income – Any income you generate from business activities that occur on a regular basis and are not substantially related to the exempt purpose of your organization Examples of UBI (link to a pop up with information below) • Commercial advertising in publications • Selling goods or services to the public • Link to publication with list of other potentially UBI activities. UBI can be taxable income for tax-exempt organizations Too much UBI can jeopardize tax exemption. Other activities may require separate filings.	Richard – Ok, so what's UBI? Vernon – Generally, Unrelated Business Income is any income from trade or business activity that your organization conducts on a regular basis - that's not substantially related to your organization's exempt purpose. There are lots of activities that can generate UBI, such as commercial advertising in publications created by your organization - or selling goods or services to the public. Income from unrelated activities like these might be taxable. Calculating and reporting UBI is a requirement for maintaining your tax-exempt status. Keep in mind that too much unrelated business can jeopardize your tax exemption. Richard – Hey, that sounds pretty easy. Leagle – Not entirely. He's just given you a VERY simple explanation, but don't worry. There's a whole course dedicated to UBI here on StayExempt. The course teaches you which activities generate UBI. Once you understand UBI, filing the form to report the income and pay any tax due is relatively straightforward. Richard – Alright, I'll remember to look into that. Is there anything else? Leagle – You might need to file other returns depending on your organization's activities. You can find out about those on the IRS website as well, but Form 990 is the biggest and most important. The next stage in the lifecycle is ongoing compliance. Select the <i>Ongoing Compliance</i> button to continue.

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15	<i>Ongoing Compliance</i> Page Links: Employment Issues course. Page Text: Avoid activities outside of Exempt Purpose Jeopardizing Exemption • Political Activity • Lobbying • Private Benefit/Inurement • Employment Taxes	Richard – Alright, I understand that most organizations have an annual filing requirement. What's next? Vernon – Do you know the particulars about what your organization must do – or must not do – to safeguard its exempt status? Richard – I think so. I can't do too many activities that don't directly promote my organization's exempt purpose, which is to prevent animal cruelty. Leagle – Well that's certainly true. But there are other do's and don'ts associated with tax-exempt status, which is what this next stage covers. For example, many activities can jeopardize your tax-exempt status, such as political activity, lobbying, or permitting private benefit or inurement. We'll be covering those later in this course. Vernon - Another challenge facing exempt organizations is accurately classifying and reporting on any paid workers they have. If your organization compensates anyone for services – either employees or independent contractors – there are rules you need to follow. The <i>Employment Issues</i> course here at StayExempt will help you sort all of that out. Leagle - There are two more ongoing compliance issues you need to be aware of, and we'll go over those next. Select the <i>Public Inspection</i> button to continue.

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16	186a <i>Ongoing Compliance – Public Inspection</i> Page Links: Link: http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/Life-Cycle-of-a-Public-Charity---Ongoing-Compliance Links to Required Disclosures courses. Page Text: • Exemption application (Form 1023) • Determination Letter • Three most recent annual returns • Three most recently filed Form 990-T • Forms, any attachments and correspondence • Schedule B is does not need to be disclosed	Richard – So what do I have to share with the public? Leagle – Tax-exempt organizations must make their exemption application, determination letter and the three most recently-filed annual information returns available to the public, upon request and without charge (except for a reasonable charge for copying). If your organization is a 501(c)(3) and files Form 990-T, <i>Exempt Organization Business Income Tax Return</i>, your three most recent 990-Ts must be made available as well. Richard – What about other records I'm keeping? Leagle – You only have to disclose the forms themselves, any attachments or separate items you sent in with the forms, and any correspondence you may have had with the IRS about the forms. There is an exception, though. If you had to file Schedule B of Form 990, that schedule is NOT required to be open for public inspection. For your Form 1023, for example, you would also make your organizing document available for public inspection because you sent that document to the IRS when you submitted Form 1023. Same for the determination letter you received back from the IRS at the end of the application process – that has to be made available. On the other hand, the internal books and records you use to prepare your Form 990 aren't subject to the inspection requirements, because you didn't send them in as part of your Form 990 filing – you just used them to prepare it. Richard – Where should I keep the items subject to public inspection? Leagle – You have to make the documents available at the organization's principal office during regular business hours - as requests can be made in person or in writing. There are more specifics about how and when to meet the public inspection requirements in the Required Disclosures course here at StayExempt. Finally, there is one last stage: Significant Events. Select the <i>Significant Events</i> button for more information.

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17	Significant Events: Page Links: Link: http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/Life-Cycle-of-a-Public-Charity---Significant-Events Page Text: • Audits • Private letter rulings • Termination proceedings	Richard – So, the last stage is significant events. What kinds of significant events are there? Leagle – The significant events all have to do with your tax-exempt status. The events include, but aren't limited to: audits, private letter rulings, and termination proceedings. More information on this stage can be found using this link. Before we test your knowledge, let's go over what we've covered so far. Select the Recap button to continue.
18	Recap Page Text: • Tax-Exempt Status Lifecycle • Required Filings - o Record keeping - o Annual exempt returns - o UBI • Ongoing Compliance - o Jeopardizing exemption - o Employment taxes - o Public disclosure requirements • Significant Events	Leagle –We talked about the tax-exempt status lifecycle as it applies to organizations maintaining their tax-exempt status. This includes issues such as record keeping, annual returns and unrelated business income. We also mentioned jeopardizing tax-exempt status (which we'll cover later in this course), employment tax issues, public inspection requirements and we talked other significant events for tax-exempt organizations. Now that you've learned about the stages of the lifecycle, let's try an exercise. Select the <i>Activity</i> button to continue.
19	Knowledge Check Page Text: Which of the following includes required responsibilities of Section 501(c)(3) organizations? Select the best answer and then use the submit button to check your answer. A) Annual Filings, Public Inspection B) Letter Writing, Annual Gala Events C) House Cleaning, Power-washing D) Political Organizing, Lobbying	Leagle – Let's test your knowledge. Which of the following are responsibilities that will keep Richard's organization from losing its tax-exempt status? Select the best answer. When you're done, select the "submit" button to check your answer. Correct Feedback: Great job! Annual Filings and Public Inspection are responsibilities of 501(c)(3) public charities. Remember – good recordkeeping is key to good reporting! Incorrect feedback: Sorry, that's not right. Recordkeeping, Annual Filings and Public Inspection are responsibilities of 501(c)(3) public charities.

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20	Knowledge Check Page Text: What will happen to Richard's organization if he fails to file Form 990, Form 990-EZ or Form 990-N for three years in a row? Select the best answer, then use the submit button to check your answer. a) Tax-exempt status revoked for three years b) Tax-exempt status revoked and loss of eligibility to receive tax-deductible donations c) Tax-exempt status revoked and a lifetime ban from 501(c)(3) status d) Tax-exempt status revoked, and bread and water for 3 years	Leagle –What will happen to Richard's organization if he fails to file Form 990, Form 990-EZ or Form 990-N for three years in a row? Select the best answer. When you're done, select the "submit" button to check your answer. Correct Feedback: That's right! Failure to meet the annual filing requirements for a 501(c)(3) public charity can lead to your tax-exempt status being revoked, as well as a loss of eligibility to receive tax-deductible donations. Incorrect Feedback: Sorry, that's not correct. Failure to meet the annual filing requirements for a 501(c)(3) public charity can lead to your tax-exempt status being revoked, as well as a loss of eligibility to receive tax-deductible donations.
21	Progress Check Page Text: You have learned how to: • Describe the responsibilities of a tax-exempt organization after achieving tax-exempt status.	Leagle – Congratulations! You've completed the responsibilities and lifecycle section of this course. Next, you'll learn more about activities that can jeopardize the tax-exempt status of your organization. Select the continue button to move forward.
22	2 Jeopardizing Your Tax Exempt Status Page Text: • Lobbying • Political campaign intervention • Unrelated business income • Private benefit/Inurement	Richard – So, I know about the things I'm supposed to do to keep my tax-exempt status. What about the things I'm not supposed to do? Vernon – Well, Richard, there are four major categories of activities that can jeopardize your tax-exempt status. Lobbying, political campaign intervention, activities generating excessive unrelated business income, and private benefit/inurement. Leagle - Some of these activities are absolutely prohibited, while others are restricted. Let's take a quick look at the first three - and an in-depth look at the fourth. Select the Prohibited Political Activities button to continue.

Slide #	Page Content 189a	Audio Script
23	<i>Prohibited Political Activities</i> Page Link: Link to Political Campaigns Course Page Text: Lobbying: Any activity designed to influence legislation Political Campaign Intervention Participating in any political campaign on behalf of or in opposition to any candidate for public office Three L's – Lobbying is about Legislation – and a 501(c)(3) can do a Limited amount of it. Three P's – Political Activity is about People running for office and 501(c)(3)s are PROHIBITED from getting involved, either for or against a candidate.	Richard – Isn't lobbying a form of political campaign intervention? Leagle – Actually, lobbying and political campaign intervention are two different things; Lobbying is any activity designed to influence legislation, while political campaign intervention is participating in a political campaign on behalf of, or in opposition to, a candidate for public office. Though they are both related to politics, the activities are different - as are the rules for exempt organizations participating in them. 501(c)(3) organizations can conduct a little lobbying without jeopardizing exemption; it just can't be a principal activity of the organization. The "Three L's" help me remember the rule here: Lobbying is about Legislation - and a 501(c)(3) can do a Limited amount of it. The rule for 501(c)(3)s and political activity is very different: A 501(c)(3) can't conduct any political activity. I use the "Three P's" to keep this rule straight: Political activity is about People running for office and 501(c)(3)s are Prohibited from getting involved, either for or against. Doing so jeopardizes their exemption. You'll find lots more about prohibited political intervention in a course called "Political Campaigns and Charities: The Ban On Political Campaign Intervention." Here's the link to the course as StayExempt. (include link) Let's talk a little bit more about unrelated business income next. Select the Unrelated Business Income button to move forward.

Slide #	Page Content 190a	Audio Script
24	<i>Unrelated Business Income</i> Page Link: UBI course. Page Text: • Business activity that generates income • Conducted on a regular basis • Not substantially related to exempt purpose Important facts: • UBI can be subject to taxes • Too many UBI-generating activities can jeopardize your status	Richard – What else can you tell me about UBI? Vernon – Like I said before, Unrelated Business Income is any income you generate from business activities that occur on a regular basis and are not substantially related to the exempt purpose of your organization. The tests and criteria for determining if a fundraising activity generates UBI are covered in the UBI course here at StayExempt. Leagle – And let me add two things about UBI: First, funds generated through unrelated business activities can be subject to taxes. But, what's more important is that if too many of your activities are not related to your exempt purpose, you're jeopardizing your exempt status. Remember, your organization received tax-exempt status because you told the IRS it would pursue an exempt purpose. If it's not doing that, the reason for tax-exempt status isn't there either. Next, let's talk about Private Benefits and Inurement. Select the <i>Continue</i> button to move forward.
25	<i>Private Benefit and Inurement</i> Page Text: Private Benefit: Activities that substantially benefit the private interest of an individual or organization. Public charities must serve public interest. Employee salaries and services provided to the public are not private benefit. Income and assets cannot be used so that an individual receives substantial private benefit beyond reasonable compensation for work.	Richard – So, what are private benefit and inurement? Leagle – Private benefit and inurement are two separate, but closely related concepts. Let's look at private benefit first. Vernon - Private Benefit is any activity that substantially benefits the private interest of an individual or organization, right? Leagle – Exactly, Vernon. A 501(c)(3)s must avoid all activities that provide primarily private benefit. The 501(c)(3)'s activities must serve a public interest. Richard: What if I have employees? Isn't the salary some kind of private interest? Leagle – No, this doesn't mean a 501(c)(3) can't pay reasonable salaries to its employees, or provide services to its constituents. Rather, it means the organization can't be operated - or its income or assets used in such a way - that someone receives a substantial private benefit well beyond what would be considered reasonable compensation for work. Let's talk about inurement next. Select the Inurement button to continue.

Slide #	Page Content 191a	Audio Script
26	<i>Inurement</i> Page Text: Inurement: Allow income or assets to accrue for the benefit of insiders. Examples • Paying dividends • Unreasonable compensation • Transferring property for less than fair market value Insider: A person who has a personal and private interest in the activities of the organization. Examples: • Officers • Directors • Key employees	Richard – So, what’s inurement? Vernon – The concept of inurement takes the notion of private benefit a bit further. You can’t conduct activities that will provide anyone with a substantial private benefit. When it comes to “insiders” of the organization, absolutely none of the income or assets can accrue to their benefit. Leagle – In case you haven’t heard that term before, Richard, an “insider” is a person who has a personal and private interest in the activities of the organization. Richard – I’m still not sure who would qualify as an insider. Leagle – Examples of typical insiders are officers, directors and key employees—like you. Richard – Can you give me some examples of inurement? Leagle – Sure. Some examples include paying dividends or unreasonable compensation to insiders, as well as transferring property to insiders for less than fair market value. Select the <i>Continue</i> button to learn about the repercussions of providing inurement.
27	<i>Inurement is Forbidden</i> Page Text: • Inurement is absolutely prohibited: - o Grounds for loss of tax-exempt status - o Insider may incur excise tax • Private benefit (non-insider) must be substantial to jeopardize status • Not considered Inurement and Private Benefit : - o Reasonable payment for services - o Payments to further tax-exempt purpose - o Payments for fair market value of real property.	Richard – Are there any cases where inurement is allowed? Leagle – No. Any amount of inurement is grounds for loss of tax-exempt status - and the insider involved may be subject to excise tax. But, if the activities of an organization privately benefit someone who is not an insider, that benefit must be substantial in order to jeopardize the organization’s tax-exempt status. But as I said earlier, prohibited inurement or private benefit doesn’t include reasonable payments for services, other payments that further tax-exempt purposes, or payments for the fair market value of real or personal property. Select the Charitable Solicitation button to move forward.

Slide #	Page Content 192a	Audio Script
28	<i>Charitable Solicitation</i> Page Link: Governance Section in Form 990 Course Page Text: Each state has laws regulating fundraising and soliciting donations requiring • Registration before soliciting for contributions • Adherence to special rules for when fundraising activities involve paid solicitors and fundraising counsel • Specific procedures for filing financial documents Check with each state where you may be soliciting funds for its requirements	Richard – I'm eager to start collecting funds, but I'm worried I may be breaking some rules in that area. What should I know first? Leagle – First of all, each state has laws regulating fundraising - as well as how you go about soliciting donations. These include: requiring that you register your organization, special rules when fundraising activities involve paid solicitors and fundraisers counsel, and specific procedures for filing financial reports. Each state is different, so be sure to check with each state you'll be fundraising in to confirm their requirements. When you're ready, we should talk about governance next. Select the Governance button to learn more.
29	<i>Tips for Governance</i> Page Text: General tips for operating consistently with tax law requirements: • Clearly articulate organization's purpose • Select a knowledgeable and committed government body and management team • Adopt sound management practices	Richard – So, what are your governance tips for my organization? Leagle – Well, we've found that an organization is more likely to operate effectively and consistently with tax law requirements if it can clearly articulate its purpose, selects a knowledgeable and committed governing body and management team, and adopts sound management practices. The IRS requests information about an organization's governance on the application for tax exemption - and again annually on the information return most organizations must file. Before we do an exercise, let's go over what we've covered in this section. Select the <i>Recap</i> button to continue.

Slide #	Page Content 193a	Audio Script
30	<i>Recap</i> Page Text: Jeopardizing Tax Exempt status. • Political Campaign Activity • Lobbying • UBI • Private Benefit/Inurement • Charitable Solicitation Rules • Tips for Good Governance	Leagle – In this section, we discussed how to avoid jeopardizing your tax-exempt status. First, we talked about political campaign intervention and lobbying. There's a separate course on political campaign intervention, but you should have a basic understanding of what those things are. Then we talked about Unrelated Business Income and how that might jeopardize your tax-exempt status. We covered private benefit and inurement. Your organization shouldn't engage in activities that substantially benefit the private interest of any individual or organization, nor allow any income or assets to accrue for the benefit of insiders. And, we just discussed how to find out more about charitable solicitation rules for your state and implementing good governance practices. Next, let's try an exercise to see if you are ready to move on. Select the <i>Activity</i> button to continue.

Slide #	Page Content 194a	Audio Script
31	<i>Case Study</i> Page Text: Read the scenario, then choose the best answer. Select the submit button to check your answer. Richard is the President of Cute and Curly Animal Rescue. His by-laws require that he has a seven member Board of Directors - and he's a voting member. Richard is also owns 49% of the for-profit Precious Pets pet store. His sister, Deborah, owns 51% of the business and runs the pet store. Cute and Curly Animal Rescue contracted with Precious Pets for \$200,000 worth of animal food and supplies. Richard signed the contract without consulting his Board of Directors for action. Richard's sister knows there won't be a competitive bid for the contract, so she decided to bill for 120% of the fair market value for the products. She called the contract the "Precious Pets Deluxe" package, but in reality, they are the same products she provides to her other customers. True or False: Does this scenario show private benefit or inurement? (True)	Script: Leagle - Let's test your knowledge. Read Richard's scenario, then choose the best answer. Select the submit button to check your answer. Correct Feedback: Good Job! That's right! Incorrect Feedback: Sorry, that's not correct. This is an example of inurement. 1. Richard is an insider because he has a personal financial interest in Cute and Curly Rescue taking the contract with Precious Pets as a part owner. 2. Richard used his position with Cute and Curly Animal Rescue to steer the contract towards Precious Pets. 3. The fact that Richard, as president of Cute and Curley, signs a contract to do business with Precious Pets without competitive bidding, or a search for alternative providers, is probably enough to show inurement. 4. Deborah's decision to overcharge for the supplies creates a situation where there's clearly impermissible inurement to Richard. If this kind of a scenario was discovered in an audit, the examining agent would likely propose "intermediate sanctions" on the insider, such as repaying the excessive amount. Depending upon the facts and circumstances, the agent might propose additional sanctions on the organization and/or revocation of its exemption.

Slide #	Page Content	Audio Script
32	Page Title: Knowledge Check Page Text: Paying dividends or unreasonable compensation to insiders and transferring property to insiders for less than fair market value are considered which 501(c)(3) prohibited activity? a) Annulment b) Annihilation c) Appropriate d) Inurement	Leagle – Here’s another test. Paying dividends or unreasonable compensation to insiders and transferring property to insiders for less than fair market value are considered which 501(c)(3) prohibited activity? Select the best answer. When you’re done, select the “submit” button to check your answer. Correct Feedback: That’s right! Paying dividends or unreasonable compensation to insiders and transferring property to insiders for less than fair market value are considered inurement. Incorrect Feedback: Sorry, that’s not right. Paying dividends or unreasonable compensation to insiders and transferring property to insiders for less than fair market value are considered inurement.
33	<i>Knowledge Check</i> Page Text: Which activity is a public charity allowed to do that won’t jeopardize its tax-exempt status? a) Contribute to a political candidate b) Pay its executives excessive amounts of compensation c) Make public statements in favor of a particular candidate d) Paint its office walls orange with green polka dots	Script: Leagle – Let’s try one more. Which activity is a public charity allowed to do that won’t jeopardize its tax-exempt status? Select the best answer. When you’re done, select the “submit” button to check your answer. Correct Feedback: That’s right! Other than painting the office, each activity on the list will jeopardize an organization’s tax-exempt status. Incorrect Feedback: Sorry, that’s not quite right. Other than painting the office, each activity on the list will jeopardize an organization’s tax-exempt status.
34	<i>Progress Check</i> Page Text: You have learned how to: - Describe the responsibilities of a tax-exempt organization after achieving tax-exempt status. - List the activities that could jeopardize the tax-exempt status of an organization	Leagle – Nice job! You’ve learned about jeopardizing the tax-exempt status of an organization. Select the continue button to move forward.

Slide #	Page Content 196a	Audio Script
35	<i>Resources</i> Page Text: Resources: • IRS Lifecycle page - http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/Life-Cycle-of-a-Public-Charity • Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities http://www.irs.gov/pub/irs-pdf/p4221pc.pdf • Publication 557, Tax-Exempt Status for Your Organization http://www.irs.gov/file_source/pub/irs-pdf/p557.pdf	Leagle – As we near the end of this course, I know I've shared a lot of exempt organization resources with you. I've put them together here, so feel free to go review them.
37	<i>Conclusion</i> Page Layout: Leagle with IRS logo. Page Text: Thank you for taking the Maintaining 501(c)(3) Tax-Exempt Status course. Before you leave, please take a couple of minutes to complete this course's evaluation. It doesn't ask for any personal information. The information you provide will ensure that this and other courses at StayExempt provide a valuable learning experience for future participants. Also, if you have other feedback for the Exempt Organizations team, feel free to use this button to send us an email. After you complete the survey, print out your own Certificate of Completion as recognition for attending this course.	Leagle – On behalf of everyone in the IRS Exempt Organizations division, thank you for taking the Maintaining 501(c)(3) Tax-Exempt Status course. Before you leave, please take a couple of minutes to complete this course's evaluation. It doesn't ask for any personal information. The information you provide will ensure that this and other courses at StayExempt provide a valuable learning experience for future participants. Also, if you have other feedback for the Exempt Organizations team, feel free to use this button to send us an email. After you complete the survey, print out your own Certificate of Completion as recognition for attending this course.

Americans for Prosperity Foundation, et. al. v. Albence, et. al., C.A. No. 1:26-cv-00445-JLH

Exhibit 7

SPOTLIGHT
DELAWARE

SELECT YOUR LANGUAGE



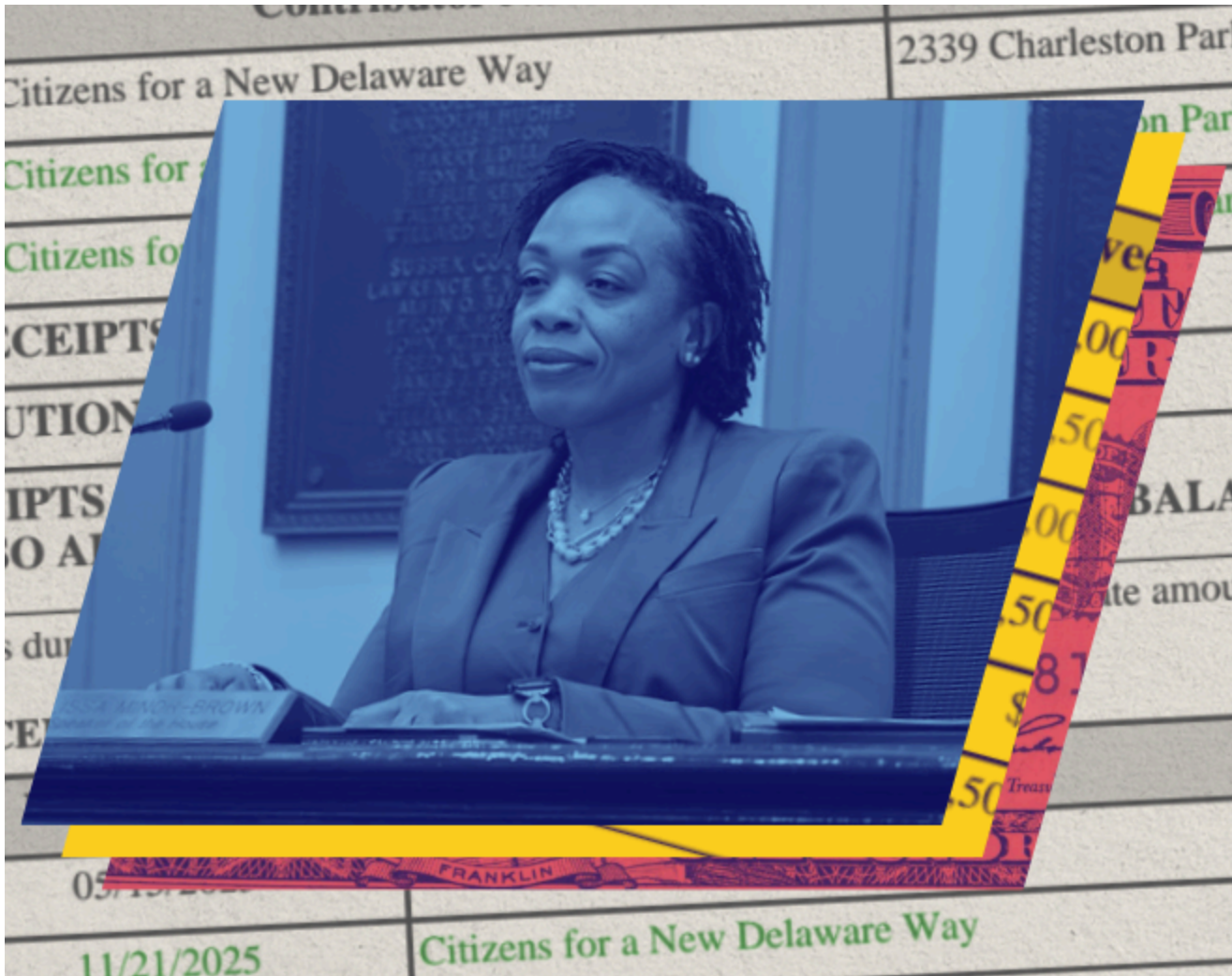
English ▼

GOVERNMENT

Longtime court critic quietly funds PAC controlled by House Speaker



by Karl Baker
March 5, 2026



Contributions to a political action committee controlled by Delaware House Speaker Melissa Minor-Brown allow her to control a war chest for what could become a contentious legislative campaign season ahead of the 2026 primary and general elections. | SPOTLIGHT DELAWARE GRAPHIC BY ELSA KEGELMAN

199a

Why should Delaware care?

As the 2026 campaign season launches, a newly revealed political contribution could bolster House Speaker Melissa Minor-Brown's political power. It also cements the status of Phil Shawe within the Delaware political establishment — a position that comes in contrast to his outsider activism of the past.

Phil Shawe, the polarizing New York executive whose financial largesse helped propel Gov. Matt Meyer to victory in 2024, is now throwing his weight behind a new political action committee controlled by Delaware House Speaker Melissa Minor-Brown.

Amended campaign finance reports filed last month show that a political organization funded by Shawe is the sole contributor, so far, to Minor-Brown's Back on Track PAC.

The contribution follows a decade of well-funded assaults on Delaware's brand by Shawe through a campaign he launched immediately after the state's Court of Chancery **ordered a forced sale of** his company, TransPerfect. In recent years, his activism has shifted from the courts to politics.

While the roughly \$50,000 donation to Minor-Brown's PAC is not an immense amount — even for little Delaware — it now signals a completion of Shawe's transformation from a outside agitator to an individual with deep ties to Delaware political establishment.

Building a party war chest

For Minor-Brown, the contributions allow her to control a war chest for what could become a contentious legislative campaign season ahead of primary and general elections this fall.

Though she might not face a challenge to her own New Castle-area seat, Minor-Brown's fortunes as House speaker could depend on the outcome of her legislative allies' races — some of whom already face primary challengers. Following the November election, the new members of the Delaware House of Representatives will vote for their next speaker.

In an interview with Spotlight Delaware, Minor-Brown acknowledged that the Back on Track PAC is hers, saying she launched it to "support Democratic candidates up and down this state." Her party, she said, needs another financial stream for the upcoming election.

Asked if she has established an alliance with Shawe, Minor-Brown pushed back against the characterization. She said she intends to raise money from other donors as well.

Minor-Brown also asserted that anyone donating to the PAC will be supporting the Democratic Party broadly, and not her individually.

“They’re supporting the mission of the party,” she said. “It doesn’t mean they’re supporting my mission solely, and it doesn’t mean that I’m for sale, or bought and sold.”



Rep. Rae Moore alleged that House Speaker Melissa Minor-Brown has retaliated against her for not supporting Senate Bill 21. | SPOTLIGHT DELAWARE PHOTO BY ETHAN GRANDIN

Nevertheless, news of the donation has sparked alarm with some progressive members of the legislature, particularly Rep. Sherae’a Moore (D-Middletown). Last year, Moore’s public sparring with Minor-Brown included her sending a cease-and-desist letter to House speaker. Moore also claimed then that she suffered from retaliation for not supporting a controversial bill to reform Delaware’s corporate law.

In an interview with Spotlight Delaware on Wednesday, Moore said she learned recently that Minor-Brown is actively searching for candidates to run against her in the primary election later this year.

And Moore suspects that the Back on Track PAC’s resources could be deployed against her.

“From what I’m being told, I’m her priority to get rid of,” Moore said.

Asked about the claim, Minor-Brown said she is too busy to focus on Moore, with policy challenges, such as addressing the high costs of energy and health care, taking up her time.

Still, the House speaker made it clear that bad blood remains between the two lawmakers.

“I don’t have time for childish nonsense,” she said.

201a



1



2



3

Delaware elections
Campaign Finance Section
Financial Report

Financial Reports are required to be submitted to the Campaign Finance Section of the Office of the State Election Commissioner by all Candidates, Committees, and Organizations. Late or incomplete reports are subject to fines levied by the Commissioner's Office, so please be sure to check all applicable deadlines and file on time. Add extra sheets if necessary.

FULL ORGANIZATION NAME: Back on Track PAC

ACCOUNT NUMBER: 02096403 DATE OF THIS REPORT: 05/19/2026

REPORTING PERIOD START: 05/15/2025 REPORTING PERIOD END: 12/31/2025

OFFICE SOUGHT:

CHECK THE BOX THAT APPLIES TO THIS REPORT:

PRIMARY ELECTION ☐ 9-DAY ☐ 30-DAY OTHER ELECTION ☐ 9-DAY ☐ 30-DAY

GENERAL ELECTION ☐ 9-DAY ☐ 30-DAY SPECIAL ELECTION ☐ 9-DAY ☐ 30-DAY

☒ YEAR-END

THIRD-PARTY ADVERTISERS ☐

FINAL ORGANIZATION CLOSING: ☐ YES ☒ NO CLOSING DATE: _____

AMENDMENT: ☒ YES ☐ NO

I authorize that all information included in this Financial Report package is accurate and correct. I agree to abide by all rules and regulations regarding Campaign Finance and the election process in the State of Delaware. I understand that representatives from the Office of the State Election Commissioner will perform an audit of all information provided on this report.

April Lyons-Abt
TREASURER SIGNATURE DATE: _____

■ Current ■ Amended ■ Deleted ■ Amended New

Campaign Finance Page 1 of 11 CFPM011 V1.0 2014/02/11 Document 14994 Version: 2
Printed on: 02/19/2026 03:11:01 PM

Delaware elections
STATEMENT OF ACCOUNT BALANCE

ACCOUNT NUMBER: 02096403 REPORTING PERIOD: FROM 05/15/2025 TO 12/31/2025

1. BEGINNING BALANCE (Ending Balance from last reporting period) \$0.00

2. RECEIPTS:

A. SCHEDULE A - TOTAL RECEIPTS \$45,500.00

B. SCHEDULE C-1 - TOTAL IN-KIND RECEIPTS \$0.00

C. SCHEDULE D-1 - TOTAL LOANS RECEIVED AND DEBITS INCURRED \$0.00

D. SCHEDULE E - TOTAL EXPENSE REIMBURSEMENTS RECEIVED \$0.00

\$45,500.00

Back on Track finance report

Download

To improve or malign the courts?

Beyond impacts on upcoming political campaigns, Shawe’s contributions to the Back on Track PAC suggest that he has solidified a bond with Delaware’s new political establishment.

It is a bond that first emerged in 2024 when his advocacy group spent more than \$1 million in Delaware’s gubernatorial race — mostly on campaign ads to attack Meyer’s chief opponent in the primary election, then-Lt. Gov. Bethany Hall-Long.

While the campaign spending was significant, Forbes reported last year that TransPerfect has nearly doubled its revenues since 2018 — growth that made Shawe a billionaire.

His new relationship in Delaware as financier of leading politicians contrasts sharply with political and legal activism from previous years when Shawe's groups assailed Delaware institutions, particularly its courts, with the help of high-profile individuals like the Rev. Al Sharpton and celebrity attorney Alan Dershowitz.

The aggressive campaign began in 2015 after a Delaware judge ordered TransPerfect – a financially successful company Shawe co-founded with his then-fiancée Liz Elting – to be auctioned off. In the order, the judge said that infighting between the co-founders had caused “irreparable harm” to the company's employees and clients, concluding that a forced sale was the only solution.

In response to the order, Shawe employed the high-profile New York public relations company, Tusk Strategies, to carry out what became a yearslong campaign against Delaware's judiciary.

It began with well-organized and well-choreographed protests outside of Delaware courts. Then there were full-page attack ads published in the print editions of The News Journal. One in particular depicted a Delaware judge standing with four other white men in front of a row of largely empty wine bottles. A portion of a caption stated that Delaware was one of 18 states at the time that had never had an African-American person serve on its Supreme Court.

The activism continued even after Elting sold her half of TransPerfect to Shawe — a decision that averted the forced auction of the company.

PAID ADVERTISEMENT PAID ADVERTISEMENT PAID ADVERTISEMENT

WHO WILL BE THE NEXT DELAWARE SUPREME COURT CHIEF JUSTICE?

Delaware is one of only 18 states that has NEVER had an African American Supreme Court Justice and one of just 17 states that has only one female justice on their Supreme Court bench.



Left: Andre G. Bouchard, Chancellor of Delaware's 2nd Highest Court



Delaware's Supreme Court Justices. Established in 1841, Karen L. Valby is only the second female to serve on the Court.

A portion of a full-page ad published in the News Journal in 2019 by Citizens for a Pro-Business Delaware shows a Delaware judge standing with other men in front of several wine bottles.

During the Iowa caucuses that preceded the 2020 presidential election, Shawe's mother launched a \$500,000 ad campaign in that Midwestern state, claiming that then-candidate Joe Biden supported a Delaware judicial system that "cuts out thousands of people who end up hurt by the court's decisions."

In more recent years, Shawe's advocacy groups — whose names include Citizens for a Pro-Business Delaware, Citizens for Judicial Fairness, and Citizens for a New Delaware Way — have periodically paid a mobile billboard truck company to circle downtown Wilmington with signs criticizing a lack of diversity among judges on the state's courts.

To Delaware's political establishment of past years, the aggressive activism was broadly seen as spiteful — or even bad faith. In 2019, Delaware's Legislative Black Caucus characterized it as "external distractions from outside groups."

That same year, the president of the Delaware State Bar Association claimed that Shawe's advocacy was not meant to improve the judiciary, but to malign it.

But now, following the million-dollar spend in support of Meyer, as well as the recent contributions to Minor-Brown's PAC, Shawe has gained a foothold among Delaware's leadership. And his team seems to recognize it.

New focus on legislature

Chris Coffey, an executive at Tusk Strategies who has served as Shawe's spokesman for several years, said their policy goals in Delaware are "judicial transparency and good government reforms."

"We look forward to working with members of the state legislature to build a more equitable and transparent justice system for both individual Delawareans and companies domiciled there," he said.

Because Delaware is the legal home to more than 2 million companies, its laws set the corporate governance rules for many of the biggest companies in the world.

Coffey's statement comes about six months after Shawe's advocacy group, Citizens for Judicial Fairness, published a press release celebrating a new Delaware court policy that changed how judges are assigned to cases involving businesses litigating in the state.

Rather than a single judge presiding over potentially multiple cases involving the same company, the new policy made that selection random – a process known as "wheel spin."

It was a policy change for which Shawe had advocated over several years. The old policy was also one that Elon Musk, the widely influential Tesla CEO, had criticized to his many followers.

Within a press release celebrating the new court rule was a quote from Minor-Brown, which stated in part that "fairness and justice are the guiding principles of our judicial system, but we can't fully uphold them by standing still."

The appearance of the quote became the first public indication that some type of collaboration existed between Minor-Brown and Shawe's advocacy team.

Four months earlier, Shawe's team first announced that he would contribute financially to Delaware's 2026 legislative races, in a press release published through the group, Citizens for a New Delaware Way. In the statement, the group revealed he would spend at least \$200,000 during the campaign.



Governor Matt Meyer and Delaware House Speaker Melissa Minor-Brown interact on the House floor. | PHOTO COURTESY OF THE HOUSE DEMOCRATS

205a “Following our successful effort in the 2024 governor’s race, we’ve long said that we’d turn our attention to the state legislature – especially the speaker and her allies,” Coffey later told Spotlight Delaware.

Americans for Prosperity Foundation, et. al. v. Albence, et. al., C.A. No. 1:26-cv-00445-JLH

Exhibit 8



Spotlight
DELAWARE

SELECT YOUR LANGUAGE



English ▼

GOVERNMENT

Millions fueling Delaware governor's race make it one of most expensive in history



by Karl Baker and Amanda Fries

August 20, 2024



This year's election cycle has seen millions pour in to candidate coffers and outside influence groups. | SPOTLIGHT DELAWARE PHOTOS BY JACOB OWENS

Why Should Delaware Care?

Gubernatorial candidates today need well more than \$1 million to run a successful campaign in Delaware. And, the individuals and organizations who contribute to campaigns can reveal how the

winning candidate will ultimately manage the state's bureaucracy and how he or she will set the tone for how the state government spends money each year.

This story was produced and reported together with Delaware Online/The News Journal as part of a partnership with Spotlight Delaware.

The race to become Delaware's Democratic nominee for governor has grown increasingly bitter, fueled in large part by outside political groups that have raised millions of dollars from developers, unions, and a single New York company with a longtime grudge against Delaware.

Campaign finance reports filed last week with the state show those donors have supplied most of the \$3 million that was collectively raised by third-party political action committees.

In recent weeks, those PACs have purchased a bevy of TV ads and political mailers that directly or indirectly supported their chosen Democratic candidates for governor.

The ads followed an audacious piece of politicking earlier this summer when a PAC affiliated with a building trades union hired a small airplane to circle the Delaware beaches with a political banner in tow.

In all, the hefty sums spent on political advertising are giving powerful people with narrow interests outsized influence in Delaware's race for governor.

"In the context of where the candidates are choosing to put their funds, that's obviously having an impact on the total amount spent," said Delaware State University political science professor Samuel Hoff. "It's never cheap for these TV commercials and getting folks to produce them, let alone the cost of running them."

The outside PAC money also piles on top of nearly \$4 million raised by the campaigns of the three Democratic candidates for governor themselves, setting the stage for this year's contest to rival the 2008 governor's race as the most expensive in Delaware history.

Lt. Gov. Bethany Hall-Long, New Castle County Executive Matt Meyer and former state environmental secretary Collin O'Mara are vying for the Democratic ticket next month.

State House Rep. Mike Ramone, Lewes resident Jerrold Price and Bridgeville resident Bobby Williamson seek the GOP line in the gubernatorial race.

The recently filed campaign finance reports further indicate that outside messaging from the PACs is likely to escalate in the final weeks before Delaware's Sept. 10 primary. Two groups that have run ads attacking Hall-Long reported that they still hold hundreds of thousands of dollars in reserve.

Meanwhile, one PAC supporting Hall-Long and others supporting O'Mara are funded by large nationwide organizations with relatively deep pockets that could be employed as the race draws nearer to the primary election date.

Between crowded primary races and the rise of more "one issue PACs," this year's gubernatorial race certainly has had "more money pumped into the primary than is usual," which will likely rival the 2008 governor's race, Hoff said.

"I really think what happens over the next couple of weeks is certainly going to be important," he said. "From everything we have in front of us now, it's close in both areas, but particularly (among the Democrats), and we'll have to see how it shakes out."

211a



Lt. Gov. Bethany Hall-Long is both the target and beneficiary of some of the most vehement advertising in this year's primary election cycle. | SPOTLIGHT DELAWARE PHOTO BY JACOB OWENS

\$1 million outside influence

Leading all donors to Delaware PACs is Phil Shawe, the CEO of a New York translations company called TransPerfect, who in recent months gave \$1 million to a PAC that has been attacking Hall-Long with TV ads and political mailers.

The spending is the latest in nearly a decade of Shawe's high-dollar critiques of Delaware institutions that followed a decision in 2015 by the state's Chancery Court to order his company be auctioned off.

Those affiliated with the PAC, called Citizens for a New Delaware Way, say it is opposing Hall-Long because she failed to respond to their outreach sent to all the Democratic candidates.

Chris Coffey, campaign manager for the PAC, said while O'Mara and Meyer responded and engaged with the group, Hall-Long did not.

“She made it really easy for us by blowing us off, by not believing in transparency, by not participating in our process, by not being willing to speak with us,” Coffey said.

Coffey said the group’s focus is on transparency and advocating for good government, mostly through the courts, but also with police, like calling for police-worn body cameras. It also is pushing for cameras in Delaware courts and for judges to be selected at random.

Coffey has led similar efforts in Delaware in past years, also funded by Shawe.

In a statement, Hall-Long’s campaign did not speak to the claims made by Coffey, instead asserting that Shawe’s company actually seeks to “dismantle Delaware’s corporate franchise” – the state’s lucrative system that serves as the legal domicile of well over a million companies.

Such a dismantling would lead to higher taxes “on middle class families either by raising personal income taxes or instituting a sales tax in Delaware,” the campaign claimed.

Though it indirectly benefits Meyer and O’Mara’s candidacies, Shawe’s PAC has not said outright that it supports either campaign.

While each Democratic candidate has benefited from third-party spending, Meyer has enjoyed the biggest boost because of the indirect support of this PAC and one other that doesn’t explicitly endorse his campaign.

Another PAC, called Change Can’t Wait, also has significant financial backing in Delaware’s governor’s race, recently running a TV ad that lauds Meyer’s health care plan and sent political mailers claiming Hall-Long is “wrong on public safety.”

The Change Can’t Wait PAC raised more than \$1.1 million in recent years with the help of sizable contributions from out-of-state and local developers, some of whom have, or have had business before New Castle County.

The group’s two biggest contributions – totaling \$100,000 each – came from Philip Reese, a Wilmington-area retired banker who a decade ago chaired Delaware’s public employee pension system, and from an entity called 847 Cranbrook, LLC.

Among other activities, 847 Cranbrook, LLC is associated with a downstate proposal to build houses, commercial space and a hotel, called the Bridgeville Town Center.

The leading PAC supporting Hall-Long represents the political arm of the Democratic Lieutenant Governors Association – an organization that Hall-Long previously co-chaired. It has pledged to spend \$1 million in support of Hall-Long's pursuit of the governor seat.

Some of the ad spending the association has done was helped by a \$475,000 contribution from the People for a Healthy Delaware PAC, which supports candidates “committed to a healthy Delaware” and raised \$447,000 this year through sizable donations from labor unions.

Three labor groups donated \$100,000 each to the PAC: Growing Economic Opportunities, New Jersey's State Laborers PAC, and Laborers Political League of DE.

Early on, Hall-Long earned the support of Delaware's largest labor unions. Since early in the summer, the Delaware Building Trades has been flying banners over the state's beaches this year in support of the lieutenant governor's run.



James Maravelias
about 2 years ago



Up up in the sky.

32 1 13

Organizing the spending is James Maravelias, the powerful president of the Delaware AFL-CIO, who said he has hired planes to fly over the beaches during most weekend days when the skies are not restricted by President Joe Biden's presence.

He said his advocacy for Hall-Long's campaign originates from his antipathy for Meyer, arguing that New Castle County took several steps under Meyer's leadership that he said hurt union workers, including altering the government's “responsible contracting” standards, weakening union apprenticeship mandates, and carrying out fewer inspections of developments sites

Maravelias said he asked Meyer last year to rescind those changes. And, in response, Meyer said “I have no appetite to reverse that,” Maravelias recounted.

In an emailed response, Meyer’s campaign asserted that Maravelias has engaged in “irrational behavior towards Matt instead of helping hard-working Delawareans.”

The statement also claimed that Maravelias in past meetings with Meyer was disrespectful and went on “expletive-laced tirades.”

“Matt has been an ally of labor during his time as County Executive,” the campaign’s statement said.



Former chief environmental secretary Collin O'Mara has the backing of some influential national environmental advocacy groups. | SPOTLIGHT DELAWARE PHOTO BY JACOB OWENS

Environmental groups throw support to O'Mara

215a

Two environmental PACs have also pledged financial support in Delaware's gubernatorial race, throwing their support behind O'Mara, the CEO of the National Wildlife Federation and past Delaware Department of Natural Resources and Environmental Control secretary.

"Collin is a proven progressive," said Jocelyn Steinberg, director of the Natural Resources Defense Council Action Votes and independent expenditure director of the NRDC Action Fund. "It's not a secret agenda. We want clean energy jobs in Delaware. We want to move forward in protecting our air and water."

Steinberg said O'Mara is already pursuing clean jobs for Delaware in his recent position as chief advocate for the Mid-Atlantic Clean Hydrogen Hub, a consortium of politically powerful companies in the region that seek to remake Delaware into a hub of hydrogen production.

The regional hydrogen initiative, which won a \$750 million federal award last year, has also drawn criticism from local environmentalists who have argued that using wind and solar power to produce hydrogen fuel is an inefficient use of those renewable energies. O'Mara contends that a small portion of renewable energy should be reserved to produce hydrogen fuels in order to make heavy industries that can only operate on liquid fuels more green.

The NRDC Action Votes group launched an ad in support of O'Mara as Delaware governor, and additional spending is in the works, Steinberg said.

The federal PAC donated \$100,000 on Aug. 1 for the first ad buy, and another \$100,000 will be committed for additional advertising and campaign material supporting O'Mara, she said.

The group is part of a coalition of environmental advocacy groups supporting O'Mara's run for governor, and joins another federal PAC, the League of Conservation Voters, in boosting the former environmental secretary's campaign.

O'Mara also earned the Working Families Party endorsement in Delaware back in April.



New Castle County Executive Matt Meyer has outraised his opponents by a significant margin ahead of the stretch run to the primary election. | SPOTLIGHT DELAWARE PHOTO BY JACOB OWENS

Big money in Democratic candidates' campaigns

The money being thrown around within third-party groups nearly overshadows the contributions raised and spent among the candidates, if it wasn't for Meyer's campaign coffers dwarfing his opponents.

According to the latest campaign finance reports filed with the Delaware Department of Elections, Meyer's war chest surpasses both Democratic candidates, as well as the Republican challengers, with nearly \$1.6 million on hand.

While all three Democrats loaned significant money to their campaigns, Meyer raised the most this reporting cycle with \$825,721 in donations. Meyer spent \$925,229 during the same period, campaign finance reports show.

While Hall-Long raised \$531,500 since Jan. 1, building on a \$687,348 campaign balance from the end of 2023, just over \$1 million was spent this cycle, leaving the lieutenant governor's war chest at \$218,511.

Hall-Long's campaign has grappled with finance issues since the longtime politician announced her run for Delaware governor last year. Those issues have only mounted in recent weeks after a scathing audit said the reporting of her campaign finances was "incomplete, inconsistent, and often inaccurate."

O'Mara raised the least among the Democratic candidates during this period, collecting \$101,687 in donations. But his spending was far less than his opponents at \$54,370, leaving O'Mara's campaign with \$917,528 cash on hand.

The money raised among Democratic candidates far surpasses that of the three Republican candidates.

Ramone was the only GOP candidate to raise money this year, collecting \$76,276 in donations from when he officially announced his run for governor in early May to Aug. 12.

By comparison, Price – a former New York City police officer who announced his run for governor in December – did not collect any donations this year but loaned his campaign \$7,706 to cover campaign-related expenses. This is on top of a \$5,000 loan he gave his campaign to start in December.

Williamson, who was the last to file his candidacy in early July, raised just shy of \$900 through 12 contributions to his campaign during the latest reporting period. Williamson reported receiving \$1,335 in in-kind contributions, while also loaning \$8,602 to his campaign to cover expenses.

Americans for Prosperity Foundation, et. al. v. Albence, et. al., C.A. No. 1:26-cv-00445-JLH

Exhibit 9

Cape Gazette
The Price of Liberty is Eternal Vigilance.

May 26, 2026



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Influence of PACs increasing in Delaware

Out-of-state money plays outsized role

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2026 TACOMA i-FORCE MAX
3.99% APR for 60 MONTHS with
\$18.41 per \$1,000 borrowed

Vehicle shown with options using stated offers. Dealer inventory only. Participating Toyota dealers only.

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Adobe Stock Photo/David Carillet

By Melissa Steele •
September 5, 2024

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[PAC money continues to flow into Cape Region...](#)

Friday, October 25, 2024

It may not be the millions of dollars pouring into this year’s presidential campaigns, but Delaware has its own, albeit smaller-scale, political action committee influence.

Of the 132 active committees that had filed a 30-day report with the Delaware Department of Elections for state office as of Aug. 28, the coffers range from zero upwards to over \$1 million.

Citizens for a New Delaware Way is on the high end of PAC money with more than \$1 million coming in so far from a New York billionaire, active in Delaware elections ever since the Chancery Court ordered the break up of his translation company. Outgoing money has mostly gone to Park Avenue-based Tusk Strategies, which so far lists Delaware LIVE out of Milford as its only Delaware expense with \$8,100. The website currently shows a Say No To Bethany Hall-Long ad marked as paid for by Citizens for a New Delaware Way.

“PACs are offshoots of an organization officially set up to contribute to campaigns, and we’re definitely seeing more of them participate in the Delaware landscape,” Hoff said, adding several trends have been developing as a result of PAC influence.

The role of out-of-state money is significant, he said.

That door was opened after a 2010 U.S. Supreme Court decision placed PAC contributions under the First Amendment’s freedom of speech and expression, allowing for unlimited PAC contributions. Hoff said a billionaire with a seemingly unending supply of cash can make a difference, especially in a small state like Delaware.

“When we talk about money ... we can have very few people controlling what goes on in American politics, and that’s not a good thing,” Hoff said.

Then there is the tone of a group’s messaging. PACs claim to be altruistic or cosmopolitan in their messaging, Hoff said, but they tend to focus on one issue, and the messaging often turns negative.

That negativity is evident in a string of recent commercials airing on television paid for with PAC money.

“I would say those types of commercials chip away at the trust and legitimacy of the American political system when you get them back-to-back-to-back,” he said. “It seems to be prevalent in these commercials.”

University of Delaware professor Paul Brewer says negative campaigning is definitely up.

"I've seen high levels of PAC activity in Delaware campaigns this year – and much of that activity has revolved around negative campaigning. The negativity does fit with historical patterns in PAC campaigning. PACs often go negative because they're relatively anonymous, while candidates' own campaigns tend to be more positive because they're associated with the candidate's own name," Brewer said.

Ultimately, Hoff said, the fear is that negativity will erode trust in the country’s institutions.

“When it goes negative, I think there is a detrimental effect on the American political system,” he said. “It may not be immediate, but can you recoup the trust in a system? Or will that be a generation lost because they have been bombarded with those types of commercials?”

Busy PACs

On the county level, Preserve Sussex has been active with mailings and endorsements. With a reported balance of about \$75,000, contributors in 2024 include Rob Tunnell III with \$2,500 and developer Stonemark Ventures with \$15,000. In 2023, contributors included Alex Pires with \$2,000; Elmer Fanin, Stonemark Ventures and Stafford Street Capital with \$10,000 each; and \$25,000 contributed by Robert Hudson, for a total of \$68,000.

This election season, the PAC has generated flyers sent across the county.

Another PAC generating flyers is Change Can’t Wait, which lists about \$510,000 in receipts with contributions from Sussex County businessmen Chris Schell donating \$20,000 aggregate, Aug. 16; CJ Hudson Ventures, \$10,000, Aug. 20; Joe Schell, \$10,000, Aug. 20; and Wilmington developer Louis Capano, \$45,000 aggregate, also Aug. 20. Hundreds of thousands of dollars are posted for going to the PAC’s Wilmington address for a third-party advertiser.

Other Sussex County-oriented PACs include Shore Democrats, which has generated more than \$14,000, giving out up to \$1,000 for candidates. About \$9,000 has gone to Bear Trap Dunes in Ocean View.

At the low end so far are Plan for Sussex with \$608, and Sussex County Chairmen’s Club with \$54.65.

Long history of PACs

PACs have been part of the U.S. election process since 1944, when President Franklin D. Roosevelt’s re-election campaign established the first one.

In 1971, the Federal Election Campaign Act attempted more transparency by setting rules on contributions and disclosures. McCain/Feingold legislation had set limits to PAC contributions until a 2010 Supreme Court decision allowed for the creation of so-called super PACs, which can raise and spend unlimited amounts of money for a campaign.

Delaware code, under Title 15, Section 8020, allows PACs to pay for campaign staff wages, travel and associated expenses, advertising, election watchers and other expenses.

While contribution limits are spelled out for individuals and political parties, there are none specifically for PACs. Law states any contribution by a political action committee shall be by a check which discloses the full name and address of said political action committee. Delaware code also states that no political party shall make any contribution to any political action committee.

PAC information can be found at the [Delaware Department of Elections website](#) under campaign finance.

Americans for Prosperity Foundation, et. al. v. Albence, et. al., C.A. No. 1:26-cv-00445-JLH

Exhibit 10

561
~~Delaware~~^{3a}
elections
 Campaign Finance Section
 Financial Report

Financial Reports are required to be submitted to the Campaign Finance Section of the Office of the State Election Commissioner by all Candidates, Committees, and Organizations. Late or incomplete reports are subject to fines levied by the Commissioner's Office, so please be sure to check all applicable deadlines and file on time. Add extra sheets if necessary.

FULL ORGANIZATION NAME:	Rony Baltazar-Lopez for Delaware		
ACCOUNT NUMBER :	01006133	DATE OF THIS REPORT :	08/06/2025
REPORTING PERIOD START :	01/01/2025	REPORTING PERIOD END :	12/31/2025
OFFICE SOUGHT :	State Office - State Representative - District 36		

CHECK THE BOX THAT APPLIES TO THIS REPORT :

PRIMARY ELECTION	☐	8-DAY	☐	30-DAY	OTHER ELECTION	☐	8-DAY	☐	30-DAY
GENERAL ELECTION	☐	8-DAY	☐	30-DAY	SPECIAL ELECTION	☐	8-DAY	☐	30-DAY
	☒	YEAR END							
THIRD-PARTY ADVERTISERS	☐								
FINAL ORGANIZATION CLOSING :	☒	YES	☐	NO					
AMENDMENT :	☐	YES	☒	NO	CLOSING DATE : 08/06/2025				

I authorize that all information included in this Financial Report package is accurate and correct. I agree to abide by all rules and regulations regarding Campaign Finance and the election process in the State of Delaware. I understand that representatives from the Office of the State Election Commissioner will perform an audit of all information provided on this report.

TREASURER SIGNATURE

DATE

CANDIDATE SIGNATURE

DATE

■ Current ■ Amended ■ Deleted ■ Amended New



STATEMENT OF ACCOUNT BALANCE

ACCOUNT NUMBER :	01006133	REPORTING PERIOD :	01/01/2025	12/31/2025
		FROM		TO
1. BEGINNING BALANCE (Ending Balance from last reporting period)				<u>\$1,942.38</u>
2. RECEIPTS :				
A. SCHEDULE A - TOTAL RECEIPTS				<u>\$2,070.62</u>
B. SCHEDULE C-1 - TOTAL IN-KIND RECEIPTS				<u>\$0.00</u>
C. SCHEDULE D-1 - TOTAL LOANS RECEIVED AND DEBTS INCURRED				<u>\$0.00</u>
D. SCHEDULE E - TOTAL EXPENSE REIMBURSEMENTS RECEIVED				<u>\$0.00</u>
E. SUBTOTAL (Total of A,B,C,D)				<u>\$2,070.62</u>
3. EXPENDITURES :				
F. SCHEDULE B - TOTAL EXPENDITURES				<u>\$0.00</u>
G. SCHEDULE C-2 - TOTAL IN-KIND EXPENDITURES				<u>\$0.00</u>
H. SCHEDULE D-2 - LOAN AND DEBT PAYMENTS				<u>\$4,013.00</u>
I. SCHEDULE E - INTER COMMITTEE (SHARED) EXPENSES				<u>\$0.00</u>
J. SUBTOTAL (Total of F,G,H,I)				<u>\$4,013.00</u>
4. ENDING BALANCE (Beginning Balance plus 2E minus 3J)				<u>\$0.00</u>
5. VALUE OF NON-CASH ASSETS (From Schedule F)				<u>\$0.00</u>
6. VALUE OF DISPOSED/TRANSFERRED ASSETS (From Schedule G)				<u>\$0.00</u>
7. VALUE OF LOANS AT END OF PERIOD (Loan Balance From Schedule D-2)				<u>\$0.00</u>

■ Current
 ■ Amended
 ■ Deleted
 ■ Amended New

**SCHEDULE A - TOTAL RECEIPTS**

ACCOUNT NUMBER : 01006133 REPORTING PERIOD : 01/01/2025 12/31/2025
 FROM TO

Itemize all receipts over \$100 for the reporting period. Receipts from sales of items must be itemized if they are over \$50. NOTE: If you receive funds from the same person or organization several times during the reporting period, each item must be listed if the aggregate amount is over \$100, even if the individual amounts are not.

RECEIPTS :

Date Received	Contributor Name	Contributor Mailing Address	Aggregate Amount	Amount Received
07/28/2025	Rony Jonathan Baltazar-Lopez	17148 Windward Blvd Unit 303, Milford, Delaware, 19963	\$2,070.62	\$2,070.62
TOTAL ITEMIZED RECEIPTS				\$2,070.62
TOTAL OF CONTRIBUTIONS NOT EXCEEDING \$100				\$0.00
GRAND TOTAL RECEIPTS (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 2A)				\$2,070.62

☐ Current
 ☐ Amended
 ☐ Deleted
 ☐ Amended New

**SCHEDULE B - TOTAL EXPENDITURES**

ACCOUNT NUMBER : 01006133 REPORTING PERIOD : 01/01/2025 12/31/2025
 FROM TO

Itemize all expenditures over \$100 for the reporting period. All expenditures to Political Committees must be itemized, regardless of the amount. NOTE: IF you expend funds to the same person or organization several times during the reporting period, each item must be listed if the aggregate amount is over \$100, even if the individual amounts are not.

EXPENDITURES :

Date Expended	Payee Name	Payee Mailing Address	Vendor	Aggregate Amount	Amount Expended
TOTAL ITEMIZED EXPENDITURES					\$0.00
TOTAL OF EXPENDITURES NOT EXCEEDING \$100					\$0.00
GRAND TOTAL EXPENDITURES (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 3F)					\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE C-1 - TOTAL IN-KIND RECEIPTS**

ACCOUNT NUMBER : 01006133 REPORTING PERIOD : 01/01/2025 12/31/2025
 FROM TO

Itemize all goods and services contributed at no charge or less than fair market value in excess of \$100 for the reporting period. NOTE: If you receive in-kind contributions from the same person or organization several times during the reporting period, each item must be listed if the aggregate amount is over \$100, even if the individual amounts are not.

IN-KIND CONTRIBUTIONS :

(NOTE: ESTIMATED VALUE RECEIVED IS FAIR MARKET VALUE LESS ANY PAYMENTS YOU MADE FOR THE GOODS OR SERVICES)

Date Received	Contributor Name	Contributor Mailing Address	Description of Contribution	Est. Amount Received
TOTAL ITEMIZED IN-KIND CONTRIBUTIONS				\$0.00
TOTAL OF IN-KIND CONTRIBUTIONS NOT EXCEEDING \$100				\$0.00
GRAND TOTAL RECEIPTS (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 2B)				\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE C-2 - TOTAL IN-KIND EXPENDITURES**

ACCOUNT NUMBER : 01006133 REPORTING PERIOD : 01/01/2025 12/31/2025
FROM TO

Itemize all goods and services expended at no charge or less than fair market value in excess of \$100 for the reporting period. NOTE: If you pay in-kind expenditures to the same person or organization several times during the reporting period, each item must be listed if the aggregate amount is over \$100, even if the individual amounts are not.

IN-KIND EXPENDITURES :

(NOTE: ESTIMATED VALUE EXPENDED IS FAIR MARKET VALUE LESS ANY PAYMENTS YOU RECEIVED FOR THE GOODS OR SERVICES)

Date Expended	Person or Activity Name	Person or Activity Location or Mailing Address	Vendor	Description of Expenditure	Est. Amount Expended
TOTAL ITEMIZED IN-KIND EXPENDITURES					\$0.00
TOTAL OF IN-KIND EXPENDITURES NOT EXCEEDING \$100					\$0.00
GRAND TOTAL EXPENDITURES (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 3G)					\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE D-1 - TOTAL LOANS RECEIVED AND DEBTS INCURRED**

ACCOUNT NUMBER : 01006133 REPORTING PERIOD : 01/01/2025 12/31/2025
 FROM TO

All loans in excess of \$50 RECEIVED DURING THIS REPORTING PERIOD should be itemized on this schedule. NOTE: These loans must also be listed on Schedule D-2.

LOANS RECEIVED IN EXCESS OF \$50 :

Transaction Id	Date Received	Lender	Endorser	Description of Security	Int. Rate	Amount Received
TOTAL LOANS RECEIVED (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 2C)						\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE D-2 - TOTAL LOANS AND DEBTS OUTSTANDING**

ACCOUNT NUMBER : 01006133 REPORTING PERIOD : 01/01/2025 12/31/2025
 FROM TO

All outstanding loans in excess of \$50 must be listed. This includes loans from Lending Institutions, Candidates Personal Funds and Other Contributors.

LOANS IN EXCESS OF \$50 :

Transaction Id	Date Received	Lender	Endorser	Description	Int Rate	Previous Loan Balance	Payments Made	Balance
708799	07/05/2024	Rony Jonathan Baltazar-Lopez 17148 Windward Blvd Unit 303, Milford, Delaware, 19963		To pay for the 2024 Candidate Filing Fee		\$1,013.00	\$1,013.00	\$0.00
713410	07/25/2024	Rony Jonathan Baltazar-Lopez 17148 Windward Blvd Unit 303, Milford, Delaware, 19963		-- Forgiven		\$3,000.00	\$3,000.00	\$0.00
TOTAL LOANS (TOTAL PAYMENTS MADE SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCT BALANCE, ITEM 3H. TOTAL LOAN BALANCE SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCT BALANCE, ITEM 7.)						\$4,013.00	\$4,013.00	\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE E - INTER COMMITTEE (SHARED) EXPENSES**

ACCOUNT NUMBER : 01006133 REPORTING PERIOD : 01/01/2025 12/31/2025
 FROM TO

All expense reimbursements received by you and paid by you must be itemized.

REIMBURSEMENTS RECEIVED (Monies paid to you as reimbursements for expenses you incurred.)

Date Received	Reimburer	Description of Activity	Activity Date	Total Expense	Reimbursement
TOTAL REIMBURSEMENTS RECEIVED (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 2D.)				\$0.00	\$0.00

REIMBURSEMENTS PAID (Monies paid by you to reimburse others for expenses they incurred.)

Date Paid	Payee	Description of Activity	Activity Date	Total Expense	Reimbursement
TOTAL REIMBURSEMENTS PAID (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 3I.)				\$0.00	\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New



SCHEDULE F - NON-CASH ASSETS

ACCOUNT NUMBER : 01006133 REPORTING PERIOD : 01/01/25 12/31/2025
FROM TO

Itemize all non-cash assets owned by the organization including those paid for by the organization, lent to the organization and contributed to the organization.

LIST ALL NON-CASH ASSETS

Date Received	Description of Asset	Location of Asset (Physical Address)	Value of Asset
TOTAL ASSET VALUE (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 5.)			\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE G - ELIMINATION OF ASSETS**

ACCOUNT NUMBER : 01006133 REPORTING PERIOD : 01/01/2025 12/31/2025
 FROM TO

Itemize all non-cash assets disposed of, transferred or sold by the organization during the reporting period.

LIST ALL ELIMINATED ASSETS

Date Eliminated	Description of Asset	Disposition of Asset	Value of Asset
TOTAL ASSETS ELIMINATED (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 6.)			\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

Americans for Prosperity Foundation, et. al. v. Albence, et. al., C.A. No. 1:26-cv-00445-JLH

Exhibit 11



Delaware Campaign Finance Reporting System

MENU REMINDERS LOGOUT

Committee

Change Committee Status

View / Edit Committee Information

Login as Committee

View Filed Reports

View Contributions / Loans

View Expenditures / Debts Incurred

Delete Committees

Primary Winners

Candidate Filing Form

Maintenance

Messaging

Audit

Audit Trail

Correspondence

View DE Voters

Email Track

Historical Filings

Change Username / Password

Loans Maintenance

VIEW / EDIT 3rd Party Advertisers Entity Registration

(Patrick Jackson) ?

3rd Party Advertisers

Person Organization

Committee Name*

Prefix

Last Name*

Email*

Office Phone*

Date of Origination*

Party Affiliation -- Select Party --

First Name*

Suffix

Confirm Email*

Home Phone (If entered then Public can view it)

Middle Name

Cell Phone* (for Internal use)

Fax

Purpose*

(Maximum characters: 250)

Physical Address

Address Line 1*

City*

Address Line 2

State* Delaware

Zip* -

Mailing Address Same as Physical Address

Address Line 1*

City*

Address Line 2

State* Delaware

Zip* -

Affiliated Candidate Information

Candidate Name

Position --Select Position--

Save Candidate Cancel

Candidate Committee Name	Candidate Name	Office Sought Name	PartyAffiliationName	Position	Status	Delete
No records to view.						

Name of Party if entire ticket is supported -- Select Party --

Treasurer Information Self

Add New Treasurer

Name	Email	Mailing Address	Office Phone	Start Date	End Date	Actions
No records to view.						

Additional Contacts (Optional)

Add New Contact

Role	Name	Mailing Address	Work Phone	Cell Phone	Email	Start Date	End Date	Receive Notices	For Public	Actions
No records to view.										

Documents / Correspondence

Add Document

Document Date	Document Type	Document Description	Added By	Actions
01/25/2018	Statement of Organization (Original) (Revision 1)			
01/25/2018	Statement of Organization	Signed Original	Kenneth Albert McDowell	
03/13/2018	Filing Form		Robin Greenhow	
08/04/2018	Statement of Organization (Revision 2)		Kendra Johnson	
10/28/2019	Filing Form		Robin Greenhow	
05/02/2022	Filing Form		Patrick N Jackson	
06/06/2024	Filing Form		Patrick N Jackson	
05/26/2026	Filing Form		Patrick N Jackson	

Displaying page 1 of 1, records 1 to 8 of 8

Filing Information

Filing Period Name	Filing Method	Report Due Date	Original Filed Date	Amendment Filed Date	UploadedBy
2025 Annual	Original Financial Report	01/20/2026	01/20/2026		Kendra Johnson
2024 Annual	Original Financial Report	01/21/2025	01/21/2025		Kendra Johnson
2024 8 Day 2024 General Election 11/05/2024	Original Financial Report	10/30/2024	10/30/2024		Kendra Johnson
2024 30 Day 2024 General Election 11/05/2024	Original Financial Report	10/09/2024	10/10/2024		Kendra Johnson
2023 Annual	Original Financial Report	01/22/2024	01/21/2024		Kendra Johnson
2022 Annual	Original Financial Report	01/20/2023	01/20/2023		Kendra Johnson
2022 8 Day 2022 General Election 11/08/22	Original Financial Report	11/03/2022	11/02/2022		Kendra Johnson
2022 30 Day 2022 General Election 11/08/22	Original Financial Report	10/11/2022	10/11/2022		Kendra Johnson
2021 Annual	Original Financial Report	01/20/2022	01/20/2022		Kendra Johnson
2020 Annual	Original Financial Report	01/20/2021	01/20/2021		Kendra Johnson
2020 8 Day 2020 General Election 11/03/2020	Original Financial Report	10/28/2020	10/28/2020		Kendra Johnson
2020 30 Day 2020 General Election 11/03/2020	Original Financial Report	10/06/2020	10/06/2020		Kendra Johnson
2019 Annual	Original Financial Report	01/21/2020	01/20/2020		Kendra Johnson
2018 Annual	Original Financial Report	01/22/2019	01/22/2019		Kendra Johnson
2018 8 Day 2018 General 11/06/2018	Original Financial Report	10/31/2018	10/31/2018		Kendra Johnson

< Previous 1 2 ... Next > Displaying page 1 of 2, records 1 to 15 of 18 Go to Page

Violations

Filing Period Name	Report Due Date	Filed Date	Violation Status	Violation Date	Violation Amount	Outstanding Balance	Violation
2024 30 Day 2024 General Election 11/05/2024	10/09/2024	10/10/2024	Closed	10/10/2024	\$50.00	\$0.00	Failure to file
2018 30 Day 2018 General 11/06/2018	10/09/2018	10/14/2018	Closed	10/10/2018	\$250.00	\$0.00	Failure to file

Displaying page 1 of 1, records 1 to 2 of 2

Transaction level Violations

Committee Name	Phone	FilingPeriod	Email
No records to view.			

Submit MaintainFlags Enter Comments / Problem Tracking Cancel



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Americans for Prosperity Foundation, et. al. v. Albence, et. al., C.A. No. 1:26-cv-00445-JLH

Exhibit 12



Delaware Campaign Finance Reporting System

MENU HOME

Register a Political Action Committee(PAC)

STEP 1

STEP 2

STEP 3



Political Action Committee Information

Are you filing reports with an Out-of-State Agency or the Federal Election Commission ? Yes ☐ No ☒

Committee Name*

Other Name

Date of Origination*

Purpose*

(Maximum characters: 250)

Party Affiliation -- Select Party --

Contact Information

Office Phone* (for Internal use)

Web Address

Email*

Confirm Email*

Fax

Physical Address

Address Line 1*

Address Line 2

City*

State* Delaware

Zip* -

Mailing Address ☐ Same as Physical Address

Address Line 1*

Address Line 2

City*

State* Delaware

Zip* -

Affiliated Candidate Information

Candidate Name

Position --Select Position--

Add Candidate Cancel

Candidate Committee Name	Candidate Name	Office Sought Name	PartyAffiliationName	Position	Status	Delete
No records to view.						

Name of Party if entire ticket is supported -- Select Party --

Treasurer Information

Prefix

First Name*

Middle Name

Last Name*

Suffix

Email*

Confirm Email*

Cell Phone* (for Internal use)

Work Phone*

Home Phone (If entered then Public can view it)

Fax

Physical Address

Address Line 1*

Address Line 2

City*

State* Delaware

Zip* -

Mailing Address ☐ Same as Physical Address

Address Line 1*

Address Line 2

City*

State* Delaware

Zip* -

Additional Contacts (Optional)

Contact Role* --Select Role--

Prefix

Last Name*

Email

Cell Phone* (for Internal use)

Fax

First Name*

Middle Name

Suffix

Confirm Email

Work Phone

Receive Notices ☐

Home Phone (If entered then Public can view it)

For Public ☐

Residence Address

Address Line 1*

Address Line 2

City*

State*

Zip*

Mailing Address ☐ Same as Residence Address

Address Line 1*

Address Line 2

City*

State*

Zip*

[Save Contact](#) [Cancel](#)

Role	Name	Mailing Address	Work Phone	Cell Phone	Email	Start Date	End Date	Receive Notices	For Public	Actions
No records to view.										

[Continue](#) [Clear](#) [Cancel](#)



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Exhibit 13

**State of Delaware**
The Official Website of the First State

Delaware Campaign Finance Reporting System

[MENU](#) [REMINDERS](#) [LOGOUT](#)

[View / Edit Registration Information](#)
[Create Sub-Committee](#)
[Enter Contributions/Transfers/in-kind Contributions](#)
[Enter Expenditures and Debts Incurred](#)
[Enter Non-Candidate Loans](#)
[Enter Loan Payments](#)
[Enter Return Contributions](#)
[Enter Debts Incurred Paid](#)
[Edit / File Pending Transactions](#)
[Amend Transactions](#)
[Upload Transactions](#)
[Maintain Users](#)
[Maintain Fixed Assets](#)
[Change Username / Password](#)

Reminders

Bo McDowell (Campaign Finance Training - Bo McDowell) ?

Message from Administrator

Upcoming Filing Period Due Dates

2015 Annual	01/20/2016
-------------	------------

Tasks	Count
My Verifications	0

Committee Name	Verification Request	Created Date	Reviewed
No records to view.			

Pending Verifications for this Committee	0
--	---

Violations

Filing Period Name	Report Due Date	Filed Date	Violation Status	Violation Date	Violation Amount	Outstanding Balance	Violation
No records to view.							

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242a

 **State of Delaware**
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Delaware Campaign Finance Reporting System

MENU REMINDERS LOGOUT

Enter Contributions/Transfers/In-Kind Contributions

Bo McDowell (Campaign Finance Training - Bo McDowell)

Contribution General Information

Filing Period* 2015 Annual

Contribution Type* --Select Contribution Type--

Contributor Information

Search Existing Contributors

Search Contributor Name

-or- Enter Contributor Information

Pre

Last Name

Mailing Address

Address Line 1

City

--Select Contributor Type--

Candidate Loan

Cash

Check

Coordinated In-Kind

Credit Card

Data Conversion

Electronic Fund Transfer

Expense Reimbursement

In-Kind

Other Income

Payroll Deductions

Refund/Rebate

Ticket Purchases Cash

Ticket Purchases Check

Ticket Purchases Credit Card

Total of Contributions not exceeding \$100

Transfer

Contributor Type* --Select Contributor Type--

Business/Group/Organization

Candidate Committee

Dem or Rep National Sub-Committees

Individual

Labor Union

Non-Profit Organization

Out-of-State or Federal Committee

Political Action Committee

Political Committee

Self (Candidate)

Total of Contributions not exceeding \$100

First Name*

Suffix

Address Line 2

State* Delaware

Zip* -

Contribution Details

Contribution Date*

Contribution Limit NA

Comments

Comments will not appear on filed report

Contribution Amount*

Total Cumulative Amount

Submit Clear Cancel

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MENU REMINDERS LOGOUT

Edit / File Pending Transactions

Bo McDowell (Campaign Finance Training - Bo McDowell)

Filing Period Name: 2015 Annual

Transaction Type: --Select Transaction Type--

Transaction Date Range: -

Transaction Category: --Select Contribution Type--

Amount Range: -

Contributor / Payee Name:

☐ Receipt Not Generated

☐ Non-Compliant Transactions

Search Cancel Clear

Transaction Date	Contributor / Payee Name	Transaction Type	Transaction Category	Amount	Address	Compliance	Edit	Select
05/15/2015	John Burgundy	Contribution	Check	\$50.00	202 Maroon Ave, Wilmington, Delaware 19801			☐
10/27/2015	John Burgundy	Contribution	Check	\$350.00	202 Maroon Ave, Wilmington, Delaware 19801			☐

Displaying page 1 of 1, records 1 to 2 of 2

Generate Receipt Preview Filing Delete Delete All

File All to State File Closeout Report

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MENUREMINDERSLOGOUT

View / Edit Registration Information

Create Sub-Committee

Enter Contributions/Transfers/In-kind Contributions

Enter Expenditures and Debts Incurred

Enter Non-Candidate Loans

Enter Loan Payments

Enter Return Contributions

Enter Debts Incurred Paid

Edit / File Pending Transactions

Amend Transactions

Upload Transactions

Maintain Users

Maintain Fixed Assets

Change Username / Password

Reminders

Bo McDowell (Campaign Finance Training - Bo McDowell) ?

Message from Administrator

Upcoming Filing Period Due Dates

2015 Annual01/20/2016

Tasks

Count

My Verifications0

Committee Name	Verification Request	Created Date	Reviewed
No records to view.			

Pending Verifications for this Committee0

Violations

Filing Period Name	Report Due Date	Filed Date	Violation Status	Violation Date	Violation Amount	Outstanding Balance	Violation
No records to view.							



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Enter Expenditures and Debts Incurred

Bo McDowell (Campaign Finance Training - Bo McDowell) ?

Expenditure General Information

Filing Period* 2015 Annual Payee Type* Business/Group/Organization

Payee Information

Search Existing Payee

Search Payee Name

-or- Enter Payee Information

Business/Organization Name* Staples

Mailing Address

Address Line 1* 1041 N DuPont Hwy Address Line 2 City* Dover State* Delaware Zip* 19901

Expenditure Details

Expense Date* 10/29/2015 Expense Amount* \$50.00 Expenditure Limit

Expense Category* --Select Expense Category--
--Select Expense Category--
Contributions
Data Conversion
Direct Mailing by Mail House (R)
Field Expenses
Fund Raiser
In-Kind
Independent Expenditures
Media
Other Expenses
Postage
Printing and Campaign Materials
Purchase of Equipment
Reimburse
Rent and Other Office expenses
Salaries and Other compensation
Total of Expenditures not exceeding \$100
Transfer

Expense Purpose* --Select Expense Purpose--
Payment Method* Credit Card

Fixed Assets

Description of Asset* Fixed Asset Value* Location of Asset*
Address Line 1* Address Line 2 City* State* Zip*

Vendor Details (If Payee is not the Vendor)

Vendor Name* Address Line 1* Address Line 2 City* State* Zip*

Comments

Update Expenses

Cancel

584
246a

 **State of Delaware**
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Delaware Campaign Finance Reporting System MENU REMEMBERS LOGOUT

Enter Expenditures and Debts Incurred Bo McDowell (Campaign Finance Training - Bo McDowell) ?

Expenditure General Information

Filing Period* 2015 Annual Payee Type* ---Select Payee Type---

Payee Information

Search Existing Payee Search Payee Name

-or- Enter Payee Information

Prefix First Name* Middle Name Last Name* Suffix

Mailing Address

Address Line 1* Address Line 2 City* State* Delaware Zip* -

Expenditure Details

Expense Date* Expense Category* ---Select Expense Category--- Expense Purpose* ---Select Expense Purpose---

Expense Amount* Debits Incurred Fixed Assets Payment Method* ---Select Payment Method---

Expenditure Limit Total Cumulative Amount

Fixed Assets

Description of Asset* Fixed Asset Value*

Location of Asset

Address Line 1* Address Line 2 City* State* Delaware Zip* -

Vendor Details (If Payee is not the Vendor)

Vendor Name Address Line 1 Address Line 2 City State Delaware Zip -

Comments

Save Expense Clear Cancel

**State of Delaware**
The Official Website of the First State

Delaware Campaign Finance Reporting System

MENU REMINDERS LOGOUT

Enter Expenditures and Debts Incurred

Bo McDowell (Campaign Finance Training - Bo McDowell) ?

Expenditure General Information

Filing Period* 2015 Annual Payee Type* Business/Group/Organization

Payee Information

Search Existing Payee
Search Payee Name Staples, 1041 N DuPont Hwy, Dover, Delaware

-or- Enter Payee Information
Business/Organization Name* Staples

Mailing Address
Address Line 1* 1041 N DuPont Hwy Address Line 2
City* Dover State* Delaware Zip* 19901 -

Expenditure Details

Expense Date* 10/29/2015 Expense Category* Rent and Other Office expenses Expense Purpose* Office Supplies

Expense Amount* \$50.00 ☐ Debts Incurred ☐ Fixed Assets Payment Method* Credit Card

Expenditure Limit Total Cumulative Amount \$0.00

Fixed Assets
Description of Asset* Fixed Asset Value*
Location of Asset
Address Line 1* Address Line 2
City* State* Delaware Zip* -

Vendor Details (If Payee is not the Vendor)
Vendor Name
Address Line 1* Address Line 2
City* State* Delaware Zip* -

Comments

Save Expense Clear Cancel

Americans for Prosperity Foundation, et. al. v. Albence, et. al., C.A. No. 1:26-cv-00445-JLH

Exhibit 14

587
9a

Delaware
elections

Campaign Finance Section
Financial Report

Financial Reports are required to be submitted to the Campaign Finance Section of the Office of the State Election Commissioner by all Candidates, Committees, and Organizations. Late or incomplete reports are subject to fines levied by the Commissioner's Office, so please be sure to check all applicable deadlines and file on time. Add extra sheets if necessary.

FULL ORGANIZATION NAME:	American Civil Liberties Union of Delaware Action Fund		
ACCOUNT NUMBER :	04005042	DATE OF THIS REPORT :	10/06/2020
REPORTING PERIOD START :	08/21/2020	REPORTING PERIOD END :	10/06/2020
OFFICE SOUGHT :			

CHECK THE BOX THAT APPLIES TO THIS REPORT :

PRIMARY ELECTION	☐	8-DAY	☐	30-DAY	OTHER ELECTION	☐	8-DAY	☐	30-DAY
GENERAL ELECTION	☐	8-DAY	☐	30-DAY	SPECIAL ELECTION	☐	8-DAY	☐	30-DAY
	☐	YEAR END							

THIRD-PARTY ADVERTISERS ☒

FINAL ORGANIZATION CLOSING :	☐	YES	☒	NO
AMENDMENT :	☐	YES	☒	NO

CLOSING DATE : _____

I authorize that all information included in this Financial Report package is accurate and correct. I agree to abide by all rules and regulations regarding Campaign Finance and the election process in the State of Delaware. I understand that representatives from the Office of the State Election Commissioner will perform an audit of all information provided on this report.

Jennifer Ying

TREASURER SIGNATURE

DATE

■ Current ■ Amended ■ Deleted ■ Amended New



STATEMENT OF ACCOUNT BALANCE

ACCOUNT NUMBER :	<u>04005042</u>	REPORTING PERIOD :	<u>08/21/2020</u>	<u>10/06/2020</u>
		FROM		TO
1. BEGINNING BALANCE (Ending Balance from last reporting period)				<u>\$0.00</u>
2. RECEIPTS :				
A. SCHEDULE A - TOTAL RECEIPTS				<u>\$70,000.00</u>
B. SCHEDULE C-1 - TOTAL IN-KIND RECEIPTS				<u>N/A</u>
C. SCHEDULE D-1 - TOTAL LOANS RECEIVED AND DEBTS INCURRED				<u>N/A</u>
D. SCHEDULE E - TOTAL EXPENSE REIMBURSEMENTS RECEIVED				<u>N/A</u>
E. SUBTOTAL (Total of A,B,C,D)				<u>\$70,000.00</u>
3. EXPENDITURES :				
F. SCHEDULE B - TOTAL EXPENDITURES				<u>\$53,051.02</u>
G. SCHEDULE C-2 - TOTAL IN-KIND EXPENDITURES				<u>N/A</u>
H. SCHEDULE D-2 - LOAN AND DEBT PAYMENTS				<u>N/A</u>
I. SCHEDULE E - INTER COMMITTEE (SHARED) EXPENSES				<u>N/A</u>
J. SUBTOTAL (Total of F,G,H,I)				<u>\$53,051.02</u>
4. ENDING BALANCE (Beginning Balance plus 2E minus 3J)				<u>\$16,948.98</u>
5. VALUE OF NON-CASH ASSETS (From Schedule F)				<u>N/A</u>
6. VALUE OF DISPOSED/TRANSFERRED ASSETS (From Schedule G)				<u>N/A</u>
7. VALUE OF LOANS AT END OF PERIOD (Loan Balance From Schedule D-2)				<u>N/A</u>

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**SCHEDULE A - TOTAL RECEIPTS**ACCOUNT NUMBER : 04005042REPORTING PERIOD : 08/21/2020 FROM 10/06/2020 TO

Itemize all receipts over \$100 for the reporting period. Receipts from sales of items must be itemized if they are over \$50. NOTE: If you receive funds from the same person or organization several times during the reporting period, each item must be listed if the aggregate amount is over \$100, even if the individual amounts are not.

RECEIPTS :

Date Received	Contributor Name	Contributor Mailing Address	Aggregate Amount	Amount Received
09/25/2020	American Civil Liberties Union	125 Broad Street, 18th Floor, New York, New York, 10004	\$70,000.00	\$70,000.00
TOTAL ITEMIZED RECEIPTS				\$70,000.00
TOTAL OF CONTRIBUTIONS NOT EXCEEDING \$100				\$0.00
GRAND TOTAL RECEIPTS (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 2A)				\$70,000.00

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**SCHEDULE B - TOTAL EXPENDITURES**

ACCOUNT NUMBER : 04005042 REPORTING PERIOD : 08/21/2020 10/06/2020
 FROM TO

Itemize all expenditures over \$100 for the reporting period. All expenditures to Political Committees must be itemized, regardless of the amount. NOTE: IF you expend funds to the same person or organization several times during the reporting period, each item must be listed if the aggregate amount is over \$100, even if the individual amounts are not.

EXPENDITURES :

Date Expended	Payee Name	Payee Mailing Address	Vendor	Aggregate Amount	Amount Expended
10/02/2020	4Imprint Inc.	P.O. Box 320, Oshkosh, Wisconsin, 54901		\$649.52	\$649.52
10/02/2020	Benjaminia Johnson	739 Townsend Place, Wilming, Delaware, 19801		\$460.00	\$460.00
10/02/2020	Charly Bass	6 E. Third Street, Apt 502, Wilmington, Delaware, 19801		\$2,000.00	\$2,000.00
10/02/2020	Cherelle Shaw	357 John F Kennedy Way, Willingboro, New Jersey, 08046		\$270.00	\$270.00
10/02/2020	Daroun Jamison	400 Kenper Drive, Newark, Delaware, 19702		\$1,000.00	\$1,000.00
10/02/2020	Dashynque Morrow	409 South Clayment Street, Wilmington, Delaware, 19801		\$270.00	\$270.00
10/02/2020	Deoddrick Purnell	6 E. Third Street, Wilmington, Delaware, 19801		\$270.00	\$270.00
10/02/2020	Deshawn Gardner	100 W 10th Street, Suite 706, Wilmington, Delaware, 19801		\$270.00	\$270.00
10/02/2020	Diana Dixon	1222 Pearl Street, Wilmington, Delaware, 19801		\$460.00	\$460.00
10/02/2020	Elosha Anderson	101 W 30th Street, Wilmington, Delaware, 19802		\$330.00	\$330.00

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10/02/2020	Facebook Inc.	1 Facebook Way, Menlo Park, California, 94025		\$11,331.96	\$11,331.96
10/02/2020	Fahtyma Lee	630 N. Walnut Street, Wilmington, Delaware, 19801		\$880.00	\$880.00
10/02/2020	Hakeem Coates	107 W. 41st Street, Wilmington, Delaware, 19802		\$1,000.00	\$1,000.00
10/02/2020	Haneef Salaam	3009 Stoddard Place, Wilmington, Delaware, 19802		\$2,000.00	\$2,000.00
10/02/2020	I Heart Media Inc.	P.O. Box 419499, Boston, Massachusetts, 02241		\$9,755.00	\$9,755.00
10/02/2020	J.D.'s Cafe	6 E Third Street, #502, Wilmington, Delaware, 19801		\$450.00	\$450.00
10/02/2020	Jereka McGriff	1915 Prospect Road, Wilmington, Delaware, 19805		\$760.00	\$760.00
10/02/2020	Jonda Brown	803 W. 34th Street, Wilmington, Delaware, 19802		\$820.00	\$820.00
10/02/2020	Joyce Dixon	226 Birch Ave., Wilmington, Delaware, 19805		\$860.00	\$860.00
10/02/2020	Kamil Bass	215 N Market Street, Apt. 335, Wilmington, Delaware, 19801		\$800.00	\$800.00
10/02/2020	Keenan Black	5 Prince Alley, New Castle, Delaware, 19702		\$400.00	\$400.00
10/02/2020	Latresha Alston	203-3 Terrace Drive, Newark, Delaware, 19871		\$780.00	\$780.00
10/02/2020	Mercantile Press Inc.	3007 Bellevue Ave., Wilmington, Delaware, 19802		\$688.00	\$688.00
10/02/2020	Miesha Perkins	2602 N Jefferson St., Apt. B30, Wilmington, Delaware, 19802		\$1,000.00	\$1,000.00
10/02/2020	Mike Bartley	1329 Prospect Drive, Wilmington, Delaware, 19809		\$2,000.00	\$2,000.00
10/02/2020	Nadine Vickers	2301 N. Jefferson Street, Wilmington, Delaware, 19802		\$1,000.00	\$1,000.00
10/02/2020	Nikarray Middlebrook	1720 N Washington Street, Apt. 3, Wilmington, Delaware, 19802		\$880.00	\$880.00

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10/02/2020	Savvy Communications LLC	41-750 Rancho Las Palmas Drive, Suite E-3, Rancho Mirage, California, 92270		\$5,563.40	\$5,563.40
10/02/2020	Starr Cooper	407 W. 24th Street, Wilmington, Delaware, 19802		\$270.00	\$270.00
10/02/2020	Stones' Phones	41-750 Rancho Las Palmas Drive, Suite E-3, Rancho Mirage, California, 92270		\$4,546.28	\$4,546.28
10/02/2020	Tappitchar Bass	6 E. Third Street, Wilmington, Delaware, 19801		\$270.00	\$270.00
10/02/2020	The Spoken Hub LLC	20 West 22nd Street, Suite 706, New York, New York, 10010		\$260.00	\$260.00
10/02/2020	Thoroughthreads Screenprinting Inc	700 Cornell Drive, E15, Wilmington, Delaware, 19801		\$650.00	\$650.00
10/02/2020	Walgreens Inc.	300 N Bradford Ave, West Chester, Pennsylvania, 19380		\$106.86	\$106.86
TOTAL ITEMIZED EXPENDITURES					\$53,051.02
TOTAL OF EXPENDITURES NOT EXCEEDING \$100					\$0.00
GRAND TOTAL EXPENDITURES (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 3F)					\$53,051.02

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**SCHEDULE C-1 - TOTAL IN-KIND RECEIPTS**

ACCOUNT NUMBER : 04005042 REPORTING PERIOD : 08/21/2020 10/06/2020
FROM TO

Itemize all goods and services contributed at no charge or less than fair market value in excess of \$100 for the reporting period. NOTE: If you receive in-kind contributions from the same person or organization several times during the reporting period, each item must be listed if the aggregate amount is over \$100, even if the individual amounts are not.

IN-KIND CONTRIBUTIONS :

(NOTE: ESTIMATED VALUE RECEIVED IS FAIR MARKET VALUE LESS ANY PAYMENTS YOU MADE FOR THE GOODS OR SERVICES)

Date Received	Contributor Name	Contributor Mailing Address	Description of Contribution	Est. Amount Received
TOTAL ITEMIZED IN-KIND CONTRIBUTIONS				\$0.00
TOTAL OF IN-KIND CONTRIBUTIONS NOT EXCEEDING \$100				\$0.00
GRAND TOTAL RECEIPTS (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 2B)				\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE C-2 - TOTAL IN-KIND EXPENDITURES**

ACCOUNT NUMBER : 04005042 REPORTING PERIOD : 08/21/2020 10/06/2020
 FROM TO

Itemize all goods and services expended at no charge or less than fair market value in excess of \$100 for the reporting period. NOTE: If you pay in-kind expenditures to the same person or organization several times during the reporting period, each item must be listed if the aggregate amount is over \$100, even if the individual amounts are not.

IN-KIND EXPENDITURES :

(NOTE: ESTIMATED VALUE EXPENDED IS FAIR MARKET VALUE LESS ANY PAYMENTS YOU RECEIVED FOR THE GOODS OR SERVICES)

Date Expended	Person or Activity Name	Person or Activity Location or Mailing Address	Vendor	Description of Expenditure	Est. Amount Expended
TOTAL ITEMIZED IN-KIND EXPENDITURES					\$0.00
TOTAL OF IN-KIND EXPENDITURES NOT EXCEEDING \$100					\$0.00
GRAND TOTAL EXPENDITURES (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 3G)					\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE D-1 - TOTAL LOANS RECEIVED AND DEBTS INCURRED**

ACCOUNT NUMBER : 04005042 REPORTING PERIOD : 08/21/2020 10/06/2020
 FROM TO

All loans in excess of \$50 RECEIVED DURING THIS REPORTING PERIOD should be itemized on this schedule. NOTE: These loans must also be listed on Schedule D-2.

LOANS RECEIVED IN EXCESS OF \$50 :

Transaction Id	Date Received	Lender	Endorser	Description of Security	Int. Rate	Amount Received
TOTAL LOANS RECEIVED (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 2C)						\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE D-2 - TOTAL LOANS AND DEBTS OUTSTANDING**

ACCOUNT NUMBER : 04005042 REPORTING PERIOD : 08/21/2020 10/06/2020
 FROM TO

All outstanding loans in excess of \$50 must be listed. This includes loans from Lending Institutions, Candidates Personal Funds and Other Contributors.

LOANS IN EXCESS OF \$50 :

Transaction Id	Date Received	Lender	Endorser	Description	Int Rate	Previous Loan Balance	Payments Made	Balance
TOTAL LOANS (TOTAL PAYMENTS MADE SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCT BALANCE, ITEM 3H. TOTAL LOAN BALANCE SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCT BALANCE, ITEM 7.)						\$0.00	\$0.00	\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE E - INTER COMMITTEE (SHARED) EXPENSES**

ACCOUNT NUMBER : 04005042 REPORTING PERIOD : 08/21/2020 10/06/2020
FROM TO

All expense reimbursements received by you and paid by you must be itemized.

REIMBURSEMENTS RECEIVED (Monies paid to you as reimbursements for expenses you incurred.)

Date Received	Reimburer	Description of Activity	Activity Date	Total Expense	Reimbursement
TOTAL REIMBURSEMENTS RECEIVED (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 2D.)				\$0.00	\$0.00

REIMBURSEMENTS PAID (Monies paid by you to reimburse others for expenses they incurred.)

Date Paid	Payee	Description of Activity	Activity Date	Total Expense	Reimbursement
TOTAL REIMBURSEMENTS PAID (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 3I.)				\$0.00	\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE F - NON-CASH ASSETS**

ACCOUNT NUMBER : 04005042 REPORTING PERIOD : 08/21/20 10/06/2020
 FROM TO

Itemize all non-cash assets owned by the organization including those paid for by the organization, lent to the organization and contributed to the organization.

LIST ALL NON-CASH ASSETS

Date Received	Description of Asset	Location of Asset (Physical Address)	Value of Asset
TOTAL ASSET VALUE (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 5.)			\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE G - ELIMINATION OF ASSETS**

ACCOUNT NUMBER : 04005042 REPORTING PERIOD : 08/21/2020 10/06/2020
 FROM TO

Itemize all non-cash assets disposed of, transferred or sold by the organization during the reporting period.

LIST ALL ELIMINATED ASSETS

Date Eliminated	Description of Asset	Disposition of Asset	Value of Asset
TOTAL ASSETS ELIMINATED (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 6.)			\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

Americans for Prosperity Foundation, et. al. v. Albence, et. al., C.A. No. 1:26-cv-00445-JLH

Exhibit 15

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Delaware
elections

Campaign Finance Section
Financial Report

Financial Reports are required to be submitted to the Campaign Finance Section of the Office of the State Election Commissioner by all Candidates, Committees, and Organizations. Late or incomplete reports are subject to fines levied by the Commissioner's Office, so please be sure to check all applicable deadlines and file on time. Add extra sheets if necessary.

FULL ORGANIZATION NAME:	Pike Creek Democrats - IE		
ACCOUNT NUMBER :	04005057	DATE OF THIS REPORT :	10/25/2020
REPORTING PERIOD START :	10/17/2020	REPORTING PERIOD END :	10/18/2020
OFFICE SOUGHT :			

CHECK THE BOX THAT APPLIES TO THIS REPORT :

PRIMARY ELECTION	☐ 8-DAY	☐ 30-DAY	OTHER ELECTION	☐ 8-DAY	☐ 30-DAY
GENERAL ELECTION	☐ 8-DAY	☐ 30-DAY	SPECIAL ELECTION	☐ 8-DAY	☐ 30-DAY
	☐ YEAR END				

THIRD-PARTY ADVERTISERS ☒

FINAL ORGANIZATION CLOSING :	☐ YES	☒ NO
AMENDMENT :	☐ YES	☒ NO

CLOSING DATE : _____

I authorize that all information included in this Financial Report package is accurate and correct. I agree to abide by all rules and regulations regarding Campaign Finance and the election process in the State of Delaware. I understand that representatives from the Office of the State Election Commissioner will perform an audit of all information provided on this report.

Jonathan Rudenberg

TREASURER SIGNATURE

DATE

■ Current ■ Amended ■ Deleted ■ Amended New



STATEMENT OF ACCOUNT BALANCE

ACCOUNT NUMBER :	<u>04005057</u>	REPORTING PERIOD :	<u>10/17/2020</u>	<u>10/18/2020</u>
		FROM		TO
1. BEGINNING BALANCE (Ending Balance from last reporting period)				<u>\$0.00</u>
2. RECEIPTS :				
A. SCHEDULE A - TOTAL RECEIPTS				<u>\$175.00</u>
B. SCHEDULE C-1 - TOTAL IN-KIND RECEIPTS				<u>N/A</u>
C. SCHEDULE D-1 - TOTAL LOANS RECEIVED AND DEBTS INCURRED				<u>N/A</u>
D. SCHEDULE E - TOTAL EXPENSE REIMBURSEMENTS RECEIVED				<u>N/A</u>
E. SUBTOTAL (Total of A,B,C,D)				<u>\$175.00</u>
3. EXPENDITURES :				
F. SCHEDULE B - TOTAL EXPENDITURES				<u>\$175.00</u>
G. SCHEDULE C-2 - TOTAL IN-KIND EXPENDITURES				<u>N/A</u>
H. SCHEDULE D-2 - LOAN AND DEBT PAYMENTS				<u>N/A</u>
I. SCHEDULE E - INTER COMMITTEE (SHARED) EXPENSES				<u>N/A</u>
J. SUBTOTAL (Total of F,G,H,I)				<u>\$175.00</u>
4. ENDING BALANCE (Beginning Balance plus 2E minus 3J)				<u>\$0.00</u>
5. VALUE OF NON-CASH ASSETS (From Schedule F)				<u>N/A</u>
6. VALUE OF DISPOSED/TRANSFERRED ASSETS (From Schedule G)				<u>N/A</u>
7. VALUE OF LOANS AT END OF PERIOD (Loan Balance From Schedule D-2)				<u>N/A</u>

■ Current
 ■ Amended
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 ■ Amended New

**SCHEDULE A - TOTAL RECEIPTS**

ACCOUNT NUMBER : 04005057 REPORTING PERIOD : 10/17/2020 10/18/2020
FROM TO

Itemize all receipts over \$100 for the reporting period. Receipts from sales of items must be itemized if they are over \$50. NOTE: If you receive funds from the same person or organization several times during the reporting period, each item must be listed if the aggregate amount is over \$100, even if the individual amounts are not.

RECEIPTS :

Date Received	Contributor Name	Contributor Mailing Address	Aggregate Amount	Amount Received
10/18/2020	Pike Creek Democrats	PO Box 571, Hockessin, Delaware, 19707	\$300.00	\$175.00
TOTAL ITEMIZED RECEIPTS				\$175.00
TOTAL OF CONTRIBUTIONS NOT EXCEEDING \$100				\$0.00
GRAND TOTAL RECEIPTS (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 2A)				\$175.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE B - TOTAL EXPENDITURES**

ACCOUNT NUMBER : 04005057 REPORTING PERIOD : 10/17/2020 10/18/2020
 FROM TO

Itemize all expenditures over \$100 for the reporting period. All expenditures to Political Committees must be itemized, regardless of the amount. NOTE: IF you expend funds to the same person or organization several times during the reporting period, each item must be listed if the aggregate amount is over \$100, even if the individual amounts are not.

EXPENDITURES :

Date Expended	Payee Name	Payee Mailing Address	Vendor	Aggregate Amount	Amount Expended
10/18/2020	Facebook Inc. Stephanie Barry - RD21	1601 Willow Rd, Menlo Park, California, 94025		\$300.00	\$175.00
TOTAL ITEMIZED EXPENDITURES					\$175.00
TOTAL OF EXPENDITURES NOT EXCEEDING \$100					\$0.00
GRAND TOTAL EXPENDITURES (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 3F)					\$175.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE C-1 - TOTAL IN-KIND RECEIPTS**

ACCOUNT NUMBER : 04005057 REPORTING PERIOD : 10/17/2020 10/18/2020
 FROM TO

Itemize all goods and services contributed at no charge or less than fair market value in excess of \$100 for the reporting period. NOTE: If you receive in-kind contributions from the same person or organization several times during the reporting period, each item must be listed if the aggregate amount is over \$100, even if the individual amounts are not.

IN-KIND CONTRIBUTIONS :

(NOTE: ESTIMATED VALUE RECEIVED IS FAIR MARKET VALUE LESS ANY PAYMENTS YOU MADE FOR THE GOODS OR SERVICES)

Date Received	Contributor Name	Contributor Mailing Address	Description of Contribution	Est. Amount Received
TOTAL ITEMIZED IN-KIND CONTRIBUTIONS				\$0.00
TOTAL OF IN-KIND CONTRIBUTIONS NOT EXCEEDING \$100				\$0.00
GRAND TOTAL RECEIPTS (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 2B)				\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE C-2 - TOTAL IN-KIND EXPENDITURES**

ACCOUNT NUMBER : 04005057 REPORTING PERIOD : 10/17/2020 10/18/2020
FROM TO

Itemize all goods and services expended at no charge or less than fair market value in excess of \$100 for the reporting period. NOTE: If you pay in-kind expenditures to the same person or organization several times during the reporting period, each item must be listed if the aggregate amount is over \$100, even if the individual amounts are not.

IN-KIND EXPENDITURES :

(NOTE: ESTIMATED VALUE EXPENDED IS FAIR MARKET VALUE LESS ANY PAYMENTS YOU RECEIVED FOR THE GOODS OR SERVICES)

Date Expended	Person or Activity Name	Person or Activity Location or Mailing Address	Vendor	Description of Expenditure	Est. Amount Expended
TOTAL ITEMIZED IN-KIND EXPENDITURES					\$0.00
TOTAL OF IN-KIND EXPENDITURES NOT EXCEEDING \$100					\$0.00
GRAND TOTAL EXPENDITURES (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 3G)					\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE D-1 - TOTAL LOANS RECEIVED AND DEBTS INCURRED**

ACCOUNT NUMBER : 04005057 REPORTING PERIOD : 10/17/2020 10/18/2020
 FROM TO

All loans in excess of \$50 RECEIVED DURING THIS REPORTING PERIOD should be itemized on this schedule. NOTE: These loans must also be listed on Schedule D-2.

LOANS RECEIVED IN EXCESS OF \$50 :

Transaction Id	Date Received	Lender	Endorser	Description of Security	Int. Rate	Amount Received
TOTAL LOANS RECEIVED (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 2C)						\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE D-2 - TOTAL LOANS AND DEBTS OUTSTANDING**

ACCOUNT NUMBER : 04005057 REPORTING PERIOD : 10/17/2020 10/18/2020
FROM TO

All outstanding loans in excess of \$50 must be listed. This includes loans from Lending Institutions, Candidates Personal Funds and Other Contributors.

LOANS IN EXCESS OF \$50 :

Transaction Id	Date Received	Lender	Endorser	Description	Int Rate	Previous Loan Balance	Payments Made	Balance
TOTAL LOANS (TOTAL PAYMENTS MADE SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCT BALANCE, ITEM 3H. TOTAL LOAN BALANCE SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCT BALANCE, ITEM 7.)						\$0.00	\$0.00	\$0.00

■ Current
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 ■ Amended New

**SCHEDULE E - INTER COMMITTEE (SHARED) EXPENSES**

ACCOUNT NUMBER : 04005057 REPORTING PERIOD : 10/17/2020 10/18/2020
 FROM TO

All expense reimbursements received by you and paid by you must be itemized.

REIMBURSEMENTS RECEIVED (Monies paid to you as reimbursements for expenses you incurred.)

Date Received	Reimburer	Description of Activity	Activity Date	Total Expense	Reimbursement
TOTAL REIMBURSEMENTS RECEIVED (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 2D.)				\$0.00	\$0.00

REIMBURSEMENTS PAID (Monies paid by you to reimburse others for expenses they incurred.)

Date Paid	Payee	Description of Activity	Activity Date	Total Expense	Reimbursement
TOTAL REIMBURSEMENTS PAID (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 3I.)				\$0.00	\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

**SCHEDULE F - NON-CASH ASSETS**

ACCOUNT NUMBER : 04005057 REPORTING PERIOD : 10/17/20 10/18/2020
FROM TO

Itemize all non-cash assets owned by the organization including those paid for by the organization, lent to the organization and contributed to the organization.

LIST ALL NON-CASH ASSETS

Date Received	Description of Asset	Location of Asset (Physical Address)	Value of Asset
TOTAL ASSET VALUE (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 5.)			\$0.00

Current
 Amended
 Deleted
 Amended New

**SCHEDULE G - ELIMINATION OF ASSETS**

ACCOUNT NUMBER : 04005057 REPORTING PERIOD : 10/17/2020 10/18/2020
 FROM TO

Itemize all non-cash assets disposed of, transferred or sold by the organization during the reporting period.

LIST ALL ELIMINATED ASSETS

Date Eliminated	Description of Asset	Disposition of Asset	Value of Asset
TOTAL ASSETS ELIMINATED (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 6.)			\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New

Americans for Prosperity Foundation, et. al. v. Albence, et. al., C.A. No. 1:26-cv-00445-JLH

Exhibit 16



SPONSOR: Rep. K. Williams & Sen. Walsh
Reps. Bolden, K. Johnson, Michael Smith, Snyder-Hall,
Wilson-Anton; Sens. Hansen, Hoffner, Sokola

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 216

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTION CAMPAIGNS AND
PUBLIC DISCLOSURES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 8002, Title 15 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 8002. Definitions.

4 As used in this chapter:

5 (1) “Affiliated controlling entity” means a person or entity that has the power to direct the decision and
6 operations of another entity through any of the following means:

7 a. The governing instrument of the entity requires it to be bound by decisions of the affiliated controlling
8 entity.

9 b. The governing board of the entity includes persons who are specifically designated representatives of
10 the affiliated controlling entity or who are members of the governing board, officers, or paid executive staff
11 members of the affiliated controlling entity, or whose service on the governing board is contingent upon the
12 approval of the affiliated controlling entity.

13 c. The entity is created or sponsored by the affiliated controlling entity.

14 (5) (6) “Clearly identified candidate” means that the name, a photograph, image, or a drawing of
15 the candidate appears or the identity of the candidate is otherwise apparent by unambiguous reference; clear and
16 obvious.

17 (7) (8) “Communications media” means television, radio, newspaper or other newspaper, social media, text
18 message, email, periodical, sign, Internet, mail, or telephone.

19 (9) “Conduit” means an entity whose primary purpose is to act as an intermediary or pass-through for the
20 transfer of funds between a donor and a third-party advertisement or political committee.

(8) (10) "Contribution" means any advance, deposit, gift, expenditure or transfer, of money or any other thing of value, to or for the benefit of any candidate or political committee involved in an election, including without limitation ~~any~~ any of the following:

a. Gift, subscription, advance, deposit, expenditure or transfer of any thing of ~~value~~ value.

b. Discount or rebate not available to the general public (except a party's abatement or refund of a filing fee otherwise required under § 3103 of this ~~title~~ title).

c. Loan (except a loan of money by a national or state bank, building and loan ~~association~~ association, or licensed lender made in the ordinary course of ~~business~~ business).

d. Purchase of tickets, ~~goods~~ goods, or services sold to raise funds for a campaign, whether or not the tickets, ~~goods~~ goods, or services are used by the ~~buyer~~ buyer.

e. Forgiveness of indebtedness or payment of indebtedness by another ~~person~~ person.

f. Service or use of property without full payment therefor (except the contribution of services by an individual, the use of an individual's residence, the contribution of such items as invitations, ~~food~~ food, and beverages by an individual volunteering personal services or the individual's residence, or the use of the ~~telephone equipment~~ household facilities of any ~~person~~ person).

g. Any other thing of value (except an independent expenditure).

(11) "Donor" means a person who voluntarily contributes funds to a business entity, nonprofit organization, political committee, or other organization that directly or indirectly, through a conduit or otherwise, contributes to a political committee or third-party advertisement.

(16) "Foreign national" means any of the following:

a. A government of a foreign country.

b. A foreign political party.

c. A person who is not a citizen or lawful permanent resident of the United States.

d. An entity organized under the laws of or having its principal place of business in a foreign country.

(17) "Foreign-controlled entity" means any of the following:

a. An entity in which a foreign national owns or controls 20% or more of the equity or voting interests.

b. An entity in which a foreign national directs, dictates, or participates materially in decision-making regarding political contributions or expenditures.

(15) (20) "Membership communication" means ~~a newsletter or periodical, telephone call, or any other~~ any communication distributed solely to the members, shareholders, or employees of an organization or institution.

(22) “Out-of-state political action committee” means an organization or association organized under laws outside of the State, which accepts contributions from or makes expenditures to an election within the State, and is any of the following:

a. An entity registered with the Federal Elections Commission.

b. An entity registered with an out-of-state agency that requires the organization to report campaign finance expenditures and contributions to the out-of-state agency.

(19) (25) “Political committee” means:

a. Any organization or association, whether permanent or created for the purposes of a specific political campaign, which accepts contributions from or makes expenditures to any candidate, candidate committee, or political party in an aggregate amount in excess of \$500 during an election period, not including independent expenditures; and expenditures and is not an out-of-state political committee.

b. All political parties and candidate committees.

c. An out-of-state political committee that contributes more than \$2,000 to a Delaware election, exempting contributions made to candidate committees and political parties.

(28) (34) “Treasurer” means the individual appointed by a candidate or political committee to assist the candidate or political committee with the duties imposed by this chapter.

(35) “Underlying funding source” means the following must be disclosed:

a. For an entity that is not a political action committee or a nonprofit:

1. The name and address of the individual responsible for making and disclosing the entity’s contribution.

2. The name and address of all persons who, directly or otherwise, own a legal or equitable interest of 50% or greater (whether in the form of stock ownership, percentage of partnership interest, liability for the debts of the entity, entitlement to the profits from the other entity or other indicia of interest) in the corporation, partnership, or other entity, or a statement that no such persons exist.

3. The 5 persons who made the 5 largest aggregate transfers to the entity in the last 12 months, if applicable.

4. If the entity is a conduit, then the underlying source of funds of the person who contributed the funds to the conduit.

b. For a political action committee:

1. The name of any affiliated controlling entity.

2. Unless paragraph (35)b.3. of this section applies, the name of the 5 persons who made the 5 largest aggregate transfers to the political action committee in the past 12 months. If any of the persons listed under this paragraph are not individuals, then the underlying funding source of those persons.

3. If the political action committee is acting as a conduit for earmarked funds that originate from a single donor, then the underlying source of funding of the original donor of those funds.

c. For a nonprofit organization, such as a tax-exempt entity under Section 501(c)(4) of the Internal Revenue Code:

1. Unless paragraph (35)c.2. of this section applies, the name of the top 5 persons who made the 5 largest aggregate transfers to the nonprofit in the past 12 months. If any of the persons listed under this paragraph are not individuals, then the underlying funding source of those persons.

2. If the nonprofit organization is acting as a conduit for earmarked funds that originate from a single donor, then the underlying source of funding of the original donor of those funds.

Section 2. Amend § 8005, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8005. Duties of a political committee.

(a) (1) A political committee ~~shall~~ that is not an out-of-state political committee must file

~~(1) File~~ a statement of organization with the Commissioner no later than 24 hours after it receives any contribution or makes any expenditure that causes the aggregate amount of contributions by or expenditures to such committee to exceed \$500 during an election period.

(2) An out-of-state political committee must file a statement of organization with the Commissioner no later than 24 hours after it receives any contribution for or makes an expenditure to an election in Delaware that causes the aggregate amount of contributions by or expenditures to an election in Delaware to exceed \$2,000 during an election period, exempting contributions to candidate committees and political parties.

(b) The statement of organization required by subsection (a) of this section shall be filed under penalty of perjury, and shall include the following information:

a. (1) The full name and mailing address of the committee; committee.

b. (2) The full name and mailing address of each of the officers of the committee, 1 of whom shall be an individual named as its treasurer; treasurer.

e. (3) A concise statement of the committee's purposes or goals; goals.

d. (4) The name, office sought, and party affiliation of any candidate whom the committee is supporting or opposing, to the extent such information is known as of the date of filing; and, if the committee is supporting the entire ticket of any party, the name of the ~~party~~; and party.

e. (5) If the committee files reports with the Federal Elections Commission or any out-of-state agency, a statement to that effect including the name of the agency.

(6) The name of all affiliated controlling entities of the political committee.

(c) A political committee that files a statement of organization under this section must do the following:

(2) (1) Report any change in its officers within 7 days after such change becomes effective.

(3) (2) Keep complete records of all contributions received and all expenditures made by or on behalf of the political committee, and shall retain such records for 3 full years following the election in connection with which the contributions and expenditures were made.

(4) (3) File with the Commissioner the reports required under this chapter.

(d) For purposes of determining the \$2,000 threshold under paragraph (a)(2) of this section, the following applies:

(1) Contributions for and expenditures to an election in Delaware include the following:

a. Contributions for or expenditures to an in-state political action committee.

b. Contributions for or expenditures to an out-of-state political action committee earmarked to be used in a Delaware election.

c. A third-party advertisement or independent expenditure.

(2) Contributions for an election in Delaware does not include contributions to candidate committees or political parties.

Section 3. Amend § 8013, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8013. ~~Short title~~ Foreign contributions prohibited.

(a) No foreign national or foreign-controlled entity may, directly or indirectly, make a contribution, expenditure, independent expenditure, or electioneering communication in connection with any state or local election in this State.

(b) No candidate, candidate committee, political committee, or other person may knowingly solicit, accept, direct, receive, or expend a contribution or other thing of value from a foreign national or foreign controlled entity.

(c) A contribution or expenditure shall be considered indirect if made through a conduit, intermediary, affiliate, or any other person or entity acting on behalf of or at the direction of a foreign national or foreign-controlled entity.

(d) Each political committee and candidate committee must certify, in each report required under this chapter, that it has not knowingly received or expended funds prohibited by this section.

Section 4. Amend § 8021, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8021. Identification of purchaser.

(a) All campaign advertisements having a fair market value of \$500 or more, except printed items with a surface of less than 9 square inches, shall include prominently the statement:

“Paid for by [name of political committee or other person paying for such advertisement].”

For purposes of this section, “campaign advertisements” shall include any communication by a candidate committee or political party that would otherwise qualify as an independent expenditure or an electioneering communication but for the fact it was made by a candidate committee or political party.

(b) All third-party advertisements having a fair market value of \$500 or more, except printed items with a surface of less than 9 square inches, shall include prominently the statement:

“Paid for by [name of political committee or other person paying for such third-party ~~advertisement.~~ advertisement], [state of residence, incorporation, or registration]. Learn more about [name of person] at [~~Commissioner of Elections’ web address.~~]” [website to be determined by the Commissioner of Elections].”

(c) If the person paying for a third-party advertisement under subsection (b) of this section is not an individual, the advertisement must also disclose the following:

(1) The name of the entity’s responsible party.

(2) The name of any controlling affiliated entities.

(3) All persons who, directly or otherwise, own a legal or equitable interest of 50% or greater (whether in the form of stock ownership, percentage of partnership interest, liability for the debts of the entity, entitlement to the profits from the other entity or other indicia of interest) in the corporation, partnership or other entity, if such persons exist.

(4) The 5 persons who made the 5 largest aggregate transfers to the entity in the last 12 months, if applicable.

(5) A link to a website maintained by the entity that lists all contributions to the third-party advertiser in the last 12 months that are greater than \$100 and the underlying funding source of all contributions that are greater than \$100 and not from an individual, if applicable. The website shall contain a white background with black 12-point font. It must state at the top of the website the following statement:

“Below is a list of all contributions greater than \$100 to [the entity] as required by Title 15 of the Delaware Code.”

(6) Next to the name of each person disclosed under this subsection, the third-party advertisement and linked website must also disclose the person's state of residence, incorporation, or registration.

(e) (d) The Commissioner may adopt regulations regarding the size, ~~placement~~ placement, and duration of the foregoing statements as the same shall apply to specific forms of campaign advertisements. In connection therewith, the Commissioner may modify or amend the foregoing statements to conform to the requirements of a particular medium (i.e., television, radio, print, Internet), and may by regulation create exemptions from the requirements hereunder where compliance is not reasonably practicable due to the small size or short duration of such advertisements. In all events, however, campaign advertisements having the same medium and duration (for example, 15-second radio advertisements or Internet advertisements having less than 200 characters) ~~shall~~ must be subject to the same requirements. The Commissioner must identify, and update as necessary, a web address to be used by all third-party advertisements under subsection (b) of this section.

Section 5. Amend § 8030, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8030. Reports of political committees.

(a) Each candidate (except a candidate who is excused from filing a report under § 8004 of this title) and every treasurer of a political committee that must file a statement of organization with the Commissioner (except of a candidate excused from filing a report under § 8004 of this title) shall be responsible for filing with the Commissioner reports of contributions and expenditures on forms prescribed by the Commissioner for every reporting period during which a political committee is in existence. A candidate shall be jointly responsible with the treasurer for the filing of the report of a candidate committee.

(h) For each expenditure for campaign advertising reported under this section, a candidate committee or political party must disclose:

(1) The name of each vendor or platform that produced, distributed, or disseminated the advertisement.

(2) The medium used to distribute the advertisement.

(3) A brief description of the advertisement.

(4) The target audience, stated as any of the following:

a. The geographic area targeted.

b. For digital or electronic advertisements, a general description of any demographic, interest-based, or audience-selection criteria used.

(i) Each report filed under this section must include a certification that the reporting entity has not knowingly received contributions or made expenditures prohibited under section § 8013 of this title.

Section 6. Amend § 8031, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8031. Special reports — Third-party advertisements.

(a) Any person other than a candidate committee or political party who makes an expenditure for any third-party advertisement that causes the aggregate amount of expenditures for third-party advertisements made by such person to exceed \$500 during an election period shall file a third-party advertisement report with the Commissioner. The report shall be filed under penalty of perjury and shall include all of the following:

(1) The information required under ~~§ 8005(1)~~ § 8005(b) of this title with respect to the person making ~~such expenditure; the expenditure.~~

(2) The full name and mailing address of each person to whom any expenditure has been made by such person during the reporting period in an aggregate amount in excess of \$100; the amount, date and purpose of each such expenditure; and the name of, and office sought by, each candidate on whose behalf such expenditure was ~~made;~~ made.

(3) The full name and mailing address of each person who has made contributions to such person during the election period in an aggregate amount or value in excess of \$100; the total of all contributions from such person during the election period, and the amount and date of all contributions from such person during the reporting ~~period;~~ period.

(4) If a person who made a contribution under paragraph (a)(3) of this section is not an individual, the full name and mailing address ~~of:~~ of the underlying funding source for that person.

~~a. Any person who, directly or otherwise, owns a legal or equitable interest of 50 percent or greater in such entity; and~~

~~b. One responsible party, if the aggregate amount of contributions made by such entity during the election period exceeds \$1,200; and~~

(5) The aggregate amount of all contributions made to the person who made the expenditure.

(b) For purposes of this section, a reporting period shall begin on the day after the previous reporting period under § 8030 of this title or this section, whichever is later. However, if the person making the expenditure hereunder was not previously required to file any reports during the election period under § 8030 of this title or this section, then the reporting period ~~shall begin~~ begins on the date the first contribution is received or expenditure made by or on behalf of such person in

227 the current election period. A reporting period shall end on the date of the expenditure set forth in subsection (a) of this
228 section.

229 (c) Any person other than an individual that makes a contribution for which disclosure is required under paragraph
230 (a)(3) of this section shall provide written notification in accordance with § 8012(e) of this title to the person filing the
231 report hereunder. The person filing the report may rely on such notification, and should the notification provided by the
232 representative of the entity be inaccurate or misleading, the person or persons responsible for the notification, and not the
233 person filing the report, shall be liable therefor.

234 (d) If the expenditure is made more than 30 days before a primary or special election or 60 days before a general
235 election, the report required under this section shall be filed within 48 hours after such expenditure is made. If the
236 expenditure is made 30 days or less before a primary or special election or 60 days or less before an election, such report
237 shall be filed with the Commissioner within 24 hours after such expenditure is made. For purposes of this section, an
238 expenditure shall be deemed to be made on the date it is paid or obligated, whichever is earlier.

239 (e) ~~The Commissioner shall adopt regulations exempting, to the extent possible, persons from reporting~~
240 ~~duplicate information under this chapter.~~ must adopt regulations relating to the reporting of third-party advertisements
241 under this section, with illustrative examples of how the law applies in specific cases. The regulations must include
242 examples of how to determine the underlying funding source if the source of funds for the third-party advertisement is not
243 from an individual. A summary of the regulations, with illustrative examples must be posted on the Election
244 Commissioner's website.

245 (f) Persons required to file reports under this section shall retain complete records of all expenditures made and
246 contributions received in connection herewith for 3 years following the election for which such report was filed.

247 (g) For each third-party advertisement reported under this section, the report must include all of the following:

248 (1) The name of each vendor or platform that produced, distributed, or disseminated the advertisement.

249 (2) The medium used to distribute the advertisement, including television, radio, print, mail, digital, or other
250 electronic communication.

251 (3) A brief description of the advertisement, sufficient to identify its subject matter.

252 (4) The target audience, stated as any of the following:

253 a. The geographic area targeted.

254 b. For digital or electronic advertisements, a general description of any demographic, interest-based, or
255 audience-selection criteria used.

Section 7. Amend Subchapter IV, Chapter 80, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8031A. Negative balance prohibited.

No report submitted under § 8030 or §8031 of this title may contain a negative ending balance. “Ending balance” means the ending balance from the last reporting period and total receipts from the current reporting period minus total expenditures from the current reporting period. A report containing a negative balance is incomplete and may be considered tardy under § 8044 of this title.

Section 8. Amend § 8043, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8043. Violations; penalties; jurisdiction in Superior Court.

(a) Except as set forth in § 8044 of this title, any person who knowingly violates any provision of § 8003, ~~§ 8004~~ ~~or § 8005~~ § 8004, § 8005, or § 8031A of this title ~~shall be~~ is guilty of a class B misdemeanor.

Section 9. This Act is effective immediately and is to be implemented on July 1, 2028.

SYNOPSIS

This Act expands Delaware’s campaign finance disclosure requirements to provide more transparency regarding the source of funding for contributions to and expenditures made from political committees in the State. To that end this Act does the following:

1. Requires out-of-state committees that contribute more than \$2,000 to a Delaware election (exempting contributions to candidates and political parties) to register with the State Election Commissioner (Commissioner).
2. Requires political committees to list any affiliated controlling entities on its statement of registration.
3. Increases the disclosure requirements to be placed on third-party advertisements by requiring the advertisement to display, if applicable, the name of a majority owner of the third-party advertiser, the responsible party, affiliated controlling entities, and the 5 persons who made the 5 largest aggregate transfers to the entity in the last 12 months.
4. Requires third-party advertisers to display a link to a website that lists all contributions to the third-party advertisement in excess of \$100. Any contribution that is greater than \$100 that is not from an individual must also include information on the contribution’s underlying funding source.
4. Prohibits all reports filed with the Commissioner from containing a negative balance so that the source of all funds are disclosed, including any loans.

Substitute 1 to HB 216 makes the following changes:

1. Prohibits a foreign national or foreign-controlled entity from making a contribution, expenditure, independent expenditure, or electioneering communication in connection with any state or local election in the State.
2. Requires that all campaign finance reports disclose specific information about advertisements, including the name of the vendor or platform used, the medium used, a description of the advertisement, and the target audience.
3. Replaces the current link to the Election Commissioner’s website on third-party advertisements with a website to be “determined” by the Election Commissioner.
4. Requires that third-party party advertisements display the state of residence, incorporation, or registration of all persons disclosed on the advertisement itself and on the linked website containing additional disclosures.
5. Updates definitions to include modern modes of communication.
6. Changes the implementation date to July 1, 2028.
7. Makes technical changes to conform existing law to the standards of the Delaware Legislative Drafting Manual.