Conservative Dark Money Donor Groups Have Given A Combined $89,707,670 To Organizations Pushing The Independent State Legislature Theory At The Supreme Court

Summary: The independent state legislature theory is a fringe legal theory that posits that the state legislative body has the sole authority to regulate federal elections. The theory has gained steam among conservatives in recent years and threatens to wipe out most checks and balances when it comes to federal elections. In September 2022, numerous right-wing groups filed Supreme Court amicus briefs supporting the independent state legislature theory in *Moore v. Harper* - a case which will decide whether "the state legislative body, independent of any constraints by state courts or other laws, have sole authority to regulate federal elections." This case, and the prospect of the right-wing Supreme Court validating the independent state legislature theory, is seen by commentators as a path to election subversion.

Five groups who have filed *Moore v. Harper* Amicus Briefs in support of the independent state legislature theory, **Honest Elections Project**, **American Legislative Exchange Council**, **Public Interest Legal Foundation**, **Claremont Institute**, and **America's Future Inc**., have received nearly $90 million combined from right-wing donor groups soon to be featured on MonitoringInfluence.org since 2016. These donor groups include:

- **DonorsTrust,** which gave **$70,607,856** to groups that filed amicus briefs in support of the independent state legislature theory
- **The Lynde & Harry Bradley Foundation**, which gave **$6,127,000** to groups that filed amicus briefs in support of the independent state legislature theory
- **America First Works**, which gave **$4,795,000** to groups that filed amicus briefs in support of the independent state legislature theory
- **Sarah Scaife Foundation**, which gave $**3,625,000** to groups that filed amicus briefs in support of the independent state legislature theory
- **Searle Freedom Trust**, which gave **$2,090,000** to groups that filed amicus briefs in support of the independent state legislature theory
- **Thomas W. Smith Foundation**, which gave **$825,000** to groups that filed amicus briefs in support of the independent state legislature theory.
- **Donors Capital Fund**, which gave **$683,837** to groups that filed amicus briefs in support of the independent state legislature theory.
- **Bradley Impact Fund**, which gave **$478,353** to groups that filed amicus briefs in support of the independent state legislature theory.
- **85 Fund**, which gave **$400,000** to groups that filed amicus briefs in support of the independent state legislature theory.

- **Ed Uihlein Family Foundation**, which gave **$200,000** to groups that filed amicus briefs in support of the independent state legislature theory.

See all itemized donations in the appendix.

Right-Wing Groups That Filed A SCOTUS Amicus Brief Endorsing The Independent State Legislature Theory Have Received Tens Of Millions From Conservative Dark Money Donor Groups

Honest Elections Project, Which Filed A SCOTUS Amicus Brief Endorsing The Independent State Legislature Theory, Has Received $70,607,856 From Conservative Dark Money Donor Groups.

Honest Elections Project Filed An Amicus Brief Endorsing The Independent State Legislature Theory In The *Moore v. Harper* Supreme Court Case. "Some scholars, including those who claim to care about the Constitution's original public meaning, criticize what they call the "independent state legislature" doctrine. [...] What they call a "doctrine" is really the plain meaning of the Elections and Electors Clauses. The founders vested the power to regulate federal elections in the state "Legislature." U.S. Const., art. I, §4, cl. 1; art. II, §1, cl. 2." [Honest Elections Project Amicus Brief, 9/06/22]

From 2016 Through The Present, Honest Elections Project AKA The 85 Fund, Has Received $70,607,856 From Conservative Dark Money Donor Groups.

Donor	Amount
DonorsTrust (To 85 Fund)	$ 65,812,856
America First Works (To Honest Elections Project via DonorsTrust)	$ 4,795,000
TOTAL	**$ 70,607,856**

[Appendix]

- **The Honest Elections Project Is An Entity Created Within The 85 Fund (FKA The Judicial Education Project).** "Despite appearing to be a free-standing new operation, the Honest Elections Project is just a legal alias for the Judicial Education Project, a well-financed nonprofit connected to a powerful network of dark money conservative groups, according to business records reviewed by the Guardian and Open Secrets." [Open Secrets, 5/27/20]

The American Legislative Exchange Council, Which Filed A SCOTUS Amicus Brief Endorsing The Independent State Legislature Theory, Has Received $9,514,721 From Conservative Dark Money Donor Groups.

The American Legislative Exchange Council (ALEC) Filed An Amicus Brief Endorsing The Independent State Legislature Theory In The *Moore v. Harper* Supreme Court Case. "That erroneous decision must be reversed because a state constitutional provision cannot withdraw or limit the Federal Constitution's express grant of authority to state legislatures." [The American Legislative Exchange Council Amicus Brief, 9/06/22]

From 2016 Through The Present, ALEC Has Received $9,514,721 From Conservative Dark Money Donor Groups.

Donor	Amount
Bradley Foundation	$ 3,882,000
DonorsTrust	$ 2,493,721
Searle Freedom Trust	$ 1,630,000
Thomas W Smith Foundation	$ 625,000
Donors Capital Fund	$ 473,500
Ed Uihlein Family Foundation	$ 200,000
Sarah Scaife Foundation	$ 200,000
Bradley Impact Fund	$ 10,500
TOTAL	**$9,514,721**

[Appendix]

Public Interest Legal Foundation, Which Filed A SCOTUS Amicus Brief Endorsing The Independent State Legislature Theory, Has Received $4,567,353 From Conservative Dark Money Donor Groups.

Public Interest Legal Foundation Filed An Amicus Brief Endorsing The Independent State Legislature Theory In The *Moore v. Harper* Supreme Court Case. "Petitioners' position is consistent with the allocation of power in the Constitution. The Framers sought to protect ordered liberty by vesting state legislatures as the primary reservoir of power over elections." [Public Interest Legal Foundation Amicus Brief, 9/06/22]

From 2016 Through The Present, Public Interest Legal Foundation Has Received $4,567,353 From Conservative Dark Money Donor Groups.

Donor	Amount
Bradley Foundation	$ 1,740,000
Sarah Scaife Foundation	$ 1,175,000

DonorsTrust	$ 850,500
Bradley Impact Fund	$ 401,853
85 Fund	$ 400,000
TOTAL	**$4,567,353**

[Appendix]

The Claremont Institute, Which Filed A SCOTUS Amicus Brief Endorsing The Independent State Legislature Theory, Has Received $4,015,740 From Conservative Dark Money Donor Groups.

The Claremont Institute Filed An Amicus Brief Endorsing The Independent State Legislature Theory In The *Moore v. Harper* Supreme Court Case. "The Elections Clause of Art. I, § 4, cl. 1 (and the parallel Electors Clause of Art. II, § 1, cl. 2) unambiguously assign to the "Legislatures" of the States the power to determine the manner for conducting federal elections. That power is "plenary," and because it is conferred by the federal constitution, it cannot be constrained by anything in state law or state constitutions to the contrary." [Claremont Institute Amicus Brief, 9/06/22]

From 2016 Through The Present, The Claremont Institute Has Received $4,015,740 From Conservative Dark Money Donor Groups.

Donor	Amount
Sarah Scaife Foundation	$ 2,250,000
Bradley Foundation	$ 505,000
Searle Freedom Trust	$ 460,000
DonorsTrust	$ 324,403
Donors Capital Fund	$ 210,337
Thomas W Smith Foundation	$ 200,000
Bradley Impact Fund	$ 66,000
TOTAL	**$4,015,740**

[Appendix]

America's Future Inc, Which Filed A SCOTUS Amicus Brief Endorsing The Independent State Legislature Theory, Received $1 Million From DonorsTrust In 2021

America's Future Inc. Filed An Amicus Brief Endorsing The Independent State Legislature Theory In The *Moore v. Harper* Supreme Court Case. "Rarely does a case come to this Court that requires less interpretation than the issue presented here. Petitioners ask this Court to apply the text of Article I, Sec. 4, cl. 1 in a straightforward manner — that when the Framers vested the power to prescribe the regulations governing Congressional elections in the Legislature of a state, they actually meant the Legislature. Respondents take the position that

this specific governing language should be interpreted in light of general principles of constitutional law, to the end that state courts become empowered to overturn the regulations prescribed by the Legislature." [America's Future Inc. Amicus Brief, 9/06/22]

America's Future Inc. Received $1,000,000 From DonorsTrust In 2021.

Washington, DC 20009	52-1928321	501(c)(3)	6,000.
America's Future Inc. 7800 Bonhomme Ave. St. Louis, MO 63105	13-1549794	501(c)(3)	1,000,000.

[DonorsTrust 2021 990, Page 41]

Grantees Appendix

Grantee	Donor	Amount	Year
America's Future Inc	DonorsTrust	$ 1,000,000	2021
American Legislative Exchange Council	Bradley Foundation	$ 750,000	2020
American Legislative Exchange Council	Bradley Foundation	$ 750,000	2019
American Legislative Exchange Council	Bradley Foundation	$ 480,000	2018
American Legislative Exchange Council	Bradley Foundation	$ 552,000	2017
American Legislative Exchange Council	Bradley Foundation	$ 1,350,000	2016
American Legislative Exchange Council	Bradley Impact	$ 10,500	2019
American Legislative Exchange Council	Ed Uihlein Family Foundation	$ 175,000	2020
American Legislative Exchange Council	Ed Uihlein Family Foundation	$ 25,000	2019
American Legislative Exchange Council	Sarah Scaife Foundation	$ 100,000	2020
American Legislative Exchange Council	Sarah Scaife Foundation	$ 100,000	2018
American Legislative Exchange Council	Searle Freedom Trust	$ 325,000	2020
American Legislative	Searle Freedom Trust	$ 325,000	2019

Exchange Council			
American Legislative Exchange Council	Searle Freedom Trust	$ 450,000	2018
American Legislative Exchange Council	Searle Freedom Trust	$ 315,000	2017
American Legislative Exchange Council	Searle Freedom Trust	$ 215,000	2016
American Legislative Exchange Council	Thomas W Smith Foundation	$ 150,000	2020
American Legislative Exchange Council	Thomas W Smith Foundation	$ 100,000	2019
American Legislative Exchange Council	Thomas W Smith Foundation	$ 125,000	2018
American Legislative Exchange Council	Thomas W Smith Foundation	$ 100,000	2017
American Legislative Exchange Council	Thomas W Smith Foundation	$ 150,000	2016
American Legislative Exchange Council	DonorsTrust	$ 593,021	2019
American Legislative Exchange Council	DonorsTrust	$ 610,000	2018
American Legislative Exchange Council	DonorsTrust	$ 422,000	2017
American Legislative Exchange Council	DonorsTrust	$ 315,000	2016
American Legislative Exchange Council	Donors Capital Fund	$ 473,500	2016
American Legislative Exchange Council	DonorsTrust	$ 362,100	2020
American Legislative Exchange Council	DonorsTrust	$ 191,600	2021
Claremont Institute	Bradley Foundation	$ 100,000	2020
Claremont Institute	Bradley Foundation	$ 105,000	2019
Claremont Institute	Bradley Foundation	$ 100,000	2018
Claremont Institute	Bradley Foundation	$ 100,000	2017
Claremont Institute	Bradley Foundation	$ 100,000	2016
Claremont Institute	Bradley Impact	$ 20,000	2020
Claremont Institute	Bradley Impact	$ 26,000	2019

Claremont Institute	Bradley Impact	$ 20,000	2018
Claremont Institute	Sarah Scaife Foundation	$ 450,000	2020
Claremont Institute	Sarah Scaife Foundation	$ 450,000	2019
Claremont Institute	Sarah Scaife Foundation	$ 450,000	2018
Claremont Institute	Sarah Scaife Foundation	$ 450,000	2017
Claremont Institute	Sarah Scaife Foundation	$ 450,000	2016
Claremont Institute	Searle Freedom Trust	$ 130,000	2020
Claremont Institute	Searle Freedom Trust	$ 130,000	2019
Claremont Institute	Searle Freedom Trust	$ 100,000	2018
Claremont Institute	Searle Freedom Trust	$ 100,000	2016
Claremont Institute	Thomas W Smith Foundation	$ 100,000	2020
Claremont Institute	Thomas W Smith Foundation	$ 100,000	2020
Claremont Institute	DonorsTrust	$ 66,713	2019
Claremont Institute	Donors Capital Fund	$ 40,000	2019
Claremont Institute	DonorsTrust	$ 51,190	2018
Claremont Institute	Donors Capital Fund	$ 40,000	2018
Claremont Institute	DonorsTrust	$ 50,000	2017
Claremont Institute	Donors Capital Fund	$ 10,000	2017
Claremont Institute	Donors Capital Fund	$ 80,337	2016
Claremont Institute	DonorsTrust	$ 156,500	2020
Claremont Institute	Donors Capital Fund	$ 40,000	2020
Honest Elections Project (85 Fund)	DonorsTrust	$ 17,100,000	2021
Honest Elections Project (85 Fund)	DonorsTrust	$ 48,712,856	2020
Honest Elections Project (Via DonorsTrust)	America First Works	$ 4,795,000	2020
Public Interest Legal Foundation	Bradley Foundation	$ 300,000	2020

Public Interest Legal Foundation	Bradley Foundation	$ 340,000	2019
Public Interest Legal Foundation	Bradley Foundation	$ 300,000	2018
Public Interest Legal Foundation	Bradley Foundation	$ 500,000	2017
Public Interest Legal Foundation	Bradley Foundation	$ 300,000	2016
Public Interest Legal Foundation	Bradley Impact	$ 51,300	2020
Public Interest Legal Foundation	Bradley Impact	$ 285,000	2019
Public Interest Legal Foundation	Bradley Impact	$ 65,553	2018
Public Interest Legal Foundation	Sarah Scaife Foundation	$ 300,000	2020
Public Interest Legal Foundation	Sarah Scaife Foundation	$ 275,000	2019
Public Interest Legal Foundation	Sarah Scaife Foundation	$ 250,000	2018
Public Interest Legal Foundation	Sarah Scaife Foundation	$ 200,000	2017
Public Interest Legal Foundation	Sarah Scaife Foundation	$ 150,000	2016
Public Interest Legal Foundation	DonorsTrust	$ 200,500	2019
Public Interest Legal Foundation	DonorsTrust	$ 200,000	2018
Public Interest Legal Foundation	DonorsTrust	$ 200,000	2017
Public Interest Legal Foundation	DonorsTrust	$ 250,000	2021
Public Interest Legal Foundation	85 Fund	$ 400,000	2020