

COURTING RISK:

CORPORATE UNDERWRITERS & STATE ATTORNEYS GENERAL

How third-party election spending
undermines corporate
transparency and enables
conflicted spending and its
consequences

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FOREWORD

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Political spending to support controversial policies and leaders thrives in darkness. And no spending has defied necessary scrutiny more than the bigger and bigger donations that public corporations are giving to state attorneys general through partisan third-party groups.

As this pathbreaking report lays bare, even companies that have dedicated themselves to transparency and accountability in political spending are pouring tens of millions of dollars into state attorney general races through third-party groups like the Democratic Attorneys General Association (DAGA) and Republican Attorneys General Association (RAGA). RAGA, in particular, has raised more than \$84 million from public companies and its trade associations (roughly half again more than DAGA), which it has used to help elect state attorneys general who have pursued aggressive litigation directly at odds with these companies' stated values.

The stakes could not be higher. Riven by gridlock and polarization, America's Congress has ceded much of its power to shape policy to the courts and the states.

In this political vacuum, state attorneys general have become far more powerful. Fueled by the same rising polarization, they have also become far more partisan.

The races that elect state attorneys general do not receive the attention that national elections do. Yet they are shaping both states' most fundamental laws and setting the agenda for the nation's most powerful courts. And the money pouring into them from large companies and their trade associations now poses enormous risks to policy ideals that corporations say they support, to the reputation of these companies, and even to democracy itself.

Why are the stakes so high? First, the federal courts themselves are increasingly unpopular, with an alarming loss of legitimacy. There is a growing perception that the system is partisan. And this perception is grounded in reality: nearly 80 percent of the amicus briefs filed by state attorneys general during the Trump presidency were partisan, compared with less than 30 percent of those filed during the George W. Bush presidency.

Second, when money is contributed to a pass-through organization like RAGA there is a dangerous loss of control. Who, or what, will it be spent on? RAGA decides. And there is no guarantee those decisions will be consistent with what companies insist they value.

Indeed, as this report makes clear, many of the specific decisions emanating from the actions of state attorneys general whose campaigns are supported by this spending are inconsistent with the public stances of the corporations making these donations. On abortion, on climate, on voting rights, and on many other vital issues, RAGA-backed state attorneys general have pursued controversial policies that are inconsistent not just with contributing companies' stated positions but often with the views of large majorities of Americans, too.

The report provides many examples of state attorneys general pursuing such risky actions. They include Lynn Fitch, the attorney general for Mississippi, who received more than \$250,000 from RAGA and led the campaign to overturn *Roe v. Wade*; Patrick Morrissey, attorney general of West Virginia, who received \$1.7 million and was the instigator of the 2022 Supreme Court case that

hobbled federal efforts to regulate carbon emissions; and Ken Paxton, attorney general of Texas, who received \$1.2 million and has filed lawsuits trying to overturn the Affordable Care Act, curtail voting rights, and even challenge the validity of election results in 2020.

The issue is not that these attorneys general are Republican. It is that they are seeking controversial ends that pose risks to companies' values, reputations, and commitments to democracy. It is also that funneling money to associations that invest in these leaders and policies directly conflicts with the growing expectations of corporate transparency and accountability—expectations that many of these companies say they uphold.

As the report says, “Transparency and accountability around corporate political spending are now the norm.” That norm is being broken, with real risks for the companies flouting it. With this report, we hope that this will change.

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This report follows the money. It is based on:

- A review of company political contributions to the Republican Attorneys General Association (RAGA) and the Democratic Attorneys General Association (DAGA), two partisan political committees organized under Section 527 of the Internal Revenue Code, from the 2014 election cycle to the present;
- State and federal campaign finance records documenting how these associations spent contributions from public companies, their trade associations, and other donors;
- Legal briefs, official correspondence, and policy positions taken by elected state attorneys general;
- Policy outcomes, academic research, and media coverage about the impact of state attorneys general on issues of national importance; and
- An examination of how these outcomes and actions aligned or conflicted with the core values, policies and positions of the contributing companies.

CORPORATE UNDERWRITERS SERIES

The Center for Political Accountability is a non-partisan public policy organization. It examines and documents the risks posed to companies by their political spending. This is the second report in CPA's Corporate Underwriters series examining the scope and impact of company spending through third-party groups. The first report, Corporate Underwriters and the Democracy Gap, examines the ways in which corporate political spending has reshaped state legislatures and created serious risks for both companies and American democracy. The forthcoming third report, Corporate Underwriters: Where the Rubber Hits the Road, will look at company political spending with treasury funds more broadly. This final report will examine how this spending compares with the spending by other entities – individuals, unions, and political action committees. This comparison will highlight how significant company political spending is, what it enables, its impact, and the risks it poses to companies.

This second report in the Corporate Underwriters series focuses on political spending in support of the attorneys general associations, with special attention to the Republican Attorneys General Association. It receives a closer look here for three reasons:

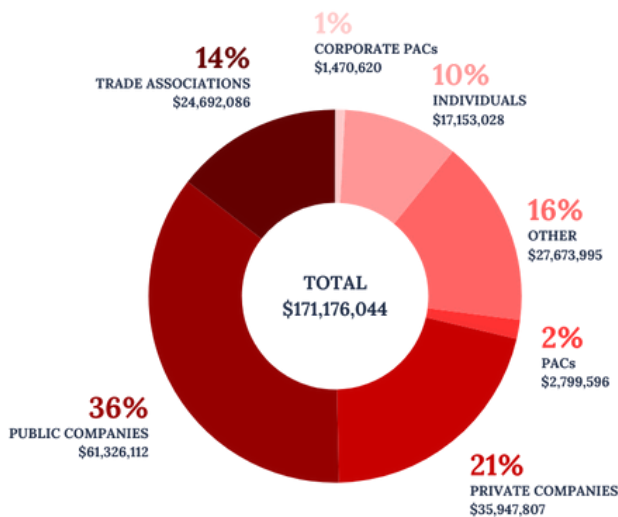
- 1. RAGA receives significantly more funding from public companies, which associates companies more strongly with it and exposes them to a greater level of risk.**
- 2. Republican attorneys general have repeatedly brought partisan suits and filed briefs before the U.S. Supreme Court and other select Federal courts to overturn established legal precedents despite popular opposition.**
- 3. Attorneys general backed by RAGA in recent years have pursued issues and achieved policy outcomes that conflicted more frequently with values, positions, and commitments undertaken by companies.**

In following the money trail, CPA has identified and documented trends in company political donations to RAGA — and ultimate policy and precedent outcomes — that not only create risks for companies but are unique to giving to RAGA. Donations to it are used to elect state attorneys general. As the top legal authority in state governments, they hold significant power in state policymaking. And as this report demonstrates, state politicians, including attorneys general, are also playing an increasingly important role in national politics. Accordingly, as the power and prominence of state attorneys general has increased, so too has public scrutiny of the groups that help fund their elections.

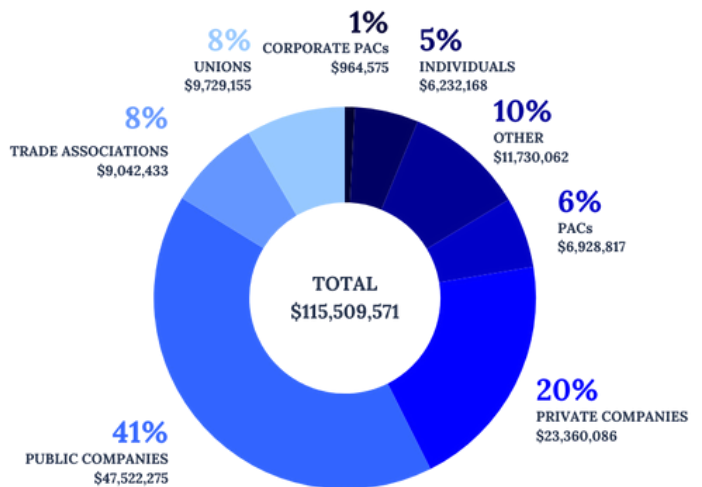
The findings of this report are in line with patterns in company political spending and with changes in party control and party priorities in state capitals nationwide. This does not reflect any partisan preference on the part of the Center.

WHY ISSUE THIS REPORT?

This report is a case study of corporate support for two partisan political committees, the Republican Attorneys General Association and the Democratic Attorneys General Association. Since its founding in 2014, the Republican group has received more than \$83.4 million from public companies and their trade associations. This accounts for more than half of the nearly \$166 million collected by RAGA during this period. DAGA, in contrast, raised a total of \$110.8 million during the same period. Less than \$54 million of its total fundraising came from public companies and their trade associations.



Contributions to the Republican Attorneys General Association (RAGA)
Jan 2014 - Mar 2024

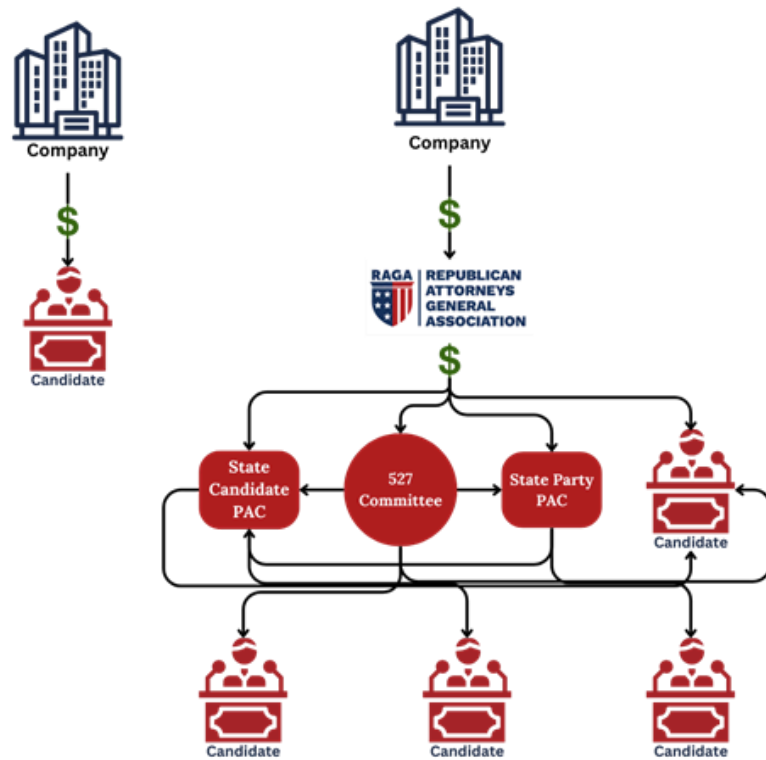


Contributions to the Democratic Attorneys General Association (DAGA)
Jan 2014 - Mar 2024

State attorneys general hold a powerful office. These chief state legal officers have the power to direct state agencies; interpret and enforce state law; act as public advocates for the citizens of the state; engage in lawsuits on behalf of the state, including against federal agencies and other states; and file amicus (friend-of-the-court) briefs with the U.S. Supreme Court. They have recently played a major role in reshaping long-standing precedent.

Because a deeply divided and historically unproductive U.S. Congress has contributed to a power vacuum in American politics, state-level elected officials, including attorneys general, have begun to fill it. State attorneys general have used their powers to challenge federal laws and policies. In recent years, state attorneys general have led suits against the Affordable Care Act, the Clean Air Act, and federal immigration policy. In 2020, a coalition of state attorneys general also challenged the validity of election results in several states as part of the effort to undermine the legitimacy of the presidential election results. And in 2022, a suit spearheaded by Mississippi Attorney General Lynn Fitch led to the U.S. Supreme Court's overturning *Roe v. Wade* and abolishing women's long-held constitutional right to abortion.

For companies, giving to third-party groups like RAGA and DAGA courts risk. When a company gives money to such third-party groups, it loses control over how that money is spent. More problematically, many companies are unaware of, or may not pay attention to, how their contributions are ultimately distributed, which candidates their money may support, and, crucially, what the consequences may be for a company, its reputation, and its relationships with key stakeholders. This was underscored by a recent report from The Conference Board, a leading business membership and research organization. It noted, "The risks associated with political spending, particularly through third-party groups highlight the need for companies to maintain control and transparency over where their money is directed."



The risks posed by corporate political spending have prompted dozens of companies to take proactive steps to increase their transparency and accountability practices. In 2023, nearly 200 companies in the S&P 500 received a score of 80 percent or better in the CPA-Zicklin Index of Corporate Political Disclosure and Accountability. These companies earned this score because of policies they voluntarily adopted to govern the handling, oversight and transparency of their election-related spending using corporate funds.

This represents widespread and growing support for transparency and accountability. It highlights a shift in corporate governance: Transparency and accountability around corporate political spending are now the norm. Companies have instituted these policies en masse, not because they were mandated by legislative action or a regulatory agency, but because corporate leaders determined that these policies benefit companies, their workforces, their shareholders, and their bottom lines. These policies are an essential element of enterprise risk management. They are smart business.

Nonetheless a gap remains, of ultimate risk for companies. This report encourages corporate leaders to take the next step and close the gap that leaves companies vulnerable to legal, reputational and financial risks through third-party election-related spending.

With its case study approach, this report highlights the types of risks companies may face by giving to RAGA. It concludes with a framework and several guides to help companies maintain political engagement while regaining control of their contributions, and to avert risks posed by remaining gaps in transparency and accountability.

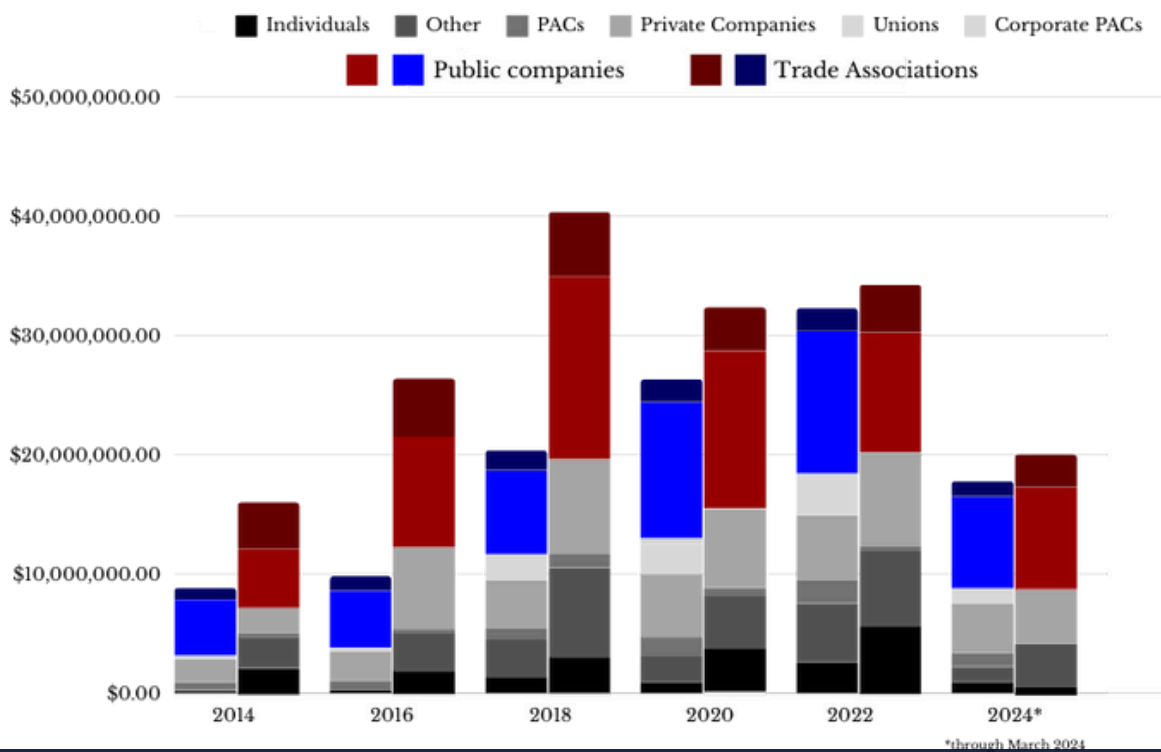
As the research demonstrates, once they're elected, key state officials supported by RAGA have engaged in legal action that conflicts with many corporate donors' stated values, policies, or positions. This report focuses on specific companies' commitments around three issues - reproductive rights, climate change, and democracy - and how these companies' contributions to RAGA create risks for the donors.

SCOPE OF COMPANY CONTRIBUTIONS TO RAGA

Public companies and their trade associations have contributed more than \$83.4 million to RAGA since its founding in 2014. This figure represents more than 50 percent of the total \$165.8 million collected through the end of 2023. The average corporate contribution to RAGA is more than \$73,000.

The graph below illustrates the disparate roles public companies and their trade associations have played in funding RAGA’s, versus DAGA’s, operations over six election cycles in the past decade.

Contributions to RAGA & DAGA by cycle year and contributor type



Among top donors to RAGA in the past 10 years are many leading public companies that have strong political spending and disclosure practices, as indicated by their first-tier scores in the 2023 CPA-Zicklin Index. The table on the following page shows the first-tier companies that gave an aggregate \$100,000 or more to RAGA between January 2014 and March 2024.

Given their companies' high Index scores, leaders at these companies have already recognized the benefits of transparency and accountability in corporate political spending practices. However, gaps in due diligence, particularly when giving to third-party groups, nonetheless leave these companies vulnerable to significant risks.

**PUBLICLY
TRADED
COMPANIES AND
THEIR TRADE
ASSOCIATIONS
HAVE BEEN THE
MOST
SIGNIFICANT
SOURCE OF
CONTRIBUTIONS
TO RAGA SINCE
ITS FOUNDING.**

**AGGREGATE COMPANY CONTRIBUTIONS
OF \$100,000 OR MORE TO RAGA
JANUARY 2014 - MARCH 2024**

Company	Amount	2023 CPA-Zicklin Score
Alphabet	\$381,150	97.1
Altria	\$3,055,921	94.3
Amazon	\$413,135	81.4
American Electric Power	\$180,000	90
AT&T	\$980,750	100
Bank of America	\$225,820	90
Cigna	\$521,000	81.4
Citigroup	\$658,930	92.9
Coca-Cola	\$438,606	95.7
Comcast	\$1,349,573	94.3
CVS Health	\$825,536	90
Elevance	\$1,195,820	84.3
Home Depot	\$913,564	88.6
Intuit	\$421,065	94.3
Johnson & Johnson	\$302,790	91.4
Lowe's	\$598,085	85.7
Mastercard	\$264,285	94.3
Pfizer	\$922,290	88.6
Pinnacle West Capital	\$641,300	91.4
Southern	\$722,315	91.4
Uber	\$315,500	81.4
UnitedHealth Group	\$226,935	87.1

IMPACT OF COMPANY CONTRIBUTIONS TO RAGA

RAGA, through its participation in election campaigns, has had a strong impact on many of the most controversial political issues of the past decade. Because public companies and their trade associations are the majority funder of RAGA when their donations are combined, they have been associated with its activities.

This association creates serious reputational, internal, and financial risks for companies that give to RAGA and other third-party groups. These risks are heightened because often the actions undertaken by RAGA-backed state attorneys general directly conflict with company statements about core values and related commitments to key stakeholders. In addition, corporate contributions to RAGA create further risks when companies face threats of political intimidation and retribution from officeholders whom they helped elect.

Companies express their values around social issues in a variety of ways via:

- **internal policies, including human resources policies and benefits for employees;**
- **commitments to employees' safety and well-being;**
- **public statements of action or intent issued by corporate officers, on company sites, in statements to the press, or via social media; and**
- **the principles they espouse in annual reports and other communications with shareholders.**

The following sections examine ways that corporations have expressed their values around three contentious social issues. Close attention needs to be paid to company statements and how they square with the company's political spending through third-party groups. Often, company values on these issues are undermined by the impact of company contributions on both elections and on society. The misalignment can spark blowback or harm.

Impact of Company Contributions to RAGA - Spotlight on Abortion and Reproductive Healthcare

Shortly after the U.S. Supreme Court, in *Dobbs v. Jackson Women's Health*, overturned in June 2022 the constitutionally protected right to abortion care, many major US companies made commitments to protect their health and safety. They offered travel assistance and support for employees seeking abortions and other reproductive healthcare procedures.

Here are representative statements from some of RAGA's major corporate contributors:



"Travel benefit coverage for eligible travel costs to obtain medical and behavioral services that cannot be obtained within a 60-mile radius of your home, or because of geographic legislative action"

Altria's employee benefits informational [webpage](#).



"[Roe v. Wade is] the settled law of the land. We believe people should have that access [to abortion care]."

Brian Moynihan, Bank of America CEO and Chairman, May 2022.



“In response to changes in reproductive healthcare laws in certain states in the U.S., beginning in 2022 we provide travel benefits to facilitate access to adequate resources.”

Citigroup 2022 Notice of Annual Meeting and Proxy Statement.



“We will continue to provide colleagues, clients, and consumers with the flexibility to choose medical and pharmacy benefits to best suit their needs. This includes...making out-of-state abortion healthcare services more accessible and affordable.”

Statement by CVS. Reported July 2022.



“This is a profound change for the country that deeply affects so many of us, especially women...To support Googlers and their dependents, our US benefits plan and health insurance covers out-of-state medical procedures that are not available where an employee lives and works. Googlers can also apply for relocation without justification, and those overseeing this process will be aware of the situation.”

Fiona Cicconi, Google’s Chief People Officer in an all-staff email, June 24, 2022



“We support our employees’ access to comprehensive health care — no matter where they live. We will continue to do what we can to best support employees’ ongoing access to the full range of health care that they believe is right for them.”

Statement by Intuit. Released August 2022.

The logo for Johnson & Johnson, featuring the company name in a red, cursive script font.

“We believe healthcare decisions are best determined by individuals in consultation with their healthcare provider. We offer reimbursement for travel expenses to U.S. employees and their families for eligible medical services not available from any in-network or out-of-network provider within 100 miles of the patient’s home.”

Statement by Johnson & Johnson, June 2022.

The logo for Uber, featuring the word "Uber" in a bold, black, sans-serif font.

“[D]rivers shouldn’t be put at risk for getting people where they want to go. Team Uber is in too and will cover legal fees in the same way. Thanks for the push”

Tweet by Dara Khosrowshah, Uber CEO, in response to Logan Green, Chair of rival company Lyft, tweeting, “TX SB8 threatens to punish drivers for getting people where they need to go— especially women exercising their right to choose.”

These types of statements illustrate each company’s public commitment to its employees’ health and safety. However, as the table on page 15 shows, each of these companies has also given substantially to RAGA, which has used its funds to elect state attorneys general who continue to undermine the healthcare access the companies have pledged to protect.

Reproductive rights and one company's bottom line

As national debate over reproductive healthcare access has continued since Dobbs, anti-abortion activists have also challenged FDA approval of a drug, mifepristone, commonly used in medication abortions. Several drug manufacturers, including Pfizer, have challenged U.S. District Judge Matthew Kacsmaryk's April 2023 decision to temporarily halt approval of mifepristone. Similar rulings could impact these companies' ability to sell other medications that have become socially divisive, including birth control and vaccinations. As shown below, eight current and two former state attorneys general elected with RAGA support have continued to advocate in favor of this ban. In this case, Pfizer's contributions to RAGA could ultimately create risks to Pfizer's profits.



\$922,290

LA
 Jeff Landry
 \$314,600
 (2015, 2019)

KY
 Daniel Cameron
 \$5,565,062
 (2019)



AL
 Steve Marshall
 (2018)
 \$735,000

FL
 Ashley Moody
 (2018)
 \$1,025,000

GA
 Chris Carr
 (2018, 2022)
 \$1,346,569

KY
 Russell Coleman
 (2023)
 \$526,935

LA
 Liz Murrill
 (2022)
 \$2,538,267

MS
 Lynn Fitch
 (2019)
 \$251,400

TX
 Ken Paxton
 (2014-2022)
 \$1,239,526

UT
 Sean Reyes
 (2020)
 \$837,668

Impact of Company Contributions to RAGA - Spotlight on Climate Change

Climate change has begun to impact American business. Many companies have recognized these risks and made commitments to lower their own carbon emissions. In doing so, they have recognized the financial risks that unchecked climate change could pose to their future success.

Here are statements pledging action to address climate change from some of RAGA's major corporate contributors:



"Climate change presents very significant global risk. Humans are the primary cause and inaction is not an option. According to leading climate scientists, climate change is a range of global phenomena caused predominantly by burning fossil fuels; it includes not just global warming, but also rising sea level, ice melting, extreme weather events and shifts in seasonal events. Changes in nature as a result of climate change and society's response to those changes can affect the future of our businesses."

[Altria](#) corporate website.



"Climate scientists agree that the world needs to reduce its carbon emissions, and we at Amazon are working to do our part. We aim to reach net-zero carbon emissions across our operations by 2040 by investing in renewable energy, scaling solutions, and collaborating with partners to broaden our impact."

[Amazon](#) corporate website.

“Bank of America announced a commitment to achieve net zero greenhouse gas (GHG) emissions across our financing activities, operations and supply chain before 2050.



“Consistent with our approach toward Responsible Growth, we are helping finance this transition by setting and achieving milestone targets, partnering with clients to support their transition, investing in climate solutions, developing and reporting decision-useful metrics to drive progress, leading industry collaborations, and following guidance for transparency.”

[Bank of America](#) corporate website.



"We are committed to reducing our absolute greenhouse gas emissions by 25% by 2030. Our ambition is to achieve net-zero carbon emissions by 2050."

[Coca-Cola](#) corporate website.



“We’re taking action towards a greener future by reducing our carbon footprint across our enterprise – with a goal to be carbon neutral for Scope 1 and 2 emissions by 2035.”

[Comcast](#) corporate website.



“Mastercard is mobilizing against climate change directly through our business, as well as by committing to net-zero emissions by 2040 and supporting our suppliers’ decarbonization efforts. We’re also developing innovations that regenerate natural resources and reduce carbon footprints. And we’re leveraging our network effect – giving consumers tools to measure their own footprints and make donations to Priceless Planet.”

Mastercard corporate website.



“Building on 20+ years of climate action, we are proud to set new, ambitious climate goals to commit to Net Zero by 2040. This further builds on our multi-year efforts, setting a trajectory to reduce company greenhouse gas emissions by 95% and value chain emissions by 90%, which we aim to deliver by 2040.”

Pfizer corporate website.



UnitedHealth Group®

“All UnitedHealth Group businesses are dedicated to helping people live healthier lives and making the health system work better for everyone. We recognize that the environment plays an important role in the well-being of every community. Our awareness and concern for the environment fits within our core values of Integrity, Compassion, Relationships, Innovation, Inclusion and Performance.

UnitedHealth Group Environmental Policy

Each statement reflects a company's public commitment to addressing climate change. However, these companies have also contributed significantly to RAGA, which used its funds to elect officials who deny the threat that climate change poses to businesses. As the flowcharts beginning on page 32 show, RAGA-supported attorneys general have also used their offices to challenge climate change laws and regulations. Many of these laws were designed to both assist companies in upholding their climate commitments while also maintaining a level playing field across industries.

Impact of Company Contributions to RAGA - Spotlight on Voting and Democracy

Many prominent US companies and business groups celebrate American democracy and voting rights. They coordinate voter registration drives, give employees time off to vote and to volunteer as election workers, and make public statements about the value the company places on democracy. In doing so these companies recognize not only the importance of voting rights for individual Americans but also the fact that a stable and predictable democracy is important to the company's success.

Below are statements about the value of voting and democracy from some of RAGA's major corporate contributors.



“We believe voting is a foundational democratic process and should be a non-partisan issue. All eligible individuals should have their voices heard at the ballot box.”

Todd Walker, Senior Vice President, Government Affairs & Public Policy at Altria



“It has been fifty-six years since the Voting Rights Act became law, yet efforts to disenfranchise Black people and other minorities continue to this day. The ability to vote is one of the most prized fundamental rights in our American democracy, and Amazon supports policies that protect and expand those rights.”

Jay Carney, Amazon PR and public policy chief



“We believe the right to vote is sacred and we support voting laws that make it easier for more Americans to vote in free, fair and secure elections. We understand that election laws are complicated, not our company’s expertise and ultimately the responsibility of elected officials. But, as a company, we have a responsibility to engage. For this reason, we are working together with other businesses through groups like the Business Roundtable to support efforts to enhance every person’s ability to vote. In this way, the right knowledge and expertise can be applied to make a difference on this fundamental and critical issue.”

John Stankey, CEO of AT&T



“The right to vote is the foundation of American democracy. Citi not only supports this fundamental right, we have taken steps to encourage our colleagues to vote, such as providing paid time-off for the 2020 election. We strongly oppose efforts to undermine the ability of Americans to avail themselves of this fundamental right.”

Edward Skylar, Head Of Global Public Affairs at Citigroup



“Voting is fundamental to our democracy. We believe that all Americans should enjoy equitable access to secure elections and we have long supported and promoted voter education, registration and participation campaigns across the country to achieve that goal. Efforts to limit or impede access to this vital constitutional right for any citizen are not consistent with our values.”

Comcast statement.



"The Home Depot encourages all associates to get involved by making their voices heard. We have a website, www.HomeDepotVotes.com, where associates and their families can register to vote, learn about the candidates on their ballots, and sign up to be poll workers. Change happens at the polls, and all associates are encouraged to make a plan and vote."

[Home Depot corporate website.](#)



"The right to vote is integral to our democracy. Intuit is committed to voting rights and we oppose voter suppression in any form. With the help of technology to make it even easier, every citizen should be able to exercise their right to vote."

[Susan Goodzari, Intuit CEO](#)



"Elections are at the core of who we are as Americans. During each and every election, Southern Company and our subsidiaries strongly encourage all of our employees to take part in the elections process and cast their vote. Broad participation is the first and most important principle of voting and our election system must encourage and allow for the full participation of all citizens. Our companies will continue to support efforts that promote fair, accessible, transparent and secure voting. Our commitment must remain to these enduring principles. We will continue to support efforts that facilitate a balanced approach to the election bills that have been introduced in Georgia."

[Southern Company corporate site.](#)

SCOPE OF RAGA SPENDING

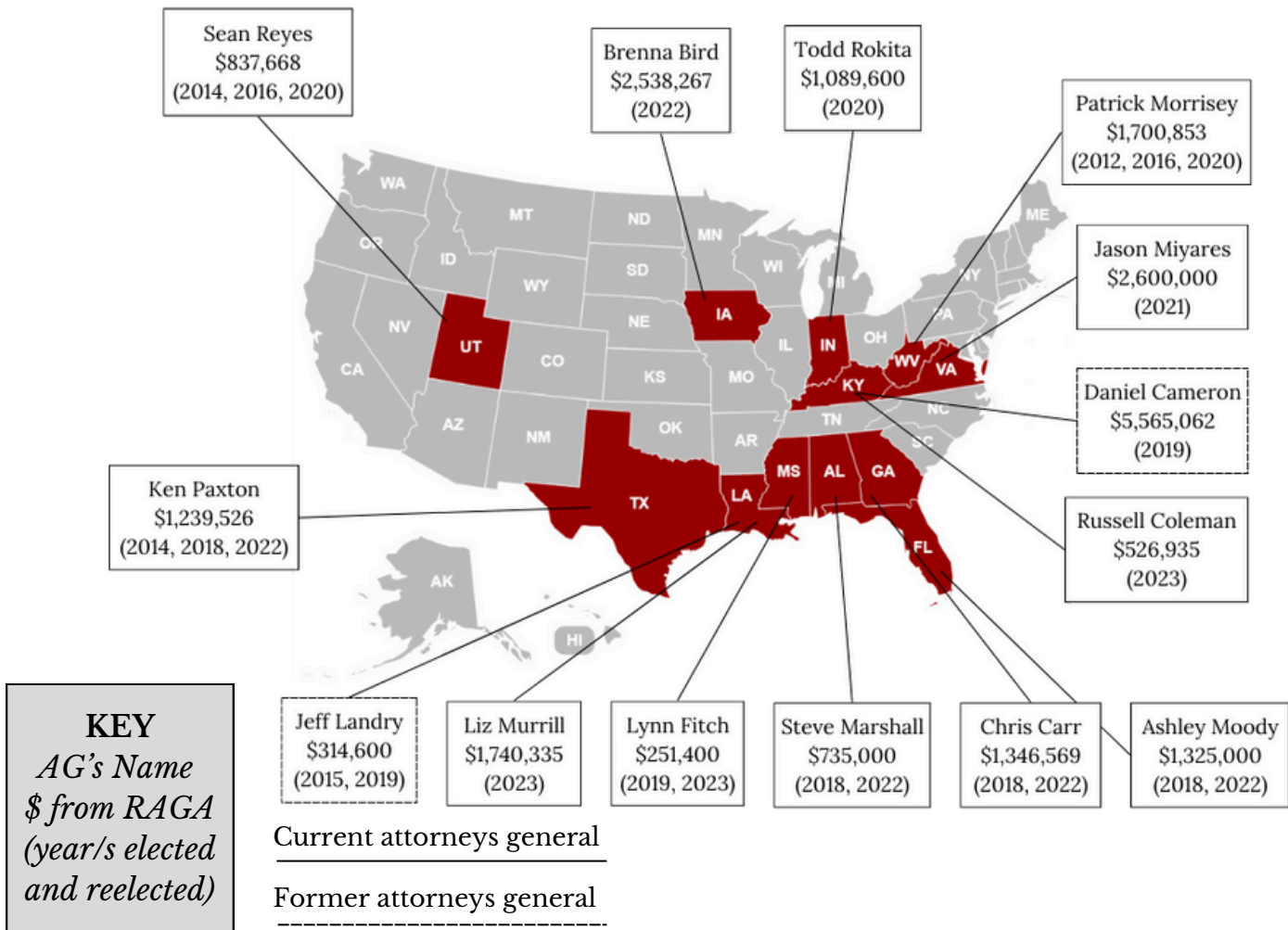
Since 2014, RAGA has spent nearly \$80 million on state attorneys general races in 23 states

State	Total spent by RAGA since 2014
Alabama	\$835,000
Arizona	\$10,320,775
Colorado	\$7,468,169
Florida	\$647,515
Georgia	\$1,581,369
Indiana	\$2,089,437
Iowa	\$1,801,650
Kentucky	\$8,794,924
Louisiana	\$514,700
Minnesota	\$2,688,076
Mississippi	\$401,400
Missouri	\$3,438,000

State	Total spent by RAGA since 2014
Nevada	\$7,262,907
New Mexico	\$880,915
North Carolina	\$4,167,041
Oklahoma	\$1,755,892
Pennsylvania	\$1,594,890
South Carolina	\$198,000
Texas	\$1,239,526
Utah	\$1,181,340
Virginia	\$9,308,811
West Virginia	\$1,807,553
Wisconsin	\$6,669,448
GRAND TOTAL	\$76,647,338

To show the scope and impact of RAGA spending on both state and national politics, this report focuses on the official actions of 12 current and two former attorneys general who were all elected with significant and recent support from RAGA.

State Attorneys General recently elected with support from RAGA



KEY IMPACTS OF RAGA SPENDING

Why does RAGA spending matter, when it comes to companies, employees, and democracy?

The final sections of this report examine the actions of 14 current and former state attorneys general. Each was elected or reelected with substantial support from RAGA. Each has repeatedly pursued legal and policy outcomes that are in conflict with, and create risks for, key corporate donors.

State attorneys general impact important national issues through both collective and individual actions.

State attorneys general have placed themselves at the heart of some of the most controversial social and political issues of the 21st century. RAGA-supported attorneys general were directly involved in ending the constitutional right to abortion in 2022. And many continue to fight against access to abortion care and medications. Ken Paxton, attorney general of Texas, led several other state attorneys general in unsuccessful lawsuits to undermine the legitimate results of the 2020 presidential election. Paxton has continued to join forces with other state attorneys general to challenge voting rights and ballot access around the country. Republican attorneys general also continue to work in concert to weaken environmental protections and erode progress in the fight against climate change.

In all of these cases, RAGA-funded attorneys general have collectively organized to file legal opinions in U.S. Supreme Court proceedings, or to sue the federal government or the governments of other states. This type of collective and controversial action on the part of state attorneys general is new. Historically, these collective suits and briefs have been filed primarily by bipartisan groups of state attorneys general.

However, these collective actions have become increasingly partisan in recent years, researchers have noted. One analysis found that of the amicus briefs filed by state attorneys general during Donald Trump’s presidency, 78 percent were partisan in nature, while only 25 percent were partisan during the presidency of George W. Bush.

The increasingly partisan and contentious nature of state attorney general actions has altered the risk calculus for companies that donate to groups like RAGA. Today, these donations inevitably associate companies’ money and brands with divisive, high-profile cases and issues that contradict company values.

The following graphics illustrate which RAGA-funded state attorneys general engaged in collective, partisan actions that create risks for RAGA’s corporate donors.








The current partisan approach to multistate litigation detracts from the [State Attorneys General] role. Filing multistate lawsuits (or failing to do so) for solely political reasons takes SAG discretion too far. In such circumstances SAGs are no longer representing the interests of their states and constituents. They are representing personal and party interests—even at the expense of those who they have a duty to represent.



- “Politization of State Attorneys General: How the Partisanship is Changing the Role for the Worse.” By Marissa A. Smith

The following graphics illustrate which RAGA-funded state attorneys general engaged in collective, partisan actions that create risks for RAGA's corporate donors. Each flow chart and map illustrates an amicus brief, a lawsuit, or threats to prosecute or file suits against companies. These actions are intended to challenged establish legal precedents in the areas of reproductive healthcare, climate change policy, or voter protections. They also undermine company commitments related to these issues.



Attorneys general target reproductive healthcare access

-  **Lawsuit** against the US Equal Employment Opportunity Commission (EEOC) to challenge a provision of the Pregnancy Workers Fairness Act that requires employers to provide accommodations for pregnancy-related health issues, including abortions. April 25, 2024.
-  **Amicus brief** in Supreme Court case challenging FDA approval of mifepristone, a drug commonly used in medication abortions. February 29, 2024.
-  **Amicus brief** in Supreme Court case challenging FDA approval of mifepristone, a drug commonly used in medication abortions. November 13, 2023.
-  **Letter** to Xavier Becerra, the US Secretary of Health and Human Services, seeking access to out-of-state private medical records to prosecute women who travel for abortion care. June 16, 2023.
-  **Letter to pharmacies** threatening to prosecute pharmacies for selling medications like mifepristone, even if the sale takes place in states where abortion is legal. February 1, 2023.

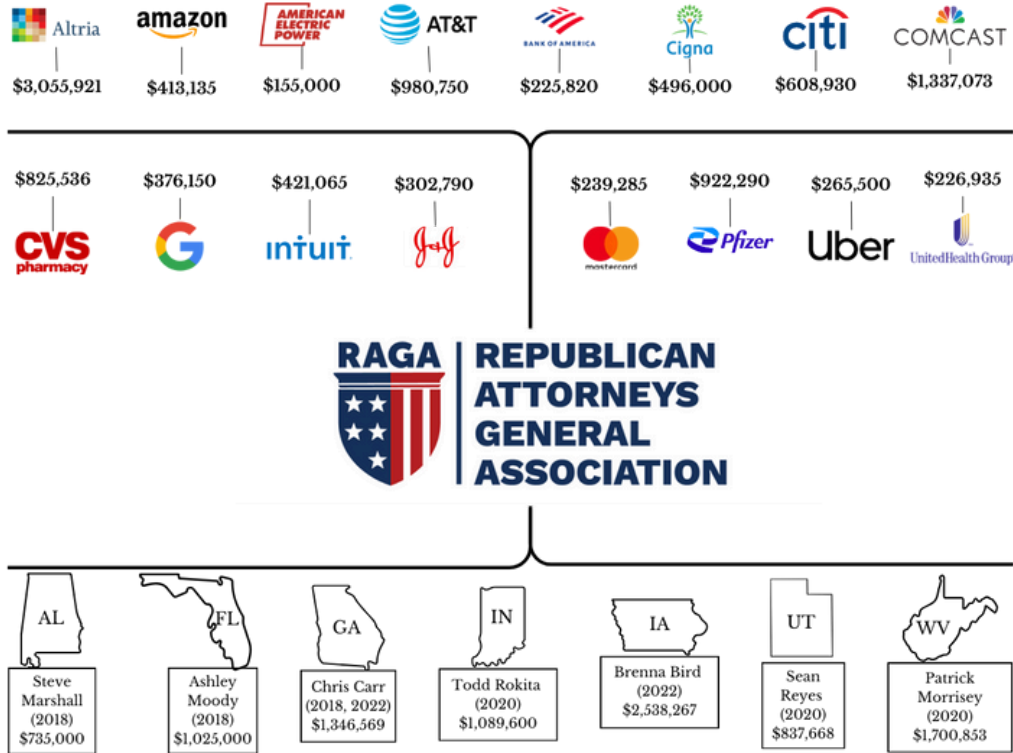
Attorneys general target voter rights and protections

-  **Amicus brief** in the US Court of Appeals arguing that certain absentee ballots in Pennsylvania should not be counted. January 3, 2024.
-  **Amicus brief** in the US Court of Appeals attacking a key provision of the Voting Rights Act of 1965. December 8, 2023.

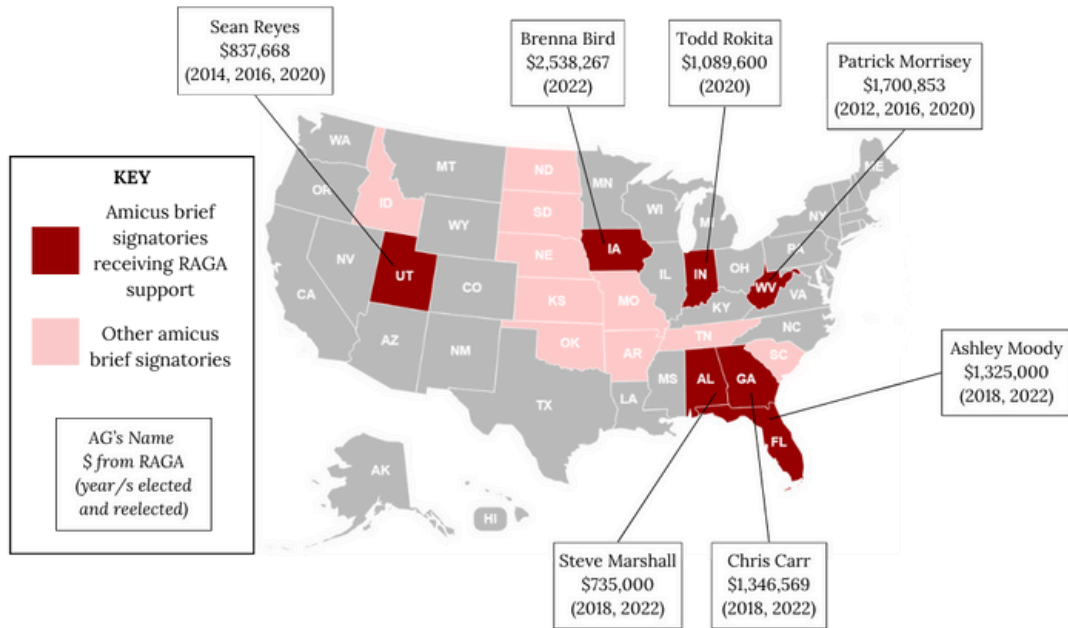
Attorneys general target clean energy policies

-  **Multiple lawsuits** against new rules proposed by the Securities and Exchange Commission (SEC) to standardize the disclosure of emissions responsible for climate change. March 2024.
-  **Multiple lawsuits** against the Environmental Protection Agency's (EPA) plans to combat climate and its effects. 2023 and 2024.

These companies have made public commitments to reproductive healthcare access.

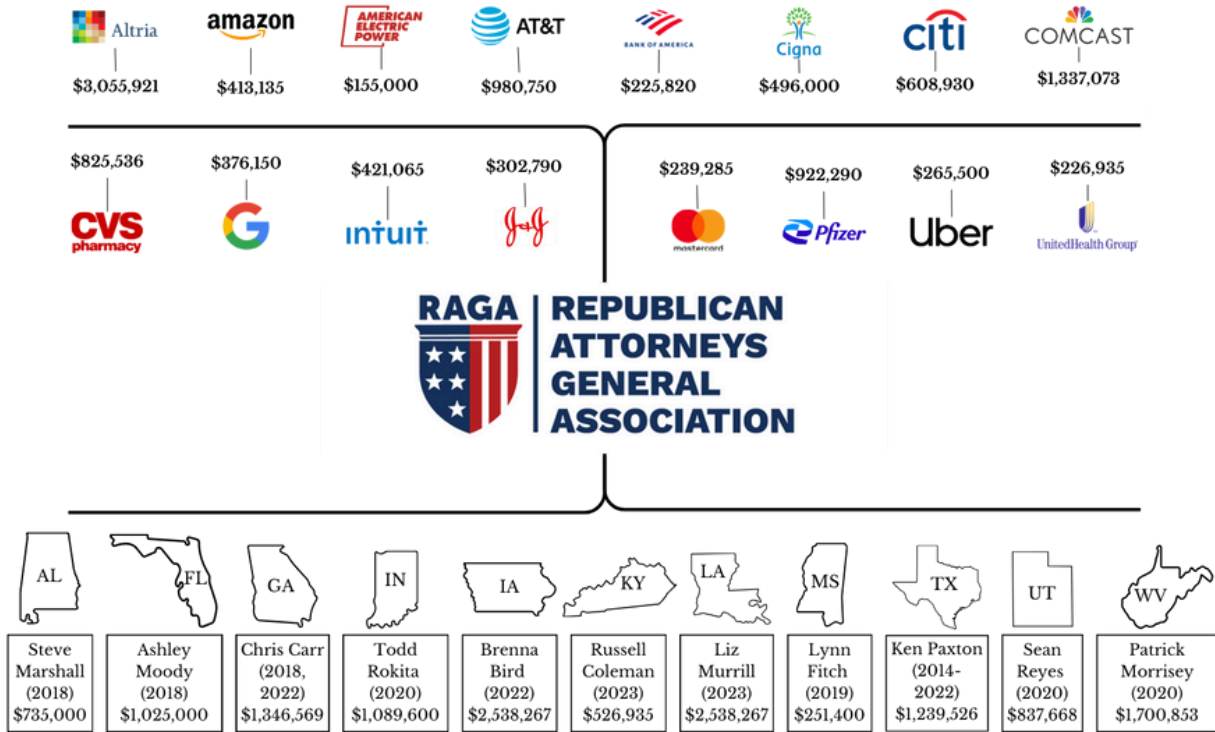


On April 25, 2024, these AGs filed suit against the EEOC challenging the Pregnant Workers Fairness Act and accommodations for workers who receive abortions

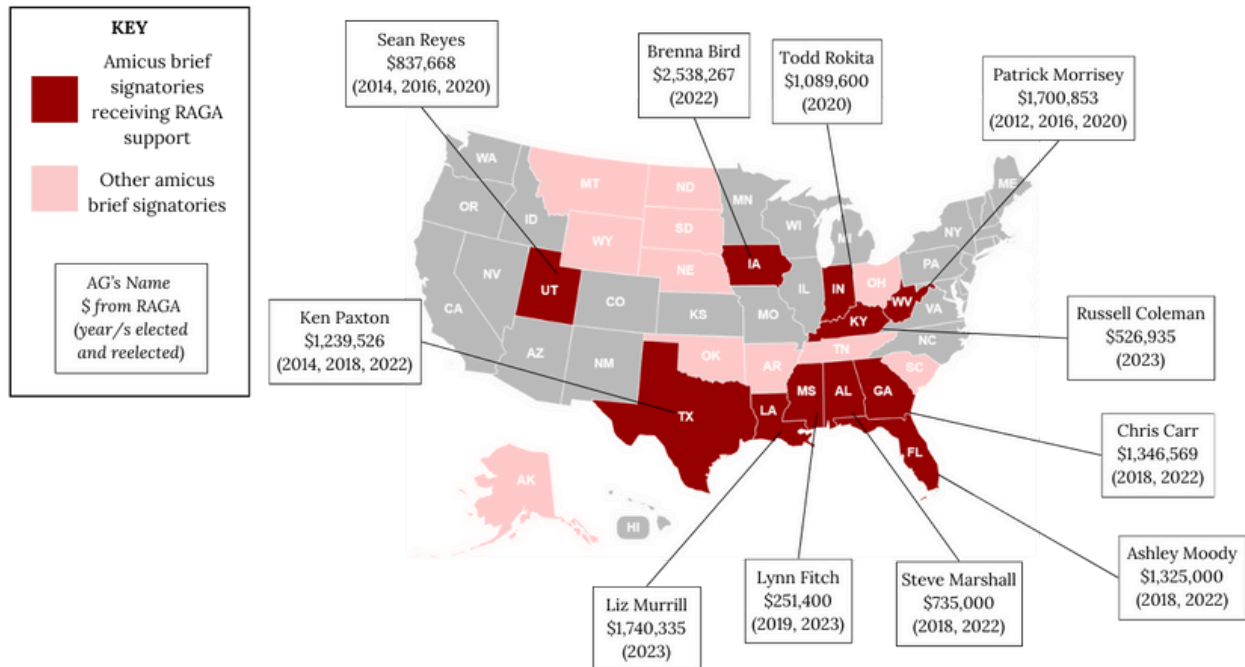


The EEOC has committed to defending the new law. The US Supreme Court may eventually hear the case.

These companies have made public commitments to reproductive healthcare access.

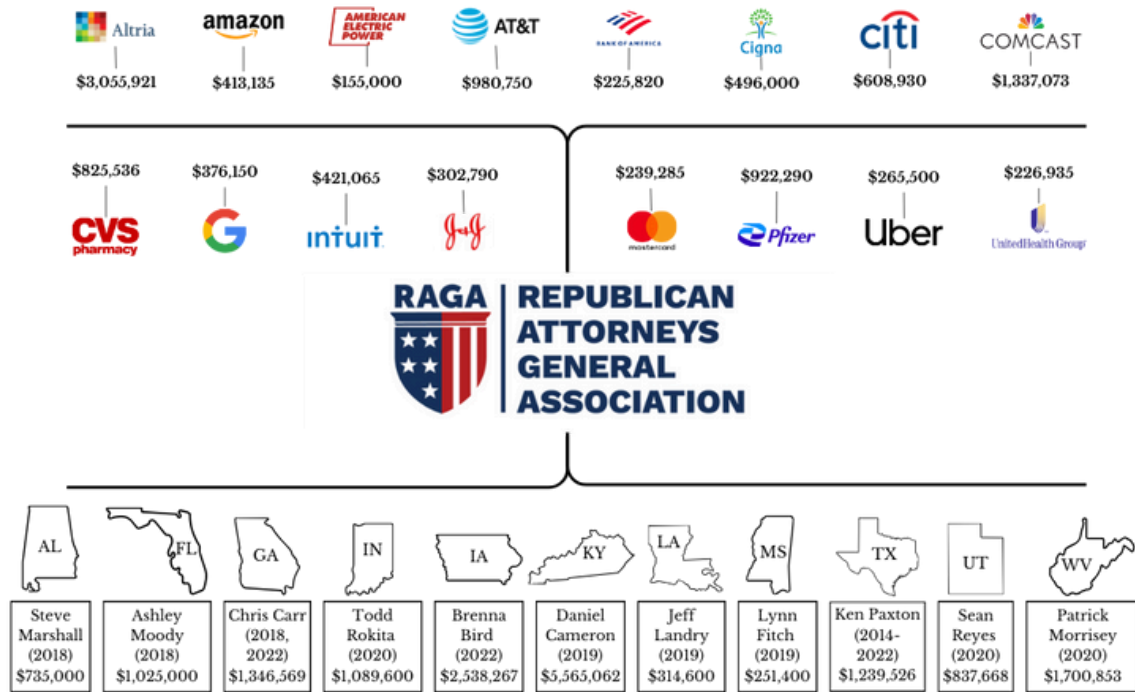


On February 29, 2024, these attorneys general signed an amicus brief challenging FDA approval of Mifepristone.

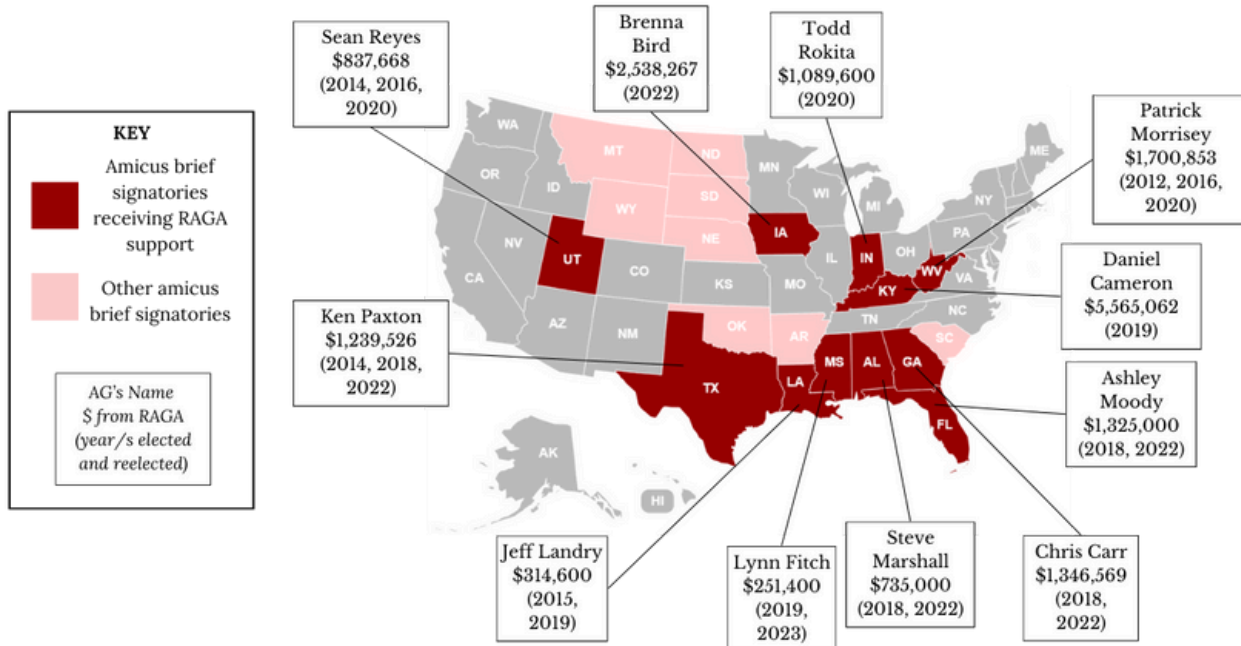


The case was heard by the Supreme Court on March 26, 2024. A decision is expected in June 2024.

These companies have made public commitments to reproductive healthcare access.

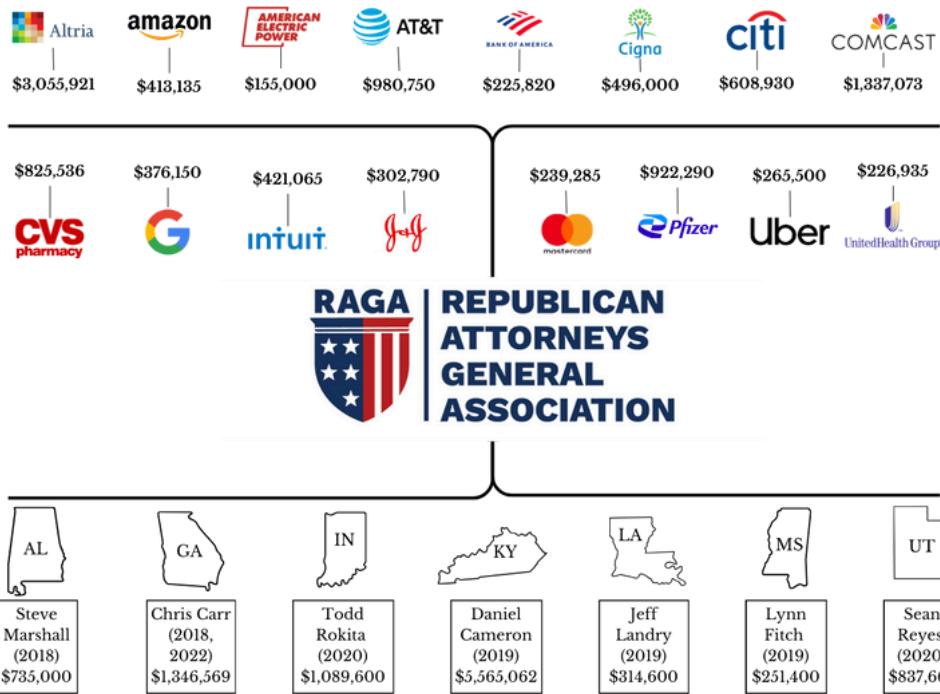


On November 13, 2023, these AGs signed an amicus brief challenging FDA approval of Mifepristone.

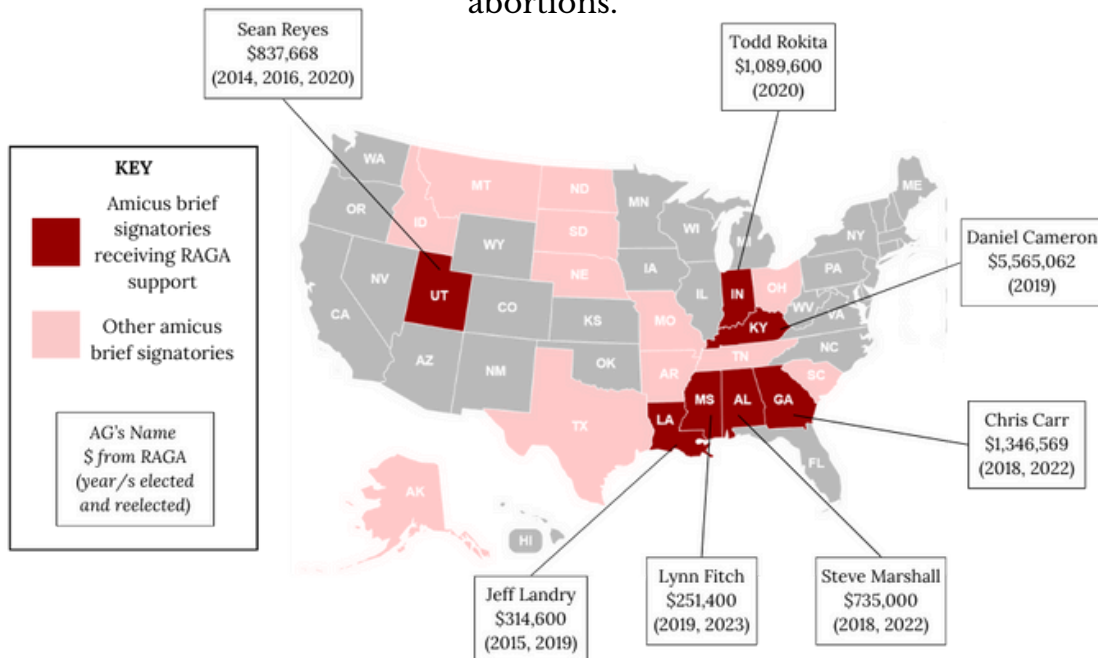


The case was heard by the Supreme Court on March 26, 2024. A decision is expected in June 2024.

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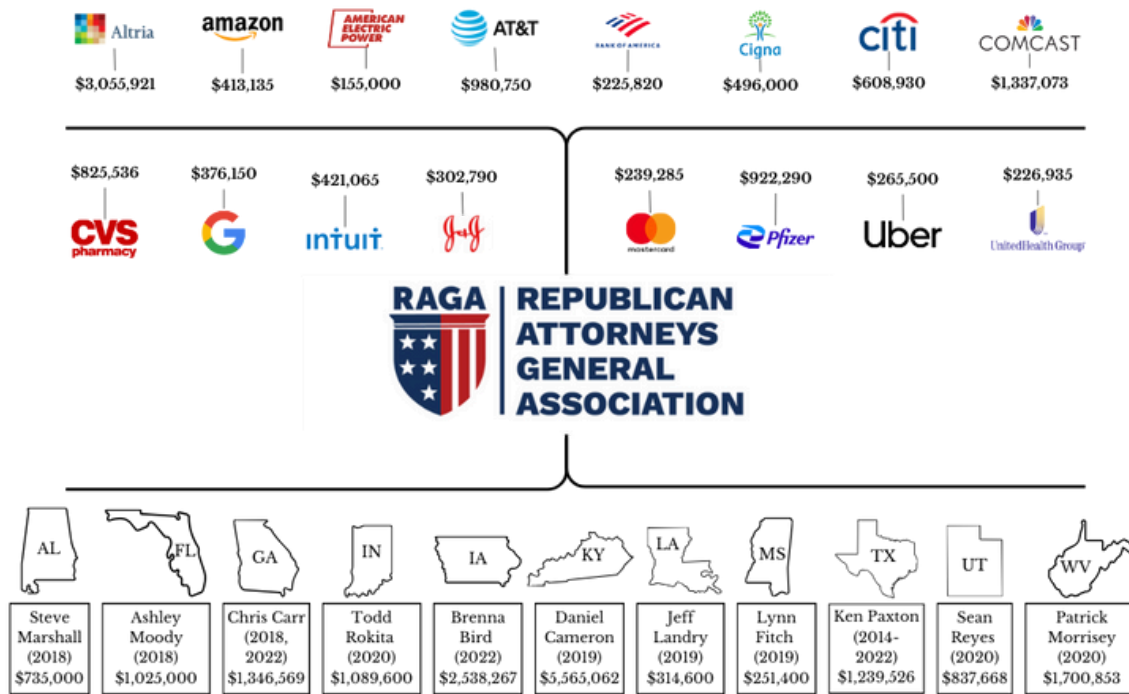


On June 16, 2023, these attorneys general wrote a letter to the HHS secretary seeking seeking access to out-of-state private medical records to prosecute women who sought abortions.

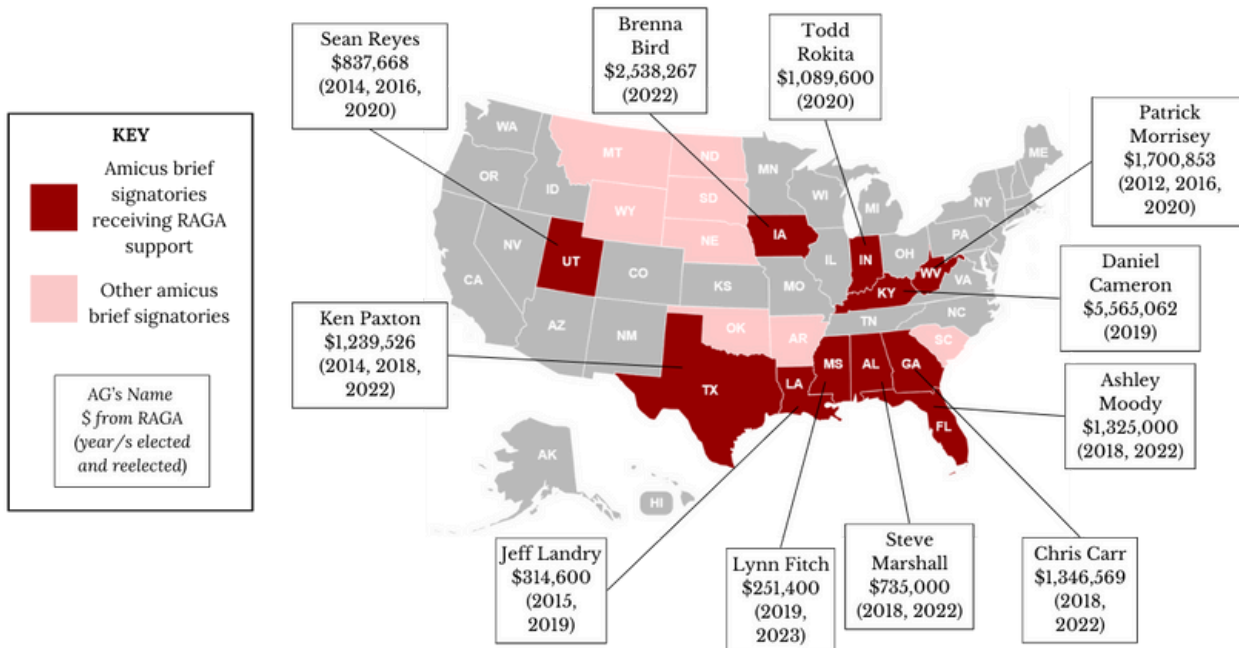


On April 22, 2024, the Biden Administration announced new rules to protect the privacy of patients seeking abortions across state lines.

These companies have made public commitments to reproductive healthcare access.

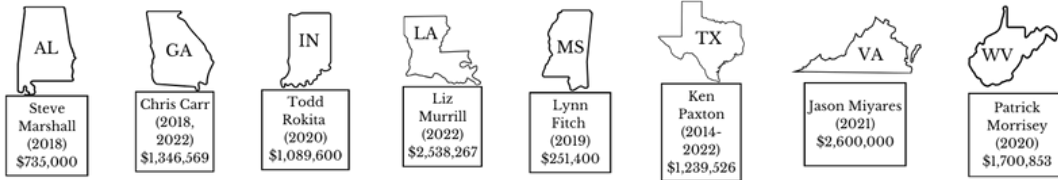


On February 1, 2023, these AGs wrote a letter to pharmacies threatening legal action for selling abortion medications, even in states without laws prohibiting their sale.

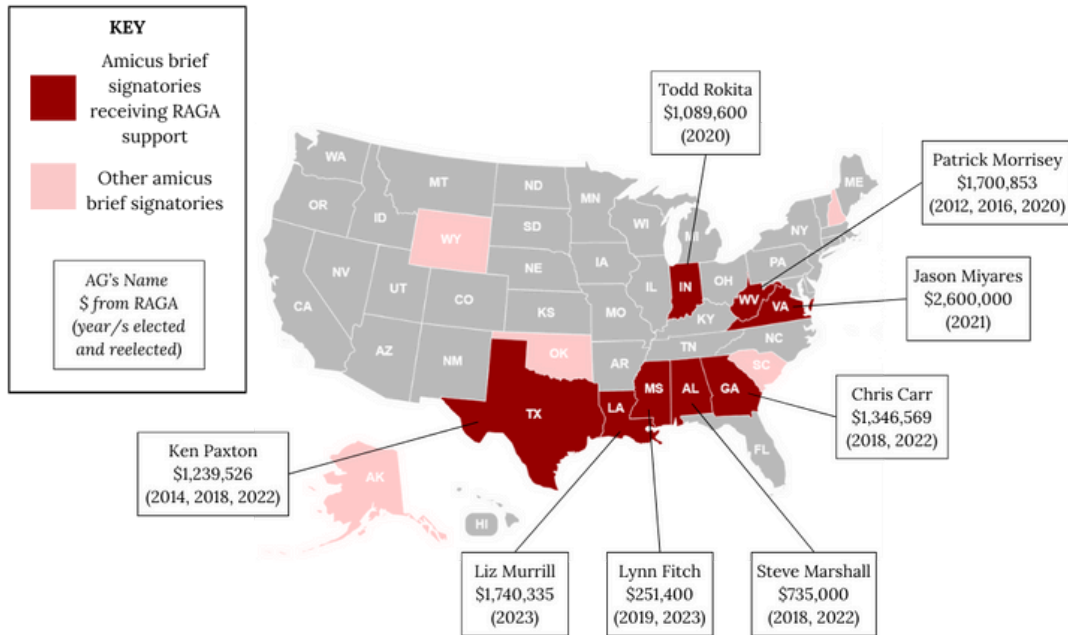


National retail pharmacies CVS and Walgreens reported that they still intended to sell the drug in states where it is legal to do so.

These companies have made public commitments to clean energy policies.

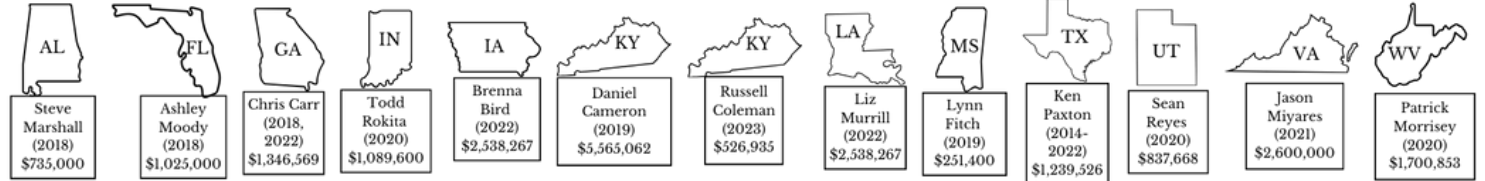


In March 2024, these attorneys general filed two separate suits against the SEC in an attempt to block new corporate carbon emissions standards.

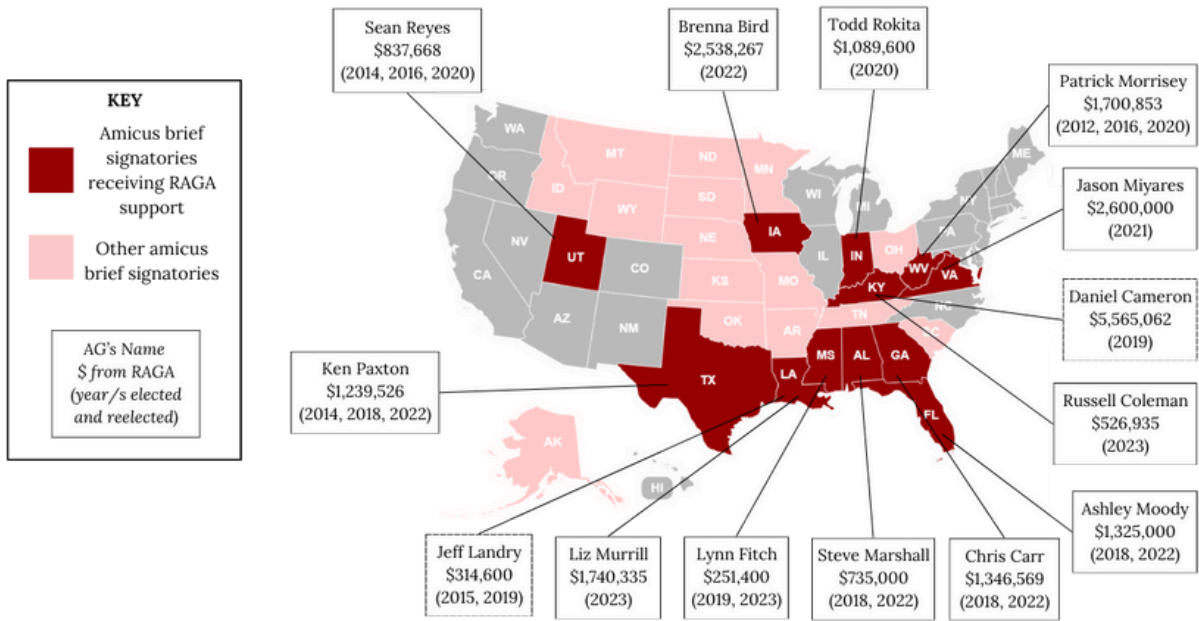


The SEC has placed a voluntary hold on new rules while these challenges are heard in Federal Courts. Companies have been cautioned that these suits will extend the legal and regulatory uncertainty around emissions disclosure rules.

These companies have made public commitments to clean energy policies.

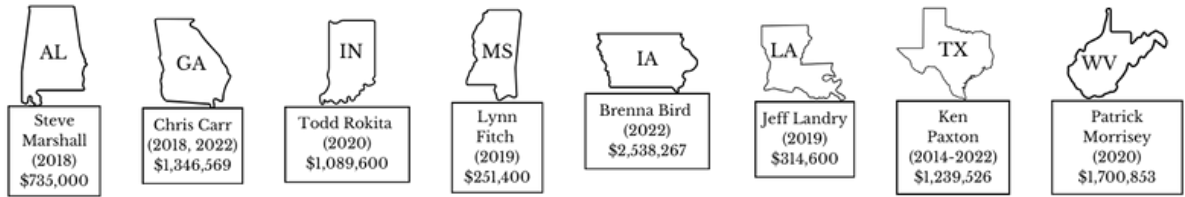


In 2023 and 2024, these attorneys general filed multiple suits against the EPA in attempts to block new corporate carbon emissions standards.

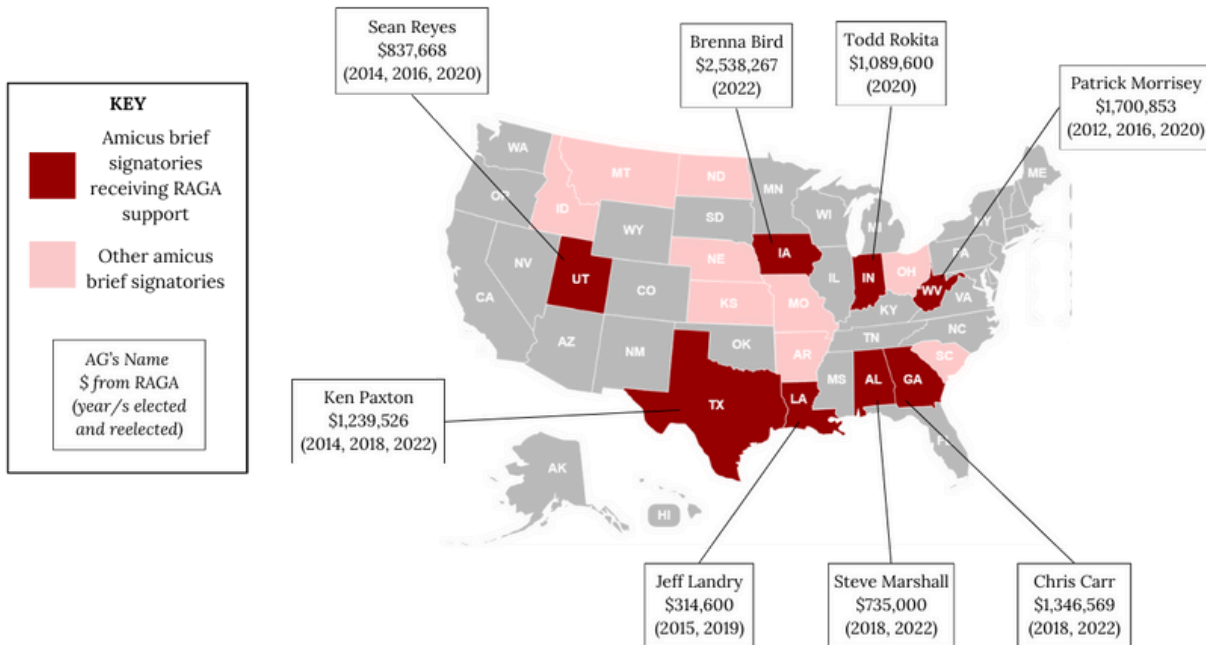


These suits are currently working their way through the Federal court system. State attorneys general have promised to pursue them to the Supreme Court, which could further limit the EPA’s regulatory power

These companies have made public commitments to democracy and voting rights.



On January 3, 2024, these AGs filed an amicus brief challenging Pennsylvania’s ability to count absentee ballots.

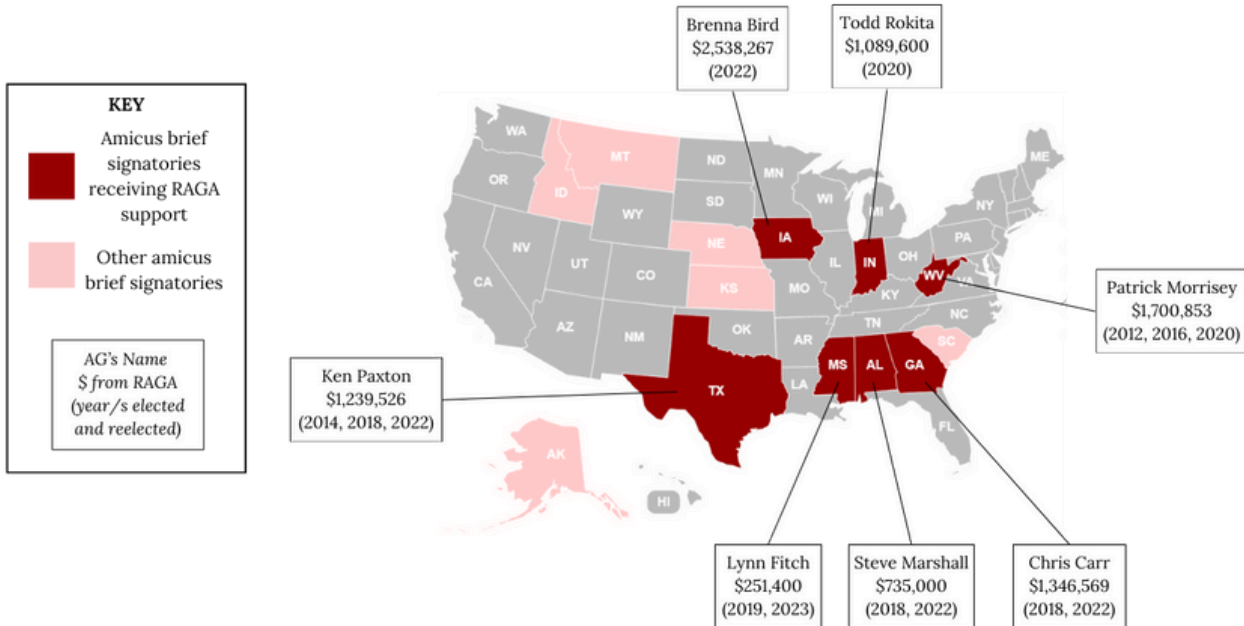


On March 27, 2024 the Court of Appeals ruled the absentee ballots in question should not be counted. The case is expected to eventually be appealed to the Supreme Court.

These companies have made public commitments to democracy and voting rights.



On December 8, 2023, these attorneys general filed an amicus brief challenging a section of the Voting Rights Act that allows civil rights groups to sue states for disenfranchising voters



An appeal of this case is expected to be heard in 2024 or 2025 at the US Supreme Court.

WRAP UP: HOW TO REDUCE THE ULTIMATE RISK

State attorneys general have placed themselves at the center of some of today's most contentious political issues and legal challenges. Corporate donors, when they support attorney general election campaigns via third-party groups like RAGA and DAGA, are associated with the actions of state attorneys general. Contributions to these groups have been crucial for underwriting the elections of state attorneys general who in turn have undermined company commitments to reproductive rights, the environment, and democracy.

Both academics and corporate governance experts have urged companies to strengthen their due diligence in managing political spending. This means knowing how third-party groups, including the attorneys general associations, are using company money; what this spending enables; and the issues that corporate brands are associated with through these contributions.

The examples of state attorney activity cited in this report are only the most recent controversial cases in which RAGA-supported attorneys general have been involved. For example, Lynn Fitch, the attorney general for Mississippi was the driving force behind the case that overturned Roe. She was first elected in 2019 with more than \$250,000 from RAGA. Patrick Morrissey, attorney general of West Virginia, was similarly involved in the 2022 U.S. Supreme Court case, West Virginia v. EPA, which limited the agency's ability to regulate the pollution that causes climate change. Morrissey received more than \$1.7 million in support from RAGA. He continues to challenge the Clean Air Act in 2024. And the Texas attorney general, Ken Paxton, has received more than \$1.2 million in support from RAGA since he was first elected in 2014. While in office, he filed the suit to overturn the Affordable Care Act and has repeatedly tried to curtail voting rights.

Meanwhile, corporate contributions to RAGA have tied certain donors to each of these issues.

Across all sectors, major companies have faced increased scrutiny over their election-related spending. It has prompted companies to increase their transparency, accountability policies for, and oversight of, many types of political giving. However, the consequences of unchecked spending to third-party groups like RAGA demonstrate that these commitments to transparency and accountability need to be deepened and strengthened. Despite companies' efforts, corporate contributions are used to fund candidates whose positions conflict with company policies, positions, and core values as well as their commitments to employees, customers and shareholders. More than ever, employees and other stakeholders are scrutinizing and challenging companies' stances on a range of issues and on their political spending choices. This scrutiny demands companies take action to address how they approach political spending.

There are already robust frameworks and guides to help companies strengthen their transparency and accountability around political spending, give them control over political spending, and more effectively manage the risk posed by that spending.

They are:

- **CPA's Guide to Corporate Political Spending**
- **The CPA-Zicklin Model Code of Conduct for Corporate Political Spending**
- **CPA's Guide to Becoming a Model Code Company**
- **CPA's Primer on Corporate Political Spending for Incoming Directors, and**
- **The Erb Principles for Corporate Political Responsibility**

A recent survey of US executives found that significant majorities of business leaders characterized the nation's political and legal/regulatory environment in 2024 as challenging or extremely challenging. As the election cycle continues to unfold, companies can and must confront these challenges head-on. Contributions to third-party groups like RAGA, which spend company donations to elect increasingly divisive officials, will continue to associate companies with serious risks. These risks already outweigh any of the potential rewards of access or political favor. Companies' policies on political spending must evolve with the political and risk environment. The CPA-Zicklin Model Code of Conduct for Corporate Political Spending provides companies with a framework – one that gives them the policies to justify decisions and control their political spending -- for making these changes now, and for guiding their political spending decisions into the future.

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