

# Michael Toner Weighs In on ‘Pop-up’ Super PACs in 2018 Elections

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*The Washington Post*

December 7, 2018

Michael E. Toner, co-chair of Wiley Rein’s Election Law & Government Ethics Practice, was quoted in a December 7 *Washington Post* article about the trend of “pop-up” super PACs that ran ads for or against campaigns in the days leading up to Election Day 2018 without disclosing their donors until after the election.

Super PACs can raise and spend unlimited amounts of money on politics but must disclose their donors and spending, as noted by *The Washington Post*. However, the publication said that new filings reveal that more than a dozen super PACs launched or paid for political ads in such a way that allowed them to publicly withhold who was spending money to influence voters until a month after the midterm elections.

Mr. Toner, former Chairman of the Federal Election Commission, said super PACs from both parties are taking advantage of a “critical hole in the disclosure regime” for super PACs.

“The general rule is that contributions received by super PACs and expenditures made by super PACs are publicly disclosed, and I think there’s broad consensus on the appropriateness of that,” Mr. Toner said. “The value of disclosure after Election Day is not nearly as pertinent as it is before Election Day.”

The article can be found here (*subscription may be required*).

## Related Professionals

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## Practice Areas

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Election Law & Government Ethics