

MONEY IN POLITICS CONSENSUS

January 16, 2016, following our Lively Issues Luncheon

The National League of Women Voters has requested consensus on two topics this year. We have completed the *Constitutional Amendment* consensus. The *Money in Politics* consensus will be conducted immediately following our Lively Issues Luncheon, January 16, 2016. Our speaker, Prof. Eleanor Neff Powell, will be discussing how money affects Congressional votes, a topic that will tie very nicely into the consensus questions.

Money in Politics is such a timely discussion topic for Wisconsin and the country, especially as local, state, and national elections draw near. The National League of Women Voters has identified a series of topics for us to discuss and provided numerous resources as background information.

This packet includes:

- 1) Background on the current League position
- 2) Information from the LWV Money in Politics Committee about why consensus is needed on changes to the position
- 3) Consensus questions in three parts. Each part has links to readings on the LWV website. PLEASE NOTE: The readings are in three formats. Links take you to web pages you can read on-screen. If you prefer to PRINT materials, scroll to the bottom of each screen and print the reading from either the .doc or .pdf file.

Because this issue is so important, and because LWV provided so many resources, the board thought it would be helpful to break the information into six thought-provoking sections and to encourage members to consider each section in advance of the January 16th Lively Issues Luncheon. Watch for weekly *Money in Politics* emails from LWVDC—each with a link to a suggested reading plus questions for you to ponder and perhaps discuss with family and/or friends.

For those who do not use email or who want to approach the materials differently, the same information, including a [PowerPoint presentation that may serve as a helpful starting point](#), is available on the national website. The easiest way to access the links to the readings is to find the electronic copy of this packet on our website (lwvdanecounty.org). Click on the Lively Issues Luncheon announcement. There you'll find a link to the consensus packet and can simply click the live links to the readings.

Alternatively, you can go to lwv.org, then click on **League Management Site** in the upper right. From there hover on **Our Work** until a menu drops down. Then click on **Money in Politics Review**, and find all the materials (as web pages, Word documents, or PDFs). Enjoy!

From the LWVUS League Management Site:

“The Money in Politics Committee will conduct an update of the League’s position on campaign finance for the purpose of addressing the lack of member understanding and agreement as to whether financing a political campaign is protected speech under the First Amendment. The campaign finance position will be updated through a study and consensus process to consider: (1) the rights of individuals and organizations, under the First Amendment, to express their political views through independent expenditures and the finance of election campaign activities; and (2) how those rights, if any, should be protected and reconciled with the interests set out in the current position.” — from **Money in Politics Review**

“Adopted in 1974, the League’s campaign finance position focuses only on the financing of election campaigns as it relates to the democratic process, i.e., opportunities for undue influence, opportunities to ensure equity among candidates, protection of the public right to know and to fully participate. In 1976, the United States Supreme Court approached the question of financing of election campaigns from the point of view of what the money actually funds and the interests of donors, candidates and independent spenders in preserving their ability to express political views through the activities being financed.” — from **Money in Politics Introduction and Overview**.

“The League position, with its more collective approach, does not answer the question of whether all or some political activity constitutes free speech protected under the First Amendment. Because it does not address that question, the position does not balance the First Amendment interests of candidates, donors, independent spenders, and issue advocates against the interest in equitable competition among candidates for office, preventing undue influence, and enhancing voter participation.” — from **Money in Politics Introduction and Overview**.

League's Position

Statement of Position on Campaign Finance, as Announced by National Board, January 1974 and Revised March 1982:

The League of Women Voters of the United States believes that the methods of financing political campaigns should ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office and allow maximum citizen participation in the political process. *This position is applicable to all federal campaigns for public office — presidential and congressional, primaries as well as general elections. It also may be applied to state and local campaigns.*

The League's position on Campaign Finance reflects continuing concern for open and honest elections and for maximum citizen participation in the political process. The League's campaign finance reform strategy has two tracks: 1) achieve incremental reforms where possible in the short term, and 2) build support for public financing as the best long-term solution.

To varying degrees, current law reflects some League goals: full and timely disclosure of campaign contributions and expenditures; one central committee to coordinate, control and report financial transactions for each candidate, party or other committee; an independent body to monitor and enforce the law; and the encouragement of broad-based contributions from citizens.” — from **Money in Politics Introduction and Overview**.

The Consensus questions with links to Money in Politics committee papers follow. It is links to these readings and questions that will be emailed to members periodically prior to the Lively Issues Luncheon. Interestingly, there is not a question asking whether there should be campaign finance regulation.

We strongly urge you to read as much as you can before the January meeting and also to review the questions. We will not have a great deal of time to do the Consensus and there are several challenging questions to consider.

MONEY IN POLITICS CONSENSUS QUESTIONS

With Links to MIP Committee Papers

This update on Money In Politics builds on the League's current position on campaign finance. The consensus questions in Part I address the goals of campaign finance regulation in terms of democratic values. The questions in Part II relate to the extent to which First Amendment protections like free speech and freedom of the press should apply to various speakers and activities in the campaign finance context. Part III asks about methods of campaign finance regulation. **You are asked to respond to the questions without regard for the Supreme Court's current views on the First Amendment.** In responding to each question, please interpret the words in their most general sense. Keep in mind that the LWV intentionally words positions that are derived from member study in the broadest possible way so that our positions have relevance for many years. Future national Boards will determine when and how to apply our positions.

An optional comment section is included at the end of each of the three parts. Please note that while comments will be read and considered, only responses to questions can be tabulated.

Because issues around Money in Politics and its First Amendment implications are so complex, there is some overlap in the topics covered in the background papers. For each of the three question parts below we have matched papers to provide helpful background information on those topics. All of the readings can be found at <http://forum.lwv.org/category/member-resources/our-work/money-politics-review>.

PART I QUESTIONS: Democratic Values and Interests with Respect to Financing Political Campaigns

Background Readings

Here are readings that provide background on the issues that the Part I questions are asking about:

- *Money in Politics: Introduction and Overview* (<http://forum.lwv.org/member-resources/article/money-politics-mip-introduction-and-overview>)
- *Shifts in Supreme Court Opinion about Money in Politics* (<http://forum.lwv.org/member-resources/article/money-politics-shifts-supreme-court-opinion-about-money-politics>)
- *The Role of the Supreme Court in Interpreting the Constitution* (<http://forum.lwv.org/member-resources/article/money-politics-role-supreme-court-interpreting-constitution>)
- *Evidence of Spending's Impact on Electoral and Legislative Outcomes* (<http://forum.lwv.org/member-resources/article/evidence-spending-impacts-electoral-and-legislative-outcomes>)
- *Corruption and Rationales for Regulating Campaign Finance* (<http://forum.lwv.org/member-resources/article/money-politics-corruption-and-rationales-regulating-campaign-finance>)

1. What should be the goals and purposes of campaign finance regulation?

(Please respond to each item in Question 1.)

a. Seek political equality for all citizens.

Agree Disagree No consensus

b. Protect representative democracy from being distorted by big spending in election campaigns.

Agree Disagree No consensus

c. Enable candidates to compete equitably for public office.

Agree Disagree No consensus

d. Ensure that candidates have sufficient funds to communicate their messages to the public.

Agree Disagree No consensus

e. Ensure that economic and corporate interests are part of election dialogue.

Agree Disagree No consensus

f. Provide voters sufficient information about candidates and campaign issues to make informed choices.

Agree Disagree No consensus

g. Ensure the public's right to know who is using money to influence elections.

Agree Disagree No consensus

h. Combat corruption and undue influence in government.

Agree Disagree No consensus

2. Evaluate whether the following activities are types of political corruption:

(Please respond to each item in Question 2.)

a. A candidate or officeholder agrees to vote or work in favor of a donor's interests in exchange for a campaign contribution.

Agree Disagree No consensus

b. An officeholder or her/his staff gives greater access to donors.

Agree Disagree No consensus

c. An officeholder votes or works to support policies that reflect the preferences of individuals or organizations in order to attract contributions from them.

Agree Disagree No consensus

d. An office holder seeks political contributions implying that there will be retribution unless a donation is given.

Agree Disagree No consensus

e. The results of the political process consistently favor the interests of significant campaign contributors.

Agree Disagree No consensus

OPTIONAL COMMENTS (250 word limit):

PART II QUESTIONS: First Amendment Protections for Speakers and Activities in Political Campaigns

This set of questions is designed to determine the extent to which the First Amendment protections of free speech and freedom of the press should apply to different speakers or activities in the regulation of campaign finance. Free speech and free press provide essentially the same protections to speakers, writers, publishers and advertising, whether or not they are part of the institutional press, and largely regardless of the medium. Essentially, these protections extend to any conduct that is expressive. Many of the options below would be found unconstitutional by the current Supreme Court, but we are seeking your League's views, not those of the Court. These are broad, overarching questions about spending to influence an election, including independent spending, contributions to candidates, broadcast news and other communication expenditures.

Background Readings

Here are readings that provide background on the issues that the Part II questions ask about:

- *The First Amendment* (<http://forum.lwv.org/member-resources/article/money-politics-first-amendment>)
- *The Debate: Can Government Regulate Money in Politics?* (<http://forum.lwv.org/member-resources/article/money-politics-debate-can-government-regulate-money-politics>)
- *Hard, Soft and Dark Money* (<http://forum.lwv.org/member-resources/article/hard-soft-and-dark-money>)
- *Independent Expenditures* (<http://forum.lwv.org/member-resources/article/money-politics-independent-expenditures>)
- *The New Soft Money, pp. 17-27* (<http://forum.lwv.org/member-resources/article/new-soft-money-daniel-p-tokaji-renata-e-b-strause-e-book>)

1. Many different individuals and organizations use a variety of methods to communicate their views to voters in candidate elections. Should spending to influence an election by any of the following be limited?

(Please respond to each item in Question 1.)

a. Individual citizens, including wealthy individuals like George Soros and the Koch Brothers.

Spending banned Some spending limits Unlimited spending No consensus

b. Political Action Committees, sponsored by an organization, such as the League of Conservation Voters, Chevron, the American Bankers Association, and the International Brotherhood of Electrical Workers (IBEW), whose campaign spending comes from contributions by individuals associated with the sponsoring organization, such as employees, stockholders, members and volunteers.

Spending banned Some spending limits Unlimited spending No consensus

c. For-profit organizations, like Exxon, Ben and Jerry's, General Motors, and Starbucks, from their corporate treasury funds.

Spending banned Some spending limits Unlimited spending No consensus

d. Trade associations, like the U.S. Chamber of Commerce, the American Wind Energy Association, and the American Petroleum Institute, from the association's general treasury funds.

Spending banned Some spending limits Unlimited spending No consensus

e. Labor unions, like the United Autoworkers and Service Employees International, from the union's general treasury funds.

Spending banned Some spending limits Unlimited spending No consensus

f. Non-profit organizations, like the Sierra Club, Wisconsin Right to Life, Coalition to Stop Gun Violence, American Crossroads, and Priorities USA, from the organization's general treasury funds.

Spending banned Some spending limits Unlimited spending No consensus

g. Non-partisan voter registration and GOTV (get out the vote) organizations and activities, like the LWV and Nonprofit Vote.

Spending banned Some spending limits Unlimited spending No consensus

h. Political parties, like the Republicans, Libertarians, and Democrats.

Spending banned Some spending limits Unlimited spending No consensus

i. Candidates for public office spending money the candidate has raised from contributors.

Spending banned Some spending limits Unlimited spending No consensus

j. Candidates for public office spending their own money.

Spending banned Some spending limits Unlimited spending No consensus

2. The press plays a major role in candidate elections through editorial endorsements, news coverage, and other communications directly to the public that are often important to the outcome. Should such spending to influence an election by any of the following be limited?

(Please respond to each item in Question 2.)

a. Newspapers, like the New York Times and the Wall Street Journal.

Spending banned Some spending limits Unlimited spending No consensus

b. Television and other electronic media, like Fox News, CNN, MSNBC and CBS.

Spending banned Some spending limits Unlimited spending No consensus

c. Internet communications, like Huffington Post, Breitbart, Daily Kos, and individual bloggers.

Spending banned Some spending limits Unlimited spending No consensus

OPTIONAL COMMENTS (250 word limit):

PART III QUESTIONS: Methods for Regulating Campaign Finance to Protect the Democratic Process

Background Readings

Here are readings that provide background on the issues that the Part III questions are asking about:

- *Options to Reform Money in Politics* (<http://forum.lwv.org/member-resources/article/options-reforming-money-politics>)
- *Action in the States* (<http://forum.lwv.org/member-resources/article/money-politics-action-states>)
- *Enforcement of Federal Campaign Finance Law* (<http://forum.lwv.org/member-resources/article/mip-enforcement-federal-campaign-finance-law>)

1. In order to achieve the goals for campaign finance regulation, should the League support?

(Please respond to each item in Question 1 a and b.)

a. Abolishing SuperPACs and spending coordinated or directed by candidates, other than a candidate's own single campaign committee.

Agree Disagree No consensus

b. Restrictions on direct donations and bundling by lobbyists? (Restrictions may include monetary limits as well as other regulations.)

Agree Disagree No consensus

c. Public funding for candidates? Should the League support:

(You may respond to more than one item in Question 1 c.)

i. Voluntary public financing of elections where candidates who choose to participate must also abide by reasonable spending limits?

Agree Disagree No consensus

ii. Mandatory public financing of elections where candidates must participate and abide by reasonable spending limits?

Agree Disagree No consensus

iii. Public financing without spending limits on candidates?

Agree Disagree No consensus

2. How should campaign finance regulations be administered and enforced?

(You may choose more than one response for Question 2.)

- a. By an even-numbered commission with equal representation by the two major political parties to ensure partisan fairness (current Federal Election Commission [FEC] structure)?

- b. By an odd-numbered commission with at least one independent or nonpartisan commissioner to ensure decisions can be made in case of partisan deadlock?

- c. By structural and budget changes to the FEC (e.g., commission appointments, staffing, security, budget, decision making process) that would allow the agency to function effectively and meet its legislative and regulatory mandates.

- d. No consensus.

OPTIONAL COMMENTS (250 word limit):