

Money in Politics Study Information Packet

League Money In Politics Study Material for January 16, 2016

Tryon Branch Library, 1200 Langley Ave., Program 10:30 am

(Please bring this study material with you to the League meeting.)

Money in Politics (MIP)

by Elizabeth King, Study Chair, 920-246-0904

The League has been a national leader on campaign finance reform since the 1970's, even before the Supreme Court's landmark 1976 ruling in *Buckley v. Valeo*.

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
- Allow maximum citizen participation in the political process.

The League lobbied for the passage of the Federal Election Campaign Act (FECA) of 1971 and for the 1974 FECA amendments, which set contribution limits, established public financing for presidential elections, and required disclosure of campaign spending. The League's position on campaign finance was last modified in 1982.

Using these positions, the League has worked toward two main goals in recent years:

- transparency in financing political campaigns
- Fighting big money and its influence on elections and government

The Supreme Court's Approaches Toward Regulating Campaign Finance

Between 1976-2010 the Supreme Court accepted three rationales for regulating campaign finance:

- (1) Quid Pro Quo (this for that)
- (2) Distortion of the political process
- (3) Political Equality

This approach changed in the Citizens United (2010) decision when the Court rejected rationales (2) and (3). Arguments that have been set forth in support of limitations on campaign finance since 2010 are:

- (1) Dependence corruption
- (2) Electoral integrity

- (3) Misalignment and responsiveness to large donors.

(Abridged from Corruption and Rationality for Regulating Campaign Finance...article from LWVUS, 2015)

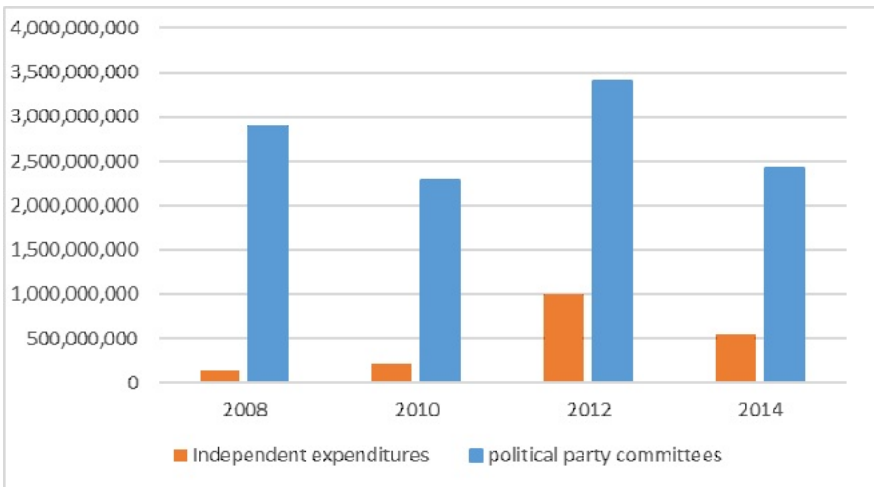
Recent Court Decisions on Campaign Finance

<u>Date and "Actor"</u>	<u>Decision</u>
SCOTUS - 2010 Citizens United v. Federal Election Commission	Upholds disclosure requirements in elections Affirms a corporations - all forms of corporations - including non-profit organizations, trade associations and for-profit multi-national corporation - as well as labor unions right to spend unlimited money independently in elections; (ban on direct corporation contributions to candidates remains).
Various courts based on Citizens United decision	Overturns limits on issue ads in BCRA* while upholding disclosure of issue ad spending. Creates legal framework for Super PAC
SCOTUS - 2011 McComish v. Bennett	Allows traditional PAC to merge with Super PAC - though PAC has contribution limits it can contribute directly to candidate. Creates a Hybrid PAC
SCOTUS - 2014 McCutcheon v. Federal Election Commission	Overturns AZ law which granted additional public funds to a candidate being outspent by privately financed opponent or independent groups. Overturn federal aggregate limits on campaign contributions to candidates, political parties and political committee.

* Bipartisan Campaign Reform Act of 2002 (McCain-Feingold Act)

With Thanks to the Massachusetts and California Leagues for information contained in above chart., www.LWV.org

Campaign Expenditures by Source



Definitions for Money in Politics Terms

from *Study Guide for the Money in Politics Consensus*

Official definitions for many terms are found in the statutes dealing with campaign finance reporting. For example, many terms are defined in the Federal Election Commission's (FEC) compilation and index of federal election campaign laws at <http://www.fec.gov/law/feca/feca.pdf>. Those include: "election," "candidate," "political committee," "campaign committee," "national committee," "state committee," "political party," "contribution," "expenditure," "independent expenditure," "coordination," and "public communication."

For convenience, unofficial definitions of some of these terms and others follow, but it is important to know that for legal purposes many of these have detailed and well-established meanings in law that are only approximated here.

501 (c)(4)s. Social welfare organizations... civic leagues or organizations not fund-raisers for profit but operated exclusively for the promotion of social welfare. These groups are allowed to participate in politics, so long as politics do not become their primary focus...in practice they must spend less than 50 percent of their money on politics.

Bundling. Activity of fund-raiser who pool a large number of campaign contributions from political action committee (PACs) and individuals. Bundlers are able to funnel far more money to campaigns than they would personally give under campaign finance laws. Disclosure requirements only go into effect when (1) a bundler personally hands over checks or (2) a bundler is a registered lobbyist and meets specific fund-raising threshold. Most campaigns get around rules by not having the bundler ever touch the checks or having multiple lobbyists take credit for small portions of the bundled fund-raising, falling short of disclosure threshold.

Candidate's Committee or Party Committee. These have the purpose of aiding an individual candidate or a particular political party respectively.

Contribution. Gifts, money, loans, or anything of value given for the purpose of influencing an election (candidate or ballot initiative), including services paid for by a third party. Services provided by volunteers are excluded.

Coordination. An expenditure for express advocacy made in "cooperation, consultation or concert" with or at the request of a candidate, or an agent of the candidate's committee or of a political party committee. However, the FEC's interpretations exclude many common-sense examples of cooperation.

Corruption. In *Buckley v. Valeo* (1976), the Supreme Court ruled that corruption or the appearance of corruption is a justification for limiting free speech rights in campaign finance law. The current Court has continuously narrowed the definition of corruption as a quid pro quo exchange. This fails to recognize the corruption of the political process when millionaires and billionaires can spend unlimited sums in an election. It also fails to recognize the subtle influence or favored access granted to a large donor by an elected official who was supported by big spending. (See *quid pro quo*.)

Dark Money. Political spending, the source of which is not disclosed under current regulations. This is typically accomplished through an arrangement whereby the originating donor contributes to a nonprofit corporation (that is not required to disclose) and that in turn makes an expenditure disclosed under the name of the corporation rather than the originating donor.

Electioneering Communication. Broadcast, cable or satellite transmissions that refer to a clearly identified candidate, targeted to the relevant electorate and made within 30 days before a primary election or 60 days before a general election.

Expenditure. Any purchase, payment or other use of money or anything of value for the purpose of influencing an election. It includes the transfer of money or anything of value between political committees. It does not include any news story, or editorial; any nonpartisan voter registration or get out the vote activity; or communications by an organization to its members.

Express Advocacy. Political communications that explicitly advocate for the defeat or election of a clearly identified federal candidate. *Citizens United v. FEC* (2010) allowed corporations, unions and non-profit groups to use their general treasuries to fund express advocacy so long as it was not done in coordination with a candidate. (See coordination and independent expenditure.)

Federal Election Commission (FEC). The six-member, bi-partisan federal commission with enforcement, regulatory and interpretative authority over federal campaign finance law. Four votes are required for the FEC to act.

Hard Money. Direct contributions to a political candidate. These contributions may only come from an individual or a political action committee, and are limited to \$2,700 per election for an

individual. They are subject to broad disclosure rules set by the FEC. Corporations and unions may not contribute directly to federal candidates. (See soft money.)

Independent Expenditure. An expenditure that is not coordinated with any candidate or political party committee. (See coordination and express advocacy.) See, Money in Politics "Independent Expenditure" issue paper.

Issue Advocacy. Political communications in the form of advertising that is framed around an issue. Outside the election cycle, many groups use issue ads as part of their lobbying campaigns, but close to an election they can point a voter toward or against a candidate even if the ad doesn't contain express advocacy. Congress and the Court have not been able to agree what constitutes a "true" issue ad and a "sham" one for regulating contributions and expenditures in elections. Issue ads that explicitly mention or depict a candidate that are broadcast within 30 days of a primary election or 60 days of a general election must be reported to the FEC as electioneering communications.

Political Action Committee (PAC). A political committee organized for the purpose of raising and spending money to elect and defeat candidates. Most PACs represent business, labor or ideological interests. PACs can give \$5,000 to a candidate committee per election. (See hard money.)

Public Financing. Money provided by local state, or federal governments to candidates to fund their campaigns. Public financing is a way to reduce the dependence on private money from individuals and organizations that characterizes our current campaign finance system.

Quid Pro Quo. A Latin phrase that literally means "this for that." In the context of political campaign finance, it refers to the kind of corruption that justifies limits on First Amendment rights. The Supreme Court has been narrowing its definition of quid pro quo corruption so it is virtually the same as bribery -- an explicit agreement by a candidate or elected official to perform a specific act in exchange for something of value. Hence the Court ignores the subtle influence or favored access granted to a large donor, and rejects the notion of corrupting the election process or achieving greater political equality. (See corruption.)

Soft Money. Prior to the Bipartisan Campaign Reform Act (BCRA, 2002), soft money consisted of huge contributions to a political party for "party-building activities." Such contributions had no limits but could not lawfully be used for express advocacy. They did, however, provide access and special treatment for donors. Soft money is still barred by BCRA, but Citizens United opened a similarly large loophole by providing for unlimited independent expenditures by corporations, unions and non-profit organizations.

SuperPAC. A political action committee that makes

unlimited independent expenditures that are not coordinated with any candidate or party. SuperPACs run ads, send mail or communicate in other ways with messages that may advocate the election or defeat of a particular candidate. There are no limits or restrictions on the sources of funds or on the amounts of SuperPAC expenditures. However, both PACs and Super PACs are required to file timely financial reports with the FEC that include the names and amounts from donors above a base level (generally \$200), along with the amounts of their expenditure.



"Independent Expenditures"

Article summary by Rosemary Hays-Thomas

Brief history of campaign finance regulation and independent expenditures

The 1971 Federal Election Campaign Act (FECA), partly still in effect after Citizens United, considers independent expenditure to be one

- Paying for communication that advocates election or defeat of
- A specific and identified candidate
- NOT made in "cooperation, consultation, or concert with" or following suggestion or request of a candidate or party, and
- NOT coordinated with party or candidate.

FECA originally placed limits on

- Campaign expenditures for media;
- Candidate self-funding;
- Campaign expenditures by corporations and labor unions.

In addition, FECA required public disclosure of contributions and expenditures. Political Action Committees (PACs) were created to receive aggregated contributions to campaigns and make independent expenditures, and both contributions and expenditures were limited and disclosed.

These protections have been eroded severely in subsequent years by decisions of the Supreme Court, decisions or inaction on the part of federal bodies, and the creativity of those with huge amounts of money to spend to influence the outcome of elections.

The Supreme Court now recognizes only one constitutional justification for regulating campaign contributions: to prevent quid pro quo corruption, meaning payment for favors from office-holders. Because "independent expenditures" do not go to candidates, they supposedly could not produce such corruption. This idea is actually contrary to the way things really work under present law. Candidates do know the major contributors to their

Continued on page 4...

501(c) Spending, Cycle to Date, by Type

Continued from page 3...

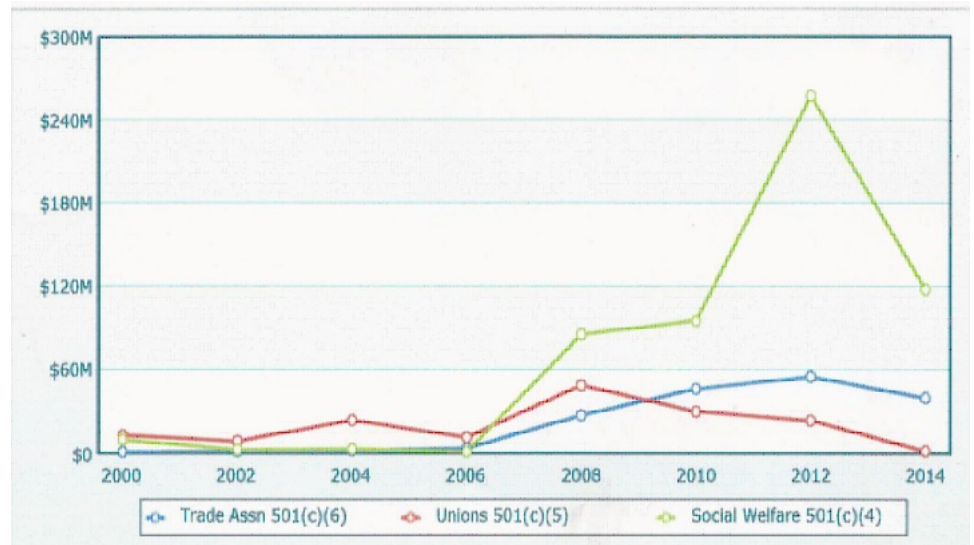
"Super PACs" made possible by Citizens United and it would be difficult for an elected official to act contrary to the wishes of his or her major donors.

In 1974 FECA was amended to set limits on contributions to and expenditures by campaigns, individuals, and political committees. The Federal Election Commission (FEC) was also created to enforce rules on contributions and expenditures. However, in *Buckley vs. Valeo* (1976) the Supreme Court found that contribution and expenditure limits were in violation of the right to free speech.

The McCain-Feingold bill passed in 2002 improved things somewhat. The "soft money" loophole which allowed unlimited contributions to parties was eliminated and "electioneering communications" by corporations and labor unions were banned within 50 days of an election or 30 days of a primary. These expenditures were also required to be reported to the FEC.

However, in 2010 the Supreme Court in *Citizens United v. FEC* reversed a previous opinion and determined that limits on electioneering communication violated the constitutional right to political speech (and that corporations were "people" with this right). As a result, all organizations that do not "coordinate" with campaigns can receive unlimited contributions and make unlimited independent expenditures. These "superPACs" must publicly disclose contributions and expenses and register with the FEC. However, they can evade disclosure requirements by contributing to 501(c)(4) organizations which can hide donor identities and receive unlimited contributions. (These are named after a paragraph in the Internal Revenue Code which defines "social welfare organizations.") The 501(c)(4) then makes expenditures on behalf of candidates or parties.

In practice, super PACs are hardly "independent" of or uncoordinated with candidates. Many are set up and/or operated by persons closely tied to a candidate, such as a family member or former staffer. (Stephen Colbert's PAC was run by Jon Stewart, for example.)



Charts from Article "Independent Expenditures"
Prepared by LWVUS Money In Politics Committee

Independent expenditures can be made by:

- PACs
- SuperPACs
- Tax-exempt organizations whose primary purpose is not political activity. These include labor unions (c-5 organizations) and trade associations (c-6 organizations) as well as the notorious "social welfare" organizations (c-4s). These organizations do not pay taxes, but contributions to them are not tax-deductible as are contributions to 501(c)(3) charitable organizations, which cannot make political expenditures.
- "527" organizations, which are political parties or political committees of issue organizations (also PACs and SuperPACs). Some are required to register with the FEC and some must file reports publicly disclosing contributions and expenditures.

Tracking of 501(c) spending over time shows a dramatic increase in expenditures by social welfare organizations in 2010 and especially 2012 (a presidential election year) following *Citizens United*. Expenditures by trade associations and labor unions have increased only marginally.

What about these social welfare organizations?

They do not require approval by the IRS although most request approval as a way of ensuring anonymity for donors. Therefore, a definitive listing of all 501(c)(4) organizations does not exist. A small number of tax filings are audited each year by the IRS but in 2013 allegations of IRS bias against "Tea Party" organizations led to Congressional hearings. (It was not shown that such bias existed. There were many more conservative-leaning organizations than liberal-leaning ones.)

Social welfare organizations (including the League of Women Voters) may lobby on issues but cannot participate directly or indirectly in campaigns on behalf of candidates. Federal law requires that these organizations operate "exclusively" for social welfare. However, since 1959 the IRS has interpreted this as "primarily," and "primarily" to mean more than 50%.

This is a major loophole and has resulted in the present situation in which many such organizations conduct considerable political activity, largely free from limits on contributions or expenditures.

Recent expenditure trends

"Outside spending" began increasing after 2004. This includes:

- independent expenditures, as discussed above. Sources of revenue and amounts of disbursements can be hidden or camouflaged. They have exploded since 2004, particularly in the 2012 presidential election cycle, and are by far the largest part of outside spending.
- electioneering communications, which must be reported to the FEC by amount and donor. These have gone up and down, but not by much, since 2004 and are a small part of the total.
- communication costs incurred in educating members, staff, families on election issues. These have shrunk since 2004 and 2008, but now are a small part of the total.

The effectiveness of independent expenditures is not clear because of the speed with which regulatory changes have occurred and the lack of data. (Editorial comment: It could be, for example, that more money has more effect up to a point of diminishing returns. Or it could be that those spending this money have been learning what to do with it for greatest effect!)

How do independent expenditures work?

- Often focused on small number of races that (a) are truly competitive and (b) have important consequences (e.g., control of the Senate).
- Candidates themselves are often outspent by outside groups.
- Independent expenditures are made in large amounts and by relatively few people. Of the \$1 billion spent by super PACs since Citizens United, 195 persons (and their spouses) gave 60% of this money.
- A large portion of these expenditures are "dark money" whose donors are undisclosed.
- "Single candidate PACs" are generally funded by persons who have already made the maximum allowable contribution directly to the candidate.
- They can truly distort the political process by making candidates dependent for funding upon a very small number of increasingly powerful people. Because much of this money comes from unidentified donors, the public cannot take this into account. ♦

Arguments For and Against Regulating Campaign Financing

MIP Power Point - www.lwv.org

There has always been a tension between the First Amendment right to speak out about politics -- political speech -- and regulating of the money used to communicate in modern society. Thus there are many views about the relationship between speech and money in political campaigns. *Buckley*, *Austin*, *Citizens United*, and *McCutcheon* each changed the Supreme Court's

jurisprudence regarding the role the First Amendment plays in campaign finance. As the Court has more and more used the First Amendment as a sword against campaign finance regulation instead of a shield protecting the voices of all citizens in our democracy, the question of money and speech has become even more contentious.

Historically money has always been a part of the system. **Here are some arguments in support of unlimited money in politics.**

- Money allows the funding of modern communications, such as television and the Internet.
- Political communication informs the voters.
- Government should not regulate political speech.
- Just because a candidate takes contributions does not mean that as an elected official they will take orders from the contributor--especially if it is "independent" spending,
- The funds simply flow to representatives who believe in the position of the group who is making the donation.

Opponents of big money in elections argue that:

- There is a growing cynicism among the US population based on the idea that democracy is now for sale,
- The large amounts of money spent on campaigns make Congress dependent on these dollars and responsive to their contributors and less likely to listen to "the people" - whom the Founders meant for Congress to represent.

In a study at UC Berkeley, when someone seeking a meeting with a member of Congress was explicitly revealed to be a donor, he was four times as likely to get a meeting with the chief of staff, and twice as likely to get a meeting with the member of Congress.

Hard, soft and dark money disclosure requirements for PAC's

Funding Source	Disclosure required	Donations limited	May Coordinate with candidate	Corporations can donate
Political parties	√	√	√	
PAC's	√	√		√
Super PAC's	√			
527's	√(to IRS)		√	√
501(c)'s				√

The Tangled Web of Campaign Finance



WHO REGULATES POLITICAL MONEY?



WHO RAISES POLITICAL MONEY?



WHAT DO WE KNOW ABOUT POLITICAL MONEY?

These groups must abide by federal limits on how much money they can receive and donate.	These groups have no limits on fundraising or expenditures.
These groups regularly disclose all expenditures (527s disclose to the IRS).	The 501(c)s disclose money expressly spent to defeat or elect a candidate.
These groups must disclose donors (527s disclose to the IRS).	501(c)s are not required to disclose donors.



Candidates

Committees formed by individuals running for office, such as Obama for America. Subject to federal limits on contributions.

Parties

Political parties and their subsidiaries such as the Republican National Committee or the Democratic Congressional Campaign Committee. Subject to federal limits.

Traditional PACs

Political action committees formed to intervene in campaigns, often in coordination with candidates, such as the National Beer Wholesalers PAC. Subject to federal limits.

Super PACs

Groups, such as House Majority PAC, that can collect and spend money in unlimited amounts so long as they do not coordinate with or contribute to political candidates.

"527s"

All political committees listed above are organized under section 527 of the federal tax code, but the term "527" is commonly used to designate committees that, for technical reasons, file with the IRS rather than the FEC, such as Swift Boat Veterans for Truth.

501(c)4s

The "social welfare" non-profits include long-standing organizations such as the National Rifle Association or Planned Parenthood, that long have been permitted to participate in politics, as well as newcomers organized after a series of 2010 court decisions, such as Crossroads GPS or Organizing for Action.

501(c)5s

Labor unions, such as the AFL-CIO.

501(c)6s

Trade and business associations, such as the U.S. Chamber of Commerce.

OPTIONS FOR REFORMING MONEY IN POLITICS

This paper summarizes available options to address a series of decisions made by the U.S. Supreme Court since 1976 that have weakened the procedures that regulate the spending and giving to political campaigns. These reform strategies remain constitutional in the wake of these Court decisions.

Legislative Approaches

Disclose sources of contributions and expenditures (action by Congress and states). The Supreme Court has upheld disclosure as a means of providing information to the electorate and avoiding corruption or the appearance of corruption. Legislation has been introduced in Congress to expand disclosure. States are introducing, and in some instances passing, stronger disclosure laws for political spending. There must be no Exemptions to circumvent disclosure requirements. Prior versions of the DISCLOSE Act had exemptions that gutted the intent of disclosure.

Tighten rules governing coordination in order to limit "independent" spending such as Super PACs (action by Congress and states). Supreme Court decisions allowing unlimited campaign spending by outside groups are premised on the notion that such spending is truly independent and not coordinated with a candidate in any way. But, in fact, the current rules are quite weak and allow coordination in a number of ways. Through legislation, Congress and the states can tighten these rules. The FEC could also take action (see below).

Adopt public funding for all candidates (action by Congress and states). Congress could extend public funding to candidates for all federal offices and more states could adopt public financing. Currently, only candidates for president can receive public funding at the federal level, and in the past two presidential elections, the candidates have opted out of the public funding system. Resources to support public financing would need to be established. Some states offer public financing to candidates for some offices, although in some, perhaps most, of these the funding is insufficient and/or unreliable. In all cases, public financing is a voluntary option. Both LWVUS and many state Leagues consistently support public financing of elections.

Prohibit members of Congress from fundraising from the interests they most directly regulate (action by Congress). For example, Congress could prohibit contributions from PACs and lobbyists associated with federal government contractors. It could close the "revolving door" by significantly extending the existing time limitations on negotiating or accepting a high-paying job with a firm with whom they have been involved as members of Congress.

Change the makeup of the U.S. Supreme Court by including more justices friendly to reform (action by the Congress and/or the President). Congress could expand the court, adding additional justices to change the majority opinion on campaign finance regulation. Supreme Court "packing" was last attempted during the Roosevelt administration.

Use or expand state corporate law (action by states). There are efforts to use or expand state corporate laws to regulate the behavior of corporations. One possibility would be to require directors to obtain shareholder approval before making campaign donations and expenditures, as well as public disclosure of such spending. Another possibility is to require noninterference in state and local elections as a condition for obtaining a business license in a given state.

Regulatory Approaches

Enforce campaign finance laws (action by the Federal Election Commission and state regulatory agencies). The Federal Election Commission (FEC), established in 1974, could be much more effective at enforcing remaining federal campaign finance laws, such as disclosure requirements and coordination rules. Lawsuits are pending to force FEC action in these areas. At present, the FEC is functioning ineffectively and no longer exercises its enforcement powers. Of concern is the fact that any campaign finance laws are ineffective unless they are enforced. Modify the structure to have an odd number of Commissioners one of which must be an independent.

Adopt a Securities and Exchange Commission (SEC) rule governing corporate political expenditures (action by the SEC or possibly Congress). In 2011, a group of ten corporate- and securities-law professors petitioned the Securities and Exchange Commission to require public companies to disclose their political activities, including campaign donations and lobbying efforts. An SEC rule change would not require Congressional approval.

Strengthen and enforce 501(c)(4) political activity rules (action by the Internal Revenue Service; IRS). To be tax-exempt as a social welfare organization according to the Internal Revenue Code (IRC) section 501(c)(4), an organization must not be organized for profit and must be operated exclusively to promote social welfare. It is argued that the promotion of social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office. However, under long-standing IRS regulations a section 501(c)(4) social welfare organization is allowed to engage in some political activities, so long as that is not its primary activity. There is need for strict enforcement of the rules applicable to 501(c)(4)s. The IRS could close loopholes that allow unlimited secret spending in elections by 501(c)(4) groups while protecting truly non-partisan voter service activity.

Other Approaches

Overturn Buckley and/or Citizens United rulings by the Supreme Court. An example promoted by Lawrence Lessig is to move the existing Court using a case with an originalist justification for broadening the definition of corruption. Lessig submitted an amicus brief along these lines in the case of *McCutcheon v. FEC*. New state laws can be passed that seek to plug loopholes or continue to challenge the Court's decisions.

Wait for the ideological makeup on the Court to change (action by the President and Congress). The composition of the Court will likely change in time, the pendulum will swing back, and the closely divided decisions of the recent Court may be overturned by Justices appointed by new Presidents.

Work for a Congress comprised of members committed to reform (action by the grassroots). Ultimately, the voters decide.

Amend the U.S Constitution to overturn rulings (action by Congress and the states). Amendment resolutions that have been offered contain provisions that fall into the following categories:

1. Restore the authority of Congress and the states to limit campaign spending. Some of the proposed amendments in this category are fairly limited, allowing Congress and the states to regulate contributions and expenditures only by corporate entities. But most state simply that Congress and the states shall have the power to regulate both contributions and expenditures by anyone. Some specifically say that regulation must be "content-neutral," while others explicitly protect freedom of the press. Some mention only elections of candidates, while others include spending on ballot measures.

2. Assert that the rights protected by the Constitution are those of natural persons only. Some of these proposals address First Amendment speech rights only. Those that are broader argue that the privileges of corporate entities and other collective entities are created by statute and, unlike the rights of natural persons protected by the Constitution, are not inalienable.

Some of these proposals also:

- Allow Congress and the states to enact measures such as public financing and disclosure in order to protect the integrity and fairness of elections, to limit the corrupting effect of private wealth, and to guarantee the dependence of elected officials on the public alone;
- Forbid the judiciary from construing the expenditure of money as protected speech;
- State that nothing in the amendment shall be construed as limiting freedom of the press.

Presidential powers: The president can issue executive orders forbidding federal contractors from using their funds

to advocate for candidates for office.

Fairness Doctrine, established by the Federal Communications Commission in 1949, sets two requirements for a broadcast license: (1) every licensee must devote a reasonable portion of broadcast time to the discussion and consideration of controversial issues of public importance; and (2) the licensee must be fair in making facilities available for the expression of contrasting viewpoints.

The FCC repealed the Fairness Doctrine in 1987 primarily due to claims that the doctrine violated free speech. The FCC ruling has never been challenged and is an open issue.

Equal Time Rule The 1934 Communications Act (section 315) "requires radio and television stations and cable systems which originate their own programming to treat legally qualified (declared) political candidates equally when it comes to selling or giving away air time."

In 1959 Congress authorized 4 exemptions to the equal time rule: (1) regularly scheduled newscasts; (2) news interviews shows; (3) documentaries (unless the documentary is about a candidate); and (4) on-the-spot news events.

MONEY IN POLITICS CONSENSUS QUESTIONS

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

1. What should be the goals and purposes of campaign finance regulation? (Please respond to each item in Question 1.)

- Seek political equality for all citizens.
 Agree Disagree No consensus
- Protect representative democracy from being distorted by big spending in election campaigns.
 Agree Disagree No consensus
- Enable candidates to compete equitably for public office.
 Agree Disagree No consensus
- Ensure that candidates have sufficient funds to communicate their messages to the public.
 Agree Disagree No consensus

c. 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

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.

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

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

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.

NOTE: There will be no time at the meeting to present background material. It is essential that it be read prior to the meeting.

Background Readings

Here are reading that provide more background on issues about which Part I questions are asking:

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>)

Here are readings that provide more background on issues about which part II questions are asking:

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>)

Here are readings that provide more background on issues about which part III questions are asking:

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-ca...>)

School to Prison Pipeline Part III



January 25, 2016
5:30 PM at
Franco's
Restaurant

With the co-sponsorship of the League of Women Voters of Pensacola Bay Area, the Coffee Party, the American Civil Liberties Union, and the Southern Poverty Law Center, the third and final panel discussion of the problems involved in the *School to Prison Pipeline* will be presented. School to Prison Pipeline is the name given to the system of harsh punishments in school sometimes leading to arrest and incarceration of children. In this panel, there will be representatives of the school system as well as law enforcement to discuss the changes that have been made to produce better outcomes, what effect they have had, and what future plans have been made.

The discussion will take place on Monday, January 25th at 5:30 at Franco's Italian Restaurant, 523 East Gregory Street. Dinner is \$15 as Dutch Treat at the restaurant. **To RSVP, contact Paula Montgomery at 850 438-889 or montpns@aol.com.** ♦



The LWVF 2016 Legislative Priorities

1. Election Law:

- a. Oppose any efforts that might be made to limit convenient voter registration or to limit access to the polls by limiting early voting locations, days or hours.
- b. Support pre-paid absentee ballot returns to the

Supervisors of Election and oppose any infringement or restrictions on the absentee ballot process.

Continued on page 12. Priorities...

Priorities... from page 11.

2. Education:

- a. Oppose efforts to expand corporate tax credit scholarships. We continue to believe they are an inappropriate and unconstitutional program, funding private and religious schools with no proven benefit to students.
- b. Require greater fiscal management and accountability of charter school contracts, with oversight by local school boards.
- c. Address proposals to change the statewide assessment program to assure that a national assessment instrument is used, with such assessments applicable to every Florida student educated with public funds and reported at appropriate intervals related to children's educational cognitive development.

3. Health Care:

- a. Expand health care access and coverage for low-income, uninsured and under-insured Floridians.
- b. Accept federal funding to expand health care access and coverage and offset the costs of uncompensated care to hospitals and providers.
- c. Restore full funding for critical health care programs and services that were negatively impacted by the 2015 state budget, i.e. KidCare, free clinics, emergency transport, substance abuse treatment, etc.

4. Gun Safety:

- a. Oppose Bills (HB 4001/SB 68) that would make it legal for those with concealed weapons permits to carry firearms on all Florida public college and university campuses.
- b. Oppose Bills (HB 19/SB 180) that would allow Florida School Boards and Superintendents to designate employees to carry concealed firearms, for security purposes, on school grounds at K-12 schools.
- c. Oppose Bills (HB 41/SB 130) that would purport to regulate the recreational discharge of firearms in residential areas. It is already illegal to discharge recklessly a firearm on any residential lot, and such Bills would create exceptions to that.

5. Land and Water:

- a. Properly implement Amendment 1 – restore funding to Florida Forever and exclude existing agency operating expenses.
- b. Pass comprehensive water quality and quantity Bills that concentrate on cleaning-up pollution at the sources and conserving our aquifer with no net additional withdrawals.
- c. Pass Bills that ban fracking in the state of Florida.

The League of Women Voters of Florida, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

Join the League of Women Voters Today!

It's easy! Just send your check to:

LEAGUE OF WOMEN VOTERS ♦ P.O. Box 2023, Pensacola, FL 32513

Name _____ Birth date _____ New Mbr? Yes/No

Address: _____ City _____ State _____ Zip _____

Home phone () _____ Other () _____ E-mail _____

Add Family Member(s): _____

DUES: \$55.00 _____ Additional Mbrs @ \$27.50 _____ Contribution _____ TOTAL _____

Dues are \$27.50 for a student enrolled in a certificate or degree program.

I'm renewing my membership.

I am interested in the following areas (Circle all interests)

- | | | | |
|---------------|--------------------|---------------|------------------|
| Education | Natural Resources | Social Policy | Speaker's Bureau |
| Voter Service | Growth Management | Website | Observer Corps |
| Membership | Legislative Action | Hospitality | Naturalization |
| Newsletter | Voter Registration | Publicity | Social Media |

Membership dues and gifts to the League of Women Voters are not deductible as charitable contributions for tax purposes. (Tax deductible contributions require a separate check written to the LWV Florida Education Fund and should be sent to our local treasurer.)