

MONEY IN POLITICS CONSENSUS QUESTIONS

With References 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.

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*
- *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

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*
- *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

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*
- *Action in the States* (<http://forum.lwv.org/member-resources/article/money-politics-action-states>)
- *Enforcement of 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.