

MONEY IN POLITICS STUDY : REPORT ON CONSENSUS MEETING

January 9, 2016

LWV Oakland and LWV Berkeley/Albany/Emeryville

The members participating in the consensus agreed on the following answers to the consensus questions, highlighted below,

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? We agreed that each of the following is an appropriate purpose of regulating campaign finance,

- a. Seek political equality for all citizens
- b. Protect representative democracy from being distorted by big spending in election campaigns.
- c. Enable candidates to compete equitably for public office.
- d. Ensure that candidates have sufficient funds to communicate their messages to the public.
- e. Ensure that economic and corporate interests are part of election dialogue.

With concerns – see comment

- f. Provide voters sufficient information about candidates and campaign issues to make informed choices.
- g. Ensure the public's right to know who is using money to influence elections.
- h. Combat corruption and undue influence in government.

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

- a. A candidate or officeholder agrees to vote or work in favor of a donor's interests in exchange for a campaign contribution.
We agreed
- b. An officeholder or her/his staff gives greater access to donors.
We could not reach consensus on an answer to this question
- c. An officeholder votes or works to support policies that reflect the preferences of individuals or organizations in order to attract contributions from them.
We could not reach consensus on an answer to this question
- d. An office holder seeks political contributions implying that there will be retribution unless a donation is given.
We agreed
- e. The results of the political process consistently favor the interests of significant campaign contributors.
We disagreed (since there is no way to definitively establish a cause/effect relationship).

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.

Part II section 1.

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 either banned, subject to some limits, or be unlimited ?

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

Some spending limits

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.

Some spending limits

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

Spending banned

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.

We could not reach consensus on an answer to this question

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

We could not reach consensus on an answer to this question

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.

We could not reach consensus on an answer to this question

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

Spending banned

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

We could not reach consensus on an answer to this question

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

We could not reach consensus on an answer to this question

- j. Candidates for public office spending their own money.

Some spending limits

Part 2, Section 2

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 either banned, subject to some limits, or be unlimited?

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

Unlimited spending

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

Unlimited spending

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

Unlimited spending

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?

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

We could not reach consensus on an answer to this question

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

Agree

- 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

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

Agree

iii. Public financing without spending limits on candidates?

Disagree

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

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)? NO

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? YES

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. YES

In addition, the group had the following comments, which the study committee will select and edit for submission to the National League.

1. General comment : public disclosure of campaign finance contributors should be required for all forms of campaign spending and all categories of funders.
2. General comment : several of the consensus questions were difficult to respond to because they covered more than one item, often conflicting or contradictory, within the same question. This led us to select “No Consensus” because the questions could not be broken down into separate parts

Part 1, Question 1

a. Does seeking political equality for all citizens (which we resoundingly approve) necessarily require campaign finance regulation?

c “equitable” is not necessarily “equal”

d “sufficient” is not “equal”; “funds” is not “resources”; What are the criteria to be considered a legitimate candidate?

e. Strong opposition by a few discussion participants to “corporate interests” being protected. Others pointed out that “Corporate Interests” include non-profits like LWV as well as corporations like Exxon.

h. How is “undue influence” defined?

Part 1, Question 2

b. Debate among us about whether giving greater access was “corrupt” or merely “unethical” Ideal is different from reality in the current system. Answer may depend on a combination of this with other related behaviors. In other words a “pattern of behavior”

- c. Answer may depend on a combination of this with other related behaviors.
- d. “Retribution” is bad; “consequences” may not be.
- e. Not necessarily a cause and effect situation. Does “significant campaign contributors” refer to significant amounts raised from many individuals, or significant organizations, or both?
Answer may depend on a combination of this with other related behaviors, forming a pattern.

Part 2, Question 1

c.-e. Some discussion participants held the view that these groups should be allowed to spend, but that spending should be through a PAC, effectively regulated, for two reasons;
 1)To ensure transparency in contributions and spending and
 2)To reduce/eliminate loopholes that allow entities to avoid intended limits.
 Consensus agreed on different limits for different types of organizations; a sizeable minority felt that there should be no difference in treatment between corporations/businesses, trade associations, and labor unions. Spending should be banned from for-profit corporate treasuries because otherwise these organizations could double their donations by using both a PAC and a corporate treasury donation. (Our group at first said No consensus, but later changed to Banned, though some felt Limited Spending was a possibility.)
 Some individual comments on this question:
 There should be a limit to a candidate's ability to pass on extra money donated to their campaign to other candidates. (e.g. Barbara Boxer to someone running to replace her.)
 The spending limits should vary by office (e.g. candidates for President can spend more than Senators, etc.)

Part 2, Question 2

How would any limitations actually be implemented?
 Explore how Television and other electronic media could be required to allow some access, such as is required in some European countries.

Part 3, Question 1

- a. SuperPACs are very different from spending coordinated or directed by candidates. This cannot be answered with a single set of choices Therefore we chose “no consensus”.
- b. Again, two questions are combined into one. We chose to agree, but felt uncomfortable with the question.
- c. We agreed to ”i” and “ii” but were concerned that the mandatory nature of “ii” would raise issues about free speech..

Members from LWV Oakland participating in the consensus :

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|-----------------------|------------------|
| Bonnie Hamlin | Judith Mann |
| Sandy Venning | Valerie Garry |
| Louise Rothman-Riemer | Carole Agnello |
| Valena Williams Jr, | Treva Reid |
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| Louise Anderson | Zabrae Valentine |
| Theresa Nelson | Judy Cox |
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Members from LWV BAE presenting and participating in the consensus :

Deborah Malbec, Nancy Bickel

Respectfully submitted,

Katherine Gavzy

Chair, local Study Committee