



MONEY IN POLITICS

Consensus meeting, Thursday, January 21, 2016

11:30 Bag Lunch; Meeting -12:00 – 1:30

Delegates to the June 2014 LWVUS Convention adopted a multi-part program: “A review and update of the League position on campaign finance in light of forty years of changes since the Watergate reforms, in order to enhance member understanding of the new schemes and structures used to influence elections and erode protections against corruption in our political process, and to review possible responses to counter them in the current environment.”

After reviewing the League’s current campaign finance position, the LWVUS Board concluded that a gap exists in its position with regard to the first amendment. The current review focuses on closing that gap. What follows is a very abbreviated version of an article prepared by the LWVUS Money in Politics Review Committee. For more information about the study and links to brief issue papers on various aspects of the consensus go to <http://forum.lwv.org/member-resources/article/lwvus-money-politics-mip-review-meetings-box-education-resources-and-sugges/>

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 participate fully. The U.S. Supreme Court since that time has focused on issue of free speech, such as advertising, speeches and debates. To the Court, this campaign speech (as opposed to campaign finance) is central to American democracy and is what the First Amendment was designed to protect.

The League position does not answer the question of whether all or some political activity constitutes free speech protected under the First Amendment and thus 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.

Historically, the League has been able to argue successfully through litigation and through legislative action that contribution limits and the exclusion of corporations from participating directly in the political process should be upheld. The position has also allowed us to support enforcement mechanisms and other reforms.

That changed with the *Citizens United v. Federal Election Commission* decision. The Court drastically extended its views on free speech to allow unlimited independent spending in candidate elections by corporations and unions and entirely discounted any danger from any undue influence other than *quid pro quo* (“something for something”) corruption. That radically transformed the election landscape.

The League is pursuing a strategic, multi-dimensional approach at the federal and state levels to overcome or limit the Court’s decision in *Citizens United*. To date, the League has not supported or opposed particular legislation to amend the Constitution. The League’s current position is:

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.

Money in politics matters because the goal of campaigning is to convince voters, either for or against a candidate or issue. Thus, campaigning is ultimately about communication. In our modern age, this includes speech and money. It is very important that one continually keeps combining campaign, communication, free speech, and money in their thinking.

A campaign finance system is intended to control and limit the money spent on election campaigns. Why do that? The first reason is to protect the right of voters to know who is spending money to influence their vote. The second reason is to prevent corruption. Reformers believe that money in politics should be controlled because it may allow undue access or influence and gives an unfair advantage to candidates and spenders. Finally, there is a concern that the rise in spending corrupts representative government by downplaying the role of the voters and allowing for unfair competition, possibly leading to lower voter turnout.

Whatever else it may or may not have done, the United States Supreme Court’s decisions in the 2010 *Citizens United* and 2014 *McCutcheon, et al. v. FEC* cases galvanized the campaign finance reform movement. Any education and discussion of these issues must attempt to be comprehensive, which means complex. The task of the Money in Politics Review is to make the issues understandable to the members of LWV and all citizens.