General Meeting:
“MONEY AND POLITICS”

League Consensus
November 10, 2015
11:30 A.M. - 1:00 P.M. 2404 N Howard (in the social Hall)

NOVEMBER VOTER
LEAGUE OF WOMEN VOTERS OF THE SPOKANE AREA

LWV ELECTED OFFICIALS LUNCHEON

The League of Women Voters/Spokane Area will host its annual luncheon for LWVSA members and local officials on Tuesday, December 8, 2015, at the Spokane Club. Elected members of Spokane city and county governments, some regional city mayors, state representatives from the 3rd and 6th legislative districts, and Washington Federal Officials (or their representatives) will be invited. This luncheon is an opportunity for League members to visit with office holders in an informal setting, to discuss ideas of importance to them and the League, and to hear what they have to say about upcoming issues and political trends.

This event is a perk of your membership – a “free lunch”! If you have forgotten to send in your dues for this year, please take care of that soon so you can join the fun. If you know others who would enjoy coming, the guest charge remains $30.00. A soup and salad buffet will be served. Parking on the street and in nearby lots is available.

Reservations are due by December 1st to Molly Hannan 533-0501 or molhann@gmail.com.

This first Action Workshop with our LWVWA Lobby Team will be held in Spokane on November 7, at Saint Andrew's Church, 2404 N. Howard St, Spokane. Registration begins at 9:00 a.m. and the workshop begins at 9:30. Our keynote speaker will be John Osborn MD, Chair, Upper Columbia River Sierra Club, and President of the Board, Center for Environmental Law and Policy.

It is very helpful in planning for the workshop if you register in advance. This allows us to arrange the space and plan for lunches and workshop materials. Additionally we will be sending out workshop material to those registered in advance. This will give you an opportunity to review the material, including issue papers prepared by the lobby team, before the workshop. Bring your laptop.

Anyone not registered by Tuesday, Nov.3, will still be welcome at the door, but we cannot guarantee either a lunch or workshop packet. If you register online and want to pay via check, please mail your check to the LWVWA office at 1402 Third Avenue, Suite 430 Seattle, WA. 98101. no later than Tuesday, November 3.

ACTION WORKSHOP
$25.00
Register on line at www.lwvwa.org
Or call ASAP
Lin McGinn
(509) 979 9378
MONEY IN POLITICS—updating the LWVUS Position on Campaign Finance

At our November general meeting, we will go over the consensus questions that will be used to update the current LWVUS position on campaign finance, adopted in 1974, which takes a “collective approach” to financing political campaigns, focusing on the public’s right to know, combating corruption and undue influence, ensuring equitable competition by candidates for public office and allowing maximum citizen participation in the political process. Since adopting it, the League has been able to advocate successfully, through litigation and legislative action, for the establishment of limitations on campaign contributions by corporations and others.

Everything changed with Citizens United v Federal Election Commission, the 2010 US Supreme Court decision that overturned longstanding restrictions on corporations’ independent expenditures (i.e. those not given directly to or coordinated with a candidate) used to advocate for or against particular election outcomes. Since 1907, the Tillman Act barred corporations from using corporate funds to contribute to campaigns and similar prohibitions were enacted against unions by the Taft Hartley Act of 1947. Thereafter, many other laws at the state and federal level regulated corporate political donations. But in Citizens United, the Court held that the First Amendment prohibits these restrictions.

In response, delegates to the 2014 LWVUS Convention adopted a resolution to review and update their position on campaign finance to consider issues raised by Citizens United. Before updating the position, members of local Leagues will, after reviewing background materials, answer consensus questions approved by the LWVEF Board (please bring a copy with you). Results will be submitted to the LWVEF Board in February and March, 2016 and an updated position will be approved in April, 2016.

Links to background material prepared by the LWVUS:

Options for Reforming Money in Politics:  http://forum.lwv.org/member-resources/article/options-reforming-money-politics


This is a complicated issue that requires a lot of study. We urge you to read as much of the background information as you can. For an understanding of not only what the Supreme Court decided in Citizens United but why it reached that decision, as well as the issues raised by the four-justice minority in their dissenting opinion, see CITIZENS UNITED v FEDERAL ELECTION COMMISSION—WHAT’S IT ALL ABOUT?, also in this month’s VOTER.

Susan Gray, Linda Millsow, co-presenters

MONEY IN POLITICS CONSENSUS QUESTIONS (See LWV Handbook for Consensus at: http://forum.lwv.org/sites/default/files/handbook_for_successful_consensus_meetings__final.pdf)

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


The Role of the Supreme Court in Interpreting the Constitution  http://forum.lwv.org/member-resources/article/money-politics-role-supreme-court-interpreting-constitution


Money In Politics Continued… Consensus questions

1. What should be the goals and purposes of campaign finance regulation? *(Please respond to each item in Question 1 with Agree, Disagree, or No consensus)*

   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.

   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: *(Please respond to each item in Question 2 with Agree, Disagree, or No consensus)*

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

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

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

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

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

*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.
Money In Politics Continued... Consensus questions

Background Readings for Part II questions:

The First Amendment [http://forum.lwv.org/member-resources/article/money-politics-first-amendment]


Independent Expenditures [http://forum.lwv.org/member-resources/article/money-politics-independent-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 with: Spending banned, Some spending limits, Unlimited spending, or No consensus)

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

   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.

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

   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.

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

   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.

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

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

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

   j. Candidates for public office spending their own money.
Money In Politics Continued... Consensus questions

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 1 with: Spending banned, Some spending limits, Unlimited spending, or 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)

CITIZENS UNITED v FEDERAL ELECTION COMMISSION—WHAT’S IT ALL ABOUT?

Citizens United v Federal Election Commission is the most significant US Supreme Court case to be decided in a very long time, dramatically changing the political landscape with an influx of vast amounts of corporate money into political campaigns. As a result of this decision, corporations are now permitted to make campaign contributions directly rather than having to funnel them through PACs.

The majority opinion, detailed, technical and lengthy (as is the dissenting opinion), overturns longstanding restrictions on corporations' independent expenditures (i.e. those not given directly to or coordinated with a candidate) advocating for or against election outcomes. This decision, viewed with alarm by many, has resulted in a number of citizens' groups seeking avenues for undoing the decision through an amendment to the US Constitution that establishes that "corporations are not people" and "money is not speech." Since the decision does not rest on whether, in all respects, corporations are actually the same as people, or money and speech are the same thing, such a constitutional amendment, even if successful, would do little to lessen the amount of money flowing into elections, and moreover, could have the unintended consequences of restricting the activities and messaging of those organizations, organized as corporations, whose views and objectives match those who support seeking a constitutional amendment. *read the decision at https://www.law.cornell.edu/supct/html/08-205.ZX.html*

Where this began: Citizens United, a nonprofit corporation, produced a 90-minute documentary entitled “Hillary: The Movie” during her run for president in 2008 that was highly critical of Hillary Clinton. Though released in theatres and on DVD, Citizens United also wanted to make the documentary available through video-on-demand, which might have violated a couple of federal statutes prohibiting corporate funds to be used to advocate for or against a political candidate within 30 days of a primary election or 60 days of a general election.

Citizens United sought an injunction to prevent the Federal Election Commission from applying these statutes to what they wanted to do, asserting that the statutes did not apply in this case. The injunction was denied by the District Court, and appeals were subsequently filed. Eventually, after working its way through the courts, the Supreme Court agreed to hear the case in 2009 and decided it in 2010.

What the Court decided: Five justices (Kennedy, Roberts, Alito, Scalia and Thomas) ruled that restrictions on independent expenditures by corporations are prohibited by the First Amendment, with four justices (Stevens, Brier, Ginsberg and Sotomayor) dissenting. Eight justices (all but Thomas) ruled that laws requiring the disclosure of the identity of such donors are permissible.
Money In Politics Continued... CITIZENS UNITED

The reasoning employed by the majority to conclude that restrictions on independent expenditures by corporations are prohibited by the First Amendment: “First amendment protects speech of US citizens.

1. Speech includes writing, videos, banners, tee shirts campaign buttons etc. and the First Amendment protection also extends to disseminating the speech—getting your message out—which takes money. So spending money to get your message out is covered by the free speech protection of the First Amendment.

2. First Amendment protection extends to corporations. Since the speech of US citizens is protected by the First Amendment, when US citizens aggregate into groups, the speech of those groups is also protected. Even if these groups chose to organize themselves in the corporate form, that speech is still protected.

“It is true that corporations are prohibited from making independent expenditures on political communication during a campaign. Even if the government has an interest in preventing corruption or the appearance of corruption, the remedy must comply with the First Amendment.”

A statute that restricts or prohibits corporate independent expenditures on political communication during a campaign “necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached…” and “is thus a ban on speech.”

3. Importance of speech to the integrity of the election process. “The right of citizens to inquire, to hear, to speak, and to use information to reach consensus is a precondition to enlightened self-government and a necessary means to protect it by holding officials accountable to the people… and this is no less true because the speech comes from a corporation rather than an individual. For these reasons, political speech must prevail against laws that would suppress it, whether by design or inadvertence”.

A statute that restricts or prohibits corporate independent expenditures on political communication during a campaign “necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached…” and “is thus a ban on speech.”

4. First Amendment prohibits distinguishing among different classes of speakers or disfavoring certain subjects or viewpoints. “[The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment”

Why four justices dissented: 1. “The basic premise underlying the Court’s ruling”, that “the First Amendment bars regulatory distinctions based on a speaker’s identity, including its ‘identity as a corporation’ is “not a correct statement of the law.”

a. “In the context of election to public office, the distinction between corporate and human speakers is significant.” Corporations cannot vote or run for office, they have limited liability for their owners and managers, perpetual life, separation of ownership and control, and “unlike voters in US elections, may be foreign controlled, thus their interests may conflict in fundamental respects with the interests of eligible voters”. Corporations’ “personhood” often serves as a useful legal fiction. But they are not themselves members of “We the People” by whom and for whom our Constitution was established.”
b."…the Supreme Court has “held that speech can be regulated differentially on account of the speaker’s identity, when identity is understood in categorical or institutional terms,” such as “special restrictions on the speech rights of students, … prisoners, … members of the Armed Forces, … foreigners,… and [Government] employees… It is simply incorrect to suggest that we have prohibited all legislative distinctions based on identity or content.”

While the “First Amendment closely guards political speech,…the authority of legislatures to enact viewpoint-neutral regulations based on content and identity is well settled,” for example restrictions on display or distribution of campaign materials near a polling place; or campaign spending by foreign nationals; or the Hatch Act which bars Government employees from contributing to or participating in political activities.

c. “Our campaign finance jurisprudence has long appreciated that “the differing structures and purposes of different entities may require different forms of regulation in order to protect the integrity of the electoral process.”

“…corporations’ war chests and their special advantages in the legal realm may translate into special advantages in the market for legislation. When large numbers of citizens have a common stake in a measure that is under consideration, it may be very difficult for them to coordinate resources on behalf of their position.”

“One fundamental concern of the First Amendment is to protect[t] the individual’s interest in self-expression. Corporate speech, however, is derivative speech, speech by proxy. “who” is even speaking when a business corporation places an advertisement that endorses or attacks a particular candidate?” These statutes “impose only a limited burden on First Amendment freedoms not only because they target a narrow subset of expenditures and leave untouched the broader “public dialogue,” …”but also because they leave untouched the speech of natural persons.”

2. The Court’s analysis that corporate speech has been “categorical banned” is highly misleading, and needs to be corrected. “These statutes don’t impose an absolute ban on all forms of corporate political spending.” They provide corporations and unions with a constitutionally sufficient opportunity to engage in express advocacy through PACs or through MCFL organizations; or through genuine issue advertising; or internet, telephone and print advocacy. They can “spend unlimited sums on political communications with their executives and shareholders,…distribute voting guides and voting records, underwrite voter registration and voter turnout activities,… host fundraising events for candidates within certain limits, and… publicly endorse candidates through a press release and press conference.” Shareholders are also free to engage in express advocacy in their own names.

3. “Despite the majority’s claim that the only “sufficiently important governmental interest in preventing corruption or the appearance of corruption” is one that is “limited to quid pro quo corruption,…on numerous occasions we have recognized Congress’ legitimate interest in preventing the money that is spent on elections from exerting an “ undue influence on an officeholder’s judgment’ ” and from creating “ the appearance of such influence,” beyond the sphere of quid pro quo relationships.”

Congress has placed special limitations on campaign spending by corporations ever since the passage of the Tillman Act in 1907 addressing “…the enormous power corporations had come to wield in federal elections, with the…threat of both actual corruption and a public perception of corruption… The Taft-Hartley Act of 1947 extended the prohibition on corporate support of candidates to cover not only direct contributions, but independent expenditures as well…”

The Court has never “…suggested that such quid pro quo debts must take the form of outright vote buying or bribes, which have long been distinct crimes. Rather, they encompass the myriad ways in which outside parties may induce an officeholder to confer a legislative benefit in direct response to, or anticipation of, some outlay of money the parties have made or will make on behalf of the officeholder…”

These “laws…do not merely pit the anticorruption interest against the First Amendment, but also pit competing First Amendment values against each other. There are, to be sure, serious concerns with any effort to balance the First Amendment rights of speakers against the First Amendment rights of listeners. But when the speakers in question are not real people and when the appeal to “First Amendment principles” depends almost entirely on the listeners’ perspective,… it becomes necessary to consider how listeners will actually be affected.”

“…the consequences of today’s holding will not be limited to the legislative or executive context. The majority of the States select their judges through popular elections.”

4. Restrictions on the use of general treasury money for political advocacy protects the rights of shareholders from a kind of coerced speech: electioneering expenditures for positions they disagree with. Such shareholders “may find their financial investments being used to undermine their political convictions”. It “simply allows people who have invested in the business corporation for purely economic reasons—the vast majority of investors, one assumes—to avoid being taken advantage of, without sacrificing their economic objectives.”
LWVSA Calendar

2015

November
3 General Election Vote - Mail in Ballot
3 Naturalization Ceremony — 10:30 AM at Downtown, Post Office 2nd fl.
7 Spokane Action Workshop — 9:00 AM - 3:00 PM, at 2402 N Howard
10 LWVSA General Meeting -11:30 AM, 2402 N Howard, “Money & Politics”
17 Naturalization Ceremony — 10:30 AM at Downtown, Post Office 2nd fl.
18 LWVSA Board Meeting — 9:00 AM, 2402 N Howard

December
1 Naturalization Ceremony — 10:30 AM at Downtown, Post Office 2nd fl.
8 LWVSA Elected Officials Holiday Luncheon, 11:30 at The Spokane Club
15 Naturalization Ceremony — 10:30 AM at Downtown, Post Office 2nd fl.
16 LWVSA Board Meeting — 9:00 AM, 2404 N Howard

2016

January
12 LWVSA General Meeting — 11:30 AM, 2404 N Howard
20 LWVSA Board Meeting — 9:00 AM, 2404 N Howard

2015–2016 LWVSA Board Members

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Dues Reminder: Thank you to all of the members that have renewed their League membership. We appreciate your continued support of League! This is a friendly reminder that many of you have not yet paid your dues for this year which were due September 30th. You may pay by check to: 2404 N Howard, Spokane, WA 99205

or by credit card through Pay Pal at: www.lwvspokane.org/join.html.

Dues are based on membership categories as follows:

- $70 Individual
- $105 Household
- $110 Sustaining
- $150 Benefactor
- $35 Student
- $35 Scholarship (call for application) Jan Carrington 509 844-1795

Membership Payment Form:

_____ Yes, I want to join /renew membership in The League of Woman Voters of the Spokane Area.
Name______________________________________________________________
Address______________________________________________________________
City ____________________________ Zip ____________________________
Phone (H) ___________________ (Cell) ___________________ (Work)_________________
Fax ____________________________________________________________________ Email _______________________________________________________________________

I would like to receive the news letter by mail _____ or Email _____ (please check one)
Please indicate amount enclosed ____________________________________________
Please make your check out to: LWVSA, 2404 N. Howard St, Spokane WA 99205
Pay by credit Card through Pay Pal at www.lwvspokane.org/join.html

League Of Women Voters Of The Spokane Area
2404 N. Howard
Spokane WA 99505
(509) 326 - 8026
www.lwvspokane.org

To:

“The League of Women Voters of the Spokane Area, is a non-partisan political organization, encourages the informed and active participation of citizens in government and influences the public policy through education and advocacy.”