

LWV Massachusetts Resolution to 2014 LWVUS National Convention

1. The proposed Resolution:

Be it resolved we, the representatives of local and state Leagues assembled at the 2014 LWVUS Convention, call upon the LWVUS Board to quickly appoint the committees to review our campaign finance position and to study the process of amending the Constitution, in order to arrive at a comprehensive national action program that will support the aspirations and content of our position and mobilize our members. We call upon those committees, as well as the newly-formed committee on redistricting, to move quickly, deliberately and collaboratively to produce results that will allow the League, unified and strong, to participate fully in local, state and national efforts to reclaim our democracy.

2. Background information on the Resolution:

We applaud the LWVUS Board for introducing this ambitious program and accelerated timetable for the coming biennium. The need to educate our members and prepare to take strong action is great. The LWVUS explanation for its proposed three-part program provides the background information for our resolution.

3. The LWV position on which the Resolution is based:

The primary LWV position on which the Resolution is based is our national position on Campaign Finance Reform. Other relevant LWV positions include those on Citizens' Right to Know/Citizen Participation, on Individual Liberties, and on Apportionment.

4. Rationale, including pros and cons, for proposing this resolution at this time:

Making democracy work is the League of Women Voters' calling. As we end our first 100 years and gear up for the next 100, let us realize that none of our stated goals—in voter rights, the environment, climate change, women's health, immigration—are possible without clear and immediate reforms in the way our political system is working and, in particular, reforms in the impact of money on the process.

Our position on campaign finance has proved flexible in the past, but the sustained assault by the Supreme Court on the very principles on which that position was based makes it imperative that we review and either reaffirm, in detail, those principles or revise and expand them to address legal loopholes and technological realities.

It has been almost forty years since the Supreme Court ruled, in *Buckley v. Valeo*, that spending money to promote candidates is protected speech under the First Amendment and, therefore, may not be regulated, the idea that "money = speech." LWVUS statements are clear that the League does not believe that 1976 decision, and others that flowed from it, were correct. The composition of the Court has changed during these four decades, but the position of the Court has not, and recent decisions demonstrate that this ruling has become, as far as the Court is concerned, a matter of settled law.

We urge the study committees to provide the framework to enable the LWV to support in

this biennium amendments to address the Supreme Court's equating of money and First Amendment free speech rights in our electoral politics, and the Court's rejection of the legislative process in regulating campaign expenditures and contributions.

Finally, we agree with the need for a national position on Congressional redistricting. The existing position on Apportionment is clearly inadequate to address the pervasive problems of gerrymandered districts that allow elected officials to choose their voters rather than the other way around. Many state Leagues have already adopted more detailed redistricting positions, but it is important for the League to be in a position to advocate for remedies at the Congressional level and to provide a model for similar changes where needed at the state level.

This Resolution is intended to communicate a sense of urgency to the Convention delegates and the LWVUS Board. Against this sense of urgency, we must place the deliberative and thorough tradition of study before action that gives the League a degree of credibility unmatched among civic organizations. Therefore, our resolution calls for all three newly-formed committees to work quickly, deliberately and collaboratively so that their work, taken together, can lead to a strong and coordinated action plan for the League at all levels.

5. Evidence that the issue is a current legislative priority:

Legislation confronting disclosure loopholes is pending in Congress and is advocated by the League, and the idea of public funding for elections is gaining a foothold in the public mind. The flood of money into elections is beginning to raise public awareness of the problem. There are currently before the 113th Congress more than a dozen proposed Constitutional amendments addressing various aspects of the Supreme Court's rulings on campaign finance. Two of them, with over 20 co-sponsors each, would simply allow both Congress and the states to limit contributions and expenditures in support of or opposition to candidates.

6. Evidence that the issue in the proposed resolution is time sensitive and requires federal governmental action:

Although the Supreme Court has been narrowing the scope of legal action affecting campaign finance abuses at an ever-increasing rate, federal action by Congress and the executive branch remains possible on this narrowed playing field, and is certainly both urgent and necessary. The voices of the people in our representative democracy are being crushed by the amplified voices of super-rich individuals and deep-pocketed corporations and special interests hiding behind imputed first amendment and privacy rights and loosely enforced or unenforced IRS, SEC and FEC regulation.

If the League and like-minded citizens cannot prevail in their efforts to limit the influence of money in our political system, our other work will be in vain. Every day, more money is inserted into our political system at every level—from town councilor and school board to President, and in every branch—legislative, executive and even judicial. No part of our democracy is now immune from the impact of money.

The public's sense that corruption has become legitimate and 'is the cost of doing business' has become endemic.

For those reasons, our resolution urges the LWWUS Board and the committees it will appoint to act quickly and thoroughly both to renew our position on campaign finance reform to reflect the current reality and to provide and promote a framework for Leagues to take action and to engage the public on this pivotal issue.

Submitted by

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