

Campaign Finance Reform: Brief History and Debate

Efforts to change or reduce the influence of money on political campaigns has been discussed in the US since the 1800's. Politicians from the 1800's spent their own money as well as that from their supporters to influence votes including outright bribery and the buying of votes. Political groups threatened corporations with legislation to encourage them to finance campaigns (referred to as the Pennsylvania idea). Theodore Roosevelt was the first US President to support the idea of campaign reform. The Tillman Act of 1907 was the first act that prevented corporations and banks from making direct financial contributions. The 1947 Taft Hartley Act banned contributions from unions. In 1971 the Congress passed the Federal Election Campaign Act requiring nearly full disclosure of campaign finance. The Watergate Scandal of 1974 resulted in additional amendments to the Federal Election campaign Act and the formation of the Federal election Commission. In 1976 the landmark *Buckley v Valeo* decision, a unanimous Supreme Court ruled that First Amendment rights of candidates could not be curtailed by limits on their spending, but that limits on donations to candidates can be limited in order to prevent corruption or the appearance of corruption. The Court also stated that truly independent spending in elections could not be curtailed, but if any spending was coordinated with a candidate, then it counted as a contribution to the candidate which could be limited. The limits on donations but no limits on spending have ruled campaign finance ever since. The next major change was the Bipartisan Campaign Reform Act, McCain-Feingold bill of 2002 eliminated "soft money" donated to the party rather than a particular candidate. It also doubled the amount of direct donations, and regulated money used for advertising. The most controversy was not allowing corporations or unions to promote the election of a candidate. In 2010 the Supreme Court case *Citizen United v Federal Election Commission* ruled that it was unconstitutional.

Historically Money has always been part of the system. Money can influence policy, but it also has a vital role in the democratic decision process to enable candidates to inform and mobilize voters. Campaign spending is constitutional protected right vital to informing and mobilizing ordinary citizens. However, privately financed campaigns may induce politicians to favor wealthy special interests at the expense of ordinary citizens. There is significant evidence that contributions can affect policy behavior. Money can also distort policy if contributions use an electoral strategy to affect who is elected. Nearly all means of communicating ideas to today's mass society requires the expenditure of money.

Proponents in support of unlimited money in politics say:

- Money allows the funding of modern communications such as TV and internet
- Political communications informs the voters
- Government should not regulate political speech
- Just because a candidate takes contributions does not mean that as an elected official they will take orders from the contributor – especially if it is "independent" spending.
- The funds simply flow to representatives who believe in the position of the group who is making the donations.

Opponents of big money in elections argue that:

- There is a growing cynicism amount the US population based on the ideas that democracy is now for sale,
- The large amounts of money spent on campaigns make Congress dependent on these dollars and responsive to their contributors and less likely to listen to "the people" – whom the Founders meant for Congress to represent.
- Giving of money to political candidates can lead to corruption or the appearance of corruption
- Disclosure of spending and contributions diminishes the opportunity for corruption. The League is currently updating our position on campaign finance through study and consensus to consider First Amendment political speech issues with focus on extent to which political campaigns are protected speech under the First Amendment. For additional reference material visit the LWVUS webpages, read the articles on Money in Politics in the ILR and come to the October Unit Meetings. We will be taking Consensus at the January Unit Meetings.