

Money, Speech and Power in Elections What Can Be Done About It?

Our March 22nd article explored the world of Super PACs -- huge agglomerations of money contributed by corporations, unions, and wealthy individuals to influence the election process. There is a growing concern that our national elections are for sale. This article will explore some reactions to the problem and some proposed solutions.

Two years ago the Supreme Court in *Citizens United v. F.E.C.* ruled that spending by corporations and unions, in addition to individuals-- labeled as "speech" -- to influence elections could not be limited. But a poll conducted a year later showed that four out of five Americans believe Congress should limit the amount of money corporations can spend on elections. Some groups, such as Business for Democracy, include small or medium sized corporations whose leaders object to the corrupting influence of money on public policy in general and elections in particular.

A variety of solutions have been proposed. Here are some of them.

The Federal Election Commission has been negligent in enforcing current campaign laws. Three of the current six members have refused to fulfill their responsibilities. Five of the six members still serve, although their terms have expired. A petition campaign spearheaded by the League of Women Voters gathered over 25,000 signatures for this action on the White House web site in February. And 60 House Democrats have written to President Obama urging him to require that any company receiving taxpayer dollars must disclose its political expenditures. Both of these actions could be accomplished by executive order.

The Disclose 2012 Act would require disclosure of donor names within 24 hours for political contributions of more than \$10,000. Unions and corporations would have to disclose sponsorship in their advertisements, and would have to inform union members and shareholders of how their money is spent politically. And lobbying groups would be required to more clearly identify their campaign spending.

Public funding is available only for presidential candidates, but the law allowing this is currently under attack. The Fair Elections Now Act was re-introduced in 2011 in the U.S. Senate. It would expand public financing of campaigns to include all federal candidates running for Congress so they would not have to rely on large contributions, lobbyist donations, or super PAC support.

At the state level, legislators can submit bills for campaign finance reforms. In Massachusetts, bills have been filed requiring corporations and unions to disclose their political spending and to identify themselves in advertisements they fund.

Corporate charters which are issued by the states, along with other state laws, could be strengthened and more stringently enforced. In cases of egregious harm to society, state charters could be revoked. Similar legal safeguards should be established for multinational corporations.

Supreme Court reconsideration of the Citizens United decision, although highly unlikely, but may be a possibility. Recently, the Montana Supreme Court upheld that state's century-old law which bars corporate spending on election campaigns. The U.S. Supreme Court put a stay on that ruling, allowing corporate money to flow unabated in Montana this year, and two Justices (Breyer and Ginsburg) called on the Court to reconsider its decision in view of the Montana case.

League of Women Voters of Concord-Carlisle♦Amherst♦Sudbury
Democracy in the Balance

A Constitutional amendment to overturn the Citizens United decision is the subject of referendums and resolutions across the U. S. some having passed by municipalities and states, and some proposed by members of Congress. Our next article in two weeks will discuss the amendment process, the form of various amendments, as well as the arguments for and against such an important step.

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