

LEAGUE OF WOMEN VOTERS WORK ON CAMPAIGN FINANCE REFORMS

The following article documents the efforts by League of Women Voters of Washington (LWVWA) and League of Women Voters of Massachusetts (LWVMA) to compel an updated position by the League of Women Voters of the United States (LWVUS) regarding campaign finance reform. The saga begins at the 2012 LWV national convention in Washington D.C., and ends on April 14, 2016, the LWVUS announced a new position on Money in Politics.

LWVUS 2012 Convention in Washington DC: Holding a caucus is the mechanism available to League members who want to address a pertinent issue not on the agenda at a League of Women Voters convention. The caucus venue allows members who share concerns on a particular issue to educate and convince other members to support their proposed resolution and/or study. Using caucus and proposal of a non-recommended study, delegates of the Massachusetts and Washington State Leagues of Women Voters led the charge to force the issue of updating League positions regarding campaign finance reform in the wake of the 2010 Supreme Court ruling in *Citizens United v. Federal Elections Commission*¹. A major goal was to cause the LWVUS to address the alternative solution of a Constitutional amendment.

Delegates of the Massachusetts League held a caucus at the 2012 convention stating:

“The purpose of the caucus is to pass a Resolution that would expand the LWVUS position on campaign finance to advocate strongly for all measures – including, but not limited to, a constitutional amendment which would:

- *Affirm that free speech rights belong to natural persons, not corporations or other non-person entities;*
- *Allow Congress and the States to set limits on campaign contributions and expenditures;*
- *Ensure that elections are determined by the votes of natural persons.”*

The resolution was rejected by the Resolution Committee, and the subsequent compromise was a watered-down version:

“Be it resolved, we, the representatives of local and state Leagues assembled at the 2012 LWVUS convention, call upon the LWVUS Board to advocate strongly for all appropriate, duly-considered measures which may include but are not limited to a constitutional amendment and which:

- *Are consistent with our current positions on campaign finance reform and individual liberties;*
- *Allow Congress and the States to set reasonable regulations on campaign contributions and expenditures; and*
- *Ensure that the voters determine elections.”*

Because the concept of “natural persons” vs. “non-person entities” was not addressed in the final resolution, delegates from LWVWA (members of the Citizens United Study Group) decided to proceed with a proposal for a non-recommended study. LWVWA believed it was important and timely to include the “corporate personhood” issue in a League study, since voters in many local, state and national

¹ *Citizens United v. Federal Elections Commission*, <http://www.supremecourt.gov/opinions/09pdf/08-205.pdf>, viewed 12/20/15

legislative districts, including in Washington State, were considering an amendment to the U.S. Constitution that challenged that concept.

Many convention delegates stated that they were uncomfortable addressing the topic of corporate personhood without a study to determine the League's position. League protocol for a recommended study is:

"Selection of an issue begins with the Program Planning each League is asked to do. This is where the local Leagues identify issues that deserve a study at the national level or updates of existing positions. These are issues where the LWVUS has no position, and, therefore, cannot act".²

A non-recommended study is proposed at convention.

At the 2012 convention, the LWVWA presented Motion # 32150:

"I MOVE: to consider a not-recommended study of the impacts of corporate personhood and the premise that money equals speech. The study will identify and evaluate strategies to ensure transparency, accountability, and preservation of the common good and determine ramifications the Citizens United decision has on the principles and positions of LWVUS."

The motion was made by LWV of Clallam County (WA). (Note: The proposal was submitted by the Jefferson County "unit" which did not have voting rights, so the LWV-Clallam County graciously provided their credentials for the proposal.)

Additional comments are allowed when submitting a motion, and the excerpt noted below was read. It is from the testimony given by the League of Women Voters of Hawaii before their state legislature in 2010.

"The term 'person' should match reality. Corporations and unions are legal entities; money is not speech, and human beings, not corporations, are persons entitled to constitutional rights. In a forceful dissent of the CU decision, Supreme Court Justice Stevens said: 'The difference between selling a vote and selling access is a matter of degree, not kind. And selling access is not qualitatively different from giving special preference to those who spent money on one's behalf.' He said that the majority had committed a grave error in treating corporate speech the same as that of human beings."

The motion for the non-recommended study lost by three votes. In subsequent conversations with delegates, it was determined that there was confusion between the resolution and study proposal and that several delegates absent during the vote would have voted yes. Because of that input, LWV-Clallam County decided to pursue reconsideration. A delegate who originally voted against the study and who had changed her mind was needed to proceed, and a woman from League of Women Voters of California stepped up to make the submission. The wording of the request did not fit criteria, so the study reconsideration proposal was deemed "out of order" and was thus "dead".

² "Leaders' Guide for the Education Study Consensus", League of Women Voters, <http://lww.org/content/leaders-guide-education-study-consensus>, viewed 12/20/15

LWVUS 2014 Convention in Dallas, Texas: Unwilling to take no for an answer, the Massachusetts League of Women Voters presses on at the next convention.

At the LWVUS 2014 national convention, LWVMA asked local Leagues throughout the U.S. to recommend a review of the LWVUS position on campaign finance in light of U.S. Supreme Court decisions over the last 40 years. The LWVUS board adopted their recommendation as part of the recommended 2014-16 program, which was adopted by the convention delegates. To reinforce the urgency of taking action on these issues, the LWVMA and the Campaign Finance Study Committee submitted a Resolution for Convention 2014. The resolution addressed three topics: a fast-tracked dynamic study and review to propel concrete, action-oriented outcomes for the LWV Position on Campaign Finance; a study of the Constitutional amendment process; and a review of the redistricting processes for Congressional districts.³

League Consensus Reached

Two of the LWVUS studies were released in September 2015 for reading and response: “Money in Politics” and “Constitutional Amendment.” Local Leagues presented these studies to their members between mid-October and mid-January 2016, allowing time to compile and submit a consensus report to LWVUS by February 1, 2016.

On February 3, 2016, the LWVUS announced a new “Constitutional Amendment” position calling for safeguards to govern the constitutional convention process of proposing amendments to the U.S. Constitution.⁴

On April 14, 2016, the LWVUS announced a new position on Money in Politics.⁵

³ “LWVMA Campaign Finance Project and Toolkit”, *League of Women Voters of Massachusetts*, <https://lwmma.org/lwmma-campaign-finance-project-and-toolkit/>, viewed 12/19/15

⁴ “League Position Adopted: Constitutional Conventions under Article V of the U.S. Constitution”, *League of Women Voters*, <http://forum.lwv.org/member-resources/article/league-position-adopted-constitutional-conventions-under-article-v-us-const>, viewed 05/29/16

⁵ “LWVUS Position on Money in Politics”, *League of Women Voters of United States*, http://forum.lwv.org/sites/default/files/mip_position_adopted_040216.pdf, viewed 04/27/16