

# OUR VOICES OUR DEMOCRACY

Victories Since *Citizens United* and the Road Ahead  
Empowering Voters Over Wealthy Special Interests

**February 2016**



## Acknowledgements

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# Introduction

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**On the verge of the** most expensive election in U.S. history—and six years after the U.S. Supreme Court’s disastrous *Citizens United* decision—Americans are demanding a government that is truly by the people, where every voice is heard and every vote counts.

According to a June 2015 poll by *The New York Times* and CBS News,<sup>1</sup> 84 percent of Americans think money has too much influence in elections, and 85 percent say we must “fundamentally change” or “completely rebuild” our system for funding campaigns. Americans of every political stripe are hungry for solutions<sup>2</sup> that will strip away barriers to people from all walks of life serving in elected office and rebalance the system so it works for voters, not just wealthy special interests. And the momentum behind reform is growing:

- Since 2010, more than 5 million people have signed petitions urging Congress to pass a constitutional amendment to overturn *Citizens United*. Sixteen states, the District of Columbia, more than 680 cities and towns, and a majority of the U.S. Senate in 2014 have called for an amendment.
- Since 2010, at least 23 states have enacted disclosure rules to ensure our right to know the big donors trying to influence our elections.
- States and cities have acted to pass and strengthen citizen-funded election systems to amplify the voices of small donors. In 2015 Seattle passed a first-in-the-nation system that will democratize city elections by giving every voter the opportunity to invest in campaigns, and Maine strengthened its system for citizen-funded elections. In 2016 more efforts are underway to establish campaign finance systems that prioritize small donor participation.

Heading into a major election, more than 200,000 Americans (and counting) have called on the presidential candidates to get serious about fighting big money. Hundreds of organizations spanning diverse constituencies and issue

areas are preparing to turn out thousands in D.C. and across the country for direct actions, public education, and mass mobilizations. In 2016, more cities and states are expected to vote on initiatives to put people in the driver's seat of our democracy than in any recent election.

This report shows where we've been and—more important—where we're going. A combination of positive momentum from recent victories, new leadership from a broader range of constituencies, an election that will put big money front and center, and a strong, coordinated plan of action will make 2016 a critical year for pro-democracy reform. In the pages that follow, we lay out a path forward, summarize the (sometimes overlooked) victories building momentum for change, and highlight how limiting the power of big money makes a real difference in people's lives.

The debate about the problem of money in politics is over. The question is not “if” but “when and how” we will reform our democracy. The movement for commonsense, winnable solutions is paving the way forward—to a government truly of, by, and for the people.

# 2016: Year of Action

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## Fighting Big Money in the 2016 Election

**With public opinion overwhelmingly supportive** of reform measures, democracy advocacy groups have unified behind a comprehensive agenda that defines the core values and principles that should be the foundation for reform.

In 2015, the “Unity Statement of Principles,”<sup>3</sup> a declaration of shared principles on money in politics reform, was released and endorsed by more than 155 groups. The Unity Statement represents the largest collection of groups ever aligned behind such an extensive set of solutions to the challenges facing our democracy.

The scores of organizations endorsing the Unity Statement recognize that there is no silver bullet in the fight to protect democracy, no single solution that will solve all of our country’s money in politics problems. Rather, each core principle is one integral piece of the solution. And though the groups that endorsed work on a wide range of issues – workers’ rights, racial justice, women’s issues, LGBT rights, faith-based advocacy, the arts, the environment, and more – this diverse collection of advocates came together around a shared recognition of our obligation to preserve representative democracy.

Based on the Unity Statement of Principles, thirteen leading democracy reform groups released the “Fighting Big Money, Empowering People: A 21st Century Democracy Agenda”<sup>4</sup> which lays out five key reform areas that presidential candidates should commit to and prioritize if elected. Early in 2016, a congressional version of the agenda will be moved to all congressional campaigns as the national debate begins about how candidates will answer one simple question: **If elected, what will you do, and when, to curb the power of money in politics and ensure a democracy that is of, by, and for the people, not just wealthy special interests?**

The Fighting Big Money agenda calls on candidates to endorse a series of important solutions including:

- Creating a strong small-donor public financing system
- Ensuring meaningful contribution limits
- Protecting the right to vote
- Advancing campaign disclosure and transparency efforts
- Overturning *Citizens United* and *Buckley v. Valeo* through the Democracy For All constitutional amendment
- Reshaping the way the U.S. Supreme Court views money in politics issues
- Making sure lawbreakers are held accountable by replacing the Federal Election Commission with a stronger agency and encouraging the Department of Justice to investigate and prosecute criminal violations of campaign finance laws

Organizations in early primary states like New Hampshire Rebellion and Iowa Pays the Price have kept the pressure on presidential candidates to address the issue on the campaign trail. Since January 2014, New Hampshire Rebellion has held over 15 protest marches and mobilized thousands of citizens to walk a combined 30,000 miles<sup>5</sup> throughout New Hampshire to build support for the solutions in the Fighting Big Money agenda. And, like Iowa Pays the Price, groups have deployed hundreds of citizens to candidate events demanding that the presidential candidates support comprehensive reform, and winning policy commitments from Democratic and Republican candidates. New Hampshire Rebellion publishes candidate statements on the website [www.QuestionR.us](http://www.QuestionR.us).

All three Democratic presidential candidates still running in January—Hillary Clinton, Bernie Sanders, and Martin O’Malley—have released policy platforms that mirror the Fighting Big Money agenda. Several Republicans have repeatedly talked on the campaign trail about the influence of “special interests” and the influence of the “donor class,” on the campaign trail, but have only offered partial solutions such as lobbying reform and increased disclosure of political spending, though Donald Trump, Gov. John Kasich, and Gov. Chris Christie have expressed openness to more far-reaching reforms like small donor, citizen-funded elections. While he was still in the race, Sen. Lindsey Graham endorsed the concept of a constitutional amendment to overturn *Citizens United*.

“For the first time ever, every Democratic candidate for president has publicly committed to stopping the corrupting influence of big money in politics, and Republicans are starting to embrace solutions of their own,” said Daniel Weeks, director of the NH Rebellion.

## Mobilizing Millions for Democracy in 2016

2016 will kick off a year of action to awaken our democracy. In every election cycle since *Citizens United*, more Americans have fought back against the problems they see and created more energy for the growing national democracy movement.

Several thousand people took coordinated action around the country immediately after the U.S. Supreme Court

handed down its decision in *McCutcheon v. FEC* in April of 2014, with 150 rallies in 41<sup>6</sup> states as a reaction to the overreach of the court. More than 15,000 Americans called their senators during the week of debate and vote in 2014 on the Democracy for All Amendment—an average of 150 calls per Senate office. And, more than 1.2 million Americans have rallied to push the U.S. Securities and Exchange Commission (SEC) to shine a light on secret money by requiring publicly traded corporations to disclose their political spending.

The increasing attention to the connections between issues in the democracy movement – and the fact that there are solutions already moving – has led to ever-increasing action by regular Americans and is ultimately leading to a mass movement for democracy.

Grassroots power will reach new heights this spring. Populist advocacy groups 99Rise and Avaaz will lead Democracy Spring,<sup>7</sup> a march from Philadelphia to Washington, D.C. followed by mass civil disobedience at the U.S. Capitol. Immediately after, thousands more will pour into D.C. for a three-day mobilization known as the Democracy Awakening.<sup>8</sup> During these three days, April 16-18, more than 100 organizations representing a diverse array of movements and hundreds of thousands of people will come together for an array of actions, including demonstrations, concerts, teach-ins, a rally, lobbying, and more – all in support of a democracy in which votes are not denied and money doesn't buy policy. There will also be “solidarity events” in state capitals around the country.

Examples of activities to expect during the Democracy Awakening are a massive rally on Capitol Hill, an encircling of the U.S. Capitol in a human chain to demand a Congress of Conscience that protects the right to vote, and smaller visibility events. The visibility events will “claim” iconic national monuments, K Street, and other selected buildings in Washington as places for displaying pro-democracy reform messaging. The three days will also include teach-ins, panel discussions, musical performances, activist training, and more.

## 2016 Campaigns Underway from Coast to Coast to Strengthen Democracy

Looking at the year ahead, opportunities to reduce the influence of big money in elections are everywhere -- in local towns and communities, in city halls and state legislatures, and in the White House and in Congress. They find their support with voters from every political party, and together, they have the potential to reclaim democracy for voters in every corner of the United States. While this report does not list all opportunities for money in politics reform over the coming year, below is a snapshot of campaigns in 2016.

## Moving Money in Politics Solutions at the State & Local Level:

- **Colorado:** In Denver, advocates are exploring a series of municipal reforms to limit the influence of big money in local elections and to empower regular voters.
- **California:** This November, three measures may make it to the ballot for voters' consideration. One supports a constitutional amendment to overturn *Citizens United*. Another would remove the ban on public financing. The third would close secret-money loopholes for nonprofit donors by requiring disclosure of donors making a contribution of \$10,000 or more.<sup>9</sup> In Los Angeles, advocates are calling for the adoption of reforms recommended by the city's Ethics Commission to strengthen the city's public financing program. Activists in Berkeley are urging the City Council to place a similar small-donor public system on the November ballot.
- **Illinois:** In February 2015, 79 percent of Chicago voters approved an advisory ballot measure endorsing a plan to institute public campaign financing and limit outside contributions, beginning a legislative process that now moves to the city and state government.<sup>10</sup>
- **Maryland:** In Howard County, Maryland, reform groups are working with local legislators to support new small donor empowerment legislation that would encourage candidates to fund their campaigns with small contributions from ordinary voters.
- **Massachusetts:** Transparency and public interest advocates are working on a bill to strengthen and close loopholes in Massachusetts' campaign finance disclosure law.<sup>11</sup>
- **Missouri:** A campaign contribution reform initiative may appear on the 2016 ballot in Missouri.

The measure would establish limits on campaign contributions, prohibit contributors from concealing contribution sources, and require corporations to meet certain requirements in order to make contributions.<sup>12</sup>

- **New Mexico:** Across New Mexico, advocates are proceeding simultaneously on state legislative and city-based campaigns. While court rulings have weakened public financing systems in Albuquerque and Santa Fe, reformers are working to strengthen these systems as well as adopt a new policy in Las Cruces. Legislative efforts on statewide public financing will also continue even after Gov. Susana Martinez's 2013 veto of a bipartisan bill<sup>13</sup> to update the system. Advocates in New Mexico also plan to continue their push for disclosure reform in the legislature.
- **New York:** With the Speaker of the House and Senate Majority Leader in the New York legislature both convicted of separate corruption charges last year, efforts continue to pass public financing legislation at the state level. A push to close the state's worst campaign finance loophole (for LLCs) will be a top priority this year. The New York legislature is also on the verge of sending a letter to Congress in support of a constitutional amendment to overturn *Citizens United*. A commission in Buffalo is also set to make recommendations about reforming the city's campaign finance laws.
- **Oregon:** Legislative and ballot efforts are being explored for 2016 and beyond to reform campaign finance laws and to create a small donor empowerment program. Oregon is one of the few states that has no statewide contribution limits.<sup>14</sup>
- **South Dakota:** Voters will have the opportunity to

vote on the South Dakota Government Accountability and Anti-Corruption Act, a proposal to prevent political bribery, improve transparency, and increase enforcement of South Dakota's ethics laws. The measure has been certified for the November 2016 ballot.<sup>15</sup>

- **Washington:** Washington state volunteers submitted over 320,000 signatures to put a measure on the 2016 ballot urging Congress to pass a constitutional amendment to overturn *Citizens United*. The new initiative comes on the heels of the ballot mea-

sure approved by Seattle voters to enact a citywide small donor empowerment program.<sup>16</sup>

- **Washington, DC:** In December of 2015, six out of thirteen D.C. councilmembers joined together to introduce small donor empowerment legislation. The Citizens Fair Election Act would match small donations from voters with limited public funds for candidates who agree to turn down large contributions, giving candidates a strong incentive to prioritize time with regular people over special interests and mega-donors.<sup>17</sup>

In addition to the initiatives above, public interest advocates are exploring other places to enact small-donor public financing and other money in politics reforms across the country, and intend to expand the map in each successive year continuing to build this growing national movement.

### *One Million Americans Urge President Obama to Use the Power of the Pen*

In December of last year, a broad coalition of 59 organizations delivered one million petitions to President Obama, urging him to shine a light on secret money in elections by issuing an executive order requiring federal contractors to disclose their political spending. Earlier in 2015, 130 congressional lawmakers took a stand on the issue, sending letters to the president that carried the same message.

Currently, fewer than a third of the 15 largest publicly traded federal contractors fully disclose the details of their contributions to nonprofit groups and trade associations – contributions that could be used for electioneering. The proposed executive order would ensure that at least 70 percent of the Fortune 100 companies disclose their political spending.<sup>18</sup>

In his final State of the Union address, President Obama announced his intention to make democracy reform a central focus of his last year in office. “We have to reduce the influence of money in our politics, so that a handful of families or hidden interests can’t bankroll our elections,” President Obama said. In the same speech, the president said he intends “to travel the country” to push for democracy reforms.<sup>19</sup> As this report goes to press, President Obama is “seriously considering”<sup>20</sup> signing the executive order.

In addition to pushing President Obama to issue an executive order, efforts are underway to push several federal agencies, including the Internal Revenue Service (IRS), the Federal Election Commission (FEC), the Securities and Exchange Commission (SEC), and the Federal Communications Commission (FCC), to consider political disclosure rulemakings or to enforce rules that are already on the books.



# Changing Lives in the Fight for Democracy

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## Voters in Maine & Seattle Stand Up to Big Money

**On Election Day, 2015, volunteers,** activists, and voters in Maine and Seattle took a stand against big money politics. These two victories at the ballot box took place on opposite sides of the country, but the campaigns supporting them tell the story of a single movement – one to put ordinary voters back in control of our elections.

One year before their victory in 2015, nearly 1,000 volunteers fanned out across the state of Maine to collect signatures for a ballot initiative restoring the state’s Clean Elections system. The campaign was led by Maine Citizens for Clean Elections and relied on a bipartisan volunteer and organizational network across the state, including Maine People’s Alliance and the Maine Education Association, to deliver this people-powered win.

Current and former lawmakers of all political stripes joined with activists and volunteers to voice their support for strengthening Maine’s Clean Election Act.



“This campaign isn’t about Democrats or Republicans or Independents,” former Maine State Senator Ed Youngblood (R) said about the campaign. “It’s about making sure that everyone—not just the wealthy—can be represented in our democracy.”<sup>21</sup>



Fortunately, real-world examples prove that changing the way we fund campaigns translates into more responsive representation for ordinary citizens.

## *Connecticut*

In 2005, Connecticut created the Citizens' Election Program, providing an option for statewide and legislative candidates to receive public grants to fund their campaigns.<sup>23</sup> To qualify for the system, candidates must raise a set amount of funding from a sufficient number of small donors and agree to certain spending limits. The program took effect for the 2008 elections, and has proven popular with candidates and the public.

In 2014, 84 percent of successful candidates used the program.<sup>24</sup> A 2010 poll found 79 percent support for the program among Connecticut voters.<sup>25</sup> Recently, the state's Democratic leadership attempted to defund the system, but withdrew the proposal within 72 hours in the face of a significant public backlash.<sup>26</sup>

The Citizens' Election Program has led to many concrete benefits for Connecticut residents. The system appears to have increased the number of donors, improved the legislative process, decreased the influence of lobbyists, increased the number of candidates, and increased the diversity of both candidates and elected officials.<sup>27</sup> The percentage of both women and Latino legislators increased significantly after the program went into effect.<sup>28</sup> Connecticut Secretary of the State Denise Merrill noted that "public financing definitely made the legislature more diverse. There are more people of color, more young people, more women, and more young women."<sup>29</sup>

In addition, the system has enabled candidates to spend less time fundraising and more time talking to constituents or studying the issues. State Representative Al Adinolfi (R-103) noted that "before public financing...[y]ou'd spend half of your time in the election cycle calling up people, raising money instead of going out knocking on doors. Now, you're getting it from the people and hearing what they want and not from special interests."<sup>30</sup>

But, most important, the Citizens' Election Program has led to policies that are more in line with Connecticut voters' preferences. Within three years of implementing the system the state increased its minimum wage; instituted an earned income tax credit benefitting 180,000 households; reclaimed \$24 million in annual revenue by returning unclaimed bottle deposits to the state treasury (rather than to beer and soda distributors); and instituted the nation's first statewide paid sick leave requirement.<sup>31</sup>

The paid sick leave victory illustrates of how small donor democracy can tip the scales in power of average citizens. Nearly 40 percent of U.S. workers (more than 41 million people), and more than half of Latino workers, have no option to take paid days to recover from illness or care for sick family members.<sup>32</sup> Polls consistently show that 70 to 75 percent of the public supports paid sick day laws.<sup>33</sup> But in the early 2000s, the Connecticut Business & Industry Association (CBIA) was a vocal opponent of paid sick day legislation.<sup>34</sup> Republican Governor M. Jodi Rell and Democratic House Speaker James Amann, both recipients of campaign contributions from the CBIA, bolstered the Association's

opposition.<sup>35</sup> While the bill passed the Senate and was reported out of committee, Amann never put the legislation up for a full House vote.<sup>36</sup>

Then, 2010, the first year that the Citizens' Election Program was available for gubernatorial elections, Democratic candidate Dannel Malloy won the election using grants from the program.<sup>37</sup> Malloy enthusiastically supported paid sick leave, in contrast to his primary and general election opponents, Democratic businessmen Ned Lamont and Republican Tom Foley.<sup>38</sup> He campaigned in support of paid sick days and continued to champion the policy after taking office.<sup>39</sup>

A leader of the paid sick day campaign, Connecticut Working Families' Lindsay Farrell, notes that, "Connecticut's public financing system helped us to pass paid sick days because, in the Democratic primary, there was a multimillionaire who spent tons of money and the general election had a Republican who was a multimillionaire. Without public financing, [Malloy] wouldn't have been both competitive and progressive." Public financing "allowed him to be competitive in a race at that level without compromising on an issue like paid sick days."<sup>40</sup>

By the time Malloy took office, the state House speakership had also changed hands. Publicly-funded progressive Chris Donovan had replaced moderate James Amann as House Speaker and, unlike Amann, he backed the paid sick day proposal.<sup>41</sup> With Donovan leading one chamber, publicly-funded Senate President Donald Williams, Jr. leading the other, and Malloy in the governor's mansion, the paid sick day bill sped through the legislative process.<sup>42</sup> Before the end of the first year of Malloy's first term in office, he had signed it into law, making Connecticut the first state in the nation to guarantee workers access to paid sick days.<sup>43</sup> Within 18 months of the law taking effect, 77 percent of Connecticut employers reported supporting the paid sick day law.<sup>44</sup>

## *New York City*

New York City implemented a small donor matching policy in 1989 and has improved it several times so that the program now provides a six-to-one match on the first \$175 of a resident's contribution to qualifying city candidates.<sup>45</sup> More than 90 percent of 2013 primary election candidates and nearly 75 percent of general election candidates chose to participate in the matching fund program.<sup>46</sup>

The program has resulted in more competitive city elections and a broader and more diverse donor base. Nearly 90 percent of the city's census blocks were home to at least one small donor for a city council race in 2009.<sup>47</sup> In contrast, 2010 State Assembly campaigns, for which no comparable program exists, received small donations from only 30 percent of the city's census blocks.<sup>48</sup> For contributions below \$50, the Latino and African American share of the donor pool in New York City has matched or exceeded population share, while whites dominate the ranks of large contributions.<sup>49</sup>

The New York program has led to important policy victories as well. Paid sick leave legislation is again a great example. By March 2013, advocates led by the New York Working Families Party (WFP) had built support for the policy

from a strong, diverse coalition, including forward-looking business leaders and the overwhelming majority of the City Council. But, they faced a formidable obstacle: the City Council Speaker (who was the frontrunner to replace Mayor Michael Bloomberg in upcoming elections) would not bring the bill up for a vote.

WFP convinced 14 councilmembers to go over the Speaker's head by filing a "discharge petition" to bring the bill to a vote—a bold and politically risky tactic that had never before been executed during the Speaker's tenure. This forced a negotiation, which led to a 2013 law that making New York City the most populous place in the nation to mandate paid sick leave.<sup>50</sup> Mayor Bill DeBlasio and the new City Council later expanded the law's reach when he took office in 2014.<sup>51</sup>

According to WFP's paid sick days campaign manager, Emmanuel Caicedo, the city's public financing program was essential to the campaign's success.<sup>52</sup> All 14 of the councilmembers who signed the petition participated in the City's program, which gave them the independence to stand up to the powerful Speaker. "There's no doubt in my mind that we would not have won paid sick leave for more than one million New Yorkers without the City's public matching program," says Caicedo. "The program created the political space for city council members to act according to their values. They weren't beholden to the corporate interests who opposed the legislation."

## *Maine*

Maine voters passed the nation's first statewide "clean elections" law in 1996, and in 2015 updated the policy to account for recent Supreme Court decisions that had undermined its implementation.<sup>53</sup>

Participation in the system has been generally robust, with more than 75 percent of general election candidates participating in each election year between 2004 and 2010.<sup>54</sup> The program appears to have helped create a legislature that is more reflective of Maine's overall population. A 2007 report by the Maine Ethics Commission concluded that the program was important to increasing the number of women running for office.<sup>55</sup> A 2014 book examining the class backgrounds of American legislators noted that Maine has the most blue-color legislature in the country, and connected this makeup to policies generally friendly to working families.<sup>56</sup>

## *Albuquerque*

Public funding programs aren't the only money in politics reforms that have led to more accountable government—strict limits on campaign contributions and spending can yield similar results. Unfortunately, the Supreme Court has undercut the people's ability to protect our democracy by striking down effective policy solutions that limit big money.<sup>57</sup>

One of the key reasons the court has given for overturning all spending limits and some contribution limits is that such limits protect incumbents from robust challenges by outsider candidates who need more resources to mount viable campaigns.<sup>58</sup> This reasoning is flawed, as studies have shown, because in fact incumbents raise large war chests in our big money system and enjoy sky-high re-election rates.<sup>59</sup>

The City of Albuquerque, New Mexico provides perhaps the best example. Albuquerque maintained candidate-spending limits for mayoral races for more than 20 years despite of a 1976 Supreme Court ruling striking federal campaign spending limits.<sup>60</sup> The city's mayoral reelection rate during the period spending limits were in effect was zero per cent—not one incumbent was returned to power.<sup>61</sup>

Tough restrictions on big money can both reduce the influence of wealthy donors and make candidates and officers more accountable to ordinary citizens by fostering electoral competition.

In 2005, after Albuquerque's spending limits were struck down by federal courts, the city adopted a public funding program.<sup>62</sup> A subsequent analysis of this program by the Center for Governmental Studies found that:

*Candidates have reduced their campaign spending. Citizens have seen a return to a form of "retail" politics characterized more by personal contacts with candidates than expensive media advertising. The program has reduced the appearance of undue influence by large campaign donors. . . Voters have embraced Albuquerque's public campaign financing program, and officials contacted said they would use the program again instead of raising private donations.*<sup>63</sup>

# Victories for Democracy Since *Citizens United*

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## Everyone Participates: Victories for Citizen-Funded Elections

- Connecticut’s public financing system is a national model and remains popular among legislators and constituents.
- Successful citizen-funded election initiatives have passed in cities and municipalities across the country over the last five years, with strong support from voters.

In 2011, after the Supreme Court’s *Arizona Free Enterprise* decision that invalidated a portion of some small-donor public financing systems that protect candidates from private spenders and outside attacks, the **Connecticut** legislature moved quickly to ensure its Citizens’ Election Program would remain viable for future elections. The legislature increased the grant amount candidates receive upon qualifying, giving candidates the funds they need to run competitive campaigns after successfully collecting the large number of small, qualifying contributions from their constituents.

In 2014, **Maryland’s Montgomery County** Council unanimously enacted small donor empowerment legislation that encourages candidates to finance their campaign funds from small, local contributions rather than relying on money from large donors. The program provides public matching funds for contributions of up to \$150 to candidates who agree to turn down large and corporate or PAC contributions. County leaders expect the program to be in place for Montgomery’s 2018 election cycle.



In the November 2014 election, voters in **Tallahassee, Florida** approved a referendum to amend the city charter that included stricter campaign contribution limits, created new ethics rules, and provided each voter with a tax rebate up to \$25 for contributions to campaigns. The initiative had strong bipartisan support and was passed with 67 percent of the vote.<sup>64</sup>

In February 2015, **Chicago** voters overwhelmingly supported a ballot question urging the city council to enact a new small-donor empowerment program to help curb the influence of corporate and special interests in local elections. Debate on that bill is about to begin as this report is published.

In November 2015, voters from coast-to-coast sent a message that they're eager for serious, big changes to our campaign-finance laws. In **Maine**, by a vote of 55–45 percent, voters approved an initiative to improve the state's landmark Clean Elections system by strengthening donor disclosure and enforcement requirements and restoring the state's small-donor public financing system. In **Seattle**, voters said “Yes” to creating a first-in-the-nation “Democracy Voucher” system under which each voter will receive four \$25 vouchers to give to qualifying candidates of their choice. The Seattle initiative also strengthens contribution limits for city contractors, closes the revolving door, and increases transparency and accountability in city elections. After these wins, the *Huffington Post* front page banner headline read, “Voters Chip Away at *Citizens United*.”

## Everyone Has a Right to Know: Disclosure Winning Across the Country

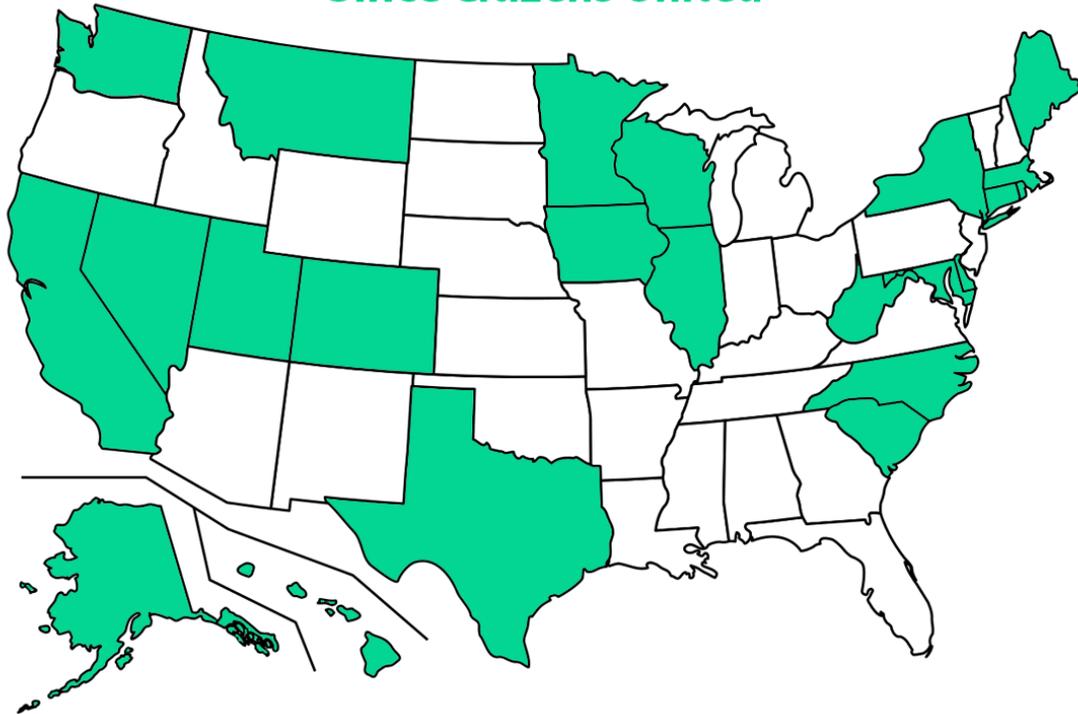
- Since Congress failed to pass the DISCLOSE Act, 23 states have strengthened disclosure laws in response to the *Citizens United* decision.
- More than 1.2 million people sent comments to the Securities and Exchange Commission (SEC) demanding disclosure of corporate political spending.
- More than 1 million people petitioned President Obama to issue an Executive Order requiring federal contractors to disclose their political spending.

Although Justice Kennedy predicated the majority opinion in *Citizens United* on the assumption that there would be robust disclosure of the funders behind newly allowed corporate political spending, the decision ultimately opened up our campaign finance system to a massive infusion of secret money. The spending is channeled primarily through 501(c)(4) nonprofits and trade organizations that are not required to disclose their donors, but can spend unlimited amounts of money to influence elections so long as they operate (at least officially) independent from candidates and parties.

In reaction to *Citizens United*, several members of Congress drafted the DISCLOSE Act in 2010. While the bill passed the House of Representatives, it failed by a single vote to overcome a Senate filibuster and has been stalled since Republicans took control of the House of Representatives in 2011.

Meanwhile, at least 23 states have passed new disclosure laws or rules since *Citizens United*. Several state legislatures

## Political Disclosure Laws & Rules Passed or Enacted Since *Citizens United*



updated their disclosure laws immediately following *Citizens United*. Since then, states including Massachusetts, Maryland, Montana, Rhode Island, Hawaii, and Delaware have passed more robust disclosure laws. Some of these stronger transparency laws require the campaigns' to disclose their top donors in campaign ads, reveal secret money funneled between political groups, and ensure that outside group spending is disclosed.

In addition to successful state campaigns for political spending and donor disclosure, investors and organizations have been pushing the Securities and Exchange Commission (SEC) to adopt a rule requiring publically traded corporations to disclose their political spending to shareholders. The campaign has generated a record-breaking 1.2 million comments to the SEC in favor of the rulemaking.<sup>65</sup> The number of shareholder proposals to companies relating to their political activity has more than doubled since *Citizens United*.<sup>66</sup>

Additionally, more than 1 million<sup>67</sup> people have signed a petition calling on President Obama to issue an executive order requiring federal contractors to disclose their political spending. Disclosure efforts are also underway at the Federal Election Commission (FEC), Federal Communications Commission (FCC), and Internal Revenue Service (IRS).

### Everyone Plays by the Same Rules: A Constitutional Amendment Undoing *Citizens United*

- Since 2010, 16 states and more than 680 cities and municipalities have called on Congress to pass a constitutional

amendment to overturn decisions like *Citizens United*.

- The majority of the U.S. Senate voted in September 2014 in support of a constitutional amendment.
- Polling and results from state ballot measures show Americans across the political spectrum disagree with the U.S. Supreme Court and want to see *Citizens United* overturned.

The U.S. Supreme Court's declaration in 2010 (*Citizens United v. Federal Election Commission*) that it is unconstitutional to prohibit corporate spending to influence elections or to limit the size of "independent" electioneering expenditures has prompted widespread calls for a constitutional amendment to reverse the decision.

In a 2015 Bloomberg poll, 78 percent of respondents said the *Citizens United* ruling should be overturned.<sup>68</sup> Other polls show similar results, with nearly 80 percent of respondents to a 2015 New York Times/CBS poll<sup>69</sup> saying they believed spending by groups not affiliated with a candidate should be limited.

Sixteen states and more than 680 local jurisdictions<sup>70</sup> have expressed a desire for passage of a constitutional amendment that would, in general, stipulate that corporations are not entitled to the same First Amendment rights as human beings and that the government may legally limit spending in elections.

The 16 states that have called for a constitutional amendment include: 11 in which a majority of both legislative houses have voted in favor of an amendment; three in which the majority of both houses have signed letters in favor of an amendment; and two in which citizens have approved ballot initiatives calling for an amendment.

The results of the statewide ballot initiatives are striking. Colorado's initiative instructing the state's congressional delegation to support an amendment to repeal *Citizens United* was approved by a vote of 74 to 26 percent in 2012.<sup>71</sup> The same year, Montana citizens voted 75 to 25 percent<sup>72</sup> in favor of a ballot initiative calling for a policy of prohibiting corporate campaign contributions and expenditures, and limiting political spending in elections.<sup>73</sup>

These votes were even more remarkable because they occurred in "purple" and "red" states. At the federal level, Republican representatives have unanimously opposed measures to respond to *Citizens United*, including commonsense measures as simple as requiring disclosure of contributors to groups spending money to influence elections. Yet, the people of one state nearly evenly split between Democrats and Republicans (Colorado) and another that typically leans heavily Republican (Montana) voted three-to-one to reverse *Citizens United*.

At the federal level, the U.S. Senate voted 54-42<sup>74</sup> in September 2014 in favor of a joint resolution supporting an amendment that would permit Congress and the states "to regulate and set reasonable limits on the raising and spending of money by candidates and others to influence elections" and allow legislators to "distinguish between natural persons and corporations" in campaign finance regulation. Proponents of the amendment were not able to obtain the 60 votes needed to overcome a Republican filibuster. Nonetheless, a majority vote in a typically conservative body in favor of a constitutional amendment was notable.

**States Calling for a Constitutional Amendment to Overturn Decisions Like *Citizens United***

States	Resolutions	Letters Signed by Majorities of Both Houses	Ballot Initiative
California	•		
Colorado			•
Connecticut		•	
Delaware		•	
Hawaii	•		
Illinois	•		
Maine	•		
Maryland		•	
Massachusetts	•		
Montana			•
New Jersey	•		
New Mexico	•		
Oregon	•		
Rhode Island	•		
Vermont	•		
West Virginia	•		

Source: United for the People, <http://united4thepeople.org/state-and-local-support-2/>



# Building a Broader & More Diverse Democracy Movement

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## Engaging Both the Left & Right in Democracy Reform

**No one person or organization** can solve all the problems in our democracy. That's why groups working on campaign finance and money in politics issues have prioritized building a broader movement to tackle threats to American democracy.

One of the best examples of movement building is the Democracy Initiative (DI). Launched in 2013 by the Communications Workers of America (CWA), the NAACP, Greenpeace, and the Sierra Club, the goal of the Democracy Initiative is to bring various constituency groups together around the issues of money in politics, voting rights, and Senate rules reform. Since then, Common Cause and the AFL-CIO have joined the organization as convening members. The list of more than 50 endorsing organizations includes MoveOn, the League of Conservation Voters, People For the American Way, SEIU, U.S. PIRG, the National Council of La Raza, the National Education Association (NEA), and the National LGBTQ Task Force. The organizations involved in the DI represent millions of Americans, positioning the group to make a big impact on moving reform across the country.

Efforts have also been made to organize conservatives around the issue of campaign finance reform. In 2015, Virginia Tea Party leader John Pudner founded Take Back Our Republic to encourage individual participation in democracy and “end the system of escalating campaign contributions.”<sup>75</sup> Additionally, Issue One launched the “ReFormers Caucus,” a bipartisan group of former elected officials and political leaders dedicated to campaign finance reform. The ReFormers Caucus includes former Utah Governor and U.S. Ambassador to China Jon Huntsman, former Senator Alan Simpson, former Secretary of Defense Chuck Hagel, former Senator Tom Daschle, and former Secretary of Defense Leon Panetta.

## Diverse State & Local Groups Join Together For Democracy

Structural racism and economic inequality prevent many Americans from fully participating in, and benefitting from, our democracy. But across the country, groups fighting for racial and economic equality are also leading fights for democracy reforms. These groups understand that building the political power of working people and communities of color also means building an inclusive democracy in which all people have an equal say in setting the political agenda and an equal chance of benefiting from policy outcomes.

In Seattle, organizations working primarily in communities of color played crucial leadership roles from the start of the winning campaign for a first-of-its-kind voucher-based public financing program. Washington Community Action Network, the state's largest grassroots community organization, and OneAmerica, a state-based immigrant rights group, helped shape and win the campaign, alongside Win Win Action, Washington Bus, Fuse Washington, Sightline, WashPIRG, and other state and local organizations.

New coalition leadership helped win the innovative program—and ensure that the resulting program is as inclusive as possible. These groups mobilized community members through grassroots organizing and door-knocking in communities of color. They garnered support for the measure through a media strategy that included coverage in Asian, African American, and African newspapers, Latino news stations, and African American radio stations. Because of their leadership, all eligible voters in Seattle—not just those registered to vote—can make use of Democracy Vouchers to support candidates they believe will actually represent their interests in city elected positions.

It's not just Seattle. Around the country, other groups that primarily work for racial and economic justice are pushing for reforms to democratize money in local politics. Many of these organizations have been resourced and brought to the money in politics leadership table through Demos' Inclusive Democracy Project which has focused specifically on providing racial and economic justice groups with the technical support and platform to expand their work on democracy issues.

Reclaim Chicago, a member-driven group working toward justice and equality for all Chicagoans, is working with city council members to introduce public financing legislation for vote by the council in 2016. The legislation would create a fund to match small contributions to candidates at the local level, amplifying the influence of people who can only afford to make small contributions. Similarly, District of Columbia Working Families, a constituency-based organization that fights for a fair democracy and economy, is also working toward small-donor-matching legislation in Washington, D.C. in 2016.

Racial and economic justice groups are also helping to connect money in politics reforms with voting rights initiatives to forge a comprehensive pro-democracy agenda. The Working Families Alliance in New Jersey worked to improve and pass The Democracy Act, an affirmative voting rights bill that included automatic voter registration, rights restoration provisions, and expanded early-voting. Although the bill was later vetoed by Gov. Chris Christie, New Jersey Working

Families Alliance is now leading an effort to get the bill placed as a ballot measure in 2016.

In Minnesota, Take Action Minnesota and Voices for Racial Justice have worked with Common Cause Minnesota to collaborate with the Secretary of State toward proactive reforms that empower citizens returning from incarceration by restoring their rights. This follows Take Action MN's recent success in defeating a 2012 ballot initiative that would have created restrictive identification requirements for voting and rolled back the state's same day registration program.<sup>76</sup>

On the national level, the three-day "Democracy Awakening" in April 2016 (described above) is bringing together the voting rights and money in politics reform advocacy communities. Organizations leading the mobilization represent a diverse array of issues, including racial justice leaders like the NAACP. Together, organizations and activists will press for reform proposals focused both on restoring and expanding voting rights protections, and on curbing the influence of wealthy interests and corporations on elections.

## Moving Democracy Reforms Beyond Money In Politics

Building a democracy in which everyone participates, every vote is counted, and everyone's voice is heard requires tearing down all of the barriers to representation—from big money preventing regular people from winning elections to restrictive voting laws that silence voters on Election Day.

Restrictive voting laws suppress the voting rights of people of color, students, the elderly, and low-income Americans. At the same time, with big money increasingly shaping elections and the policymaking process, the voices of average Americans are drowned-out by wealthy special interests. Running for office has become so expensive that it is nearly impossible for an everyday person to get elected and represent their community.

In fact, because political mega-donors are older, whiter, and male than the country as a whole, both big money in politics and voter suppression policies have a similar impact: preserving the entrenched political power of white men and to prevent a younger, more diverse America from electing officials who reflect us.

These issues have come to the forefront in recent years as the U.S. Supreme Court's conservative majority has struck down protections for voting rights as well as limits on money in politics, in decisions like *Shelby County* and *Citizens United*.

Additionally, the states working to suppress the vote are often the same ones fighting to erode commonsense checks on the influence of money in politics. Wisconsin, for example, enacted one of the strictest voter ID laws in the country, and also passed a law allowing unlimited secret money to legally flow into state elections. North Carolina drastically overhauled its voting rules and also killed public financing for judicial elections. Maine repealed same-day voter registration and weakened its first in the nation system of citizen-funded elections. (Fortunately, Maine voters restored same-day voter registration in 2011 and strengthened citizen-funded elections in 2015.)

In contrast, states like Maryland have worked to restore voting rights for formerly incarcerated people and also implemented a groundbreaking disclosure law for corporate political spending. Maryland's Montgomery County enacted a system of public funding of elections to amplify the voices of small donors. Montana strengthened its disclosure laws and rejected efforts to eliminate same-day voter registration. Similarly, California and Connecticut passed tough new disclosure laws and voter registration reform.

Other states are also moving voting and election reforms that modernize democracy. Oregon passed historic legislation that automatically registers voters through the Department of Motor Vehicles,<sup>77</sup> and California quickly followed suit by passing similar legislation.<sup>78</sup> Also in 2015, Illinois<sup>79</sup> enacted reform to allow voters to register to vote on Election Day and Pennsylvania<sup>80</sup> created a system to allow online voter registration. Colorado enacted a major election modernization package in 2013.<sup>81</sup> Additionally, more states are making sure politicians are not picking their own voters and trying to stop gerrymandering. Nonpartisan redistricting reform efforts are underway in states across the country, and in the 2015 elections Ohio voters approved a bipartisan measure with 71 percent of the vote to ensure fairer districts and ban gerrymandering.<sup>82</sup>

# Conclusion

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**The Supreme Court, Congress, and** most state legislatures have forced upon the nation big-money campaign funding systems that allow wealthy interests to drown out the voices of ordinary Americans. But across the country, voters, reformers, and regular people are coming together every day to raise their voices and create a democracy that is truly of, by, and for all of us.

Together we are breaking down the barriers that have divided us by demographics and issues and are advocating for—and implementing—solutions that fulfill the public’s right to know who is attempting to influence our votes; remove obstacles to ordinary citizens running for and winning elected office, regardless of race, gender, or class; protect the integrity of the democratic process; and generally rebalance power between wealthy special interests and everyday voters. We join together for a democracy that responds to the needs of all people, not just the preferences of the wealthy, one in which people of color and low-income people have an equal say in setting the political agenda and an equal chance of benefiting from policy outcomes.

2016 will be a pivotal year in moving democracy reform. It will be the year in which we build upon the momentum provided by recent victories, and the year in which we take significant additional steps towards a democracy in which the strength of our voices does not depend upon the size of our wallets.



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