



VOTER

The League of Women Voters of New Castle County, Delaware

January 2016

www.lwvdelaware-newcastlecounty.org

Vol. 22, No.6

The Mission of the League of Women Voters is to empower citizens to shape better communities.

This is the second phase of the study and update of the **LWVUS Key Structures of Democracy**

- To prepare for the consensus questions there will be two showings of the movie “Pay 2 Play: Democracy’s High Stakes”.
 - Tuesday, January 19th @ 5 pm, pizza & salad, Letty Diswood 2704 Landon Drive, Wilmington. Call 302-478-8224.
 - Friday, January 22nd @11 am, salad or chili, Emily White 283 Dallam Rd., Newark, 302-264-0768

Money in Politics Review

The LWVUS Money in Politics Committee is conducting an update of the League’s position on campaign finance for the purpose of addressing the lack of member understanding and agreement as to whether financing a political campaign is protected speech under the First Amendment. The campaign finance position will be updated through a study and consensus process to consider:

- (1) **The rights of individuals and organizations, under the First Amendment, to express their political views through independent expenditures and the finance of election campaign activities; and**
- (2) **How those rights, if any, should be protected and reconciled with the interests set out in the current position**

HOT TOPIC LUNCH MONDAY, JANUARY 25, 2016

TOPIC: MONEY IN POLITICS CONSENSUS.

Michael's Restaurant, 1000 Churchman's Rd, Newark, DE 19713

Buffet lunch is \$15.00 paid at time of the luncheon. Please pay in cash if at all possible.

Get ready! Read the articles **REVIEW AND UPDATE** and **THE FIRST AMENDMENT TO THE U.S. CONSTITUTION** sent as attachments to this email which discuss **Limits on Free Speech, Political Speech and Money, and the Recent Interpretation of the First Amendment**.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

To view resource material that addresses all the various aspects of Money In Politics and the study guide with background of the questions, paste these links into your web browser:

<http://forum.lwv.org/member-resources/article/study-guide-money-politics-consensus> and

<http://forum.lwv.org/member-resources/article/money-politics-independent-expenditures> and see attached resource and questions in separate PDF file. If you are unable to attend please fill out the form attached and mail it to the League office, 2400 W 17th St., Clash Wing, Rm. 1, Lower Level, Wilmington, DE 19806.

DEADLINE: Mail must be received in the League office by January 25, 2016. (Continued on page 2 Hot Topic)

(Continued from page 1 Hot Topic)

Join us at Michael's for a buffet luncheon and discussion. Great food choices and the price of \$15.00 per person covers lunch, beverages and gratuity.

Hot Topic meetings are the time to check in with current and longtime friends, make new friends, invite potential new members (your friends, neighbors, colleagues) to experience the League in an informal setting, and **become informed on a wide variety of topics.**

Please RSVP at lwwde@comcast.net or 302-571-8948 by Saturday, January 23, so we can let the restaurant know how many to expect. If you need a ride leave a message on the League Office phone or e-mail when you RSVP. There will be carpooling from Wilmington area. Call 302-571-8948 and leave a message.

Directions: Michael's is located at 1000 Churchman's Road, Newark. See <http://michaelsde.com/directions/>

A VERY HAPPY NEW YEAR TO ALL. We look forward to an exciting election year. Keep tuned. Greetings from Emily White, and the LWV New Castle County board.

MEMBERSHIP UPDATE

REMINDER! Thank you to all of our members who have renewed their membership to the LWWNCC for FY 2015-16. Renewing at the local level automatically makes you a member of the state and national Leagues. A first class letter was mailed to you in December. If you have received such a letter, please don't let it get lost in your stacks of mail and send that check right away. We thank you for your past support and look forward to a rewarding, exciting year. Any questions? Leave a message at the office 302-571-8948 or send an email to lwwncc@comcast.net.

Your Membership Committee



TO OUR VOLUNTEERS who did the following work during December: Patti Christopher who coordinates the Voter Registration Drives; Joann Hasse who gave a board orientation to the LWWNCC board and Liz Fite who does our webpage every month. Thanks to all who coordinated, collated and distributed welcome folders at the new citizen ceremony held at UD Clayton Hall: Connie Georgov, Bob and Joann Hasse, Carole Walsh, Judy Taggart, and Emily White.

Christina Board of Education meeting, December 8, 2015

The December 8, 2015 Christina school board meeting was brief, concluding at 8:30 pm, due to the deferral of two major issues – referendum planning and school board policy – to a January 6th, 2016 workshop meeting rather than discussing those issues at the December general business meeting.

Public Comment: First, a teacher at Kirk middle school who is also a member of the FOCSO group, called attention to a daily late bus, the need for a new roof, annual principal turnover at the school, and recommended a free online course in ethical leadership to the school board members. Next, a representative of the City of Newark's Box Top collection and distribution to city schools spoke. Third, another FOCSO member presented suggestions for changes to the school board policy manual.

After public comment, the CBOC (Citizen's Budget Oversight Committee) report indicated that this year's expenditures thus far are in line with the planned budget for the year. The Superintendent reported that he was thankful for input from stakeholders in the community, including parents, teachers and fellow board members, in the run-up to the next referendum. The next agenda item was one student re-admission, and six expulsions due to apparent criminal conduct including felonies. The expulsions were approved 5-0-1, with board member George Evans, Esq. abstaining.

(Continued on page 3, Christina School Board)

(Continued from page 2, *Christina School Board*)

The next agenda item was a discussion of a request by the Chrysler corporation for a refund of \$153,000 in taxes paid by Chrysler in 2009. From the discussion, apparently New Castle County retroactively re-assessed the Chrysler property in 2014, adjusting 2009 tax due, and New Castle County Council therefore recently refunded a portion of the taxes received in 2009 from Chrysler. The discussion concluded that because the school district, unlike the county, was not responsible for any erroneous assessment or collection, the Christina school district should be obligated to refund the money.

A potentially controversial item was then pulled from the Consent Agenda: the proposal to spend \$49,000 to enter a contract with 'Modern Teacher,' through the BRINC consortium (the blog *Exceptional Delaware*, which covers education issues in Delaware, had called attention to this item and its possible conflicts of interest). Without any discussion of the topic, the Christina board voted 4-2-0 against entering the contract.

It had been stated at the November meeting that the referendum "package" would be presented at this December meeting, but neither the CFO, district spokesperson, or superintendent were prepared to do so because they stated that they are still collating data on what stakeholders would like to see funded through a referendum. The superintendent noted that the City of Newark just raised taxes nearly 10%, so there is a need to be cautious about what further tax increases the community will support. Board member Elizabeth Paige requested to see the surveys with the 'raw data' of parent/teacher input about the upcoming referendum that the district will use to set the package.

The WEIC process was then briefly discussed, with the CFO indicating that the State BOE has until March 30th to approve the process of re-districting Wilmington's Christina schools into Red Clay. Board president Harrie Ellen Minnehan and Mr. Evans indicated that Red Clay stakeholders do not seem to want Christina's Wilmington schools; the discussion indicated that funding for the transition from the state is questionable, with the source of funds uncertain. There will be a Christina BOE workshop on January 6th, 2016, to discuss both school board policy and the upcoming referendum terms; and a general school board meeting on January 13th, 2016.

Katie Gifford, School Board Observer

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- ✓ **SAVE THIS DATE!!! League Day in Dover: Annual Legislative Day. Wednesday, March 23, 2016 at the Outlook, Duncan Center, Dover, Delaware**
 - ✓ **SAVE THIS DATE!!! Tuesday, April 12, 2016. On that evening, at Arsht Hall, the LWVNCC will hold its Carrie Chapman Catt award dinner. We will recognize people who have made significant contributions to our community. Stay tuned for more details!!**

Joyce P. Johnson, chair, Carrie Chapman Catt Award Celebration.

GREAT DECISIONS DISCUSSION GROUP

GREAT DECISIONS, 3RD MONDAY

Tuesday, January 11. Note this is the SECOND Monday. The third is ML King Day and the library is closed. We will be viewing the CD on Africa, which we missed with the discussion and will distribute the 2016 books.

What: Great Decisions: US Policy toward Africa: The CD

Distribution of 2016 books; \$23.50 per book.

When: Monday, Jan. 11, 2016; 1:30 - 3:30 pm

Where: Newark Free Library

What else: Lunch for those who wish it

When: Noon - 1:15 pm, before the above meeting

Where: Bamboo House

How: Call Vicky Kleinman [302-731-4950] to arrange for seating.

VOTER SERVICE UPDATE:

Voter Registration is already starting to receive requests for 2016. Due to the national election, this will be a busy year. I will be needing lots of volunteers. There will be a couple of dates set up to learn how to use the national registration form. Perhaps, if time allows, we can schedule another class with the Delaware Department of Elections to hold a class for the specific form that the State uses. My first request is for January 18th 3:00 PM till 4:30 PM – Martin Luther King’s Day celebration. (See notice below about event). If anyone is available please contact me.

If you have any questions regarding registration please contact me at wjcr4@verizon.net.

Patti Christopher, Voter Registration Coordinator

- The Organization of Minority Women, Inc is holding its **Thirty-Eighth Annual Martin Luther King, Jr., Scholarship-Fundraising Breakfast**. Monday, January 18th, 2016 at 8 am sharp at the Chase Center on the Riverfront, 800 South Madison Street, Wilmington, Delaware. Tickets are \$45.00. Call Mary Plant, president 302-368-3472 for reservations. Pay at the door if you miss the 1/20 deadline.

4th ANNUAL MLK Peace Parade & Community Celebration
Monday January 18th, 2016

Peace Parade 2pm
St. Paul's Church
4th & Jackson St.
Wilmington DE

Community Celebration 3pm
follows parade
Be Ready Church
1411 W. 4th Street
Wilmington DE

Planting Seeds of Change
music food

Get Plugged In!
Contact Vanity @ 302-894-2514 or
westsidegrows.youth@gmail.com

LAND USE / TRANSPORTATION COMMITTEE

CHANGED MEETING DATE: We had some issues with earlier meeting date. Next Land Use/Transportation Committee meeting will be on **Monday, January 18th**, from 1:30-3:30, my house (113 Cardiff Ct. W., Meadowdale [across from Independence School], Newark).

SB 130, to set up Complete Communities

As the list of supporters continues to grow, the Leagues of Women Voters of Delaware and of New Castle County look for opportunities to spread the word about this enlightened legislation...legislation which would encourage communities to develop walkable, bike-able places where many modes of transportation are encouraged, and where healthy lifestyles are more widely adopted. If you go to this site <http://bettercities.net/news-opinion/blogs/robert-steuteville/14788/does-smart-growth-reduce-carbon-emissions-bet-house-it-you-will-learn-from-a-research-study-done-in-portland-or-that-in-3-kinds-of-neighborhoods-the-vehicle-miles-traveled-vmt-can-vary-widely>. Neighborhoods with good transit and mixed use (residential and retail together) average 9.8 VMT/household/day. Neighborhoods with good transit but no mixed use average 13.3 VMT/household/day. Other neighborhoods which have neither mixed use nor good transit (sprawl, folks) average 21.8 VMT/household/day. VMT, as you know, should be kept low if we want to cut back on climate change.

Other good news relative to SB 130 is that Delaware has recently become a participant in the Transportation and Climate Initiative of the Northeast and Mid-Atlantic States.

- This program focuses on four key areas:
- Developing Clean Vehicles and Alternative Fuels.
- Creating Sustainable Communities
- Adopting Innovative Communication Technologies
- Advancing More Efficient Freight Movement.

<http://www.georgetownclimate.org/sites/www.georgetownclimate.org/files/TCI%20brochure.pdf>

Susan Love, Delaware’s Climate Change and Sustainability Section Lead, will be the point person for Delaware’s participation in the program. The League has long supported directing growth into growth zones and the reduction of VMT by wiser land use planning, so Delaware’s participation in this regional activity is good news indeed.

Peggy Schultz, Co-Chair with Jane Dilley, Land Use/Transportation Committee, LWVDE

An enjoyable **HOLIDAY LUNCHEON** was held at the Looking Glass Restaurant on December 11th 2015, sponsored by the LWV of Kent County. A great time was had by all members of the three county leagues and the food was delicious!



Phyllis Edamatsu, LWVKC President reporting on activities



Emily White, LWVNCC President (in blue) presenting Letty Diswood with thank you gift.



Members of the LWVSC & NCC.

The League of Women Voters Comments on the Wilmington Education Improvement Plan

The League of Women Voters of Delaware commends the Wilmington Education Advisory Committee (WEAC) for its work. We appreciate the complexity of the problems addressed and applaud the depth of analysis that was done. The recommendations are far reaching and ambitious.

As the Wilmington Education Improvement Commission approaches the task of finalizing its report, there are two areas we wish to highlight and support -- namely (1) property reassessment and (2) funding that is equitable and equalized. The need for property reassessment, articulated clearly in the WEAC report, has been on the radar of the League for many years. We take note of the fact that property in New Castle County has not been reassessed since 1983. In Kent and Sussex, no reassessment has been done since 1986 and 1974 respectively. Given that property values do not remain constant, inequities arise. After three or four decades, how can anyone disagree? The League completed a study of the need for property tax reassessment in 2010. It can be found at http://www.lwvdelaware.org/files/reassessment_report_-_lwvde.pdf. While data in our study is a little out of date, the message is clear. The time has come for property tax reassessment – statewide!

The need for funding equity and equalization is also clear. Scrutiny of the School District profiles, found on the Department of Education website, reveals the current inequity. Looking at the school districts in northern New Castle County, we found that the Brandywine School District spent \$14,458 per student in 2013-14 (the most current data available), while Red Clay spent \$12,368. Between these extremes is Christina, which spent \$13,586 per student and Colonial, at \$12,493 per student. If the funding equalization process is not updated and made more equitable, the impact of the proposed shift of students from various Wilmington schools into the Red Clay District will be profound. Expenditures there per student would have to go down drastically.

Similar inequities exist in Kent and Sussex.

Clearly, a new funding allocation system is needed to eliminate these inequities, as articulated in the report of the WEAC. The system should take into account the characteristics of the students in each district, factoring in the income level of the families and the presence of children with special educational needs, including *basic* needs, from pre-kindergarten all through grade 12. In addition, allocation amounts should not be based – as is currently the case – on enrollments at one particular point in time during the year. Given family transience and changing circumstances, shifts in the characteristics of each district's student population are inevitable. As recommended in the WEAC report, adjustment(s) should be made during the year to reflect the characteristics of the student population at the time of the adjustment.

Reforming the process of equalizing funding among Districts is complex but much needed, a fact duly noted in the
(Continued on page 6 *Comments Wilmington Education....*)

(Continued from page 5 Comments Wilmington Education....)

WEAC report. Studies done for the General Assembly in 2008 and again in 2015 address the technical aspects of this matter, and the reports on those studies are included in Appendix D of the report. We agree that the recommendations contained in those reports need to be addressed by the General Assembly so that a path toward genuine equalization among Districts can be found.

We would expect any change in the equalization formula to apply statewide since there are great inequities in meeting the needs of children throughout the state.

We call upon the Wilmington Education Improvement Commission to stand firm in pushing for these changes. **We pledge our support in that effort.** We know that such initiatives will take resolve, but the future of our state is in the balance. To ensure that Delaware’s economic and social fabric remains strong, we must put aside narrow interests. We must educate all our children in the best way possible - to prepare our future leaders and to enable every child to live up to his and her potential.

League of Women Voters of Delaware is a member of this Coalition.



It's official, 2016 is here!

We would like to start fresh and provide you with our “New Year’s Resolutions” for gun violence prevention. Here is a list of resources on how you can get involved, get informed, and take action.

Your 12 Resolutions to #End Gun Violence in 2016:

- 1) **ENGAGE** - Remain current locally by attending DeCAGV-sponsored [Movement for a Culture of Peace forums](#). On SAT., JAN. 9—9 to 11 a.m. at Hanover Presbyterian Church, 1801 N. Jefferson St, Wilmington, 19802. Featuring RITA LANDGRAF, Secretary of Health & Human Services; DARRYL CHAMBERS, Public Safety Strategies Commission Member; SEN. MARGARET ROSE HENRY, (D-Wilm.); and REP. STEPHANIE BOLDEN, (D-Wilm.). The panel will discuss what still needs to be done to implement the high-level research and thinking that went into recent reports addressing violence in Wilmington.
- 2) **CONNECT** - Mingle and converse with others during DeCAGV-sponsored [film/discussion events](#). “The Armor of Light” (Feb. 9) tracks Rev. Rob Schenck, anti-abortion activist and fixture on the political far right, who breaks with orthodoxy by questioning whether being pro-gun is consistent with being pro-life.
- 3) **JOIN** - Get in touch with the Delaware Coalition Against Gun Violence. We need volunteers to take action and join the genuine grassroots efforts of each state. [DeCAGV.org/join](#)
- 4) **ACT** - When the time comes, we’ll rely on your support to call your elected leaders and speak out about an important issue. Watch for our "Action Alert" emails and know that our success is dependent on your calls—as it is our Delaware General Assembly's and Congress' job to listen to constituents like you. You can also send them an email or a tweet! [action.DeCAGV.org/](#)
- 5) **DIVEST** - Is your 401k retirement plan invested in guns? Find out if there are public gun companies in your portfolio and learn what you can do to begin divesting and how to leave instructions with your financial adviser about not investing in gun manufacturers. [unloadyour401k.com](#)
- 6) **UNDERSTAND** - How do Delaware's gun laws rank in comparison with other states? Could we do better? Check out the 2015 Gun Law Scorecard: [gunlawscorecard.org](#)

(Continued on page 7 Gun Violence)

(Continued from page 6 **Gun Violence**)

- 7) **LEARN** - Do your elected leaders care more about people or gun profits? Find out where our congressional representatives stand on guns and how much money they've received from the gun lobby. theguardian.com/gunmap
- 8) **KNOW** - How many people have been shot near your home this year? Enter your location and see the results of both fatal & nonfatal shootings in your area. thetrace.org/interactive-map-2015/
- 9) **SHARE** – The videos "Guns With History" and "Ed - Stronger Gun Laws" have over 7 million combined views on YouTube. Share these videos with your friends & families to see the effects of gun violence and the power we have to make our country safer. youtube.com/GunswithHistory & youtube.com/Ed
- 10) **ASK** - How do I keep my children safe from inadvertently accessing guns? “ASK” allows parents to play an active role in keeping kids safe. Download a toolkit—any parent can make a difference merely by asking and by encouraging others to do the same. askingsaveskids.org
- 11) **SPEAK UP** - The number one cause of firearm-related deaths is something rarely spoken of: suicide. Firearms in the home are associated with a significantly higher rate of suicide among gun owners and their families. Spread the word: Lock up your guns. harvard.edu/MeansMatter
- 12) **DONATE** - As a 501(c)(3) non-profit organization, the Delaware Coalition Against Gun Violence is solely supported by public contributions. Your involvement is critical to our work of preventing the proliferation of gun violence. If you haven't done so already, please consider making a donation. Each tax deductible gift—\$25, \$50, \$100, or any amount—is a testament to the shift to a safer America. DeCAGV.org/donate

Happy New Year—and stay in touch!

January 7, 2016 - New Year's Message from LWVUS President

Happy New Year! [Well, 2015 is finally behind us](#). It was a year of great turmoil in our nation and in the world. It was a year in which, once again, we saw new voices emerging discussing new approaches to combatting age-old themes of justice and inequality. Looking forward, 2016 is a critical election year in which I hope Leagues everywhere are thinking about ways to work with these powerful new voices in your communities to connect these themes to the critical act of voting.

The [League of Women Voters](#) is the only living legacy of the movement that got women in this country the right to vote. We are that legacy because our founders understood that in order to succeed in the long run, the energy of a movement must be translated into sustained civic engagement by those involved in the movement. Nearly one hundred years ago, the strategies and tactics that the National American Woman's Suffrage Association employed to achieve the vote were well adapted to the political process. Today, that political process remains largely unchanged while the ability of activists to organize across distance and time has evolved to be unrecognizable even to those of us who have lived through the change.

That is the challenge facing the League and every other traditional political organization in this election. To effect real change through the political process every voice must be heard, not just through new media, but at the ballot box. Working together, we can and must meet this challenge. Together, we will register hundreds of thousands of new voters, starting with this spring's [Youth Voter Registration Project](#), provide millions with nonpartisan information on candidates on [VOTE411.org](#) and through millions of printed and online voters' guides, and host more debates and forums, as well as serve as poll workers, poll monitors and, in some cases, drivers helping voters get to the polls.

For this [election to be about real change](#), it must first be about traditional voter engagement and empowerment. Joining hands with our many partners, we will make a difference this year.

In League,

CALENDAR

Wednesday, January 6, 2016, 9:30 am-12:00 pm	Legislative Hall 411 Legislative Avenue Dover, DE 19901	LWVDE Advocacy Corps meeting. LWVDE Advocacy Corps meeting. Contact Committee Chair for details or call 302-841-2882.
Tuesday, January 11 16, 1:30-3:30 pm	Newark Free Library 750 Library Ave Newark, DE 19711	Monday (Tuesday for January) Great Decisions Group. at the Newark Free Library from 1:30 to 3:30. As usual, many of us will meet for lunch at noon at the Bamboo House beforehand. Please contact Vicky Kleinman for more details.
Monday, January 11 2016, 6:30-8:30 pm	League Office, 2400 W 17th Street, Clash Wing, RM 1. Lower Level, Wilmington, DE 19806	LWV of NCC Board Meeting. Monthly meeting of the NCC board of directors.
Monday, January 18, 2016 1:30-3:30 pm (Date change)	Home of Peggy Schultz Call 302-598-9427 cell, schultz_peggy@yahoo.com	Land Use/Transportation Committee
Monday, January 18, 2016, 8 am sharp	Chase Center at the Riverfront, 800 South Madison St., Wilmington	38 th Annual Martin Luther King, Jr., Scholarship-fundraising BREAKFAST sponsored by the Organization of Minority Women. Reservations: 302-368-3472
Tuesday, January 19, 2016, 5 - 8 pm	Letty Diswood's home 2704 Landon Drive, Wilmington	Viewing the film "Pay 2 Play: Democracy's High Stakes". Pizza and salad, Call ahead 302-478-8224
Friday, January 20, 2016, 11 am	Emily White's home 283 Dallam Road, Newark	Viewing the film "Pay 2 Play: Democracy's High Stakes". Chili or salad, Call ahead 302-264-0768
Thursday, January 21, 2016, 6:00 pm-8:30 pm	Vincenzo's Restaurant, 1030 Forrest Avenue, Dover	State Board Meeting. Monthly meeting of the state board of directors. Please call 302-478-8224 to indicate your attendance and for restaurant count. Each individual pays for food separately.
Monday, January 25, 2016 11:30-1:00 pm	Michael's Restaurant 1000 Churchman's Rd Newark, DE 19713	LWVNCC Hot Topic Lunch - Discussion and taking consensus on Money In Politics Study. http://michaelsde.com/directions/
March 15, 2016, 6:30 pm	Newark Senior Center	Forum for Candidates for Mayor of Newark and Members of City Council
Wednesday, March 23, 2016 8:30-3:00pm	The Duncan Center 500 Loockerman St Dover, DE 19904	SAVE THE DATE: League Day in Dover 2016. Annual legislative day. Morning program relating to key criminal justice issues followed by Lunch and visit to Legislative Hall to meet with your legislators
Tuesday, April 12, 2016	University of Delaware's Arsht Hall, 2700 Pennsylvania Ave Wilmington DE	Carrie Chapman Catt Award. We will recognize people who have made significant contributions to our community.

League of Women Voters of New Castle County
2400 W 17th Street
Clash Wing, Room 1, Lower Level
Wilmington, DE 19806

lwvncc@comcast.net
www.lwvdelaware-newcastlecounty.org

MONEY IN POLITICS REVIEW AND UPDATE STUDY GUIDE

For the 2014-2016 biennium, the LWVUS Board recommended and the June 2014 LWVUS Convention adopted a multi-part program including, “A review and update of the League position on campaign finance in light of forty years of changes since the Watergate reforms, in order to enhance member understanding of the new schemes and structures used to influence elections and erode protections against corruption in our political process, and to review possible responses to counter them in the current environment.”

ORIENTATION

After Convention 2014, the LWVUS Board worked diligently to develop solid operational details for the new Money in Politics (MIP) Review and Update Committee. These efforts led to a conclusion that a gap exists in the LWV campaign finance position with regard to the First Amendment.

Adopted in 1974, the League’s campaign finance position focuses only on the financing of election campaigns as it relates to the democratic process, i.e., opportunities for undue influence, opportunities to ensure equity among candidates, protection of the public right to know and to fully participate. In 1976, the United States Supreme Court approached the question of financing of election campaigns from the point of view of what the money actually funds and the interests of donors, candidates and independent spenders in preserving their ability to express political views through the activities being financed.

The activities that the U.S. Supreme Court focused on largely involve free speech. Election campaigns develop messages for publication, from speeches and debates to paid advertising in various media. Money is required to coordinate the messaging and pay for the advertising. Under the Court’s approach, a system of campaign finance protects the rights of the individual candidate to disseminate her message as well as the rights of her donors to express their own views through her message -- and also protects the rights of other political actors who may wish to make election expenditures independent of the candidates or to advocate in support or opposition to particular public policy issues. To the Court, this campaign speech (as opposed to campaign finance) is central to American democracy and is what the First Amendment was designed to protect.

The League position, with its more collective approach, does not answer the question of whether all or some political activity constitutes free speech protected under the First Amendment. Because it does not address that question, the position does not balance the First Amendment interests of candidates, donors, independent spenders, and issue advocates against the interest in equitable competition among candidates for office, preventing undue influence, and enhancing voter participation.

For almost 40 years, the Supreme Court’s approach and the League’s approach intersected in one important aspect. Over that time, the Court recognized the risk that campaign contributions are corrupting or appear corrupting, especially if those contributions are very large or come from the general funds of corporations or unions. Historically, the League has been able to argue successfully through litigation and through legislative action that contribution limits and the exclusion of corporations from participating directly in the political process should be upheld. The position has also allowed us to support enforcement mechanisms and other reforms.

That changed with the *Citizens United* decision. The Court drastically extended its views on free speech to allow unlimited independent spending in candidate elections by corporations and unions and entirely discounted any danger from any undue influence other than *quid pro quo* (“something for something”) corruption. That radically transformed the election landscape.

Proposed constitutional amendments in response to *Citizens United* and subsequent cases have focused on reversing the Court’s rulings that corporations have full political speech rights and that funding a political campaign is protected speech, and give Congress and the states the authority to regulate “the raising and spending of money by candidates and others to influence elections,” which the Court has deemed protected speech.

(Continued on page 2 Resources Money in Politics)

(Continued from page 1 Resources Money in Politics)

The League is pursuing a strategic, multi-dimensional approach at the federal and state levels to overcome or limit the Court's decision in *Citizens United*. To date, the League has not supported or opposed particular legislation to amend the Constitution. Even putting aside the considerable practical barriers to ratifying an amendment as well as unintended consequences of the various proposed amendments, we believe that our current campaign finance position does not address First Amendment considerations.

To update the League position on campaign finance to include the First Amendment requires member understanding and agreement on these issues. The Money in Politics Committee has thus been tasked with undertaking member study and consensus, in addition to educating members and the public broadly about money in politics issues.

SCOPE OF THE MIP REVIEW AND UPDATE

The scope of the study, as adopted by the LWV Education Fund Board, October 2014, states:

The Committee will conduct an update of the League's position on campaign finance for the purpose of addressing the lack of member understanding and agreement on the extent to which political campaigns are protected speech under the First Amendment. The campaign finance position will be updated through a study and consensus process to consider:

- The rights of individuals and organizations, under the First Amendment, to express their political views through independent expenditures and the finance of election campaign activities; and
- How those rights, if any, should be protected and reconciled with the interests set out in the current position.

CURRENT LEAGUE POSITION ON CAMPAIGN FINANCE

Statement of Position on Campaign Finance, as Announced by National Board, January 1974 and Revised March 1982:

The League of Women Voters of the United States believes that the methods of financing political campaigns should ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office and allow maximum citizen participation in the political process. *This position is applicable to all federal campaigns for public office — presidential and congressional, primaries as well as general elections. It also may be applied to state and local campaigns.*

LEAGUE GUIDING PRICIPLES <http://lww.org/files/Impact%20on%20Issues%202014-2016%20Principles.pdf>

Resource for Hot Topic Lunch Monday, January 25, 2016
Background information for the MONEY IN POLITICS CONSENSUS
THE FIRST AMENDMENT TO THE U.S. CONSTITUTION 1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. *Passed by Congress September 25, 1789. Ratified December 15, 1791.*

To understand the current framework of campaign finance in the U.S. requires a basic understanding of the First Amendment, which protects freedom of speech, the press, and association. The First Amendment guarantees citizens' right to express and to be exposed to a wide range of opinions and views. It was intended to ensure a free exchange of ideas, whether spoken or written, even if the ideas are unpopular. It covers all kinds of expression (including non-verbal communications, such as sit-ins, art, and advertisements).

(Continued on page 3 Resources Money in Politics)

(Continued from page 2 **Resources Money in Politics**)

The media, including print, television, radio and Internet, is free to distribute a wide range of news, facts, opinions and pictures. The amendment protects not only the speaker, but also the recipient of the information. The right to read, hear, see and obtain different points of view is a First Amendment right as well.²

In our nation's early years, freedom of speech might be exemplified by someone on a soapbox speaking in a public square; press freedom involved printed speech; freedom of association allowed people to gather in the same location. Today's communication environment differs dramatically from the one that existed at our nation's founding. If someone today expresses an opinion in a blog or on social media, is it freedom of speech, press or association? And today's vast media environment has increased both the opportunities and cost to get out one's message. Media outlets may be owned by corporations. Both the individual blogger and the *New York Times* are protected by the First Amendment, even though the *Times* is a corporation. And when corporations own media outlets, are First Amendment protections changed? Should lines be drawn? Issues like these are part of the Supreme Court's consideration of limits on campaign financing.

Limits on Free Speech

The right to free speech is not absolute. The U.S. Supreme Court has ruled that the government sometimes may be allowed to limit speech. Historically, a fundamental distinction arose between the **content** of speech and the **means** whereby that speech is expressed.

Speech is given the greatest level of protection and the highest level of scrutiny by the Court under the First Amendment. But even the **content** of speech can be limited if it is an incitement to violence or obscene and without any redeeming social value. Although not subject to "prior restraint," libel, slander, wrongful use of copyright material and fraudulent commercial speech are examples of speech that crosses the boundary of protection and can be enjoined and/or result in an award for damages.

Limits to freedom of speech have also been made with regard to content-neutral regulation of the **means** of expression. Means used to exercise freedom of speech have been subjected to "reasonable" limits with respect to time, place and manner of expression. Regulations like noise ordinances, anti-littering laws, and rules limiting occupation of public spaces like sidewalks, streets or the Mall in Washington, D.C., have been upheld when deemed to be reasonable.

Nor is free speech always popular. Protection of persons who make racist or sexist opinions can be misinterpreted as support of the statements. One federal judge stated that tolerating hateful speech is "the best protection we have against any Nazi-type regime in this country."³ To not restrict such speech has been interpreted as a valid governmental interest; but it would be in the government's interest to limit that speech if it incites violence.

Political Speech and Money

A critical question of the last forty years is the issue of money and speech. While some maintain that "money is speech" and argue that limitations on money in politics unconstitutionally limit free speech, others ridicule the notion that money and speech are synonymous – that a billion-dollar corporation spending unlimited amounts in political campaigns can be the same as a single person speaking at a public meeting. However, the relationship of money and speech is not so black and white -- in either direction.

In our current media-saturated society, it is clearly necessary to spend money to get one's views to the public for consideration. Thus government regulation of what a citizen running for political office can spend implicates the First Amendment in some fundamental way. On the other hand, it does seem strange to say that a special interest group can spend unlimited money buying a megaphone that drowns out the speech of others.

Recent Interpretation of the First Amendment

Today the Court asks three questions before deciding on any First Amendment restrictions: Is there significant or compelling governmental interest that justifies the limitation? (Continued on page 4 **Resources Money in Politics**)

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Is the limitation appropriate or the least restrictive means of protecting that governmental interest? Does the limitation apply too broadly to situations where the governmental interest is not in play? The Court uses these tests when they consider limits to campaign financing. 4

In *Buckley v. Valeo* (1974) the Supreme Court held that blocking "corruption or the appearance of corruption" is a fundamental governmental interest that justifies some limitations on First Amendment freedoms. The Court then examined whether the limitations passed by Congress in the Federal Election Campaign Act were the least restrictive or appropriate means.

In *Buckley* and subsequent cases, the Court set a number of fundamental holdings:

Spending limits on candidates are unconstitutional because there is no link between the spending of money by candidates and "quid pro quo" corruption.

1. Contribution limits are constitutional because the giving of money to political candidates can lead to corruption or the appearance of corruption.
2. Disclosure of both spending and contributions can be required because disclosure diminishes the opportunity for corruption and enables the public to evaluate candidates.
3. Independent, uncoordinated expenditures cannot be limited because there is no gift to the candidate that could be corrupting.
4. A variety of additional restrictions, such as contribution and solicitation limits on political parties, are acceptable as they prevent circumvention of contribution limits.

The Supreme Court under Chief Justice Roberts purports to apply the *Buckley* structure but has made far-reaching and fundamental changes in our campaign finance system by holding that:

1. The right of citizens to hear and the right of corporations to speak means that the ban on corporate participation in candidate elections is unconstitutional. Independent expenditures do not corrupt (*Citizens United* building on *Bellotti*).
2. The limit on the total amount an individual can give to candidates, political parties and political committees cannot be justified. There is no additional threat of corruption from a large number of contributions so long as the basic contribution limits are in place and the restriction is not the least restrictive means of preventing circumvention of those basic contribution limits (*McCutcheon*).
3. There is no place in campaign finance law for the rationale of fair competition, a level playing field, or protecting representative democracy – only corruption or the appearance of corruption justifies limits on the First Amendment (*Citizens United* overruling *Austin*; *McCutcheon*).
4. Quid pro quo corruption should be interpreted very narrowly so that gaining special access to an elected official, influencing an official's or a party's approach to an issue without vote buying, and soliciting million-dollar contributions don't give rise to corruption or the appearance of corruption (*Citizens United*; *McCutcheon*).

Questions for Consideration

A number of questions must be considered when looking at the First Amendment in the campaign finance context. By strictly applying First Amendment analysis, drastically limiting what constitutes a compelling governmental interest, and rigorously searching for less restrictive means, the Roberts Court has upended campaign finance law. While some may say that this exclusive focus on the right of individuals and associations to spend money on speech is a "pure" approach, as the ACLU would maintain,⁵ others believe that this one-sided analysis ignores the fundamental role that the First Amendment should play in protecting a representative form of government under the Constitution.

In *Citizens United* and *McCutcheon*, the Court overruled the 1990 decision in *Austin v. Michigan Chamber of Commerce*, where that Supreme Court recognized a compelling state interest in combating a "different type of corruption in the political arena: the corrosive and distorting effects of immense aggregations of wealth that are

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accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporation's political ideas.” In rejecting that compelling state interest and in rejecting that form of corruption, some argue that the current Court has embarked on a dangerous path.

Freedom of speech normally includes not only the right to speak, but it also protects the right to hear. The rights or identity of the speaker is not the only relevant consideration -- the need for citizens in a democracy to hear full discussion of issues is also protected. Thus in *Citizens United*, as in previous decisions by a more liberal Court, the right to hear was included in the First Amendment reasoning. Even if corporations should not have full free speech rights to spend unlimited sums in a candidate election, the right for the public to hear the views of corporations was constitutionally important.

Also, traditionally, freedom of the press and freedom of speech protect the same rights. These rights are not different based on the identity of the writer or the speaker. The lone blogger and the New York Times are protected by freedom of the press, even though one is a single individual and the other a large, for-profit corporation. Because campaign finance law has statutory exemptions for the press, allowing newspapers to spend money endorsing candidates, for example, constitutional law has not gone down the difficult path of defining “the press” that would be required if attempts were made to limit spending in the speech context but not limit freedom of the press. Should the press, however, defined, have different rights than individuals?

Another controversial issue is the question of corporate versus individual rights. Obviously, First Amendment freedoms belong to individuals; what are the limits of First Amendment rights when it comes to associations of individuals? After all, the First Amendment protects the right to associate as well as speech and press. Associations take many forms in American society; from political parties to religious organizations; from giant limited-liability, for-profit international corporations to local charitable organizations; from newspapers and media outlets owned by corporations to the League of Women Voters, with affiliated organizations in 50 states and more than 750 communities. Do all these associations or should all these associations have the same or different rights under the First Amendment, and how should they be differentiated in law?

Only relatively recently have limited-liability corporations created by state law had free speech rights to advertise their commercial products. But now they can “speak” and spend freely in candidate elections. Should the preacher of a tax-exempt church be allowed to urge parishioners to vote for a particular political party, and what is a “religious organization” anyway? What are the appropriate limits, if any, for a political party raising and spending funds to help its candidates in an election? Could the government set such limits too low?

Should there be limits on the quantity of speech? 6 Campaign finance limits are prohibited, the *Buckley* Court said, because they “necessarily reduce the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached.” The concept that “More money allows for more speech” might mean that more people hear the ideas or it could be that some people just hear the same idea over and over. Another argument against this is that large quantities of some speech may interfere or not allow for the speech of others. How much money is needed to provide ample opportunity for an idea to be heard?

¹ This paper draws upon Lloyd Leonard, 2014. “The First Amendment” (Appendix B, *Money in Politics: Developing a Common Understanding to the Issues*, LWVUS).

² National Constitution Center, *Amendment 1, Freedom of Religion, Speech, Press, Assembly, and Petition*, <http://constitutioncenter.org>, accessed May 20, 2015.

³ American Civil Liberties Union, January 2, 1997. *Freedom of Expression-ACLU Position Paper*, <https://www.aclu.org/freedom-expression-aclu-position-paper>, accessed May 20, 2015.

⁴ See MIP Issue Paper “Historic Shifts in Supreme Court Opinion about Money in Politics.”

⁵ American Civil Liberties Union, March 27, 2012, *The ACLU and Citizens United*, <https://www.aclu.org/aclu-and-citizens-united>, accessed May 20, 2015.

⁶ David Kairys, October 16, 2012. “Is Freedom of Speech at Risk in the Election?” American Constitution Society Blog, <http://www.acslaw.org/acsblog/is-freedom-of-speech-at-risk-in-the-election>, accessed May 20, 2015.

MONEY IN POLITICS CONSENSUS QUESTIONS

This update on Money In Politics builds on the League’s current position on campaign finance. The consensus questions in Part I address the goals of campaign finance regulation in terms of democratic values. The questions in Part II relate to the extent to which First Amendment protections like free speech and freedom of the press should apply to various speakers and activities in the campaign finance context. Part III asks about methods of campaign finance regulation. **You are asked to respond to the questions without regard for the Supreme Court’s current views on the First Amendment.** In responding to each question, please interpret the words in their most general sense. Keep in mind that the LWV intentionally words positions that are derived from member study in the broadest possible way so that our positions have relevance for many years. Future national Boards will determine when and how to apply our positions.

An optional comment section is included at the end of each of the three parts. Please note that while comments will be read and considered, only responses to questions can be tabulated.

If not attending the meeting we still want to know your views. So please send this questionnaire to the League office, 2400 W 17th St., Clash Wing, Room 1, Lower Level, Wilmington DE 19806. Or email: lwncc@comcast.net.

(Note we will take consensus on Monday, January 25 at HOT TOPIC LUNCH. In the mean time go to resource articles and Study Guide at [MIP Consensus Study Guide](#)

PART I QUESTIONS: Democratic Values and Interests with Respect to Financing Political Campaigns

1. What should be the goals and purposes of campaign finance regulation?

(Please respond to each item in Question 1.)

a. Seek political equality for all citizens.

Agree Disagree No consensus

b. Protect representative democracy from being distorted by big spending in election campaigns.

Agree Disagree No consensus

c. Enable candidates to compete equitably for public office.

Agree Disagree No consensus

d. Ensure that candidates have sufficient funds to communicate their messages to the public.

Agree Disagree No consensus

e. Ensure that economic and corporate interests are part of election dialogue.

Agree Disagree No consensus

f. Provide voters sufficient information about candidates and campaign issues to make informed choices.

Agree Disagree No consensus

g. Ensure the public’s right to know who is using money to influence elections.

Agree Disagree No consensus

h. Combat corruption and undue influence in government.

Agree Disagree No consensus

2. Evaluate whether the following activities are types of political corruption:

(Please respond to each item in Question 2.)

a. A candidate or officeholder agrees to vote or work in favor of a donor's interests in exchange for a campaign contribution.

Agree Disagree No consensus

b. An officeholder or her/his staff gives greater access to donors.

Agree Disagree No consensus

c. An officeholder votes or works to support policies that reflect the preferences of individuals or organizations in order to attract contributions from them.

Agree Disagree No consensus

d. An office holder seeks political contributions implying that there will be retribution unless a donation is given.

Agree Disagree No consensus

e. The results of the political process consistently favor the interests of significant campaign contributors.

Agree Disagree No consensus

PART II QUESTIONS: First Amendment Protections for Speakers and Activities in Political Campaigns

This set of questions is designed to determine the extent to which the First Amendment protections of free speech and freedom of the press should apply to different speakers or activities in the regulation of campaign finance. Free speech and free press provide essentially the same protections to speakers, writers, publishers and advertising, whether or not they are part of the institutional press, and largely regardless of the medium. Essentially, these protections extend to any conduct that is expressive. Many of the options below would be found unconstitutional by the current Supreme Court, but we are seeking your League's views, not those of the Court. These are broad, overarching questions about spending to influence an election, including independent spending, contributions to candidates, broadcast news and other communication expenditures.

1. Many different individuals and organizations use a variety of methods to communicate their views to voters in candidate elections. Should spending to influence an election by any of the following be limited?

(Please respond to each item in Question 1.)

a. Individual citizens, including wealthy individuals like George Soros and the Koch Brothers.

Spending banned Some spending limits Unlimited spending No consensus

b. Political Action Committees, sponsored by an organization, such as the League of Conservation Voters, Chevron, the American Bankers Association, and the International Brotherhood of Electrical Workers (IBEW), whose campaign spending comes from contributions by individuals associated with the sponsoring organization, such as employees, stockholders, members and volunteers.

Spending banned Some spending limits Unlimited spending No consensus

c. For-profit organizations, like Exxon, Ben and Jerry's, General Motors, and Starbucks, from their corporate treasury funds.

Spending banned Some spending limits Unlimited spending No consensus

d. Trade associations, like the U.S. Chamber of Commerce, the American Wind Energy Association, and the American Petroleum Institute, from the association's general treasury funds.

Spending banned Some spending limits Unlimited spending No consensus

e. Labor unions, like the United Autoworkers and Service Employees International, from the union's general treasury funds.

Spending banned Some spending limits Unlimited spending No consensus

f. Non-profit organizations, like the Sierra Club, Wisconsin Right to Life, Coalition to Stop Gun Violence, American Crossroads, and Priorities USA, from the organization's general treasury funds.

Spending banned Some spending limits Unlimited spending No consensus

g. Non-partisan voter registration and GOTV (get out the vote) organizations and activities, like the LWV and Nonprofit Vote.

Spending banned Some spending limits Unlimited spending No consensus

h. Political parties, like the Republicans, Libertarians, and Democrats.

Spending banned Some spending limits Unlimited spending No consensus

i. Candidates for public office spending money the candidate has raised from contributors.

Spending banned Some spending limits Unlimited spending No consensus

j. Candidates for public office spending their own money.

Spending banned Some spending limits Unlimited spending No consensus

2. The press plays a major role in candidate elections through editorial endorsements, news coverage, and other communications directly to the public that are often important to the outcome. Should such spending to influence an election by any of the following be limited?

(Please respond to each item in Question 2.)

a. Newspapers, like the New York Times and the Wall Street Journal.

Spending banned Some spending limits Unlimited spending No consensus

b. Television and other electronic media, like Fox News, CNN, MSNBC and CBS.

Spending banned Some spending limits Unlimited spending No consensus

c. Internet communications, like Huffington Post, Breitbart, Daily Kos, and individual bloggers.

Spending banned Some spending limits Unlimited spending No consensus

PART III QUESTIONS: Methods for Regulating Campaign Finance to Protect the Democratic Process

1. In order to achieve the goals for campaign finance regulation, should the League support?

(Please respond to each item in Question 1 a and b.)

a. Abolishing SuperPACs and spending coordinated or directed by candidates, other than a candidate's own single campaign committee.

Agree Disagree No consensus

b. Restrictions on direct donations and bundling by lobbyists? (Restrictions may include monetary limits as well as other regulations.)

Agree Disagree No consensus

c. Public funding for candidates? Should the League support:

(You may respond to more than one item in Question 1 c.)

i. Voluntary public financing of elections where candidates who choose to participate must also abide by reasonable spending limits?

Agree Disagree No consensus

ii. Mandatory public financing of elections where candidates must participate and abide by reasonable spending limits?

Agree Disagree No consensus

iii. Public financing without spending limits on candidates?

Agree Disagree No consensus

2. How should campaign finance regulations be administered and enforced?

(You may choose more than one response for Question 2.)

a. By an even-numbered commission with equal representation by the two major political parties to ensure partisan fairness (current Federal Election Commission [FEC] structure)?

b. By an odd-numbered commission with at least one independent or nonpartisan commissioner to ensure decisions can be made in case of partisan deadlock?

c. By structural and budget changes to the FEC (e.g., commission appointments, staffing, security, budget, decision making process) that would allow the agency to function effectively and meet its legislative and regulatory mandates.

d. No consensus.