

Fighting Big Money, Empowering People: A 21st Century Democracy Agenda

Like every generation before us, Americans are coming together to preserve a democracy of the people, by the people, and for the people. American democracy is premised on the consent of the governed, and on the idea that we all deserve a say in the government decisions that affect our families. We stand united supporting commonsense protections that recognize the people as the ultimate check on the corrosive influence of money in politics, which is eroding the very foundation of self-government.

Brennan Center for Justice
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Issue One
Mayday
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July 2015

The next President of the United States should stand with Americans across the country and commit to these five principles of democracy:

1. Everyone participates;
2. Everyone's voice is heard;
3. Everyone knows who is trying to influence our views and our representatives;
4. Everyone plays by fair, common-sense rules;
5. Everyone is held accountable, with enforceable penalties to deter bad behavior.

To bring these democratic values to life, the next President of the United States must advocate for a specific and comprehensive plan, including:

Encouraging and amplifying the voices of everyday Americans by legislating a system of public funding for qualified federal candidates, meaningful contribution limits, and measures to reduce barriers to the ballot box and increase turnout;

Robust, real-time disclosure of political contributions and expenditures through legislation, rulemaking at the FEC, FCC, IRS, and SEC; and—if President Obama fails to act—an executive order;

Overturing *Citizens United* and earlier cases such as *Buckley v. Valeo* through the Democracy for All constitutional amendment, and the appointment of Supreme Court Justices committed to restoring the people's ability to protect our democracy;

Ending the mockery of existing campaign finance rules through legislation to shut down individual-candidate super PACs and effectively prevent coordination between candidates and outside groups; creating a new enforcement agency with real power; appointing FEC commissioners committed to enforcing existing law; and appointing an Attorney General who will crack down on violations of campaign finance laws and election laws that protect every voter's access to the ballot box.

The next President of the United States should commit to make this democracy reform agenda a national priority from Day One in office. In the past, presidents have made campaign commitments to prioritize campaign finance reform and then, once elected, have failed to take action. In addition to proposing a specific and comprehensive reform plan, the next president should publicly take these reforms to the country and Congress as a national priority, convening community leaders and activists from around the country to build support at every level, and create a White House task force to promote the reform agenda.



Everyone participates.

The next president of the United States should commit to a 21st Century democracy where everyone participates. The president should endorse, prioritize, and work aggressively with Congress to pass legislation to provide public funds that will amplify small donations to federal candidates who agree to lower contribution limits.

With each election cycle, our elected leaders depend on a smaller and smaller share of our population making larger and larger campaign contributions. As a result our leaders listen to a handful of deep-pocketed interests at the direct expense of everyday Americans.

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We need to provide incentives such as matching funds that encourage the active participation of small donors in our elections so candidates are accountable to, and dependent on, the people—not wealthy donors and special interests. Other potential incentives include limited tax credits and small dollar vouchers.

Providing public funding support to amplify the role of ordinary Americans in financing elections makes elected officials less indebted to a narrow set of funders, allows candidates to spend more time listening to their constituents, gives more people the ability to run for office, elects officeholders more reflective of the community at large, and leads to policies more responsive to public needs and less skewed by wealthy interests.



Everyone's voice is heard.

The next president of the United States should commit to a 21st Century democracy where everyone's voice is heard. The president should endorse, prioritize, and work aggressively with Congress to pass legislation to reduce barriers to the ballot box and increase turnout. The next president should support meaningful contribution limits so a wealthy few cannot use their economic power to shut out ordinary citizens.

Our democracy is based on the principle of *one person, one vote*— not *one dollar, one vote*. From equal access to the ballot box to the right not to be silenced by big money, democracy requires everyone to have a voice in the decisions affecting their lives.

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Our democracy is undermined when elected representatives only hear the policy preferences of the wealthy. We need reasonable limits on using money in politics so our government doesn't just respond to wealthy donors and special interests when it should be responding to all Americans. Limits are most effective when combined with reforms to encourage more small donors to participate.

Our democracy functions best when all eligible Americans participate in the political process, and when the voting system is free, fair, accessible, and free from discrimination. Reforms to modernize our voter registration system would make voting more convenient and secure. They would provide Americans with the options they need to ensure they can register, vote, and make their voices heard. Restoring the Voting Rights Act would ensure that every American is protected against discrimination in voting.



Everyone knows.

The next president of the United States should commit to a 21st Century democracy where everyone knows who funds campaigns. The president should push Congress to enact new disclosure requirements for outside spending groups, urge the FEC to create dark money regulations responsive to the Citizens United decision, urge the SEC to require public corporations to disclose their political spending, urge the FCC to require advertisers to disclose their “true identity,” and urge the IRS to more clearly define political activity so organizations cannot abuse the system to keep their donors secret. The president should issue an executive order requiring all federal government contractors to disclose their political spending.

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Americans should be able to easily look up candidates, online and in “real-time,” to see what entities have spent substantial sums on the candidate’s behalf, and which donors have provided the funds, both during the election and afterwards.

Congress should enact effective disclosure requirements so outside spending groups cannot hide from voters the wealthy donors and special interests funding them.

If President Obama fails to act, the next president can increase disclosure by signing an executive order requiring all federal contractors to disclose their political spending. Federal regulatory agencies—the FEC, FCC, IRS, and SEC—also have important roles to play in ensuring transparency.



Everyone plays by fair, common sense rules.

The next president of the United States should commit to a 21st Century democracy where everyone plays by common sense rules and should pledge to restore our pro-democracy Constitution by endorsing, prioritizing, and calling on Congress to pass and the states to ratify the Democracy For All amendment. The next president should appoint justices who will transform the Supreme Court's approach to money in politics, overturn Citizens United and Buckley v. Valeo, and revive the People's ability to protect our democracy.

The size of your wallet should not determine the strength of your political voice. But, in a long series of decisions beginning with *Buckley v. Valeo* and escalating with *Citizens United v. FEC* and *McCutcheon v. FEC*, the Supreme Court has cemented a flawed reading of our Constitution that strips the ability of We the People to impose common sense limits on election spending.

Moreover, the Democracy For All constitutional amendment would correct the Court's fundamentally flawed decisions by restoring our ability to set commonsense rules.

A narrow 5-4 majority on the current Court rejects any reason other than fighting quid pro quo corruption (or bribery) as the basis for reining in big money, including leveling the playing field between mega donors and the rest of us, or ensuring the integrity of our democratic system. The Court has struck down strong protections, such as caps on candidate spending, meaningful contribution limits, and bans on corporate political spending.

Justices appointed by the next president will have the opportunity to transform the current Court's misguided approach to money in politics. Moreover, the Democracy For All constitutional amendment would correct the Court's fundamentally flawed decisions by restoring our ability to set commonsense rules that stop the influence of big money on our government and empower the people to fully participate and have their voices heard.



Everyone is held accountable.

The next president of the United States should commit to a 21st Century democracy where everyone is held accountable. The next president should endorse, prioritize, and work aggressively with Congress to pass legislation to create a new enforcement agency with real power to hold campaign violators accountable and legislation to shut down individual-candidate super PACs and strengthen the rules that prohibit coordination between candidates and outside spending groups. The next president should commit to appointing FEC commissioners who promise to enforce existing law and an Attorney General who will prioritize addressing violations of campaign finance and election laws.

A fair and accessible election system requires strong enforcement of our laws. Those who break the law must face real consequences that deter bad behavior.

But the FEC consistently fails to enforce and properly interpret campaign finance laws. As a result, candidates and their political operatives constantly stretch, if not break, the laws with impunity. A new, real enforcement agency is needed to replace the FEC. In the meantime, the President should appoint individuals to the FEC who are committed to enforcing existing law.

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Individual-candidate super PACs and coordination between candidates and outside spending groups allow federal candidates and their big donors to evade the candidate contribution limits enacted by Congress and upheld by the Supreme Court. Shutting down individual-candidate super PACs and strengthening coordination rules are necessary to ensure accountability.

Given the complete enforcement breakdown, the Department of Justice needs to actively exercise its jurisdiction to prosecute criminal violations of campaign finance laws and election laws that protect access to the ballot box.

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If you have any questions about this agenda, please email agenda@everyvoice.org.