



LEAGUE OF WOMEN VOTERS®
OF TEXAS

TESTIMONY

House Committee on Elections
Interim Charge #5
August 26, 2010

The League of Women Voters of Texas (LWV-TX) believes that the decision rendered by the majority of the Supreme Court in *Citizens United v. FEC* was a tragic mistake that will further erode public confidence in the electoral process. The majority of Americans, according to every available poll on this subject, agree with this view (see attached polling data).

The Texas Ethics Commission has concluded that this ruling renders all existing Texas statutory limits on direct campaign contributions unenforceable. With this decision, the Court rejected well over twenty years of settled election law precedent to suddenly to 'discover' first amendment "rights" for corporations and unions. Because the Court chose, in its ruling, to blur the distinction between natural persons and corporations, candidates now face the breathtaking prospect of having to run against the unfettered advertising power of corporate treasuries. The voices of regular Americans, already barely heard through the din of the current cacophony of monied special interests, would be effectively silenced if this ruling goes unanswered.

LWV-TX asks state lawmakers to take a decisive step in response to this ruling. While we cannot silence the booming megaphones of moneyed interests, we can certainly take steps to give public servants a choice in whether or not to participate in the current special-interest-funded campaign finance system.

The League recognizes that policy influence by well-funded lobbyists and donors happens mostly under the guise of friendly persuasion. Corporate donors and lobbyists are usually doing nothing more than making their interests known by offering reasoned arguments for legislation that favors their interests. There is a basic level of lobbying that is absolutely essential and sensible.

We also recognize there is very rarely a quid pro quo or a veiled threat or a negotiation for a vote one way or another. We know that this is not a problem based on subversive intentions. It is about the **unexpected** consequences of continuous, high-pressure fund raising. No matter how well intentioned, it is extremely difficult for any member of any legislative body to hear the views and understand the needs of average constituents if she/he only has time to interact with major donors and their lobbyists.

The League makes no claim that there are rotten apples in the barrel. We are simply saying that ***the "barrel" itself is rotten***. With special-interest-based campaign financing, competitive races give candidates no choice but to spend huge amounts of time raising money, and donors are not prone to contribute unless their legitimate interests have a chance of being heard, which requires even more time. This rotting influence is severely damaging the representation system so important to our democracy. With this testimony and in future meetings, we intend to persuade members of the legislature that the rotting problem is quite real, and that the only viable remedy is to bring in a new "barrel".

The solution we see is to create a way for Texans of average means to run for office without having to spend inordinate amounts of time with lobbyists and well-heeled donors. A voluntary system of campaign finance that frees candidates from the rigors of incessant fundraising has been in place in Arizona and Maine for over a decade. Over 80% of Maine's sitting legislature ran using their state's Clean Election system. Over half of Arizona's legislature and statewide officeholders ran on the Arizona Clean Elections system. Numerous polls from both of these states show that legislators and voters from both major political parties are overwhelmingly in favor of these systems.

Twenty-three states now have a statutory system for the funding of political races -- either by direct funding or funding through political parties. The cost for a citizen-funded system for legislative races is expected to amount to less than \$10 per capita.

Political campaigns should be viewed as a **public service**, and public funding for them is as legitimate as the public paying for any other expense related to holding office. Texans would **never** consider having special interests pay the salaries of members of the legislature – you are paid by the public for whom you act. Why, then, do we readily accept special interests paying many (sometimes hundreds of) times your salaries for your election campaigns?

We feel strongly, and polls agree, that voters will see tax dollars spent this way as an investment in representative and responsive government. On behalf of the League, I thank you for the opportunity to present our views. LWV-TX is a nonpartisan, political organization with 29 local Leagues across the state and approximately 3000 members statewide.