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Statement by
Elisabeth MacNamara, President
League of Women Voters of the United States
on
The DISCLOSE Act of 2012, S. 2219
for the
Senate Rules Committee

March 29, 2012

The League of Women Voters strongly supports S. 2219, the DISCLOSE Act of 2012, which would restore transparency to U.S. elections by requiring complete disclosure of spending on big-money advertising in candidate elections.

The League of Women Voters of the United States is a nonpartisan, community-based organization that encourages the informed and active participation of citizens in government and influences public policy through education and advocacy. Founded in 1920 as an outgrowth of the struggle to win voting rights for women, the League is organized in more than 700 communities and in every State, with more than 140,000 members and supporters across the country.

One of the League's primary goals is to promote an open governmental system that is representative, accountable, and responsive and that assures opportunities for citizen participation in government decision making. To further this goal, the League has been a leader in seeking campaign finance reform at the state, local and federal levels for more than three decades.

We are deeply concerned about the current state of political financing in our nation. Rather than focusing on the concerns of voters, too often campaigns and candidates focus heavily on raising funds. And too often, they raise those funds from sources that seek and receive special access, special consideration and special treatment once the candidate is elected to office.

There is corruption in our political system. It is the corruption of government that comes from special interest financing of elections, and it is the corruption of democracy that comes when a few very loud voices, funded by incredible sums of money, are allowed to overwhelm and drown out other voices during elections.

But there is yet a third form of corruption – the corruption that comes when the voters are deprived of the information they need to make informed decisions about the candidates seeking their votes. Secret funding in elections is anathema in a democracy.

In its ruling in *Citizens United v. Federal Election Commission*, the Supreme Court opened the floodgates for big-money special interests in our elections. Corporations and unions can now make unlimited secret expenditures seeking to elect or defeat candidates. And they can make unlimited secret contributions to other entities that seek to elect or defeat candidates. This is unacceptable in a representative system, and we hope and trust that the *Citizens United* decision will itself be overturned, limited or corrected.

Right now, however, the most important thing we can do to preserve the integrity of our electoral process is to increase transparency and let the sunlight shine in. Disclosure of corporate, union and individual spending in our elections is the key to allowing voters to make their decisions. S. 2219 accomplishes that fundamental purpose.

The DISCLOSE Act 2012 is carefully crafted to require disclosure by outside groups of large campaign contributions and expenditures – those over \$10,000 – and includes a valuable “stand-by-your ad” provision for ads run by such groups. It requires outside groups to certify that their spending is not coordinated with candidates and, very importantly, covers transfers of money among groups so that the actual sources of funds being spent to influence federal elections will be known.

S. 2219 focuses only on disclosure and does not contain elements from previous legislation such as barring campaign spending by government contractors.

The DISCLOSE Act 2012 builds on requirements already approved by the Supreme Court. In fact, the Court pointed in the direction of enhanced disclosure when it said that disclosure is important to “providing the electorate with information.” It also supported disclaimer requirements “so that the people will be able to evaluate the arguments to which they are being subjected.” We couldn’t agree more.

Voters deserve and need to know the sources of funding for election advertising so they can make informed decisions. Secret campaign money has no place in America’s democracy simply because it undermines the role of the voter and corrupts the election process. Voters have a right to know -- whether it is a corporation, union, trade association, or non-profit advocacy group making unlimited political expenditures and influencing elections.

Candidates, too, have a need for disclosure of the sources of independent expenditures. There is a danger that the candidates’ own voices will be drowned out by huge outside spending, and that a last-minute onslaught of untrue charges from

secret spenders will alter the outcome of an election without the candidate being able to challenge the sources or to hold them accountable in any way. It is in the interest

of candidates to speak in their own voices and control their own messages so that the voters can make informed decisions, rather than having unknown and unaccountable spenders distort the candidates' views and the voters' responses.

It is especially important to candidates, as it is to voters, that outside spenders certify, as is required by S. 2219, that they are truly independent of candidacies. Otherwise, a candidate risks having his or

her opponent direct or influence unlimited secret spending against the candidate. And the voter risks voting for someone who has hidden his or her campaign tactics and funding sources from the public.

The League of Women Voters is also concerned that campaign finance reform legislation in general and disclosure legislation in particular seems increasingly to be decided in Congress on party-line votes. As an organization that takes its nonpartisanship seriously, we hope that the DISCLOSE Act of 2012 will receive the careful and thoughtful consideration it deserves. The League understands that not everyone agrees with our views on this subject, but open and honest debate will better serve our country than the pursuit of partisan political power on such a fundamental issue as our election processes.

Fair and clean elections, determined by the votes of American citizens, should be at the center of our democracy. Congress must act quickly and enact the DISCLOSE Act of 2012.