

LESSON 6: CAMPAIGN FINANCE REFORM

Lesson Overview:

Students will examine aspects of campaign finance reform. They will analyze components of campaign finance reform and determine whether it is beneficial.

Activity 1:

Have students read the Associated Press story below. The article was published on March 30, 2002 in the *Arizona Daily Star*.

New Law Halts Kids Political Contributions.

“**Washington** – The new campaign finance law seeks to limit the influence if corporations, unions, and rich people – and also make it illegal for kids to donate money.

“Supporters of the change say adults were abusing the system by contributing in children’s names. Critics say the law will punish youngsters with a strong interest in politics.”

“We are constantly told about the need to get more citizens involved in the electoral process,” said Rep. Patrick Tiberi (R-Ohio). “With this bill, we are doing just the opposite. We are telling young people, the folks we want to get involved now so they will stay involved in years to come, ‘No thanks, maybe when you’re older.’”

While the purpose of the new campaign finance law when it goes into effect on November 6, 2002, is to ban the hundreds of millions of dollars that corporations, businesses, and individuals now give to the national parties as “soft money,” the law also makes it illegal for anyone 17 and under to make a contribution. Ask students to discuss the pros and cons of this new campaign finance law.

Activity 2:

Examine the bipartisan Campaign Reform Act of 2002 (HR 2356), which passed in the House in February, followed by the Senate in March.

Visit www.senate.gov/~mccain/cfrpage.htm to read the bill.

Under current law, minors can contribute the same as adults: \$1,000 a year to a federal candidate, \$15,000 to a political committee and \$20,000 to a national party. Why do you believe the sponsors of the Campaign Reform Act of 2002 changed this? Why has Senator Mitch McConnell, a chief architect of the election reform law, become a chief opponent of the Campaign Reform Act and filed suit in federal court to challenge its constitutionality? The main elements of the Campaign Finance Reform Act forbid large unlimited contributions, known as soft money, to the national political parties. It also restricts outside

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groups' contributions to broadcast commercials that mention candidates for federal office in the periods immediately before primaries and general elections. Are these components of the Act a positive change? Why or why not?

Do you agree with the main sponsors of the bill (Senators John McCain (R-AZ), Russell D. Feingold (D-WI), Christopher Shays (R-CT), and Martin T. Meehan (D-MA)) that its reforms were badly needed? Should political contributions from minors be forbidden? Do you share the views of those who filed the suit that the new law? (Below are excerpts from the suit.)

- "... tries " to regulate core political speech" and "would radically alter, in a fundamental and unconstitutional fashion, the ways that citizens, corporations, labor unions, trade associations, officeholders, candidates, advocacy groups, tax-exempt organizations and national, state, and local political party committees are permitted to participate in our nation's democratic process."
- "Not since the Alien and Sedition Acts, enacted in the earliest days of our Republic, could criminal sanctions be so easily incurred by engaging in such core political speech," the suit declares."
- Among those helping to defend the suit is the Brennan Center for Law at New York University Law School. Its defense is:

"This law is not a ban on speech," E. Joshua Rosenkranz, President of the Brennan Center states. "The Supreme Court has made it absolutely clear that it is permissible to draw a line that distinguishes electioneering from all other speech."

Can you find the Supreme Court decision that makes it permissible? Where do you stand on the subject of contributions from minors who wish to participate in the political process?

Visit the Brennan Center's Programs Web site at www.brennancenter.org/programs/programs_dem_cfr.html. Click on [Litigation Index](#) and then on [Colorado Republican Federal Campaign Committee v. Federal Election Commission](#).

Activity 3:

Investigate the minor contribution limits in your state.

At least 14 states have campaign contribution regulations for youths:

- Arizona, Arkansas, Hawaii, Kansas, Michigan, Oklahoma, South Carolina, and Texas count contributions from minors toward their parents' limits.
- Connecticut prohibits anyone under 16 from giving more than \$30.
- Massachusetts limits contributions from children under 18 to \$25 a year.
- Florida limits minors to \$100 for each candidate.
- Kentucky does not allow contributions from minors to exceed \$1,000.
- Alaska and West Virginia prohibit minors from contributing to campaigns when money was given to them by their parents for that purpose.

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Activity 4:

The case against the new Campaign Finance Reform Law could be argued before the Supreme Court before the end of the year. Arrange a Mock Hearing before the court with members of your class role-playing Supreme Court judges, lawyers for the plaintiffs arguing against the new law, and lawyers for the Department of Justice, which will have the responsibility of defending the new law.

What position will each team of lawyers take on the provision in the new law regarding political contributions by minors?

What role does the federal government play in interpreting the new Campaign Finance Law? Why is the Center for Responsive Politics considering a lawsuit against the Federal Elections Commission, the bipartisan committee that regulates American elections? (“The FEC again is writing exceptions to the law that do not exist” Ray Noble, head of the Center has said.)

Can a federal agency do so? If so, how? What recourse is available to citizens who object? Where do you stand?

See the Federal Elections Commission Web site at www.fec.gov