

Session title : Bans, Limits, Disclosure, Small Donors... What's the Right Choice for Regulating Money in Politics?

Moderator/Panelists :

Michael Sullivan, Director, Massachusetts Office of Campaign and Political Finance

Ellen L.Weintraub, Commissioner, Federal Election Commission

Michael Malbin, Executive Director, Campaign Finance Institute

Michael Wittenwyler, Godfrey and Kahn

Date and time : Monday December 9 2013, 3:30 pm

Rapporteur : Élodie G. Lafrance, The Ethics Commissioner (Québec)

Session Summary

The purpose of the session was to analyze and debate the issue of how election campaigns are financed. Participants reflected on whether contributions should be banned, limited or simply disclosed. Among other things, panelists discussed the elements that could be part of an exemplary approach to regulating campaign financing.

In their view, it is necessary to find a balance when drafting legislation that affects political financing across an entire jurisdiction. What's more, a certain degree of consistency and coordination between the different government bodies is necessary in order to better understand and respect established rules surrounding political contributions. That said, it often seems difficult to reach a consensus on the measures that need to be taken.

Panelists reported that although money is unavoidable in politics, it is nonetheless necessary to restrict sources of financing. Putting a ceiling on contributions is an efficient way of ensuring that no single donor can make unduly large contributions. For example, candidates may find themselves overly beholden to Super PACs given the substantial contributions made by these entities. It is therefore appropriate to encourage contributions from small donors, although exactly who fits in this category still remains to be clarified. It is also worth examining solutions related to tax credits and public financing, among others.

Furthermore, public disclosure has a significant impact on contributors' behaviour, and it can also change the public's perception of contributors. As part of this process, the nature of the information and the threshold of contributions that will be disclosed must be agreed upon. A modern means of accessing this type of data must be available to citizens who wish to obtain this information quickly.

A regulatory body's main missions are education, information and law enforcement. A regulatory body must also consider which direction to take when it comes to controlling political contributions by enforcing each legislative enactment. Among other things, attention must be paid to those targeted for a greater degree of surveillance and coercion.

In short, the various stakeholders agreed on the need to ban certain forms of contributions, to limit others and to disclose information, while continuing to encourage political donations that contribute to political action and democratic life.