



RESTORING OUR AMERICAN DEMOCRACY

Truly fixing our economy requires fixing our democracy. Today in America, big-money special interests have taken over our elections. In the five years since the Supreme Court’s disastrous *Citizens United* ruling, super PACs, corporations and dark money groups have spent almost [\\$2 billion](#) trying to sway the outcome of federal elections—2.5 times what they spent, in total, between 1990 and 2008. As a result, special interests have drowned out our voices, while relentlessly lobbying for policies that improve their bottom lines at the expense of the American middle class. This corrupt system—while technically “legal”—forces candidates into a race to the bottom, embracing the muscle of their super PACs even as they espouse democratic principles and lukewarm promises of change.

It’s time for actions, not just words, on campaign finance reform—and Americans of all political stripes agree. **That’s why Governor O’Malley has committed to establishing publicly financed congressional elections within five years** as part of his [15 Goals to Rebuild the American Dream](#). Meeting this ambitious goal will require a new campaign finance system, a tougher regulatory system, and stronger disclosure rules—in addition to an unrelenting effort to overturn *Citizens United* once and for all.

WE THE PEOPLE ARE NOT CORPORATIONS

Today in America, due to a deeply flawed reading of our Constitution, a handful of wealthy special interests and corporations are able to buy candidates and elections—on both sides of the aisle—ensuring that the voices of the vast majority of Americans are not heard.

As president, Governor O’Malley will:

- **Fight to Overturn *Citizens United*.** As president, O’Malley will fight to ratify the [Democracy for All amendment](#), which will allow the American people to once again place reasonable limits on the money that flows into our elections. This will give Congress and the states the authority to do what they always did before wealthy donors and corporations bought our courts and our elections: enact meaningful campaign finance rules that cap candidate spending, establish contribution limits, and bar corporations from meddling in our democratic process. The [vast majority of Americans](#)—including both Democrats and Republicans alike—overwhelmingly agree that *Citizens United* should be overturned.

- **Push to Establish a Constitutional Right to Vote.** Our democracy depends on greater participation, yet in recent years Republicans have sharply limited access to our most fundamental right. O'Malley has called for amending the Constitution to [explicitly guarantee the right to vote](#)—giving U.S. courts the authority to strike down efforts that disenfranchise voters, while empowering Congress to enact strong electoral standards nationwide.
- **Support Bipartisan Redistricting Commissions.** O'Malley applauded the Supreme Court's ruling in *Arizona State Legislature v. Arizona Independent Redistricting Commission* this spring, which upheld voters' right to draw their electoral districts fairly and independently. O'Malley will support states that are seeking to overcome gridlock by turning to bipartisan redistricting commissions to draw their Congressional districts.

CITIZEN FUNDED ELECTIONS

Runaway election spending by special interests forces candidates to listen to big money donors over the voters they claim to represent. As races are inundated with more and more outside spending, members of Congress now devote [more than half](#) of their time to fundraising, not governing. At the same time, the total number of small donors has begun to fall. In 2014, the [top 100 donors](#) to super PACs spent almost as much money as every single small-dollar donor combined.

It's time for a new campaign finance system that gives candidates the opportunity to raise a larger number of smaller contributions from people back home—encouraging every citizen to participate in the democratic process and making candidates truly work for every vote.

Build a New Campaign Finance System

Governor O'Malley has set a national goal of implementing public financing of congressional elections within five years. To meet that goal, he supports the [Government By the People Act](#) introduced by Congressman John Sarbanes (D-MD). As president, Governor O'Malley will work aggressively with Congress to pass and implement the Act.

Through the Government By the People Act, Governor O'Malley will:

- **Empower Americans to Participate in Elections.** To counter the decline in small donors, O'Malley will provide Americans with a \$25 refundable *My Voice* tax credit for contributing to candidates for Congressional office. By encouraging many more Americans to participate in giving, O'Malley will give candidates needed incentive to engage voters instead of special interests.
- **Amplify the Voices of American Voters.** To make the contributions of small-dollar donors go even further, O'Malley will establish a national *Freedom From Influence Fund*. Americans who give \$150 or less to a candidate who forgoes PAC money will have their contributions matched at a rate of \$6 to \$1. And if voters donate to candidates who agree to take exclusively small-dollar donations, they will see their contributions matched at an even

higher \$9 to \$1 rate. As a result, congressional candidates will be able to spend far less time dialing for dollars and more time listening to the interests and concerns of voters.

- **Fight Against Special Interest Influence.** Outside groups have monopolized our airwaves in the years since *Citizens United*, especially as campaigns enter their final stretch. In order to help citizen-funded candidates compete on more equal terms, O'Malley will provide additional public financing to congressional candidates who raise at least \$50,000 in small-dollar donations in the 60 days before an election.

REAL ACCOUNTABILITY UNDER THE LAW

One of the biggest problems with our campaign finance laws is that we don't enforce the laws we already have. [Candidates](#), their [political action committees](#), and even [our party leadership](#) are complicit in openly defying the letter and spirit of the law as they vie for [larger and larger](#) campaign contributions from Wall Street, fossil fuel companies and other special interests. And they do so without penalty, because the Federal Election Commission is now so gridlocked and broken that its commissioners have [given up on enforcing election laws](#) altogether. This is an unbelievable and unacceptable outcome. But as the chairwoman of the FEC [says](#) herself, "There is not going to be any real enforcement" of campaign finance regulations in 2016.

We need a new, nonpartisan system that actually works, both to hold candidates and PACs accountable under existing rules—and to enforce the next generation of stronger, citizen-driven election laws.

Overhaul the Federal Election Commission

The Federal Election Commission was designed and weakened by those it regulates—members of Congress—in order to be as ineffectual as possible. With three appointed members from each party, the commission is inherently partisan and perpetually deadlocked. As a result, its members cannot complete basic orders of business without resorting to [extraordinary measures and hostile debates](#); their [case backlog](#) is now unprecedented. The FEC is imposing [record-low fines](#) even as political spending soars, failing to hold lawbreakers accountable and failing to respond to *Citizens United*.

It's time to fix the FEC—while making its mission and work a real national priority.

As president, Governor O'Malley will:

- **Fight for a New FEC.** The FEC's partisan design is the root of the agency's dysfunction. O'Malley will urge Congress to fundamentally restructure and strengthen the FEC by establishing a single administrator position to oversee the agency. This administrator would lead the FEC and enforce its laws, serving a term independent from the president who appoints them. O'Malley will also fight for real enforcement authority for the new FEC, including replacing the FEC's [toothless settlement process](#) with a comprehensive schedule of strong, mandatory fines.

- **Strengthen Existing Disclosure Requirements.** The FEC has broad authority to bring “dark money” spending—which accounted for a third of the \$2 billion spent by outside groups on elections since *Citizens United*—into the light. But the FEC has allowed [loopholes in disclosure rules to proliferate](#), leaving doors open to corruption. O’Malley will pressure the FEC to update its regulations: mandating that political action committees register and disclose the full extent of their campaign spending, preventing non-political committees from skirting disclosure requirements, and requiring all groups that engage in “electioneering communications” to disclose all of their underlying donors under the law.
- **Restrict Coordinated Campaign Activity.** Despite unprecedented coordination between candidates and their super PACs, the FEC has stepped aside: allowing candidates to functionally evade contribution limits via coordination without imposing [any significant penalties](#) on campaigns that do so. O’Malley will call on the FEC to enforce laws restricting coordination, while using its existing authority to strengthen them. This includes treating candidate fundraising for outside groups as direct, prohibited coordination; and ending the “internet exemption” that allows some outside groups that engage in political activity online to coordinate directly with campaigns.
- **Strengthen Enforcement of Campaign Finance Laws.** O’Malley will make real enforcement of campaign finance laws a federal priority. O’Malley will appoint FEC Commissioners and an Attorney General committed to assertively enforcing our nation’s existing laws even as we forge a new consensus for broader reforms to restore our democracy.

TRANSPARENCY IN OUR DEMOCRACY

Our laws are riddled with loopholes that allow corporations and other special interests to pump undisclosed and unaccountable money into our elections. The biggest loophole is that “social welfare groups” face no requirements that they disclose their donors at all. Two such groups put [more money](#) into the presidential campaign in 2012 than all super PACs combined.

It’s time to bring “dark money” political spending into the light—through extensive executive action, and by passing strong and comprehensive disclosure laws.

Enforce and Strengthen Financial Disclosure Rules

The federal government already has significant authority to establish strong, comprehensive financial disclosure requirements. However, political pressure and partisan dysfunction have prevented agencies from putting forward commonsense and long-overdue transparency rules.

As president, Governor O’Malley will:

- **Use Executive Authority to Increase Transparency.** In addition to the FEC rules described above, the Securities and Exchange Commission, Internal Revenue Service, and Federal

Communications Commission each have the authority to strengthen campaign finance disclosure laws. O'Malley will direct each agency to act, completing regulations that [require publicly traded companies](#) to disclose political spending to their shareholders, [restrict political spending](#) by dark money groups, and enforce laws [requiring broadcasters](#) to disclose the real identities of sponsors who run political ads.

- **Pass Expanded Disclosure Laws.** O'Malley will endorse, prioritize, and fight to pass and implement the [DISCLOSE Act](#), which would require that all groups that engage in more than \$10,000 in political spending—including social welfare non-profits—disclose their donors. The Act would also require disclosures by organizations that transfer or receive more than \$50,000 for political spending, preventing special interests from setting up shell organizations to avoid disclosing their political contributions. Finally, the DISCLOSE Act would expand reporting requirements for organizations and donors who place and pay for television and radio ads in the months before an election.