

Breaking Down Barriers: **The Faces of Small Donor** **Public Financing**

Edited by
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BRENNAN CENTER
FOR JUSTICE
TWENTY YEARS

at New York University School of Law

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FOREWORD

In today's political system, women, people of color, and others who are not independently wealthy or do not have access to wealthy donors face exceptionally high barriers to running for office.¹ Increasingly, candidates and their shadow campaigns rely heavily on financial support from outside spenders, who are often the wealthiest Americans and their business interests. Last year, 158 families provided nearly half of the early contributions to the presidential race.² In contrast to the broader electorate, these families “are overwhelmingly white, rich, older and male in a nation that is being remade by the young, by women, and by black and brown voters.”³ The result is that these latter groups, often referred to as the New American Majority, are less likely to be heard by the representatives they elect.

There is overwhelming evidence to suggest that wealthy contributors do not share the priorities of everyday Americans.⁴ Affluent Americans have substantially differing views on issues such as the minimum wage, the deficit, job creation, and criminal justice reform.⁵ Empirical research indicates that, in a political system dominated by the wealthy, the government's policy is, at least in certain areas, biased towards the most affluent citizens' preferences.⁶ This lack of equal representation for the views and experiences of all Americans is not just a political problem — it is a civil rights issue.

From our nation's founding to the present day, Americans have strived to achieve a more participatory and inclusive body politic. Originally, only white male landowners were entitled to vote and therefore have their views reflected in government decision-making. Generations of disenfranchised and marginalized constituencies have sought recognition of their civil and human rights — from abolitionists and suffragists in the 19th century, through the civil rights and equality movements of the 20th century. That struggle continues in the 21st century as advocates push for educational, environmental, health, and socioeconomic equality, as well as democracy and justice reform.

Today, the dominance of big money in our electoral and policy-making process runs contrary to central values of American democracy. The values of our representative democracy must include the ability of all people — regardless of race, gender, income, and socioeconomic status — to seek elected office through a competitive campaign that represents all constituents. Yet that aim is increasingly unachievable in today's campaign finance regime, which places such outsized importance on large contributions.

Recent Supreme Court decisions have narrowed the kinds of reforms available to reduce the role of big money in politics. But there are concrete campaign finance reforms that can be accomplished even before jurisprudential change is achieved. And an overwhelming majority of Americans — including 86 percent of women and 84 percent of persons making less than \$50,000 a year — are eager for reform.⁷ The most important among these potential solutions is public financing of elections.

As explained in the Brennan Center's *State Options for Reform*, public financing of elections takes a variety of forms: matching public dollars with contributions from small donors; providing voters with vouchers of public money to contribute to candidates of their choice; distributing block grants of public funds to candidates that meet predetermined fundraising thresholds (clean election systems); and issuing tax rebates to voters who make contributions to campaigns.⁸ While public financing systems are not currently available to candidates running for most federal offices, such systems do exist in a variety of states and localities.

Why Public Financing Is the Critical Campaign Finance Reform

Small donor matching programs and clean election systems are two of the most widely established forms of public financing. Proponents argue that these kinds of public financing (“small donor financing”) systems can:

- **Reduce barriers to entry** that discourage many everyday Americans from running for office.
- **Encourage candidates to focus more on connecting with prospective voters.**
- **Increase and diversify citizen participation in the electoral process**, as measured by campaign contributions.
- **Incentivize elected officials to better represent the interests of their constituents.**

In electoral systems without small donor financing, money creates a barrier that prevents many Americans who are not independently wealthy or do not have high net-contributors from seeking elected office. Proponents of public financing have long argued that it **reduces barriers to entry to the political process**. Candidates of color raise up to 47 percent less funding than their white counterparts.⁹ Similarly, women are less likely to be recruited to run, and less likely to seek office because of the perception that they will have a more difficult time raising money to campaign.¹⁰ Without public funds, advocates argue, “candidates for state office don’t have a realistic chance of winning unless they are independently wealthy or spend their time cultivating relationships with wealthy donors.”¹¹ Empirical analysis of small donor financing systems has supported this argument, showing that such systems encourage challengers to enter electoral contests, increasing the overall competitiveness of elections, and diversifying the candidate pool.¹² According to the Campaign Finance Institute, the political science consensus is that “[p]ublic financing results in more races being contested than would otherwise be the case.”¹³ Another study found that Arizona and New York City experienced increases in the racial and gender diversity of candidates once they established public financing.¹⁴

There is also substantial evidence that a strong public financing system can motivate candidates and elected officials to spend more time with their constituents and less time fundraising. When state legislative candidates campaign without fully funded small donor financing, they spend as much as 24 percent of their time fundraising.¹⁵ In contrast, the average state legislative candidate operating exclusively within a small donor financing system spends as little as 8 percent of his or her time fundraising, one third of the time spent by those who do not participate in such systems.¹⁶ In addition to reducing barriers to entry, small donor financing thus **encourages candidates to focus more on connecting with prospective voters**. These systems “fre[e] candidates from the time consuming rigor of fundraising...[and] leave more time available for public financing-funded candidates to debate the issues and interact with voters.”¹⁷

Small donor financing also **increases and diversifies citizen participation in the electoral process**, as measured by campaign contributions. A Brennan Center analysis of New York City’s public financing system revealed that donors who participate in the small donor matching

system are more diverse than donors who contribute to candidates running at the state level, which does not have a comparable small donor public matching program.¹⁸ For example, donors to City Council candidates came from neighborhoods with a combined 54 percent non-white population as opposed to 39 percent for State Assembly candidates also representing New York City.¹⁹ In one predominantly black and low-income neighborhood, there were 24 times as many small donors in the City Council race as there were in the overlapping State Assembly race.²⁰ A similar analysis found that these donors are more representative of the electorate, according to several measures including race, income, and education levels, and are more likely to be first time donors.²¹

By lowering barriers to entry, creating more engaged representatives, and empowering small donors, public financing **incentivizes elected officials to better represent the interests of their constituents**. While it is difficult to determine how well a legislature represents its constituents, Connecticut's experience is telling. Since the implementation of public financing in 2008, the legislature has increased the minimum wage, created an Earned Income Tax Credit, and required companies to provide paid sick days — all policies that were tremendously popular with the public.²² The Connecticut example illustrates how public financing can ultimately lead to elected officials who are more connected to and, therefore, ultimately more responsive to the policy preferences of their constituents.

In Their Own Words: Elected Officials Support Public Financing

Empirical studies can only tell us so much about public financing's benefits. Candidates who run and govern in jurisdictions with public financing systems are often in the best position to testify to its impact. Accordingly, the Brennan Center interviewed 20 elected officials from all branches of government in states, cities, and towns across the country with small donor matching programs or clean election systems. We asked them to address the purported benefits of public financing, and whether they experienced those benefits first hand. Regardless of their office, party, race, age, or gender, the current and former elected officials we spoke with confirmed existing research indicating that public financing systems reduce the influence of big money in politics by making elections more accessible, fair, and constituent-oriented.

More than 200 years after our democracy was established — and 50 years after the Civil Rights Movement sought to make democracy truly representative — our country is at a critical moment when many yearn for a more just, functional, and representative form of government. Both existing research and our interviews with elected officials who participated in small donor public financing systems confirm that such systems lower barriers to entry, incentivize candidates to engage more constituents, and encourage more everyday Americans to invest in the electoral process. Ultimately, candidates elected in such systems are more likely to represent the needs and priorities of their constituents — and not just the interests of a select group of donors. Small donor public financing is a 21st century solution that can elevate the voice of everyday Americans in the electoral process, and bring us closer to a more perfect union.

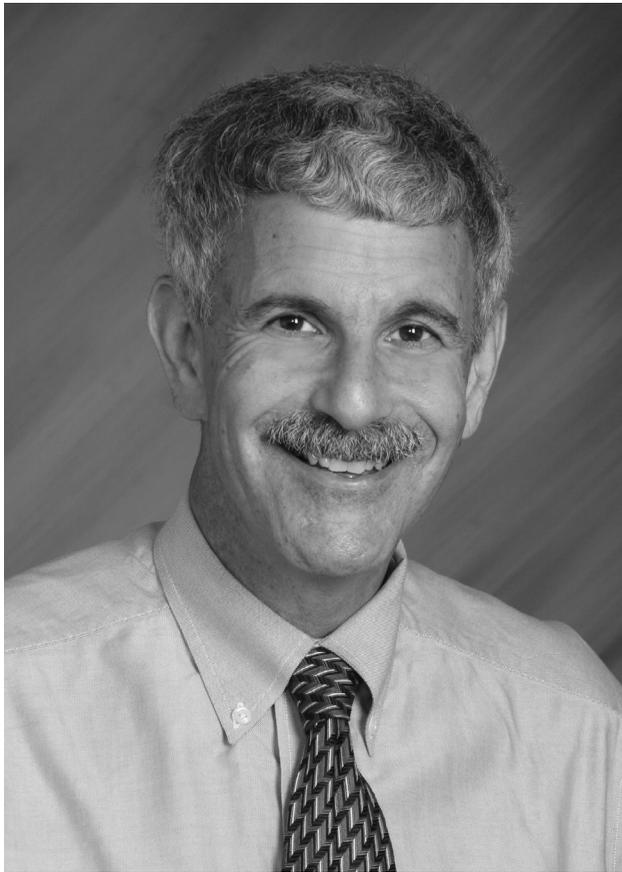
LOWERING BARRIERS TO ENTRY

While the electoral process should offer voters a choice of the most qualified representatives, money creates a barrier that often prevents Americans who are not independently wealthy and do not have access to large donors from running for office.



LETITIA JAMES PUBLIC ADVOCATE, NEW YORK CITY

I come from a hardworking family, but not a wealthy one. When I ran for office, I did not know millionaires, and I did not know those with deep pockets — but I knew those who wanted to have a voice in government and have a seat at the table. The public financing system in New York City gave me the opportunity to compete and succeed, allowing me to represent individuals whose voices are historically ignored. We must reform our campaign finance system to support any American who wants to run for office, not just those who can afford it.



ROGER J. KATZ STATE SENATOR, MAINE

Running for office is a daunting challenge. The barriers to entry are both real and perceived, and, to some people, the idea that they will have to go out and raise \$20,000 to \$30,000 is enough of a disincentive from participating in the race in the first place. When I first decided to run, it was a relief to know that trying to go out and raise large sums of money did not have to be part of the task. The clean election system certainly changes the composition of the legislature for the better.



ALLEN H. LOUGHRY II SUPREME COURT OF APPEALS, WEST VIRGINIA

I have always personally felt that there is too much money in political elections. As so many people have said, unless you are a multi-millionaire, unless you win the lottery, or unless you spend all of your time begging wealthy and powerful people to give you money, you are more often than not left out of the political process. I believe that an average person, if qualified, should be able to participate in the political process regardless of their income, race, gender, or class.



ED REYES FORMER CITY COUNCILMEMBER, LOS ANGELES

Public financing was a breath of a chance, and ray of hope. I had the base, but the folks that had been a part of my home social network were folks that typically didn't vote. With the public financing system, I was able to reach a larger group of constituents, and was able to compete. Public financing strengthened my position and gave me the energy I needed. I was planning to run regardless of the system, but it did play a role in making the run more viable.

My first term, I was not part of the machine — I was from the outside looking in. The public financing system gave me the opportunity to compete and hold my own and raise the questions and issues important to the people in the community. I think it's a much-needed economic infrastructure to have public financing in place. With a public financing system, at least you have a chance to have your message heard. You have the ability to be in the arena for a particular fight. Without it, for people who come from the places I come from — working class communities, low income communities — the doors are hard to open. They're there, there are doorknobs, but without public financing you can't actually open the door.



DONNA S. STROUD COURT OF APPEALS, NORTH CAROLINA

It's very difficult for judges to raise money even under the best of circumstances, particularly for the Court of Appeals. I certainly think judicial public financing eliminates barriers because it does make it easier for someone who is not connected to the political process or [does not have a large] network to raise money. If they are qualified to participate, at least they are going to be able to have a chance to compete using the public financing system. Public financing made it easier for us to raise money as judges and helped eliminate the appearance of impropriety that raising money can create.



GARY A. WINFIELD STATE SENATOR AND ASSISTANT MAJORITY LEADER, CONNECTICUT

Without public financing, I would not have been a viable candidate. The fact that Connecticut had the system is what helped me enter the contest. If I had to raise money to challenge somebody, it would have been almost impossible. I didn't come from money. I am a candidate of color, and I wasn't a candidate for the political party or machine apparatus. I didn't have the nomination, and I was actually able to defeat the person that had the nomination by talking about issues that he wasn't. It not only leveled the playing field, it completely upended the playing field.

I also think it altogether changes the dialogue. It makes such a difference in terms of the conversations that the candidates are having, and who is part of those conversations. Constituents you normally would have glossed over weren't glossed over — you make a point to talk to all of those people. In the old system where dollars count, I probably wouldn't have had those connections to smaller donors. I also know that, as a candidate, if I'm not doing the things I need to do, one of which is to remain connected to those people, even if you have the power of incumbency, the incumbency doesn't necessarily give you the dollar amount you need to avoid a challenger.

CHANGING THE WAY POLITICIANS CAMPAIGN

Currently, candidates must commit substantial amounts of time to fundraising with big donors — taking away from time that could be spent engaging with a broader base of voters. By matching small contributions, public financing largely frees candidates from dialing for dollars, and encourages them to spend more time knocking on doors, attending community events, and interacting with voters.



JOVANKA BECKLES COUNCILMEMBER, RICHMOND, CALIFORNIA

Campaign finance really helps even the playing field. There are passionate advocates and activists that just want to serve the public, and public financing helps these individuals run. I truly believed that there were policies that needed to be changed, and knowing that public financing was an option for my campaign was one of the factors that influenced my decision to enter the race. Public financing fosters a more transparent campaign because, when the public knows that their [tax] money is going towards candidates who are running, candidates have a little more concern about what they are saying and the platforms they are standing on.

I also think it really keeps the purity of the elections process when the candidates don't take corporate money, but instead take the aid of the public financing system. When you take the money from the public, you are beholden to the public only, and not any other corporate interest. That has really made a difference and helped the voters come to a place where they can say that they trust me.



AMANDA FRITZ COMMISSIONER, PORTLAND, OREGON

It has been very clear to me that money in politics is a huge problem: politicians have to spend a huge amount of time asking for money, and it is often the ones most connected to the most affluent [donors] who are most successful. Money is only one part of the challenge of getting elected. The other part is learning how to campaign, because campaigning is not always the same as being qualified for office. After Portland voters did away with public financing in 2010, I had to spend much more time dialing for dollars. When you're making fundraising calls, you're often not talking about policy at all, and you're certainly not going to as many community events and developing policy with community engagement [as you would be with access to a public financing system].



NELLIE M. GORBEA SECRETARY OF STATE, RHODE ISLAND

Campaign finance reform is a critical issue facing our democracy today. Small donor public finance can help level the playing field for new candidates and those who may not have the resources or traditional fundraising networks in place. When I ran for office, I participated in Rhode Island's campaign matching fund system, which helped me maximize the impact of my base of small donors.



MARK J. KLEINSCHMIDT FORMER MAYOR, CHAPEL HILL, NORTH CAROLINA

I knew that, under the traditional campaign system, my campaign would have been very different. I would have to be shaking hands and meeting people who would be identified as large donors, and my ability to engage with voters would have been limited largely to those who were able to give and help finance my campaign. Public financing actually gets you out there to do the real work of a campaign: connect with voters, allow voters to have a more personal connection with candidates, and become more invested in a campaign. Their ability to write checks was irrelevant compared to their commitment to the community. At the end of the day, that's what made the difference.



JOHN A. LOREDO
FORMER STATE REPRESENTATIVE, ARIZONA

Even though I did not run under a public financing system, I've long been a champion. [I observed that] if you were running against someone who was not using public financing, they were not out knocking on doors, they were stuck sitting at a desk calling lobbyists to raise money. Clean elections candidates were at a huge advantage because they were able to get out in the neighborhood walking and knocking, and connecting with voters.



JOSEPH M. MAESTAS COUNCILOR, SANTA FE, NEW MEXICO

Using public financing was very liberating — it helped me focus solely on the issues once I was a candidate. Not having to spend time dialing for dollars allowed me to really spend time knocking on doors instead. The bottom line is that public financing is really freeing. Public financing ensures that elected officials are not beholden to anyone or any special interests. In general, I think folks see the impact that big money has had through vehicles such as PACs, dark money, and donors like the Koch brothers, and have therefore begun to lose faith in our democracy and our electoral system. So, not only is public financing advantageous and accessible for candidates, but it also represents a ray of hope in our democracy.



DAVID E. RYU COUNCILMEMBER, LOS ANGELES

Running a campaign is like starting a start-up company — the first money is always the hardest to get because you have to show people that you're viable and really serious. And because I'm not backed by special interests or a known commodity, most people are like, "who are you?"

I believe that the system makes elections more competitive. It enables those folks who have a viewpoint, a voice, and feel that they can participate, to have an opportunity to be heard. It allows people to have more dialogue with average citizens from the neighborhood who are able to run. That enables it to be more competitive, and the more competitive it is, the healthier it is. There is no such thing as being anointed to this position or it being given to you — you have to work for it. And I think that brought out the best.

INCREASING CITIZEN ENGAGEMENT

By placing greater value on small contributions, small donor public financing encourages a larger and more diverse set of voters to engage in the electoral process.



MARGARET CHIN COUNCILMEMBER, NEW YORK CITY

The campaign finance program is a great system to enable candidates like myself who are from the community. It really helps with the funding. Matching funds from campaign finance gives candidates a chance to involve community members and get people excited about the campaign. Especially at a time when I did not have political support from traditional political organizations or elected officials, it was a grassroots movement and campaign financing really helped me.



GAYLE MCLAUGHLIN
COUNCILMEMBER AND FORMER MAYOR,
RICHMOND, CALIFORNIA

I took not a penny in corporate money, and still won after being outspent by big-money interests. Many of us [elected officials] have been working really hard for over a decade, fighting for the interests of our community, building real relationships with our residents. Over the recent decade, our hard work and belief that democracy should be run by the people and not by the corporations is what made the difference.



JOSE M. SERRANO STATE SENATOR, NEW YORK

[Public financing] gives members of the public the ability to feel much more vested in the elections process, to feel that they are actually helping to determine who the next wave of leadership will be in the community. [The system allows people to feel] that they're not powerless against the high money interest, but that they too, through [contributions via] the matching funds program, can be very significant in supporting candidates who they believe represent the issues that they care about. And I think that's what's important.

Imagine if you could spend a little less time [making fundraising calls], and a little more time in someone's living room, listening to concerns that they have, hearing the ideas that they may have. You can become a much more engaged and responsive candidate and hopefully elected official.

ENHANCING CONSTITUENT REPRESENTATION

Because small donor public financing lowers barriers to entry, incentivizes candidates to engage more constituents, and encourages more everyday Americans to invest in the electoral process, candidates elected in such systems are more likely to represent the needs and priorities of their constituents — not just the interests of a select group of donors.



RON GALPERIN CONTROLLER, LOS ANGELES

[I] worked very hard to reach out to as many voters as [I] possibly could. [I] had an amazing and passionate group of supporters who were critical to getting out the vote. The public financing system encourages smaller donors to feel that their contributions can make a difference. Without public financing, people often feel that their small donations cannot make a difference in comparison to donations from donors that offer much larger sums. Not having been in public office, I did not owe anything to anyone except the electorate who elected me. This has allowed me to make decisions and pursue things that most ring true to what I believe is the right thing to do.



ERIC A. ULRICH COUNCILMEMBER, NEW YORK CITY

From an electoral standpoint, the matching funds program has allowed for the voice of small donors and regular people to have a greater say in outcomes, [like] who runs for public office and what those candidates look like and represent. That has helped us transform how we serve our constituents. [In New York City,] I have no choice but to listen to and engage the [constituents] in an overall discussion about what direction the city should go. I think the campaign finance program has a lot to do with that. And I really think that how we do it in New York should serve as a model for the rest of the country.



MARY D. YOUNG MAYOR PRO TEM, BOULDER, COLORADO

Boulder's public financing system embodies democratic ideals; it encourages candidates to focus on campaigning rather than fundraising. It has certainly allowed me to spend more time actually talking to people about the issues rather than merely asking them for money.

Our public financing system has been around for years, and there is now a negative impression among the public toward candidates that do not use the system. Once they are in office, candidates who did not use public financing are more likely to be beholden to the special interests that funded them rather than accountable to constituents. Overall, I believe that participating in the system has allowed me to better represent the interests and needs of my constituents by enabling me to connect with people regardless of whether or not they can make a monetary contribution.



EDWARD YOUNGBLOOD FORMER STATE SENATOR, MAINE

I chose to use the system because I wanted to be committed to the people, not to special interests. It put me in the position to say that I was more representative of my constituents. It gave me the ability to say that I was going to Augusta to represent the people. Participating forces you to be more engaged. You have to go to [the people] to get the \$5 donation to qualify. This forces people to get out and knock on doors, which is what ultimately gets you elected.

ENDNOTES

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- 22 See J. Mijin Cha & Miles Rapoport, *Fresh Start: The Impact of Public Campaign Financing in Connecticut*, DEMOS, Apr. 2013, available at http://www.demos.org/sites/default/files/publications/FreshStart_PublicFinancingCT_0.pdf.

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