



DEMOCRACY REFORM TASK FORCE WEEKLY NEWS ROUND UP

February 15, 2019

NATIONAL NEWS

[The House Takes on America's Voting-Rights Problem](#)

The New Yorker

Last week, with these events in mind, a hearing on H.R. 1, the For the People Act, took place in the House of Representatives. Elijah Cummings, Democrat of Maryland, the new chair of the Committee on Oversight and Reform, referred to the bill, in his opening remarks, as “one of the boldest reform packages to be considered in the history of this body.” He added, “This sweeping legislation will clean up corruption in government, fight secret money in politics, and make it easier for American citizens across this great country to vote.” That statement was not partisan hyperbole. The bill is a broad, imaginative, and ambitious set of responses to the most pressing challenges facing American democracy, many of which preceded the 2016 election, but almost all of which were brought into sharper focus by it. Implicit in the choice to take up an electoral-reform bill as the first act of the new Democratic majority in the House was the decision to confront not only these injustices but, more fundamentally, the forces that have allowed them to come into existence. The bill contains provisions to insure access to paper ballots, in order to verify the accuracy of voting results; to establish early voting in all states for federal elections; and to launch independent redistricting commissions, to address the problem of partisan gerrymandering.... American democracy is threatened by a hydra of vulnerabilities, most of them of our own making, but none of them beyond the notice of our adversaries. H.R. 1 is the most cogent corrective to these matters which we have yet seen. The calculations around it will most certainly be partisan, but it is the best hope for ending the corrosive practices that subtract citizens from the electorate.

**Related Story: [Cummings Rebukes Republican Efforts to Erode "Essence of Our Democracy"](#).*

[On Politics with Lisa Lerer: Sixty-Second Guide to ... H.R. 1](#)

The New York Times

The first major piece of legislation House Democrats unveiled in their new majority is an ambitious, 600-page bill that reads like an anthology of liberal anti-corruption proposals. Intended to show voters that they are following through on their campaign pledges, the bill, called H.R. 1, has three overarching goals: to dismantle barriers to the ballot box, end big money in politics, and impose stricter ethics rules on government officials. It also, unsurprisingly, takes a few jabs at the president. The bill is so sprawling that even the SparkNotes version put out by its lead sponsor, Representative John Sarbanes, Democrat of Maryland, is a whopping 22 pages, divided into sections including “Voting,” “Campaign Finance,” and “Ethics.” Here are a few of the highlights. H.R. 1 would: Automatically register citizens to vote, require states to allow voters to register on the day of a federal election, make Election Day a federal employment holiday, require presidents and candidates for the nation’s highest offices to release their tax returns, create a matching system for small donations to campaigns, and ban campaign contributions from corporations with significant foreign ownership. Opposing the bill has become a pet interest of Senator Mitch McConnell, the Republican majority leader. (He has dubbed it “the Democrat Politician Protection Act” and mused publicly that much of it is “probably” unconstitutional.) So it faces dim prospects in the Senate, making H.R. 1, as one of my colleagues put it, less a legislative vehicle than a political platform for the Democrats heading into 2020.

[Dems House Agenda Has Investigations into Trump and New Legislation](#)

The Los Angeles Times

A day after the State of the Union address, House Democrats responded Wednesday by launching a counter-agenda, including a series of investigations into the Trump administration and legislation they hope will send a compelling message to voters ahead of the 2020 election. Democrats this week will hold nearly half a dozen investigative hearings into Trump administration officials and programs, and convene even more panels to discuss policy issues such as climate change, universal background checks for gun purchases and campaign finance reform — all partisan initiatives.... The Democratic agenda will include three House floor votes on major bills by the end of March, according to tentative plans shared by Democratic sources. The bills include HR 1, a plan to reform the campaign finance system and enact changes to the elections process; HR 7, a bill that would attempt to ensure equal pay for men and women; and HR 8, a bill to require universal background checks before people can buy guns.... Rep. John Sarbanes (D-Md.) hopes his campaign reform bill, which would tighten finance and ethics rules as well as expand voting rights, becomes “the new brand of the Democratic Party....” Republicans in the Senate are expected to block Sarbanes’ legislation from becoming law. But that doesn’t faze him. “If we can get that passed in the House, then we can spend the next two years using that as a rallying cry,” Sarbanes said.

[McConnell's Dark Secret: He Used to Support Campaign Finance Reform](#)

Vox

These days, Senate Majority Leader Mitch McConnell regularly scoffs at Democrats' sweeping anti-corruption bill to set up more transparency around money in politics, and promote expanded voting rights. But 46 years ago, he praised many of the ideas that the bill, known as HR 1, contains. He called money in politics a "cancer" in a 1973 Courier-Journal op-ed about a local campaign finance ordinance that he complained didn't go far enough to address the issue (Fred Wertheimer at Democracy 21 first published the McConnell op-ed). "The lack of an overall limit on spending is an open invitation for special interests to circumvent this ordinance and lavishly finance future candidates, regardless of the limitations on amounts of individual contributions," McConnell wrote.... McConnell wrote this many years before he entered the Senate, when he was the chair of the Republican Party of Jefferson County, Kentucky, and an attorney in Louisville. But even though he was critiquing a local elections ordinance, he was definitely thinking of the big picture. The then-young Republican offered prescriptions to eradicate the "cancer" of money in politics that included calling for public financing of elections, publicly disclosing all political donors, and putting spending limits on elections.

[The Lobbying Swamp Is Flourishing in Trump's Washington](#)

ProPublica

In his first 10 days in office, Trump signed an executive order that required all his political hires to sign a pledge. On its face, it's straightforward and ironclad: When Trump officials leave government employment, they agree not to lobby the agencies they worked in for five years. They also can't lobby anyone in the White House or political appointees across federal agencies for the duration of the Trump administration. And they can't perform "lobbying activities," or things that would help other lobbyists, including setting up meetings or providing background research. Violating the pledge exposes former officials to fines and extended or even permanent bans on lobbying. But loopholes, some of them sizable, abound. At least 33 former Trump officials have found ways around the pledge.... Among the 33 former officials, at least 18 have recently registered as lobbyists. The rest work at firms in jobs that closely resemble federal lobbying. Almost all work on issues they oversaw or helped shape when they were in government.... As we've reported before, some former officials are tiptoeing around the rules by engaging in "shadow lobbying," which typically entails functions such as "strategic consulting" that don't require registering as a lobbyist. Others obtained special waivers allowing them to go back to lobbying. In a few cases, they avoided signing the pledge altogether. Legislation aimed at closing some of the loopholes is contained in the Democratic-led ethics reform package, HR 1, the "For the People Act," which had its first hearing in front of the House Judiciary Committee last month. (The same bill was proposed in the previous session of Congress, and the sponsors cited ProPublica's reporting.)

[How Trump's Swamp Works Now](#)

Rolling Stone

Overnight, Trump's small circle of friends and loyalists became extremely valuable. They could speak Trump's language, explain him, influence him. Or at least that's what they told the blue-chip corporations and foreign governments scrambling to find someone to help them navigate the new administration. "There's, like, five people who bet on the long shot and won," a seasoned GOP operative told me. "The day after the election, those five people all think they're the biggest fucking swinging dicks in the universe. I'm the guy who can make all your dreams come true now." That's where Elliott Broidy came in. Broidy set out to cash in on his connections to the new administration with breathtaking speed and audacity. In the aftermath of Trump's win, Broidy, who landed a coveted spot as a vice-chair for Trump's inauguration committee, used his ties to the president-elect to pitch his defense-contracting company, Circinus LLC, to foreign leaders. He invited two senior Angolan officials to Trump's inauguration festivities while attaching a proposed contract with Broidy's firm. He helped secure a brief audience for the Romanians with Trump at a dinner where Broidy was seated next to the president-elect. For a starting rate of \$350,000 a month, Broidy offered to help a lawyer based in Moscow remove U.S. sanctions on two Russian companies.... And in another instance, Broidy and his wife, a lawyer and former entertainment executive, hatched a plan to earn \$75 million if they could get the Justice Department to drop an investigation into the multibillion-dollar fraud involving Malaysia's prime minister and its state investment fund.

[Trump DHS Guts Task Forces Protecting Elections from Foreign Meddling](#)

The Daily Beast

Two teams of federal officials assembled to fight foreign election interference are being dramatically downsized, according to three current and former Department of Homeland Security officials. And now, those sources say they fear the department won't prepare adequately for election threats in 2020.... The task forces, part of the Cyber Security and Infrastructure Agency (CISA), were assembled in response to Russian meddling in the 2016 presidential election. One focuses in part on securing election infrastructure and the other focuses on foreign influence efforts, including social media disinformation campaigns. One of the task forces is now half the size it was a few months ago, according to two DHS officials familiar with the task forces, and there's no indication that DHS senior political leadership will staff it up or sustain it. Instead, there are concerns it will completely wither away. The other task force also shrank significantly shortly after the midterms, according to that official, and before its members produced a thorough assessment of what happened during the 2018 elections.

[Trump Urges TN Valley Authority to Keep Open Aging Coal Power Plant](#)

The Washington Post

President Trump set up a clash with an independent agency Monday evening with his call for the Tennessee Valley Authority to keep open an aging coal plant that buys much of its coal from a company chaired by Robert E. Murray, one of the president's major supporters. The TVA board will meet Thursday to consider whether to close the 49-year-old plant, which operated only intermittently last year because it was no longer needed to supply uninterrupted power known as baseload. The board also is considering shutting down a 52-year-old coal unit at Bull Run near Oak Ridge, Tenn. In a tweet Monday night, Trump said: "Coal is an important part of our electricity generation mix and @TVAnews should give serious consideration to all factors before voting to close viable power plants, like Paradise #3 in Kentucky!"... The agency has already said that closing the Paradise coal plant would have no significant effect.

[Trump Campaign Paid Legal Fees to Firm Representing Jared Kushner](#)

ABC News

President Donald Trump's campaign has spent nearly \$100,000 of donor money to pay legal bills to the firm representing Jared Kushner, the latest campaign finance records show. The president's re-election campaign made two payments to the firm, Winston & Strawn LLP – \$55,330 and \$42,574. The expenditures were payments to Kushner's attorney Abbe Lowell for Kushner's legal fees, sources with knowledge of the payments told to ABC News.... Like many Trump campaign insiders, Kushner has required legal guidance as he has attempted to navigate the special counsel and congressional investigations into Russian interference in the 2016 elections. Kushner has not been accused of any criminal wrongdoing.... Peter Mirijanian, a spokesperson for Lowell, said the payments extend only to legal fees incurred for litigation involving Kushner's work on the campaign.... One source familiar with the reimbursements told ABC News that near the end of 2018, the campaign covered legal expenses for several former senior staff members who had testified before congressional committees.

[Trump Picks Golf Club, Mar-a-Lago Members as Ambassadors](#)

USA Today

When President Donald Trump needed an ambassador to represent the United States in Romania, he enlisted a real estate lawyer who was a member of one of his private golf clubs. For South Africa and the Dominican Republic, he tapped longtime members of his private Mar-a-Lago resort in Palm Beach, Florida. To represent the U.S. government in Hungary, he chose a man from another Florida club operated by the president's private companies. Ambassadorships long have been among Washington's choicest political prizes, and presidents frequently award them to friends, political allies and campaign donors.... The difference is that the president also is the country club's proprietor, and he has handed out foreign postings and other government jobs to his paying customers.

[Public Remains in the Dark on Nonprofit Political Spending: Report](#)

U.S. News

Politically active so-called "dark money" groups spent more than \$50.7 million on direct advocacy at the height of the midterm campaigns last year, but just 8 percent of that money came from groups that identified some of their donors, according to a new analysis by the Campaign Legal Center. The finding comes despite a recent court decision that seemed to open a path to increased transparency. The August decision from the U.S. District Court for the District of Columbia in *Citizens for Responsibility and Ethics in Washington v. the Federal Election Commission* required all groups making independent expenditures – spending on things like advertisements or mailings that directly advocate for or against a candidate – to report the names of donors that contributed money for political purposes. But the center's report, issued Wednesday, concludes that just a few months removed from that decision, most of these organizations have sidestepped the new rules. It draws on year-end reports from the 2018 midterms that show most dark money operations are remaining dark, indicating to the FEC that they did not receive any donations expressly for political activities.

[The Tech Industry's 2020 Trump Trap](#)

Politico

The 2020 presidential campaign is shaping up as a major political headache for tech companies still reeling from blowback over the support they offered Donald Trump's campaign and the Republican Party in the last election.... Facebook has already shown signs it will treat 2020 differently by curtailing its practice of embedding staff with campaigns to provide on-site product support, such as guidance on how to use the platform to reach and influence voters. Such support was critical for the Trump campaign, which didn't invest heavily in its own digital operations during the primaries. (Brad Parscale, who led Trump's digital effort, later told "60 Minutes" that Facebook was "how he won.") Hillary Clinton's campaign declined the offer of embeds.... Rep. John Sarbanes (D-Md.), chairman of the House Democracy Reform Task Force, pressed Facebook CEO Mark Zuckerberg last year on whether his company's on-site campaign tech support could be considered an unfair donation that violates campaign finance law. Sarbanes told POLITICO he's pleased about the company's move to pull back from the embed program, but said he'll continue to scrutinize the social network. "Facebook made the right decision to shut down its flawed campaign embed program, but that's only a first step," he said. "On a whole host of issues, House Democrats will continue to hold Facebook accountable in order to protect American consumers and safeguard American democracy."

[The One Thing All the 2020 Democratic Candidates Agree They Hate](#)

Mother Jones

The field of Democratic candidates running for president in 2020 is still taking shape, but so far the contenders have agreed on one policy: Cash from corporate political action committees (PACs) is bad. That's not an entirely new idea—in 2008 and 2012 Barack Obama rejected donations from corporate PACs, though Hillary Clinton didn't repeat that pledge in 2016—but it's quickly becoming an early litmus test for presidential contenders when it comes to campaign finance.... Corporate PACs aren't big players in the campaign finance world for presidential elections, so most candidates aren't really giving up that much money.... It has become increasingly common to run without the help of corporate PAC funds. In the House, 50 Democrats and two Republicans have said they won't accept corporate donations, with individual small-dollar donors propelling most of the challengers in the 2018 midterms.... While corporate PACs may have never been the biggest source of outside money, outside groups that push campaign finance reform say that these pledges could affect their approach to 2020.

[6 Days When 2020 Democratic Hopefuls Scored With Small Donors](#)

The New York Times

In the 2020 race for the White House, small donors are expected to play a more significant role than ever before. With so many Democratic candidates running, and only so much money to go around, whom small donors choose to support will determine in part which contenders will have the cash to compete — and who will not. So, what clicks with donors online? The Times analyzed six years of online donations to potential 2020 candidates through ActBlue, the Democratic Party's main donation-processing platform, to tally the number of donations each candidate has received by day. The findings show that the art of inspiring online donors is very much about timing: It's about having a moment in the national spotlight — and then capitalizing on it. Also, small donors are just like the rest of us: procrastinators inspired by a looming deadline. With that, here are six days when some current and potential Democratic candidates for president scored big online, and why.

IN THE STATES

[Impact of Partisan Gerrymandering on Political Parties](#)

Election Law Blog

In a nutshell, parties that are victimized by gerrymandering are impaired in their performance of several key associational functions. These handicaps, moreover, are substantively large, statistically significant no matter how gerrymandering is measured, and roughly equal in size at the congressional and state house levels..... In our view, our findings strongly confirm Justice

Kagan’s hypothesis in *Whitford*. She predicted that backers of a “disfavored party” would “face difficulties fundraising . . . generating support from independents, and recruiting candidates to run for office”—and that is precisely what our analyses showed. Accordingly, our findings should be helpful to plaintiffs currently pursuing associational challenges to district plans. To date, these litigants have relied primarily on qualitative testimony from voters, candidates, and party officials about how their associational activities have been impeded. This evidence may now be complemented by our data-driven conclusion that, across many states and years, partisan gerrymandering systematically undermines party health.

[Federal Judges Reject Ohio’s Request to Delay Gerrymandering Trial](#)

Cleveland Plain Dealer

A three-judge federal panel on Friday rejected a request from the state of Ohio to delay a gerrymandering lawsuit that aims to put a new Ohio congressional district map in place in time for the 2020 election. The state wanted to delay the trial, scheduled to start March 4, until after rulings are released this summer in two gerrymandering cases before the U.S. Supreme Court — one brought by Republicans in Maryland and one brought by Democrats in North Carolina. But the judges in their Friday ruling cited time considerations. The state has said any changes to a map must be in place by Sept. 20, 2019, to get ready for the 2020 election.

[Small-Donor Matching Funds for New York State Elections: Policy Analysis](#)

The Campaign Finance Institute

Campaign finance is high on the legislative agenda for the New York State Assembly and Senate in 2019. Governor Andrew Cuomo’s Executive Budget in January included proposals to create a small-donor matching fund system for state elections modeled after the successful one in New York City. The proposal would also reduce the state’s high contribution limits. The goal would be to combat corruption and the appearance of corruption by making the state’s elected officials less dependent on large donors while at the same time heightening the connections between public officials and their less wealthy constituents. With the Majority Leaders in both chambers having sponsored similar bills in the past, the prospects for passage look higher than they have been for decades. This report hopes to inform discussions over these proposals by analyzing some of the major effects a new law would be likely to have. The conclusions are derived from a detailed analysis of how the key provisions in the Governor’s package would have affected each of the candidates who ran in 2018. The key findings are: Lowering the contribution limits and instituting a system of matching funds would in fact substantially increase the importance of small donors to candidates across the board while decreasing their dependence on large donors, virtually every candidate in the system with a few major exceptions would be better off financially under the proposed system than under the status quo, the cost of the proposed system would be modest – less than one penny per day for each New Yorker over the course of four years, and the one major problem with the proposal as currently

drafted is that the requirements to qualify for matching funds are set too high for most candidates. However, a simple adjustment would correct the problem fully.

KEY OPINION

[HR 1 Will Give Average Americans Tools to Counter Big Money in Politics](#)

Bangor Daily News (Op-Ed by Anna Kellar)

The 116th Congress could make history with HR 1, a bold set of reforms that would make it easier for Americans to vote, crack down on money-in-politics corruption, and shine a light on dark money in political campaigns. We at Maine Citizens for Clean Elections, a grassroots organization working to ensure that Maine's campaign finance laws, elections and government serve the public interest, believe that HR 1 is the set of reforms our country needs and voters want.... Maine has led the way on Clean Elections since 1996, when voters approved our own public funding option for state office candidates with the passage of the Maine Clean Election Act. In 2015, Mainers went back to the polls to reaffirm the act with a second referendum, expand the Clean Elections program, require additional transparency and disclosures, and increase fines for violations of the act.... The rise of big money in our politics is no reason to do away with campaign finance reform. It's exactly why we need these reforms now more than ever. Regular people need a way to break the stranglehold of the rich and powerful on our government. That's what Clean Elections programs are designed to do. These programs aren't perfect, but they're the best tool we have to give power back to the people.

[FEC's Status Quo is Hazardous — Proposed Legislation Would Help Fix It](#)

The Hill (Op-Ed by Daniel Weiner)

At the hearing on H.R.1 before the House Oversight and Reform Committee, opponents of the bill set their sights on the bill's reforms to the Federal Election Commission (FEC), charging that these changes would allow a dangerously partisan takeover of our nation's campaign finance regulator. As someone who used to work at the FEC, I could not disagree more. Right now, the FEC is evenly divided between Democrats and Republicans and notoriously dysfunctional. It deadlocks on whether to pursue most significant campaign finance violations — often after sitting on allegations for years without even an investigation. Its process for issuing new rules has virtually ground to halt.... H.R. 1 would overhaul the FEC by reducing its six commissioners to five, with no more than two for each major party and one independent. One of these commissioners would be designated by the president to serve as chair, responsible for hiring the agency's staff director, submitting its budgets, and running it on a day-to-day basis. These changes would bring the FEC more in line with how most independent federal agencies run, except that, unlike those bodies, the president's party would never have a majority. H.R.1

would also set up a bipartisan, blue-ribbon panel to vet potential nominees and make public recommendations to the president, which is not the usual practice for other agencies.

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