

# **The History of the Writing and Passage of the Arizona Citizens Clean Elections Act and the Important Role the League of Women Voters Played**

In 1995, Jim Driscoll, Executive Director of Arizona Citizen Action (ACA), a national liberal consumer and public activist group active in the United States during the 1980s and 1990s, studied the concept of Clean Elections because of ACA concerns about the role of campaign contributions in political decisions. He organized conferences at ASU in Tempe and UA in Tucson. In 1996, he invited Ellen Miller, Executive Director of Public Campaign, to head an all-day "teach-in" on "Clean Money, Clean Elections", aka campaign finance reform, at Arizona State University. The session was well attended by about 200 people from academia, labor, government, and the activist community. Ms. Miller explained how big-money special interests had hijacked our nation's democracy, and how public financing of elections could bring needed reform.

As a result of the teach-in and the enthusiasm with which conference participants received the ideas advanced by Ellen Miller of Public Campaign, about 25 people, including Jim Driscoll and Gary Tredway, gathered to discuss whether it would be possible to pass a public financing initiative in Arizona. Most were encouraged by the November 1996 Clean Elections initiative victory in the state of Maine, the first state to enact such sweeping campaign finance reform. (However, Arizona is a much more conservative state than Maine, known as the home of Barry Goldwater and a hotbed of Christian fundamentalism. But in many ways Arizona is open to maverick politicians and independent ideas.) Also, in the same November election, Arizonans supported two progressive initiatives: medical marijuana and expanded health care for the indigent.

Even though Arizona is among the relatively few states which allow direct citizen initiatives, the initiative process is by no means an easy task. During the brainstorming session of this follow-up group, it was determined that there would be a series of difficult hurdles to writing and passing Clean Elections, any of which could destroy chances of success; they included:

- 1) Developing a cohesive and hardworking group to draft the proposed initiative
- 2) Making sure the initiative was airtight, because if it wasn't, it would either be ineffective or be neutered by the state legislature
- 3) Developing a proposal that would enjoy widespread support
- 4) Organizing and operating an initiative committee that would manage all aspects of the campaign
- 5) Gathering over 140,000 valid signatures from registered Arizona voters to get an initiative on the ballot
- 6) Raising at least a half million dollars to finance a campaign
- 7) Getting a majority of the state's voters to vote for the initiative in November 1998

Most felt the chances of ultimate success was slim with a 10-15% probability of jumping through all the hurdles and needed to be faced. Nonetheless, it was determined to go forward and commit to the arduous tasks ahead. The stakes were just too high to give up ~ all valued their democracy too much to sit back and let it be purchased by the highest bidders.

Thus, the goal was established ~ to write a citizen campaign finance reform initiative to be placed on Arizona's ballot that would reduce the influence of big money in Arizona elections. To accomplish this, the initiative would offer Arizona candidates who ran for state offices full and competitive public financing for their campaigns if they agreed not to take any private money for their campaigns and accept spending limits.

At Jim's suggestion, it was agreed to set up a five-person steering committee that would plot the campaign's direction. At the request of national funders like Public Campaign, the committee had to reach out and give seats to moderate and even conservative organizations in an attempt to widen public appeal.

Three seats went to organizational representatives: the League of Women Voters (Lila Swartz, state president), United We Stand Arizona (the local Reform Party affiliate [Mary Lou Stanley]), and Arizona Citizen Action (Jim Driscoll, Executive Director).

There were two individual members: Mark Osterloh and Gary Tredway/Howard Mechanic (same person, 2 different names). Mark was a lawyer, medical doctor, and pharmacist from Tucson who had just spearheaded the successful "Healthy Arizona" initiative passed in 1996. Gary was a health-food distributor, editor of *The Current*, and a

dedicated activist who had successfully networked with a variety of organizations. The core group consisted of these 5 persons. Gary was the selected leader; Jim part-time fundraiser. None were politicians, just concerned citizens who were not afraid to boldly step out in faith and give the project their all.

After the second meeting, Lila asked Carol Mattoon if she would like to join the core group because she had indicated great interest in the cause. Soon after, Carol asked Marge Mead if she would be interested in attending the meetings. Both were from the League of Women Voters of Northwest Maricopa County (LWV-NWMC). Marge immediately became the secretary and took meticulous, detailed notes; at a moment's notice, when the need arose, she could find the minutes from previous meetings addressing what had been decided. Having been an English professor, Marge made sure all written materials were grammatically and punctually correct. Carol was on both LWV-AZ and LWV-NWMC boards, a political activist, and had skills in seeing/tending to fine details and motivating and organizing volunteers.

Public Campaign was contacted to see if they would be willing to help finance such a campaign effort in Arizona. Public Campaign is a national non-partisan non-profit organization based in Washington, DC, established in 1979 to promote comprehensive campaign finance reform and dedicated to working with activists trying to get campaign finance reform passed in their states. They believed that grassroots leadership from the states would spark national momentum to force change upon an unwilling Congress. Their national field director, Nick Nyhart, came to AZ to interview the core group and hear about the details of their vision/plan. At first, Public Campaign was reluctant to finance Arizona's efforts as six other states were also trying to take the issue to the their ballots. So Public Campaign arranged a survey in AZ to measure public interest in campaign finance reform; they found that the citizens were definitely interested. The survey's results plus Nick seeing that the core group was totally dedicated to the effort, Public Campaign committed to help give advice and direction throughout the campaign and provided seed money to help finance it. The work on a Clean Elections initiative began.

There was much discussion at the LWV-AZ Board meetings as to whether or not the League should be involved with this group as Jim Driscoll was viewed by many throughout the state as a "high-profile radical" and "strong partisan leader". Some Board members were concerned about the League's reputation being harmed if we associated with him. The Board was divided. However, Lila and Carol felt the project was extremely important; they stressed the possibilities of such cutting-edge legislative reform and the difference it would make in future AZ elections. They felt the League's input and reputation would be a major benefit to all aspects of the project and well worth the gamble; after all, what good is a reputation if you don't use it for good! They pushed the League to go for the gold and become a change agent in the state. Because the Board was divided, Lila made the final decision, and she, Carol, and Marge proceeded with great passion, commitment, and enthusiasm to make Clean Elections a reality in Arizona.

The core group of seven (3 being League members from North West Maricopa County) met one full day a week for the next two years to draft and pass the initiative, with Mark making the 4-hour round trip from Tucson every week. The difficulty of forging a new system for financing campaigns, a task that demanded long hours of concentration, research, and consultation with legal and constitutional experts and current and past Arizona elected officials, took its toll on this rather diverse group. Arguments transpired continuously between the members as differences of opinion on various items ensued.

Questions and disagreements over solutions abounded: What process could help weed out frivolous or fringe candidates and yet not make establishing eligibility for Clean Elections funding overly burdensome for serious candidates? How much money is necessary to fund a viable campaign? What revenue sources for the Clean Elections Fund would maintain adequate funding for all participating candidates without impacting adversely on Arizona taxpayers? How could voters be assured that the Clean Elections candidates would abide by the provisions of the law? How could this innovative new voluntary system be incorporated into the existing framework of statutory requirements for traditional campaign financing? How could all provisions be worded to ensure fairness for both participating and non-participating candidates?

These and many other serious issues confronted the authors of the initiative at every one of their lengthy weekly meetings. Oft times it became one side against the other as they each lobbied for their point of view; thus, occasionally angry tempers erupted. However, what might be considered a dysfunctional and opinionated group of individuals, was in reality a small group of people committed to work together to address these challenging tasks, eventually coming to negotiated decisions.

These dedicated citizen-volunteers continued to contribute their time and talent and drive many miles to meetings held at various locations donated by participating or supporting organizations. They believed that only the Clean Elections model would bring about their desired results: the diminishing of special interest money and influence in Arizona elections; opportunity for more candidates to bring their ideas forward to the voters and for voters to have more choices on the ballots; freedom for candidates from eternal fundraising, giving them more time to study and act on the issues that most concerned their prospective constituents. They felt that Clean Elections was the basic element needed to get people elected who would work for the good of all residents and would be receptive to all concerns. Therefore, all members were committed to writing and passing the best campaign finance initiative/law possible, so they diligently and painstakingly worked on each issue. Each phase of the development of the initiative included in-depth discussion, exploring all facets of the particular issue/topic. The members lived and breathed the initiative 24/7.

The group was evenly split on many issues; therefore, it was forced to find compromises acceptable to both. We knew that if we didn't accommodate both sides, we risked seeing some members walk out. In retrospect, the fact that we were forced in many ways to produce a compromise proposal made the initiative much more acceptable to the voting public.

Maine was the first state to write and pass "Clean Elections" legislation. Their legislation was the model from which our initiative started, then we customized it for our state. Their downfall was leaving funding up to their legislature; therefore, it was never fully funded. Thus, our task was to come up with a funding mechanism that would work. Mark and Gary came up with four novel, winning ideas.

Mark's ideas included:

- a check-off box on state income tax forms where residents could direct \$5 of their taxes towards the Clean Elections Fund, and they would get \$5 off their income tax
- a 10% surcharge imposed on all civil and criminal fines and penalties collected if citizens broke the law
- the \$5 qualifying contributions gathered by candidates

Gary's suggestion: fees imposed on lobbyists

After much haggling, all agreed on these funding sources. The team felt that voters would love the lobbyists' fee idea. And raising funds by imposing a penalty on those who broke the law covered the argument often raised by those against publicly financed campaigns ~ that they did not want their tax dollars going to candidates they did not support; the response would be, "Then don't break the law or direct your tax dollars to go there!" Simple!

Under the proposed voluntary campaign finance system, participating candidates would agree not to accept private campaign contributions except for contributions of "seed money"--not more than \$110 per person from individuals, up to a total of about \$2,500 for legislative candidates and \$40,000 for governor. To qualify for public funds, candidates would gather a certain number of \$5 contributions from individuals, the number determined by the office sought. Statewide candidates could only obtain qualifying contributions from within the state, and legislative candidates only from within their districts.

As the work on the initiative progressed, various other people were asked to participate and share their expertise. Lola Boan represented LWV-NWMC when Carol was in Michigan for the summer, although Carol stayed actively involved with the writing through e-mail. Dennis Burke represented Common Cause, and Bruce Miller from Arizona Right to Choose sat in from time to time.

Most of the core group attended a national meeting in St. Louis put on by Public Campaign. The connections made helped motivate us in our efforts. Representatives from Maine were there. They told us about their campaign experiences—the pitfalls and lessons learned. Experts from around the country conducted workshops on the nuts and bolts of campaign finance law. Also in attendance were groups from many other states, of which several were in the midst of their own statewide campaigns. We were part of a real citizen-lead nationwide movement!

However, we realized that we were competing against them to get a chunk of the limited amount of national funding which would be available. There was no way several states could simultaneously fund credible campaigns; it was thought four or five would be the max. But we had something unique going for us ~ Arizona was the only state that was viewed as solidly conservative. If Arizona could win its campaign, then anyone could. A victory in Arizona would

send a powerful message to the nation. However, none of the campaign states received promises of funding at that time. We would have to wait for the process of attrition to reduce the number of states in contention ~ some would fall by the wayside because of internal split-up, others would fail to get enough signatures, and some would face overpowering opposition.

As it turned out, only Massachusetts and Arizona would have viable campaigns by the summer of 1998; the rest of the states dropped out for one reason or another.

As the initiative neared completion, a field director/campaign manager was needed. Enter Josh Silver, a graduate of Oregon's Evergreen College, a young man who gave 150% to the campaign. He was only 28 years old, but he had a lot of experience, maturity, leadership abilities, organizational and people skills. He was intelligent, energetic, fun, totally dedicated to the cause, and a major asset to the project. Louis Rhodes from ACLU became his unpaid partner introducing him to the powers-that-be in Arizona, soliciting endorsing organizations, and helping in the newly established office.

We continued to work long and hard writing and fine tuning a comprehensive and detailed proposal. When the writing was as developed as the core team could complete, two lawyers were brought in ~ Louis Hoffman who had written a great deal of elections laws, and Mike Valder, a prominent Phoenix attorney. Their review and input was requested and followed. The initiative was then sent to lawyers around the country for their legal advice. Changes in the wording took place based on their input.

Finally, the day arrived in early February, 1998, when Coalition members agreed that the Citizens Clean Election Act was ready for filing!

Petitions were printed. The initiative summary on petitions read, "This Citizens Clean Elections Act targets the corrupt system of special-interest campaign funding and enables qualified candidates to run for state office. The Act will limit campaign spending, equalize candidate funding, tighten campaign-law enforcement, and ban special-interest contributions to participating candidates. Candidates demonstrating sufficient community support will qualify for a limited funding amount from a Citizens Clean Elections Fund, administered by an independent citizens' commission. There is no tax increase. Funding comes from lobbyists fees, violator fines, and voluntary contributions, encouraged by tax reductions for those who support clean elections."

Now the next phase for the Coalition and the work of members of participating and supporting organizations was just beginning. Citizens had to be educated about the Act, sufficient signatures had to be gathered on the petitions so the initiative would be placed on the ballot, and additional funding had to be sought to help cover the costs of the campaign. So the volunteers and skeleton staff rolled up their collective sleeves to accomplish what they had to do to get the initiative on the ballot.

140,000 valid signatures were needed, so the goal was to collect 160,000 in case some were thrown out for legal reasons. League members from across the state helped secure thousands of signatures. Carol rallied the troops in the LWV-NWMC league, establishing teams to focus work on various facets of the campaign. She created a volunteer calendar and almost every able-bodied member signed up to sit/stand outside grocery stores, libraries, and post offices to solicit signatures. Even the 85+ year-old members volunteered, setting up their card tables and chairs, and securing signatures...even in the stifling heat of the summer. Passing Clean Elections became the mission of the LWV statewide.

We got more than enough signatures before the deadline, over 180,000. Most were obtained from paid gatherers, but our volunteers brought in tens of thousands, spending many hours at street fairs, festivals, libraries, post offices, and grocery stores. Mark drove from Tucson to Phoenix regularly to personally verify the signatures before they were submitted to the state.

After the signatures were submitted, the LWV-NWMC established a speaker's bureau and developed a script and overheads so that all presentations would cover the same basic information. Carol established a "cheat sheet" with the fundamental information, in an easy-to-understand outline format, so that volunteers could easily understand what the initiative covered, and they then could educate others and be able to field questions with accurate answers. League volunteers then fanned out across the state talking to political, social, educational, fraternal, environmental,

and religious groups to explain Clean Elections, how it would work, and how it would benefit candidates, voters, and all ordinary citizens.

The whole LWV-NWMC League was enthusiastically engaged. Membership grew because people wanted to be part of a "happening group", one that was actively making a difference. Members could see that they were involved in something big and worthwhile...they were part of history-in-the-making ~ changing elections in Arizona. It was fun working as a cohesive, excited, enthusiastic, dedicated team.

Carol designed T-shirts which League members and volunteers wore throughout the campaign. Josh created public-service radio ads and developed a professional, color brochure to distribute wherever volunteers went. A computer-based, state-wide volunteer list was created and used.

We obtained the services of a local political consultant, Sam Vaganas. He had previously served as Assistant Secretary of State (Arizona) and was the coordinator of the successful medical marijuana initiative. Since only one board member had any experience in the initiative process, Sam's presence gave us some expertise we needed. He suggested we run a "stealth campaign," meaning we should try to stay under the radar of our possible opponents. If we didn't make too many waves, Sam predicted, they wouldn't see us coming and they wouldn't prepare for battle. If and when we did appear in the media, the picture our campaign would project was one of a mom-and-pop grassroots operation, conveying the idea that our operation wasn't one made up of political heavyweights. Lila Schwartz, president of LWV-AZ, became the spokesperson; Lila, a retired professor who embodies everyone's image of his or her favorite grandmother, helped that image as well as bringing the weight of the League's non-partisan reputation. Not until later would the big money opponents appear, but by then the opposition was too little and too late. Sam's "stealth campaign" was exactly the strategy we needed.

When the educational campaign went public and Lila became the official spokesperson, LWV-AZ asked for help from LWV-US. Walter Cronkite, a retired TV news anchor known for his high level of integrity and honesty, was a friend of the League and had done a short video piece that was shown at national convention thanking the outgoing president for her work. We asked LWV-US to either contact him for us, or give us information on how to contact him, to ask if he would do a commercial for Clean Elections as his endorsement would be invaluable in our campaign to get Clean Elections passed. However, they denied that request stating that they may want to use him for something in the future and did not want to ask him for too many favors. Wow, we were stunned and downright angry/incensed that they did not see the value of what their grassroots members were working for, and they put their own possible future needs above what state Leagues were actively doing.

Expenses were kept minimal because most of the tasks were accomplished through the efforts of volunteers ~ including the final drafting of the Act by an attorney. However, even in 1998, it was extremely expensive to run a campaign. Jim initially coordinated the fund-raising mostly from the many national contacts he had developed over his years of activism. Public Campaign had provided seed money at the start, but by the end of the campaign they were responsible for over half of our \$950,000 contributions. George Soros, a philanthropist who earned hundreds of millions of dollars in currency speculation, was the largest individual donor; by the end of our campaign, he donated \$100,000. Gary was the largest in-state donor, giving a total of more than \$17,000.

Thankfully, efforts to educate Arizona citizens about the importance of Clean Elections were successful. The voters of Arizona approved the Act in November of 1998! Arizona became the second state to pass such comprehensive campaign finance legislation! It was a huge victory...and they said it couldn't be done! And it happened because a few dedicated citizens had a vision, formed a coalition of committed workers, and gave the mission 150% of their time and effort. And, it must be said, **the passage of Clean Elections would not have happened without the hard work of many League members across the state. Together we made the difference!**

Everyone that was significantly involved in the project felt that this was one of the most important things they were ever involved in. They were extremely proud of the quality of the initiative and their individual contributions. And it was true, each person brought particular skills that added to the totality of the project and its success.

After its passage, leaders came from around the world to learn more about the Act. We were very proud that in 2004 when Move On wrote a book entitled, "50 Ways to Love your County", our League's efforts were included. The article written by Lola Boan of LWV-NWMC, entitled "Support Clean Elections", attracted attention to Arizona for having had the vision and dedication to establish a system that allowed candidates to be independent of special

interest contributions. We heard that the book was on the best sellers list, so our efforts and accomplishments received recognition and good PR nationally! (Following this article are excerpts from the book.)

*This paper was written by Carol Mattoon, member of LWV-NWMC, drawing on informational historical documents by Marge Mead, Gary Tredway/Howard Mechanic, and herself, plus consulting with Mark Osterloh. January 6, 2016*

## **Excerpts from "MoveOn's 50 Ways to Love Your Country**

**How to find your political voice and become a catalyst for change"**  
*Inner Ocean Publishing, Inc., 2004; excerpts from page 76 written by Lola Boan*

In 1996, with the encouragement of Nick Nyhart, executive director of the nonprofit Public Campaign, based in Washington, DC, various Arizona organizations and individuals interested in campaign finance reform at the state level formed a coalition, Arizonans for Clean Elections, to write a clean elections initiative. The primary goal of the clean elections movement is to help reduce the influence of big money in politics.

Under the proposed voluntary campaign finance system, participating candidates agree not to accept private campaign contributions except for contributions of "seed money"--not more than \$110 per person--from individuals up to a total of about \$2,500 for legislative candidates and \$40,000 for governor. Candidates qualify for public funds by gathering a certain number of \$5 contributions from individuals. Statewide candidates can obtain qualifying contributions only from within the state, and legislative candidates only from within their districts.

The revenue for the Clean Elections Fund comes from several sources: a surcharge on civil and criminal fines and penalties, contributions from individuals for which a matching tax credit can be claimed (up to a set amount), and the \$5 qualifying contributions gathered by candidates.

Getting the necessary signatures for the Clean Election Initiative in the heat of an Arizona summer was difficult, but many volunteers helped in this task. The initiative was placed on the 1998 ballot and won by a small margin. We were delighted!

A comparison of the Arizona statewide and legislative races in the 1998 and 2002 elections reveals that the number of candidates increased 24%; competition doubled for the state senate, both parties had full slates for statewide offices, and voter turnout increased 27% in the primary and 23% in the general election.

**A follow up note about LWV-US in regards to working with state Leagues during this time:** After the election and passage of the initiative, with absolutely no help from LWV-US in any way or phase of the campaign, the LWV-US president Kay Maxwell came and spoke at something held in either Sun City or Phoenix. After the event, Jeana Petersen, president of LWV-NWMC, hosted a celebration/welcome party at her home. Jeana presented the president with a \$1,000 check to establish a national fund to financially help local Leagues when they are working on important projects such as we had. In that way, LWV-US would be able to assist and support local Leagues ~ help we never received. The president took the check, but once back in DC, LWV-US decided that it did not think it could establish such an account as it would be too much work; they asked if they could simply put the check in their regular budget. Jeana said "No, that was not the purpose of the donation!" and directed them to return the check.

**NOTE: Another item for the LWV-AZ archives** is that the LWV-NWMC received the "2004 LWVUS Citizen Award" at national convention. This award is given for "reconnecting citizens with government". The award stated that LWV-NWMC was chosen for "developing a successful template for conducting balanced, community-wide forums". It came about because of the success of two community-wide meetings the LWV-NWMC had hosted, one in regards to the Patriot Act and another on "Water, the New Liquid Gold", and the instructional paper "How to Conduct a Community-Wide Forum" that Carol Mattoon and Marge Meade prepared after the Patriot Act program. The paper had been shared with Kay Maxwell when she stayed with Jeana. In addition to receiving the national award, the "How to" paper was posted on the LWV-US website and put on the resource CD they included in every delegate's packet (a CD full of helpful hints for delegates to take home). The Arizona delegates wore their "Don't Be a Drip-Save the Water" T-shirts as they received their award.

During the convention, Carol was approached by representatives from other Leagues across the nation that had read the "How to" paper on the LWV-US website and had implemented it in their states as they developed similar programs. They enthusiastically thanked LWV-NWMC for developing and sharing this information.