

**NLWJC - Kagan**

**DPC - Box 035 - Folder 025**

**Political Reform**

Political reform -  
general



● Paul J. Weinstein Jr.

01/22/98 05:13:10 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: See the distribution list at the bottom of this message

Subject: Time off for Voting

Currently there is no federal law that would provide private sector employees with time off to vote or register. Federal employees can get an excuse to be absent to register or to vote three hours before or after the poll closes. The leave is "administrative," not sick or annual leave.

Labor is checking on the status of State law on this matter. A federal law could provide leave under FMLA or paid leave. Neither seem to be good options.

Message Copied To:

Elena Kagan/OPD/EOP  
Jennifer L. Klein/OPD/EOP  
William P. Marshall/WHO/EOP  
Peter G. Jacoby/WHO/EOP  
Michael Waldman/WHO/EOP



● Paul J. Weinstein Jr.

01/22/98 07:11:48 PM

Record Type: Record

To: Morley A. Winograd/OVP @ OVP

cc: Bruce N. Reed/OPD/EOP, Michael Waldman/WHO/EOP, Jennifer L. Klein/OPD/EOP, Elena Kagan/OPD/EOP

Subject: Time Off To Vote

Per your request, we have done some preliminary research on the issue of providing employees with time off to vote.

Currently there is no federal law that would provide private sector employees with time off to vote or register. Federal employees can get an excuse to be absent to register or to vote for up to three hours. The leave is "administrative," not sick or annual leave.

Labor is checking on the status of State law on this matter. A federal law could provide leave under the Family and Medical and Leave Act (FMLA) or paid leave.

We are very concerned about including a proposal on this topic in the State of the Union since we have not yet run a policy process on this issue. There are a lot of unresolved issues and some offices have expressed reservations about this proposal. The DPC has not yet taken a position on the idea, but we are concerned about the timing of tying voting leave to the FMLA, since it is still unresolved whether the President will include an expansion of the FMLA in his State of the Union. It was my understanding from your meeting on campaign finance reform that we would be reviewing this proposal over the next couple of months before making a decision about endorsing the idea.

File: Political Reform general

Paul W (return) -  
Looks good. Who  
in the WH (beside  
cousins) has  
considered them

Electoral/Political Reform Ideas  
as in the Administrative  
generally

1. Make Election Day a Holiday

In United We Stand, Ross Perot proposed that Federal elections to be held over two days -- Saturday and Sunday -- so that working people could get to the polls more easily. A problem with holding the vote over the weekend, however, is that it may offend the religious community. A more practical option would be to make election day a holiday. Almost every democracy in the world declares a holiday for election day, and they all have higher turnout rates than the United States. While U.S. turnout rates were dropping from 65 percent to 55 percent in the 1960s and 1970s, rates in West Germany, Sweden, and Italy hovered around 90 percent. While rates in other countries were not quite as spectacular as in these three, they nevertheless remained on average 70 percent. Certainly other factors are have contributed to these higher rates, but they cannot explain the whole disparity between the United States and other democracies.

Things?  
And  
who is  
for (or  
against)  
what?  
Elena

It should be noted that the new democracies of Russia and South Africa have their election days as holidays.

OMB estimates that the total cost to the government of a Federal holiday is \$350 million per day. We do not have estimates regarding the costs to the private sector. One option to reduce any cost impact to the public and private sectors is to hold election day on Veterans Day (November 11).

2. Voting by Mail

One option to encourage greater voter turnout is to urge all states to make voting by mail easier. In Oregon on third of the states ballots in 1996 arrived by mail. In King County alone one fifth of all voters in that county voted by mail -- up from 32,000 absentee ballots four years ago.

Why is  
one-fifth  
so striking?  
Where is  
King  
County?

There are two major concerns about increasing voting by mail. First, processing mail ballots is costly -- According to LA County Registrar Conny McCormack, while votes at a polling place cost \$1 each to process, absentee ballots cost \$8 to \$10 per vote. However, we could expect some drop in cost if voting by mail be the norm not the exception. Second, voting by mail could open up the electoral process to greater levels of fraud.

came → Any ways to minimize this concern?

3. Foreign Lobbying

Issue an Executive Order that would ban all executive branch officials from contact with registered agents of foreign governments when the contact is for the purpose of influencing the U.S. government on behalf of foreign governments. The order would include corporations that are either wholly-owned or majority-owned by foreign governments. The definition of registered agents of foreign governments would largely track the definition of agency in the Foreign Agents Registration Act (FARA), although it would be limited to foreign governments, while FARA covers agents of all foreign "principals." The proposal would include exceptions for lawyers engaged in litigation or administrative proceedings.

Do you  
want to  
have this  
in? You  
seem to  
have  
mixed it  
in the  
other  
memo

Alternative options include: 1) maintaining a public record of lobbyists who contact any government agency on behalf of foreign entities; 2) Fully enforce FARA.

4. Ban Foreign Lobbyists' Contributions to National Campaigns

Although U.S. law prohibits foreign entities from contributing to U.S. campaigns, lawyers and lobbyists for foreign entities are not restricted from raising and distributing funds to candidates. In order to reduce the possible influencing of Federal elections by foreign governments, the President could endorse a ban on contributions to any candidate for Federal election who is a registered foreign lobbyist as defined under FARA. The President could propose that a ban be included in the final, bipartisan campaign finance reform. In addition, the President could challenge all Democrats to stop accepting such contributions immediately.

See edits on other memo.

5. Reform the Federal Election Commission

There is strong academic agreement that the Federal Election Commission needs reform. In its current form it is paper tiger without real teeth. Currently, there are six member of the committee that the President appoints - three Republicans and three Democrats. One proposal would be to add one independent member and give the agency criminal prosecution powers to enforce the election laws. A more modest reform proposal would be to exclude former national and state party officials (congressional campaign committees included) from serving on the Commission.

whom

you mean officials of these committees?

6. Pass Bipartisan Campaign Finance Reform

The President's position on this is clear and we have a developed strategy. One issue that is not yet resolved, however, is the timing regarding the President's petition to the Federal Election Commission to ban "Soft Money." The petition is ready to be sent, however, Senator McCain has expressed some reservations regarding timing because of concerns that the President's petition will appear to be partisan grandstanding since Republicans raise twice as much "Soft Money" as Democrats.

Delete? Not a new idea; not telling anyone anything. They don't know already.

but

7. National Initiative/Referendum

Referenda allow the people to pass judgement on laws passed by their representatives, while initiatives allow the people to originate legislative proposals. Some initiatives ("direct") translate the public will into binding legislation, while others ("indirect") create agenda items to which bodies can respond. Today, important questions at the state level are routinely submitted to direct judgement of the people. In 49 states, voters must approve changes in state constitutions. 21 states have statutory initiatives; 18 states have constitutional initiatives; 25 states have popular referenda. In addition, state legislatures often put legislative referenda on the ballot, and governors often put initiatives to circumvent legislative obstacles. There has been a surge in the use of these devices at the state level since the mid-1970s, past the previous peak registered in the early years of this century to a new record high. While the evidence is mixed on the effect of referenda and initiatives on stimulating voters to turn out, these forms of public participation are seen by the many people as increasing legitimacy of public institutions and the policy outcomes that flow from them.

government? on the ballot?

enacted

In the past, we have recommended the President endorse a constitutional amendment that would permit both referenda and indirect initiatives but not direct initiatives. Referenda would give the people a chance to nullify, by a vote of 60 percent, legislation already passed by the House and Senate and signed by the President. Indirect initiatives would give the people a chance to craft specific legislative language which, once approved by a 60 percent majority, would have to receive up or down consideration by the U.S. Congress within 90 days. This proposal bears only on legislation; it leaves untouched existing mechanisms for and proposing and passing constitutional amendments

A more detailed white paper is available on this proposal.

Political reform -  
general



Paul J. Weinstein Jr.

04/21/97 05:04:23 PM



Record Type: Record

To: Elaine C. Kamarck/OVP @ OVP, Michael Waldman/WHO/EOP

cc: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

Subject:

Bruce has told me you have done some work on two day voting and voting by mail. Would you be willing to share your ideas and any memos you may have done on the subject. Thanks.

We are crunching on some electoral reform ideas, so please send us anything you have asap.

File: Political  
Returns

## Political and Campaign Finance Reform Talking Points

### Key Points

- Since day one of his administration, the President has pursued a far-reaching agenda of political reform.
- Only enactment of real campaign finance reform remains from the political reform agenda the President outlined in *Putting People First*.
- The President is challenging Congress to pass real, bipartisan campaign finance reform by July 4.
- The President has outlined five principles that form the foundation of acceptable campaign finance reform legislation:
  - 1) It must be bipartisan;
  - 2) It must be comprehensive;
  - 3) It must reduce the amount of money that is raised and spent on federal elections;
  - 4) It must help level the playing field between challengers and incumbents;
  - 5) It cannot favor one party over the other.

### Fighting For Real Political Reform

- Made voting easier for more than 11 million Americans by signing the "Motor-Voter" Law.
- Fought for and signed into law the Lobbying Disclosure Act, the first overhaul of lobbying rules in 50 years.
- Challenged the Congress to ban gifts, meals, travel and entertainment from lobbyists.
- Enacted the Congressional Accountability Act and the Presidential Executive Office Accountability Act to ensure that the same laws apply to Congress and the White House as to the rest of America.
- Closed the lobbyist tax loophole.
- Imposed the strictest Administration ethics guidelines ever.
- Enacted line-item veto legislation to eliminate pork and special interest spending from the budget.
- President Clinton has stood up to special interests, such as the NRA and the tobacco industry.

### Fighting For Real Campaign Finance Reform

- 1992            **Campaign Finance Reform Proposal.** In the 1992 campaign, Governor Clinton proposed spending limits, free TV time, PAC limits and a ban on soft money.
- 1993-1994      **Campaign Finance Reform Plan.** The President and the Democratic Leadership proposed a reform plan that included partial public funding for congressional candidates.
- 1995            **Bipartisan CFR Commission.** In June of 1995, the President agreed with Speaker Gingrich to create a bipartisan political reform commission. The President named John Gardner and Doris Kearns Goodwin to launch the commission, but they were rebuffed by the Speaker.
- 1996 - 1997    **McCain-Feingold/Shays-Meehan.** In the 1996 State of the Union, the President announced his support of the bipartisan bill. He repeated his call for passage of the this bipartisan bill in his 1997 State of the Union.

**ENDING BUSINESS AS USUAL IN WASHINGTON  
A Strong Record of Reform**

*"The fact is, organized interests have too much power in the halls of government. These influence groups too often promote their own interest at the expense of the public interest. Too often they operate in secret. Too often they have special privileges ordinary Americans don't even know exist.... We have an historic opportunity to renew our democracy and strengthen our country. If we truly believe in a government that puts ordinary Americans ahead of the powerful and privileged, then we must act and act now."*

President Bill Clinton  
February 17, 1996

**A Record of Accomplishment:**

Time and again, President Clinton has exhibited his commitment to curbing the influence of special interests and money in our political system. Since entering office President Clinton has pursued a far-reaching agenda of political reform. The President is committed to reforming the way Washington works and ending business as usual. Among his accomplishments, he has:

- Made voting easier for more than 11 million Americans by creating more accessible voter registration locations through the enactment of the **National Voter Registration Act** ("Motor-Voter"). The Motor-Voter law has already created the greatest expansion in the voter registration rolls since the 19th century.
- Fought for and signed into law the **Lobbying Disclosure Act**. The Act is the first overhaul of lobbying rules in 50 years and requires lobbyists to disclose who they work for and eliminates loopholes that allow lobbying organizations to avoid
- **Gift ban.** In the 1995 State-of-the-Union Address, President Clinton challenged the Congress to ban gifts, meals, travel and entertainment from lobbyists. The Congress subsequently passed the ban on November 16th, 1995.
- Enacted the **Congressional Accountability Act** to ensure that the same laws apply to Congress as to the rest of America.
- **Closing the "lobbyist loophole."** In 1993, President Clinton proposed, and Congress passed, legislation ending the tax-deductibility of lobbying expenses, which had allowed corporations and others to deduct the cost of their lobbying.
- Imposed the **strictest Administration ethics guidelines** ever, including a five-year ban on top officials lobbying their former agencies and a lifetime ban against lobbying for foreign governments.
- Enacted **line-item veto** legislation which significantly enhances the presidential authority to eliminate wasteful spending by allowing the President to cancel wasteful special interest projects and targeted tax breaks that benefit special interests. The line-item veto can help the President close the door on



business as usual in Washington by ending breaks for special interests and cutting pet spending projects that sneak into the budget year after year. With this line-item veto, the President will have a valuable new tool to ensure that our public resources are being put to the best possible uses.

- Enacted the **Unfunded Mandates Reform Act** to restrict Congress from passing on new mandates to state and local governments without paying for them.
- **Special Interests.** President Clinton has stood up to special interests, such as the National Rifle Association and the tobacco industry, loosening their tight hold on our legislative process. The President broke six years of congressional gridlock and defeated the gun lobby by enacting a **ban on assault weapons** and the **Brady Law**.
- Enacted the **Presidential Executive Office Accountability Act (PEOAA)** which ensures that the Executive Office of the President lives under the same laws as the rest of the country – this is the White House analog to the Congressional Accountability Act.

#### **A History Of Fighting For Real Campaign Finance Reform**

- 1992**            **Campaign Finance Reform Proposal.** In the 1992 campaign, Governor Clinton proposed spending limits, free TV time, PAC limits and a ban on soft money. The current McCain-Feingold and Shays-Meehan legislation mirrors this proposal.
- 1993-1994**      **Campaign Finance Reform Plan.** The President and the congressional Democratic leadership proposed a reform plan that also included partial public funding for congressional candidates. Reform groups strongly supported the plan. Unfortunately, the legislation was filibustered, despite passage in both chambers.
- 1995**            **Bipartisan CFR Commission.** In June of 1995, the President agreed with Speaker Gingrich to create a bipartisan political reform commission. The President named John Gardner and Doris Kearns Goodwin to launch the commission, but they were rebuffed by the Speaker.
- 1996 - 1997**    **McCain-Feingold/Shays-Meehan.** In the 1996 State-of-the-Union, the President announced his support of the bipartisan bill. He repeated his support throughout 1996. In the 1997 State of the Union Address the President challenged Congress to pass this legislation by July 4th, 1997. On January 11, 1997 the President met with the bipartisan co-sponsors of the House legislation (Shays-Meehan), reiterating his belief that delay will mean the death of reform.