Congresswoman Anna G. Eshoo's

Student Advisory Board

Campaign Finance Reform
&
Election Reform

Saturday, May 18, 2002

Campaign Finance Reform & Election Reform

Introduction
Audai Shakour

This year the 2002 Student Advisory Board of Congresswoman Anna G. Eshoo decided to focus our efforts on the issues of Campaign Finance Reform and Election Reform. Over the past 7 months we researched and came up with solutions to many topics revolving around these two topics. We picked these two issues because of their impact on National, State, and Local Politics over the last decade and specifically for their rising profile over the past two and half years which led to recent Congressional action. They are also topics that will have a huge impact on not only our generation who will ultimately lead this nation, but also, to the survival of democracy.

In the issue of Campaign Finance Reform we have big money and special interests influencing candidates and office holders negating the voice of the citizen. Some of the topics we explored included PAC's, Soft money, the impact of the Media, and Disclosure. The issue of Election Reform revolved around getting more citizens involved in our democratic process. To address this issue some of the topics we explored were a National Voting Holiday, reforming the Electoral College system, and Ballot Reform.

If we do not address solutions to the dilemma of Election and Campaign Finance reform, our democracy will suffer. The voice of the people is slowly being silenced. Our generation wants to live out the dream of our Forefathers in which the People rule and not special interests, or balloting fallacies. That is why, as young American Citizens, we are taking the responsibility in doing whatever we can to improve our Election and Campaign Financing System. On behalf of the Student Advisory Board, I hope that you will find this report and our presentation enlightening and resourceful. After we conclude our presentation, we hope that you do your duty as a citizen to improve our current system. Thank you.

Audai Shakour
Chair

Campaign Finance Reform: Soft Money

Caroline Connor, Aysha Pamukcu, Nicole Venturini & Marie Yi

Soft money is the huge, unlimited contributions from corporations, labor unions and wealthy individuals that political parties accept and spend on campaign attack ads and other activities designed to influence elections. The soft money system undermines campaign finance laws that limit the contributions and restrict the sources of funds that can be spent on federal campaigns. It provides corporations, labor unions, and wealthy individuals a way to circumvent federal election laws and flood campaigns with tens of millions of special interest dollars, even though corporations and unions have been banned from contributing or using their treasury funds to influence federal elections since 1907 and 1947 respectively. Individuals can contribute to federal campaigns through parties and candidates, but only in limited amounts.

The Democratic and Republican parties raised $262 million in soft money for the 1996 elections. The parties raise soft money under the guise that it will be used for general party-building activities. In reality, soft money pays for campaign ads masquerading as issue discussion, phonebanking, political research, polling, fundraising, and get-out-the-vote efforts - all of which affect the outcomes of federal elections.

Soft money was the source of the 1996 political fundraising scandals, including the alleged "selling" of the Lincoln bedroom, White House coffees and the influx of foreign money into the presidential campaign.

Debunking Pro-Soft Money Arguments

Although there are many groups which are quick to point out the merits of soft money, our committee is largely against it. In this section, we have listed the two key arguments in favor of soft money, and the reasons we disagree.

> 1. Soft money cannot be used in direct support of candidates. By definition, it consists solely of contributions to political parties for such things as party building, getting votes out and issue advertising. It cannot be used to explicitly support or put down a candidate.

Although this is true in theory, it hardly applies to reality. The purpose of soft money is to provide funding to be spent by political parties for "issue ads." Such ads are supposed to target issues rather than candidates. However, most of these so-called issue ads are poorly disguised attacks against an opposing candidate.
Take this example: "Representative Grinch has voted for a bill which would ban Christmas presents and imprison Santa Claus. Call Rep. Grinch immediately and tell him not to steal Christmas." Legally, such an ad would not be construed as putting down Rep. Grinch.

> 2. Soft money is an expression of free speech. Practically speaking, the free speech argument does not pan out. The basic premise is that money is speech and thus, donating money to a political campaign is a right protected by the First Amendment. This logic is flawed.

The idea that money = speech originates from the U.S. Supreme Court ruling for *Buckley v. Valeo* in 1976. It was here that political donations first began to be equated with free speech. However, to say that the court ruled that limiting contributions is constitutional would be going too far. *Buckley* did strike down limits on spending, but it also approved limiting the size of donations in order to prevent "corruption or the appearance of corruption."

If indeed the court meant to say that money does equal free speech, to carry that logic a step further would be to say that the constitution protects our right to bribe politicians, and that legislation limiting such bribes would be a violation of our First Amendment right to express our political views. To carry it a step further, simply because a person is pro-legalizing marijuana, contributing money to a crack dealer is no way to express their views.

In addition, this sort of logic suggests that, since some of us have more money than others, some of us also have more free speech than others. Then, the wealthy would have all the free speech, while the impoverished would be silenced.

Although *Buckley* is under challenge and may one day be overturned, fundamental reform is still possible within the confines of that decision. To that extent, bills such as the Shays-Meehan and McCain-Feingold are certainly steps in the right direction.

Shays-Meehan-McCain-Feingold and Soft Money

The Shays-Meehan bill of the House of Representatives and McCain-Feingold bill of the Senate will greatly reduce the amount of soft money used in federal elections as well as limit the ways soft money can be employed. With the passage of these bills, soft money can no longer be collected by candidates and national political parties. Instead, these bills allow donors to give up to $10,000 to any number of state and local party committees, because soft money was meant to aid party-building. State and local political parties cannot spend soft money on activities that will influence federal elections. On the other hand, these $10,000 contributions can be used for get-out-the-vote and registration activities.

Tax-exempt special-interest groups can also receive big contributions, allowing special interest groups to take on many of the functions of national parties by educating their own members. Furthermore, the people who donate to these interest groups are constitutionally protected from disclosure. Nevertheless, limits have been placed on how interest groups can use soft money. For example, they cannot use it to attack or support a candidate on television within 30 days of an election. Also, Shays-Meehan-McCain-Feingold states that soft money cannot be used for get-out-the-vote broadcasts on television, even if the advertisements are directed at the members of the interest groups. Everything the interest groups do must be done independently from a candidate or political party.

The Numbers of an Election

Campaigns are notorious for their high numbers. However, what causes campaigns to be so expensive? The following is a chart of the basic needs of a campaign for the House.

Purpose	Cost
Campaign office space	$1,000 per month
Staff salaries	$5,000 to $20,000 per month, increasing as election day becomes closer
Travel costs	$1,500 per month
Cost of 5,000 bumper stickers	$750
Cost of 5,000 lawn signs	$4,000
Cost of one typical 30-second radio ad (calculated for the 60 days permitted for ads in total estimated expenditures)	$50-100
Cost of one typical 30-second TV ad (calculated for the 60 days permitted for ads in total estimated expenditures)	$200-$1,000
Total estimated expenditures for one election cycle (2 years)	$712,750-1,072,750

According to the PBS Democracy Project, the numbers above are fairly accurate for the campaign costs. Although it may cost $750,000 per election for Representatives, it costs nearly $4 million to get elected in the Senate, which is also due to the longer length of an election cycle for Senators. The numbers are staggering, and only for a single election. It is also known as a fact that in a campaign, the candidate who acquired the most money wins. How can a fiscal number determine the win or loss of a candidate? With more money, a candidate has the power to put more exposure of himself to the public, and does so by using the media as his prime means of influencing the public. Older and more experienced candidates have a huge advantage in accumulating money, especially since they would have more supporters to donate money to them. The numbers that highlight the heavy costs of using the media are ridiculous. If using the media is banned from election campaign completely, then the budget of campaigns will fall considerably. Also, this would eliminate the frivolous need for soft money. With the media costs subtracted from the campaign expenditures, the costs of an election for a Representative would amount to about $222,000 for an election cycle! That would save much money, which could be directed towards more important matters, such as direct donations to the causes people are lobbying for. And with the hard money limit of $1,000 per donation, and the total limit being $25,000 a year from an individual or group, soft money would be unnecessary. Also, scrapping soft money completely will also cut down greatly on bribery and swaying from donators.

Further Examples of the Misuse of Soft Money

In the 1980's, Charles Keating, a banker, was one of the top players in the savings and loan scandal. He gave $85,000 to the California Democratic Party for the purposes of GOTV activities, and he also gave $850,000 to a voter registration group who had connections with a California Senator at the time, Alan Cranston. Keating happened to ask Senator Cranston to intervene with federal regulators, when his dubious lending practices were under investigation.

Our Proposal

While the Shays-Meehan-McCain-Feingold bill has made great progress in the area of Campaign Finance Reform, specifically in soft money, we recommend that the bill and the results of the bill should be re-examined in 10 to 15 years. In this time period, many elections will have taken place, and it will be possible to see what effects, both positive and negative, the new law has had. With this information, a new law can be worked on.

We recommend that political candidates and parties, both state and national, should be held accountable for all the funds they receive through disclosure statements. These statements should be made available to the public before the elections and should list not only the name of the person or group who made the donation, but also what his/her/its political interest is. This would keep politicians honest, because they would not take money from people or groups that voters would disapprove of.

Instituting our Proposals

The main problem with cleaning up the soft money system and instituting any kind of reform is that many politicians stand to benefit from these funds. Soft money has become pervasive in our political system to such an extent that while it may not buy legislation, it certainly provides excessive access to the makers of legislation. Few politicians are willing to be the first to lead by example and initiate reform. Many do nothing to change the status quo because to do so will likely amount to committing career suicide. Since advertising and "getting out the vote" is paramount, to give up any source of funding – even soft money – could make the difference between winning and losing an election.

In order to reform the system, there must be a complete and most importantly, simultaneous effort from politicians. This will likely occur only after intense public pressure.

The recent Enron scandals have brought the issue of soft money to public attention and put the spotlight on the corrosive nature of these funds. Hopefully, this newfound attention will act as a springboard for a broad grassroots movement to clean up the soft money system. Otherwise, a large number of our elected officials are too close to the problem to truly see it in a clear and objective light.

Campaign Finance Reform: Hard Money & PACs

Adriana Ameri & Jeffrey Jackson

Originally, the first major attempts at election reform took place in 1971 with the creation of FECA or the Federal Election Campaign Act. In 1974, reform extended to the realm of campaign finance reform and set limits on campaign contributions. Shortly thereafter, the Supreme Court tested the constitutionality of setting limits on donations which led to the loophole, soft money. With the advent of soft money, the U.S. political scene has been changed and reform is still needed. It has taken until the 2000 election for the need for reform to take effect in what is now the Bipartisan Campaign Reform Act of 2002. Although it has been signed, there is still a lot that needs to be done in order to take a lot of the money out of U.S. politics and place the government back in control of its citizens.

With the recent events of the collapse of Enron, and its political ties due to political contributions, there is no doubt that money influences U.S. politics. With the scandal that it created, this helped bring about enough support to bring about reform through the Shays-Meehan Bill. With its passing and signing into law, this new bill promises to make changes that will alter the way that politicians raise funds. Starting with the banning of unregulated soft money, Shays-Meehan will take out hundreds of millions of dollars from the political system. However, in compromising, regulated hard money is going up which has the potential to influence a lot of politicians who are looking for funds. In analyzing this addition to campaign finance law, we see that with the large increase of PAC and special interest money will further drown out the voice of their constituents and cater to those who can pay.

Beginning with hard money contributions, Shays-Meehan changes existing law mainly by raising the amount of money that a person, group or corporation can give to a candidate, campaign, party or independent expenditure. With the new laws, an individual can now give $2,000 to a candidate per election cycle (as defined as the primary and general elections) for a total of $4,000. Second, the total that can be donated to a state party committee has now been raised to $10,000 from $5,000[1] which makes it easier for state political parties to give to the national committee such as the RNC (Republican National Committee) or the DNC (Democratic National Committee). In addition, the aggregate (combined) contribution has been raised from $25,000 per year to $95,000 for every 2 year election cycle.[2] Although the limit is $95,000 there are limits which cannot be surpassed such as the $37,500 limit to all candidates and $57,500 to all Political Action Committees and parties in which no more than $37,500 can be given to state and local parties and political action committees. As for Senatorial nominees $35,000 can now be given as opposed to $17,500[3] which was the limit.

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[1] United States. The Library of Congress. HR 2356 RH. Washington: March 2002. <http://www.thomas.loc.gov/cgi-bin/query/C?c107:./temp/~c107pVzQZE>

[2] Joseph E. Cantor and L. Paige Whitaker. "Bipartisan Campaign Reform Act of 2002 Summary and Comparison with Existing Law." CRS March 2002 <http://www.congress.gov/brbk/html/ebcam49.html>

[3] Congressional Research Service. "Comparison of McCain-Feingold and Shays-Meehan Bills, as Passed, and Current Law. Washington: April 2002

As for independent expenditures, with the new laws, this type of hard money will be increased as well. An independent expenditure is "an expenditure that expressly advocates the election or defeat of a clearly marked candidate and is not made in concert or cooperation with, or at the request or suggestion of a candidate, party, or agent."[4] This is a very cost effective way for candidates to have an effective campaign. As long as a candidate has friends with a lot of money, there is really no stopping the amount of press an individual candidate can get. In addition, to only change that is being made is that independent expenditures above $10,000 will have a 48 hour notice requirement and a notice requirement at least 20 days before the election[5]. Otherwise, nothing is being changed in regard to independent expenditures.

Finally, one of the last changes to hard money donations comes in the form of coordinated expenditures. The main change is that instead of a party being able to make a coordinated expenditure which is "an independent expenditure from the on behalf of their candidate."[6] With the changes, the new changes in the law is that parties can no longer make independent expenditures for a candidate after the nomination date and prohibits coordinated expenditures after the nomination date.

Out of the changes in hard money, there are still many problems that need to be addressed. First, with the elimination of soft money, candidates will be searching for more funds and donors. This has the potential especially among congressional candidates to seek out more donations from PAC's (Political Action Committees) and special interest groups. With the new changes in the law, candidates can also receive more funds from a single donor, which has the potential to influence a piece of legislation and/or vote. As our nation has seen in the past months, money affects politics on Capitol Hill and it buys favors. A prime example is Enron, and its connections with the current Bush Administration. Even with the closing of the soft money loophole, there will still be other ways to influence elections, especially with independent expenditures. In a FEC (Federal Election Commission) report, in the 1999-2000 election year PACs spent a total of $21,041,789 in independent expenditures. $16,502,836 was spent on ads advocating the election of a candidate while $4,538,953 was spent on advocating the defeat of a candidate.[7]

One of the changes that will have to be made in the future is to decrease the amount of soft money which can be donated or to only make donations during one election cycle instead of being able to make a donation of $10,000 during both the primary and general elections. A second change which should be made is to regulate independent expenditures and apply rules to regulate it, like direct hard money donations. In addition to regulating independent expenditures, there needs to be a way to regulate PAC activity more and decrease their ability to influence legislation and votes. This is because as of January 24, 2002 there are 3,891 active PAC's which can each donate $10,000 to members of Congress. Of these PACs, there are 1,508 Corporate PACs with committees, followed by 1,019 non-connected Corporate PACs, 891 trade/membership/health PACs, 316 labor PACs, and 116 Corporate PACs without stock,

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[4] Congressional Research Service

[5] Congressional Research Service

[6] Congressional Research Service

[7] United States. Federal Election Commission. "Independent Expenditures by PAC's During 1999-2000." Washington: 2001. <http://www.fec.gov/press/053101pacfund/tables/pacie00.htm>

and 41 cooperatives.[8] With the growth of largely unregulated PAC's there will be more money and influence on Capitol Hill, especially to influence a member of Congress. One last area that is affected by PACs is the rate of election for incumbents and challengers. With increased donations, the incumbent has a very large advantage which is money. In another FEC report, it shows that in the 2000 elections, incumbent Democrats had a total of $9,459,055 vs. $5,221,397 for challengers in PAC contributions. More often then not, the incumbent won. Senate incumbent Republicans had $24,019,641 in PAC donations vs. $1,863,261 in PAC donations for challengers. The incumbents won most of the time. Also in the same report, House incumbent Democrats had $76,007,187 in PAC donations while challengers had $12,871,427 in PAC donations. House incumbent Republicans got $74,081,008 in PAC donations while challengers got $6,963,914 in PAC donations.[9] Almost all incumbents won in 2000. These figures show that money influences U.S politics, and that more campaign finance reform is needed.

[8] United States. Federal Election Commission. "FEC Issues Semi-Annual Federal PAC Count." Washington: 24 January 2002. <http://www.fec.gov/press/20020124pacno.html>

[9] United States. Federal Election Commission. "PAC Contributions to Candidates 1994 Through 2000 Election Cycles." Washington: 2001. <http://www.fec.gov/press/053101pacfund/tables/paccln00.htm>

Campaign Finance Reform: Lowest Unit Broadcast Rate
Tracy Cox and Jake Katz

The Lowest Unit Broadcast Rate (LUBR) is an idea that began with the Federal Campaign Act in 1971, a Congressional Act that aimed at "reducing candidate advertising costs on television and radio" (CRS). The goal of LUBR is parallel with the aim of Campaign Finance Reform, to even the playing field, to give the candidates without huge monetary backing an equal chance to campaign as those who do have the monetary support.

However in 1990, the Federal Communications Commision (FCC) did an audit of 30 television and radio stations. The results reported that 80% of the TV stations and 40% of the radio broadcasters failed to give political candidates the lowest available rates as required by the statute. This effectively proved that the main problem stems from the fact that there is confusion as to what exactly, under the technical language of the requirement of the Federal Campaign Act, constitutes a broadcaster's lowest unit rate.

Over the past several decades an obvious trend has occurred in terms of television advertising. According to the Alliance for Better Campaigns, television advertising is the "single largest cost in modern politics, accounting for more than half of all expenses in closely contested federal races." In years past, the net advertising total has been rising drastically. In the 2000 elections over $1 billion was spent on television ads, five times more than political advertisers spent in 1980.

More recently a report by the Alliance For Better Campaigns, released in March 2001, stated that television stations in ten surveyed markets charged federal office seekers an average of 65% more for their ads in the autumn 2000 Congressional campaign than the lowest "candidate rate" published on the station's rate card.

Obviously what these two audits point to is the need for a more structured regulation of what candidates pay for advertising. The audits also indicated that there remained two specific reasons why this issue was not solved when the Federal Campaign Act was passed over 30 years ago. The law was ineffective due to two loopholes. The closest present proposal is that of the Torricelli Amendment, a part of McCain-Feingold. The Torricelli Amendment defines the lowest unit rate as the lowest charge a station made during the previous year. It makes LUBR available to not only any "legally qualified candidate for any public office", but also to "a national committee of a political party on behalf of such a candidate." The amendment prohibits broadcasters from preempting campaign advertisements purchased and paid for. The amendment also requires the FCC to conduct random audits of broadcasters during the pre-election period to ensure compliance with the regulations. Our suggestion is that, if not the Torricelli proposal, some sort of regulation is needed for The Lowest Unit Broadcast Rate. In our democracy, our representatives should not be comprised of those with the most money, but those who will best represent the wants and needs of the common people. If the Torricelli Amendment were passed, certainly the original aim of the Federal Campaign Act would be fulfilled in "leveling the playing field of elections" and closing the gap that the loopholes created.

Campaign Finance Reform: TV and Radio

Emily Bahr, Eddie Kane, Jake Kuipers & Meredith LaSala

During the 2000 election cycle, over $600 million dollars were used by presidential candidates to fund their campaigns. Obviously, in order for a presidential candidate to even be acknowledged by the general population, massive amounts of money must be spent on television and radio commercials. That is why we decided to propose this campaign finance reform plan.

Our idea actually stems directly from the British campaign process. It turns out like most government reform; our idea is quite complex and complicated. In order to make sure that every candidate has the same opportunity, as far as media advertising goes, our idea proposes that the government give money to each candidate. However, to get this money the candidate's party must receive five percent of the popular vote in the previous presidential election.

If the political party receives the required amount of votes, the money will then be given to the political party. The party will the decide how much of the money should go to primary elections and how much should go to general elections. This was added to ensure that there was still some political strategy.

An amount of $750 million will be put into a government account each year that there is a presidential election. This money will then be divided among the parties who received the required amount of votes during the previous election.

At the end of each election year, a committee will form where they will check all the candidate's records, making sure that each candidate obeyed the rules and regulations. This will be the "checks and balances" part of the process.

This process is designed to apply specifically to the Presidential campaign. Over the years however, we hope that this procedure will filter down to the Senate, the House of Representatives, and to state as well as local elections.

Campaign Finance Reform: Issue Advocacy vs. Express Advocacy
Mojan Movassate

Political ads are a major component of a candidate's campaign for office. As we have seen in the past, these ads can make or break the success of a candidate's race. In the recent primaries for the governor of California, we saw Richard Riordan lose to Bill Simon largely because of the ads targeted against him. Gray Davis helped gather $8 million to fund an ad where a dark voice portrayed Riordan as an evil Republican who was strictly pro-life.[10] These Riordan commercials were a form of political advocacy – specifically: issue ads. However, commercials are not the only form of advocacy; advocacy can include advertisements, broadcast, radio, direct mail, phone calls, or get-out-the-vote efforts for candidates or ballot measures. These different forms of political ads can be categorized as either express advocacy or issue advocacy.

Express advocacy promotes the election or defeat of a specific candidate using such words as: "vote for," "vote against," "elect," "reject," "support," "defeat," etc. These "magic words" were recognized in the seminal Supreme Court case of *Buckley vs. Valeo*, and are used in determining whether an advertisement goes under the category of express advocacy or issue advocacy. Federal Election Commission (FEC) guidelines say that if an advertisement is express advocacy, then the organization sponsoring the ad must report the costs and, oftentimes, it does have a limit as to how much it spends. Furthermore, the ads are subject to disclosure regulations determined by the FEC as well as FEC supervision.[11]

Simply said, issue advocacy does not "expressly" advocate the election or defeat of a candidate. Rather, issue ads try to promote or go against ideas or policies. These ads are protected by the free speech clause in the First Amendment, and, therefore, are not subject to limits and restrictions of the Federal Election Act of 1971 (and the FEC). This means that there is no limit to funding for these ads and that they can be financed by corporate or labor money. These ads are not considered to be in connection with elections.[12]

Most of the debate centers on issue advocacy because it is not as closely regulated by the FEC, and, therefore, subject to a greater amount of mistreatment. Issue ads have further been divided into candidate specific issue advertising (electioneering communication) and pure issue advertising. Candidate specific issue advertising is advertising which discusses or clearly identifies a candidate but does not use the explicit words of express advocacy whereas pure issue advertising only discusses the issue without any mention or display of a certain candidate.[13] The line between candidate specific issue advertising and express advocacy is often hard to identify. However, it is extremely important that this line be a lot clearer so that the FEC can regulate express ads that try to fall under the guise of candidate specific issue advertising. These ads are clearly trying to influence the outcome of a race but are free from any restrictions just because of a little bit of technical sidestepping.

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[10] Contra Costa Times. "Simon Unlikely Victor." http://www.bayarea.com/mld/cctimes/news/opinion/2802229.htm
[11] Trevor Potters and Kirk L. Jowers. "Issue and Express Advocacy."
http://www.brook.edu/dybdocroot/gs/cf/sourcebk/IssueExpressAd.pdf
[12] Trevor Potters and Kirk L. Jowers.
[13] The Campaign Finance Institute. "Issue Ads/Electioneering." http://www.cfinst.org/eguide/issueads.html

With the recent passage of the campaign finance reform bill, Shays-Meehan, electioneering communication is defined as a broadcast, cable, or satellite advertisement that "refers" to a clearly identified general candidate made within 60 days of a general election or 30 days of a primary and "is targeted to the relevant electorate" (50,000 or more persons in the state or district where the election is occurring).[14] Therefore, these electioneering communications (candidate specific issue advertising) are able to fall under FEC regulations. Certain corporations (including non-profit organizations) and tax-exempt organizations are not allowed to sponsor any candidate specific issue advertising. Electioneering communication is now treated as a contribution to a candidate or party and is subject to disclosure rules and limits.[15]

Shays-Meehan will actually do a lot to curb the mistreatment of issue advocacy since candidate specific issue advertising will now be under FEC supervision like it should be. However, I believe that we should take this a step further. Mudslinging by candidates (the smear ads "advocating" the defeat of a candidate) should not be allowed. Although people are entitled to free speech under the 1st Amendment, I would consider mudslinging as a form of libel or slander. Often, mudslinging unfairly cuts away at another candidate's reputation with misrepresentation or by obscuring the facts. This fits with the definition of libel: false statements tending to call someone's reputation into dispute (slander is just the spoken form of libel).[16] Mudslinging should not be protected by the 1st Amendment and is corrosive to American politics. Smear campaigns contribute to the general apathy felt among American voters and are just plain unfair to the candidates they oppose. Although I know that banning mudslinging or smear campaigns is a pretty radical idea, I think it is one that is worth looking into. I am not saying that opposition should be prohibited but, rather, that opposition be fair because mudslinging and the skewing of the facts is not.

Political advocacy continues play a significant role in a candidate's campaign for office. However, the FEC must go on with its heavy regulations on election related advocacy to make sure that campaigns are fair. Advocacy and advertisements have a huge impact on the way American citizens vote and must be controlled. The only way we can begin to improve American politics is by improving the mechanisms by which candidates can gain admission into office. Political advocacy is one of the tools used to gain entrance into a position on government and it should not be mistreated.

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[14] Joseph E. Cantor and L. Paige Whitaker. Congressional Research Service. "Bipartisan Campaign Reform Act of 2002: Summary and Comparison with Existing Law."

[15] The Campaign Finance Institute. "Issue Ads/Electioneering." http://www.cfinst.org/eguide/issueads.html

[16] Karen O'Connor and Larry J. Sabato. *American Government: Continuity and Change*. pg. 150.

Campaign Finance Reform: Tax-Exempt Organizations
Julia Duncan & Daniel Wenger

Tax-exempt organizations organized under section 501(c)(3) of the Internal Revenue Code that provide non-partisan voter information play an integral role in voter education. The IRC section 501(c)(3) states that no part of the net earnings of these organizations should go to "the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation." These organizations do "not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office."[1] Though 501(c)(3)s are frequently referred to as charitable organizations, this presentation will deal with educational organizations that seek to inform voters with unbiased information concerning candidates and legislation. Currently, such organizations face grave difficulties in meeting the astronomical costs incurred by advertising their services. Many organizations cannot afford to effectively broadcast the availability of such information. As a result, there is a certain stigma associated with founding such organizations. Determined people committed to providing information that would produce better informed voters are discouraged by the inherently high price of advertisement time slots. Many organizations that provide non partisan information struggle to make themselves known to the majority of American voters. An example of such an organization is The League of Women Voters of California Education Fund which "conducts voter service and citizen education activities and sponsors Smart Voter." Through their website, the organization "builds citizen participation in democratic process, studies key community issues at all government levels in an unbiased manner, and enables people to seek positive solutions to public policy issues through education and conflict management."[2] Another such organization is Voter Information Services, which "does not support or oppose any politician, advocacy group, or issue." Their "goal is to help citizens understand the effects of the federal laws enacted (or not enacted) by the U.S. Congress on our everyday lives" and "the role of the individual members of Congress in the legislative process."[3]

The founders of our country acknowledged the importance of creating an informed populace in order to maintain a healthy democracy. Better informed voters are more inclined to cast their opinions during elections and primaries. It is in the interest of the government to assist in the drive to produce better informed voters, as greater citizen interest in government results in an improved system. There should be a federal subsidy that provides money for eligible educational 501(c)(3) organizations for advertising purposes. Increased awareness of the free, accessible, and nonpartisan

[1] Section 501(c)(3) of the Internal Revenue Code
[2] The League of Women Voters of California Education Fund.
www.smartvoter.org/voter/about.html
[3] Voter Information Services
www.vis.org/visweb/html/aboutvis.html

information that these organizations provide will benefit all parties involved. However, it is necessary that there be strict regulations regarding the eligibility of organizations that would receive this money. In order to be qualified to receive this federal money, organizations would (1) have to be non profits organized under section 501(c)(3), (2) and provide non partisan voter information, (3) have to use this money solely to increase awareness of these informational services, and (4) have to be an established, proven organization as determined by a federally funded committee. Such "advertising" would be defined as any broadcast media that would highlight only the availability of nonpartisan voter information.

Alternatively, or in conjunction with the previous proposal, the government should provide tax breaks for television and radio networks that allow qualified organizations to purchase advertising time at lower than standard costs. The amount of tax relief granted to participating networks would be equal to the amount of money saved by the organizations that advertise their services of non partisan voter information. It is the recommendation of the Student Advisory Board that a federal subsidy be formed to aid 501(c)(3) voter educational organizations in buying expensive advertising that would notify voters of the availability of such information, as well as the aforementioned proposal for tax breaks for networks that provide cheaper advertising for non partisan voter educational 501(c)(3)s. This will result in a body of better informed voters and better voter turnout as a consequence.

Campaign Finance Reform: Disclosure
Lauren Habig, Eric Lee & Grant Toeppen

Since Senator John McCain brought the topic of Campaign Finance Reform back to the political spotlight with his presidential run in 2000, Capitol Hill has been buzzing with talk about enacting substantial reform since FECA after Watergate. And after years of stalling and blocking brought about by conservative Republicans, finally early this year, both chambers passed and President George W. Bush signed Shays-Meehan into law. Immediately, groups on both sides began to prepare for an onslaught of lawsuits attacking the constitutionality of such a law. And one of the thorniest issues in campaign finance reform is the idea of disclosure laws. Many have argued the disclosure laws hinder the 1st Amendment right of free speech. And while the battle continues to rage on in the courts, an obvious contrast already begins to come to light between the old laws and Shays-Meehan.

First off, in the landmark *Buckley v. Valeo* decision, the Supreme Court upheld the reporting and disclosure requirements of the Federal Election Campaign Act (FECA). In *Buckley,* the Court said that in order for disclosure requirements to outweigh possible infringements on free speech, the law must promote three governmental interests: "(1) providing the electorate with information about the sources of campaign money and how it is spent, (2) deterring the reality and appearance of corruption by exposing large contributions and candidate expenditures, and (3) providing the government with the data necessary to detect violations of law."[17] Yet it also mentioned that when dealing with independent expenditures, disclosure laws can only apply when they clearly express advocacy or defeat of a particular candidate.[1] It was said that, "These provisions placed direct and substantial restrictions on the ability of candidates, citizens, and associations to engage in protected First Amendment rights."[2] Thus, in order to tighten the loopholes in the old law and decisions, Shays-Meehan set about trying to rectify several problems: FEC Disclosure, Soft Money by Party, Issue Advocacy (Soft Money), Advertising, and Independent Expenditures (Hard Money). While some aspects of this law are commendable in their efforts to push for serious change, other parts seemingly stretch too far and is could be possibly flirting with unconstitutionality.

The passage of Shays-Meehan, or the Bipartisan Campaign Finance Reform Act, was truly a bipartisan effort in the House and Senate. 41 Republicans along with 198 Democrats and 1 Independent cast Aye votes and pushed the bill to victory.[4] The Senate passed the bill with flying colors, and despite Bush's remarks in 1999 that he would never support such reform, he came around and signed the bill quietly without grandeur. Thus, Shays-Meehan received tons of input from all over the political spectrum, constantly changing to hit on all the bases to ensure legislative passage.

One of the first areas it tackles is general FEC Disclosure Rules. It first upgrades the current law by requiring that "all reports filed with FEC to be posted on the Internet

[17] Campaign Finance Reform: Constitutional Issues Raised by Disclosure Requirements by L. Paige Whitaker

[2] CRS Issue Brief for Congress Campaign Financing by Joseph E Cantor

[4] http://clerkweb.house.gov/cgi-bin/vote.exe?year=2002&rollnumber=34

and available for inspection within 48 hrs, or 24 hrs if filed electronically [Sec. 501]"[3] It then creates two new provisions, mandating that the "FEC maintain central a Web site of all publicly available election-related reports and develop and provide standardized software for filing reports electronically, and require candidate's use of such software. Sec. 502, 307]"[3] Next, Shays-Meehan tightens up the filing schedule, demanding quarterly reports in non-election years for candidates and with national party committees to file monthly reports in all years, regardless of the election factor. [Sec 503][3]

The second area Shays-Meehan focuses upon is Soft Money by Party. One of the major aspects of this law is its banning of soft money by national party committees but allowing some scenarios where state and local party committees are exempt. In place of the old system, Shays-Meehan now "codifies FEC regulations on disclosure of all activity-federal and non-federal [Sec 103]"[3] Next, it "requires disclosure of 'federal election activities' by state/local party committees, including entities directly or indirectly established, financed, maintained, or controlled by either state/local party committees and agent or by state/local candidates and officials, subject to a $5,000 threshold in aggregate activity per year, and the disclosure must include all amounts raised and spent by special soft money accounts [Sec 103]"[3]

The third area, and perhaps the most controversial is the Issue Advocacy by Soft Money. Here, Shays-Meehan enacts serious and stringent regulations in the disclosure of the groups behind such ads. Previous law set up that regulations on communications that don't have the magic words like "vote for" or "defeat" are unconstitutional. This created a huge loophole where organization put out ads centered on hot button issues, hoping to derail a certain candidacy using not so obvious ways to influence voters. In a huge overhaul, Shays-Meehan first changes the definition by superceding the old with a new one, "'electioneering communications', defined as a broadcast, cable, or satellite advertisement that "refers" to a clearly identified federal candidate, made within 60 days of a general election or 30 days of a primary, and, if for House or Senate elections, 'is targeted to the relevant electorate. with exempts- new events, 'expenditures', 'independent expenditures,' debates"[3] And when it comes to the actually disclosing, under the new definition, it "Requires disclosure to FEC of disbursements for direct costs of producing and airing 'electioneering communications' by any spender exceeding $10,000 annual aggregate in such disbursements, within 24 hrs of the first and each subsequent $10,000 amt.[Sec 201]"[3] The content of the disclosure also must contain the identification of the spender, along with donors of $1,000 or more. This issue perhaps is the most far-reaching and later it will be delved into as one area that probably cannot pass constitutional muster.

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[3] http://www.congress.gov/brbk/html/ebcam49.html Congressional Research Service Bipartisan Campaign Reform Act of 2002: Summary and Comparison with Existing Law. Joseph E. Cantor and L. Paige Whitaker

The fourth area that Shays-Meehan concentrates on when dealing with disclosure is Advertising. Shays-Meehan really deals a significant blow to those organizations that continue to use tricks to hide their name. It drastically beefs up the provisions, instead of just requiring for the ads to say who paid for them and whether or not the candidate approved of them, it now sets "specific minimal standards to enhance the visibility of sponsor ID...in a clearly readable manner, with a reasonable degree of color contrast, for at least four seconds."[3] These details ensure that voters and politicians alike can account for the information being broadcasted.

The final area that Shays-Meehan has improved in disclosure requirements is the topic of Independent Expenditures with Hard Money. It retains the definition of "independent expenditure" as "an expenditure by a person for a communication that expressly advocates the election of defeat of a clearly identified candidate and is not made in concert or cooperation with, or at request or suggestion of a candidate, party or agent [Sec. 201]"[3] Then it increases disclosure requirements by "requiring reporting within 24 hrs to the FEC of any such expenditure of more than $1,000 made within 20 days of an election. Independent expenditures of $10,000 or more made 20 days before an election would need to be reported within 48 hrs."[5]

All in all, Shays-Meehan does an excellent job in not testing the line of constitutionality when it comes to disclosure. In many areas, it has streamlined the process, made it easier for people to know the sponsors of advertising, and made the FEC more in charge of enforcing the laws. However, in dealing with Issue Advocacy, Shays-Meehan goes a bit too far. While the intentions are clear and conscientious, it contains language that could allow its opponents to triumph in court. In fact, the writers of the bill knew about this danger, and thus have written an alternative definition in case the first definition is overturned based upon *FEC v. Furgatch (807 F.2d 857 (9th Cir. 1987), cert denied 484 US 850 (1987))* (ie. communication promoting, supporting, attacking, or opposing a candidate, regardless of whether it expressly advocates a vote for or against a candidate, and is suggestive of no plausible meaning other than an exhortation to vote for or against a candidate) [Sec 201][3]

The fact that some feel Shays-Meehan goes too far brought about a substantial effort mounted by its detractors to overturn the law. They felt that the proposals set forth in the act were unconstitutional and infringed upon the rights to privacy and free speech. Many of their complaints hinged on the way that disclosure was addressed by the law. Leading the fight is Senator Mitch McConnell (R-KY) who brought a lawsuit to the District Court of the District of Columbia against the FEC and FCC claiming that the wording of the law and its contents violate numerous Constitutional guarantees. The main complaint on the issue of disclosure is that by forcing organizations involved in campaigns to disclose not only their constituents' names and donations but also their addresses, the rights of political supporters might be violated. Specifically, the complaint states, "The BCRA treads on First Amendment-protected associational rights by compelling organizations to disclose the identity of their supporters to a far greater, and

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[5] A Congressional Quarterly Publication House Action Reports No.107-39/ Feb 8, 2002 Campaign Financing

more dangerous, extent than ever before contemplated, and imposes expensive and burdensome reporting requirements."[6] The plaintiff makes reference to the right to assembly, endowed by the Constitution in the 1st Amendment, as being the main support for not disclosing addresses. This is actually a very important issue, if in fact, the right to donate money to campaigns is classified as free speech. The act of requiring addresses for all contributions of over $1000 may then be considered a violation of free speech rights and assembly rights. As a result of requiring address disclosure, persons who would normally donate to parties or political groups might refrain from doing so to preserve their privacy as individuals or groups. If this were to happen the right to assemble would be infringed upon due to the government's rules on disclosure. This complaint is one of many that will most likely remain in litigation for the next several years, as the courts decide the fate of the Shays-Meehan bill. Despite the possibilities of unconstitutionality in the Shays-Meehan bill, the sweeping reform it provides is urgently needed and must be enacted to limit corruption. As ruled in *Buckley,* disclosure laws clearly outweigh free speech infringements when they provide information to the electorate on the source and how the money is spent, prevent the reality or appearance of corruption, and provide information to government to "detect violations of law". The law can be tested on a case by case basis with future incidents determining the constitutionality. We therefore recommend that the current lawsuit be thrown out or amended to omit a challenge of the disclosure requirements passed by Congress.

Hopefully, the courts realize the times have changed, and in order to end the influence of big money on Capitol Hill, with the most recent one being the Enron fiasco reaching deeply within the Republican Party and the Bush White House, along with some examples within the Democratic Party, they must uphold the major sections of this bill and allow disclosure laws to benefit the public. The time to end the money stranglehold on Washington has come.

[6] www.findlaw.com In the US District Court for DC, Senator McConnell v. FEC and FCC

Survey: Youth Voting Trends

Jessica Brown, Megan Heinen, Eric Lee, Tony Pekarek, Daniel Nguyen & Yi Zhang

It has been proven, and is generally accepted, that the youth of America have the smallest proportion of voters. That is to say, the age group with the smallest proportion of voters is 18-24. The purpose of this committee is to investigate this fact and hopefully in doing so come up with possible methods in order to create a more representative voting population.

Our survey consisted of eight questions, some of them having multiple parts to them. From it we considered four of them: Whether teens over 18 have registered to vote; whether they feel that their vote would count in the nation-wide voting pool; whether they feel that voting is an essential part of being an American citizen; and whether they feel that the youth vote is underrepresented in our country. We focused on these four questions because we believe that these have the greatest potential to provide us with accurate ways to increase voting. Sampling consisted of having seniors in government or economic classes from the schools represented by this committee take the survey.

The first question is whether teens over 18 have registered to vote. Out of the 46 students who were over 18, 13 of them had already registered. With 95% confidence, 28 +/- 13% of them have registered. The standard error in this is large because the number of people included in the survey was too small. We believe that it is reasonable to conclude even a smaller percent due to the fact that all who register will not necessarily vote when the time comes.

The second question is whether students feel that their vote will make a difference in the nation-wide voting pool. Out of the 131 students surveyed, 50 of them believed that their vote does count. In order to see if this sample means less than a majority believes in their vote, statistical inference must be used. Running the significance test at 5% significance produces a p-value of 0.00266. This, just like all other p-values, means that given the true majority does believe in their vote, using this sampling method we will reject that notion about 0.27% of the time. For the third and fourth questions, regarding whether they feel that voting is an essential part of being an American citizen and whether they feel that the youth vote is underrepresented in our country, 97 out of 131 and 107 out of 131 answered yes, respectively. Running the tests at a 5% significance level for the last two questions produces even smaller p-values, ranging from 1.71×10^{-11} to 3.57×10^{-21}. These numbers almost guarantee, at least for the latter case, that winning the lottery is more likely.

Though we still must keep in mind the room for error. There are two potential sources of error. First, not all of the surveys were completely answered. This can lead to confounding data because we had to omit the data point. Second, and more importantly, is the lack of the use of simple random sampling. SRS is defined as taking a sample in which every individual and every combination of the sample size of individuals has the same probability of being chosen. Though we understand that running SRS's is extremely hard, the least we could have done was stratified random sampling, where a certain number of high schools nationwide would be chosen through SRS and then another certain number of student from each of those selected would be chosen again

through SRS. Our access to such resources was limited, however. If an official study is eventually going to be conducted then random sampling must be used. Also, in order to make conclusions about the national high school population we must use representative sampling, taking samples from schools from every state.

Election Reform: Electoral College Reform

Jessica Brown & Matt Davis

Ever since the creation of the Constitution, and the development of our great nation, the issue of the Electoral College has been hotly debated. The Federalist Papers, written by John Adams, Alexander Hamilton, and Benjamin Franklin provide reasons for the usage of this controversial system. Federalist Paper #10 was devoted to this issue, arguing that the Electoral College would serve to insulate the presidential candidates from the "unthinking many." This "unthinking many" would supposedly elect the wrong candidate for the new nation, so this system would elect the proper candidate. Obviously, this system was put in place for at least one wrong reason. Many opposed it, but their efforts were unorganized and they simply didn't have enough in numbers to compared to the Federalists.

The Electoral College has since developed a beneficial side effect. It forces candidates to try to earn votes from rural areas. Evidence toward this issue is the 2000 Presidential election. For a long time, the Democrats' strategy has been to carry eight key states, and rely on a few others to bring in the bulk of their electoral votes, and thus win the election. However, the Republicans took one of these eight states, and with it, the presidency.

There are currently three plans for potential reform of the Electoral College. The first plan is the District Plan. This would award one electoral vote to a candidate based on the majority vote for each Congressional district. Then, the candidate who won the majority of said state's districts would be awarded the two electoral votes for the Senate seats of that state.

The second of these plans is the Automatic Plan. This simply awards electoral votes to the candidate automatically, thus disposing of the human elector, and would rid the system of any chance of a faithless elector.

Finally, the last proposal is the Proportional Plan. This would take the number of electoral votes a state carries, and divide them among candidates proportional to the percent of the statewide popular vote that they won. The numbers would be carried out to the third or fourth decimal place. This plan also shows potential to display a better showing for third party candidates.

The proposals stated above that could demonstrate the best direction for the nation would be the District and Automatic Plan. The District Plan is an effective compromise plan, and it would more accurately demonstrate the votes of the district. The most important concept to remember, however, is to keep the voter in mind, and make sure that every vote is equal.

Pros & Cons

The electoral college has always been a subject of controversy, and it has been closely examined since the 2000 election. Here, we will discuss the pros and cons of abolishing or reforming the electoral college.

One pro would be that it would eliminate the chance of having a "minority" president. In the 2000 election, George Bush won although he did not have the popular vote. This has occurred several times throughout American history, and many consider

this unfair, arguing that the president should always represent the opinion of the majority. Another pro is that changing the electoral college would eliminate the small state advantage. In smaller states, there are more electoral votes cast per voter. Others argue that the larger states have an advantage because voters can potentially influence more electoral votes. A voter in California has the power to potentially influence fifty-four electoral votes, but a voter in Wyoming may only influence three electoral votes.

There is one main con to changing our current system. The electoral college was established to ensure that candidates campaigned all over the country, and not just to the most populated areas. Everyone should know who the candidates are, and what they stand for. If the electoral college system were altered, candidates could skip the small states because they would not carry as much weight in the national election.

Amendments to the electoral college were considered in 1960, 1968, and 1976, after close elections. None of the amendments received the two-thirds vote necessary to propose it to the states.

If Congress revisits this issue, it will need to see the benefits of other methods, and recognize the difficulty to amend. Despite criticism, the electoral college has delivered the victory to the popular and electoral winners 46 out of 50 times. The 2000 election was the first time a candidate won without the popular vote in 112 years.

Election Reform: National Voting Holiday
Tony Pekarek, Helen Rhee & Katie Walovich

The United States has recently had more problems regarding voter turnout than ever before. America's disenchanted mass sees voting no longer as a privilege but as a hassle. Lives have been risked and lost for the ballot in some nations including our own, yet Americans today attribute their lack of civic duties to their "busy lives." As a result, less than half of eligible citizens voted in the last presidential election.

Some governments, such as that of Australia, require their citizens to vote. It can be argued, however, that one has the right not to vote. If one's opinions are not expressed and or advocated by the running candidates then one has the right to voice his or her opinion by not voting. During the Clinton Administration, a bill to increase voter turnout was proposed in 1993. During this bill's proposal, surveyors found that many argue obligations to their career, classes, families and others as more important to them than voting. Voters feel as though their vote does not count, and also report extreme frustration when having to wait in long lines at their local voting booth after a hard day of hard work. Creating a national holiday may serve as an incentive for voters and reassure them that their vote really does count. The national voting holiday would increase the number of volunteers at the poll sites because they are not required to attend work or school. It would allow voters to use government buildings, schools and other federal offices to vote, and would also provide a convenient time period for those busy with weekday activities such as work, school, and family. In South Korea and Italy, where election days are holidays, voter turnout is as high as 90 percent. The right to vote should not be infringed by other commitments. A national election holiday would allow Americans to exercise their right without impeding upon their busy schedules. By granting Americans this privilege patriotic emotions would stir our allegiance to the country and tribute to past Americans who fought hard for suffrage for the future generations of Americans.

The National Task Force on Election Reform, and the National Commission on Federal Election Reform support the Election Day holiday, and believe that the holiday would provide the best conditions and environment for voters to exercise their rights, seeing as increasing frustration in the work place discourages people from going to the polls only to endure long lines. The importance of voting would also be emphasized, and voting would be more evenly distributed throughout the day because voters could go to the polls without worrying about a restricting schedule. Poll workers might also find it easier to assist voters and meet their responsibilities if peak voting times were reduced.

Nonetheless, a national holiday would increase the cost of elections because employers would have to compensate employees and would lose a day of work production. According to the recent Congressional Research Service study of the issue, "If a new holiday were governed by the same regulations as other holidays, it would cost the executive branch of the federal government an estimated $380.6." There is also no guarantee that voters would take advantage of this opportunity. The League of Women Voters, and Cal/Tech MIT Research oppose the voting holiday, seeing it as just another excuse for Americans to take advantage of the system and regard this holiday as a time of leisure.

Several proposals to enact an Election Day holiday have been offered by the 107th Congress, including: making the current election day a holiday, moving the "Washington Birthday" holiday to election day, or move the "Veterans Day" holiday to election day. Congresswoman Anna Eshoo's Student Advisory Board's Election Reform Subcommittee supports the Election Day holiday as a result of our research, seeing as there are more potential benefits to this opportunity. Since establishing such a holiday would entail major expenses, we feel that it is to the government's best interest to commence a receipt system to prevent people from using the national voting holiday for personal social advancement. We feel that it is more than necessary for employees who participated in the voting to receive a receipt which they would in turn submit to their employer for reimbursement of the lost day's wages. This would serve as a major incentive for voters to perform their civic duty and would also cut back on government spending. From the plethora of garnered information, one can conclude that such a holiday is essential to American voting progression. How can our democracy persist if the public is so disenchanted to the point where no one is even participating? Numbers drawn from the successes of other countries' Election Day holidays gives hope to the notion that voter turn out will some day increase.

Election Reform: Voting Standards
Audai Shakour & Mike Yost

Uniform Closing Time

Ever since former President Reagan's election had serious issues with the media interfering in the voting process, the United States government has been looking for a way to prevent media influence from having more of an impact on voters than a campaign. Most recently, the 2000 Presidential Election brought this issue to light when several news networks projected George W. Bush as the winner in Florida before the polls closed on the West Coast. Consequently, many California Democrats did not see the point in going to vote and were dismayed when the election in Florida appeared to be so close that nobody could have called the victor when the networks did.

The issue is a tricky one to deal with due to the time zones (established in the late 19th century to make train schedules easier) which were originally intended to reduce confusion and standardize time with daylight. Due to the information age, they now serve as a means for producers and reporters to use exit polls and preliminary data to predict winners far before the election is over.

There are only two feasible solutions to this problem: one is a total media blackout on election day, which would impede First Amendment rights; the other is changing times of poll openings and closings to make them close nationally at the same real time.

While the former would instigate serious debate, there is a serious solution promulgated by Rep. Edward Markey (D-MA) and W.J. Tauzin (R-LA). Its primary idea is to lengthen daylight savings time on the West Coast for two weeks in presidential election years and lengthening the poll times on the East Coast by two hours. This is the primary plan:

- For Presidential elections, polls in all 50 states would close at 9 p.m. Eastern Standard Time, which is 8 p.m. Central Standard Time and 7 p.m. Mountain Time.
- For the Pacific time zone, in Presidential election years only, in order to achieve a 7 p.m. poll closing time, daylight savings time would be extended for two weeks until the first Sunday following the election.
- Allow Hawaii and Alaska to open their polls early, on Monday afternoon, so that they are not disadvantaged by closing early on Tuesday to comply with the new nationwide uniform poll closing time.

This plan is outlined in H.R. 50, so named because of its importance that all 50 states close their polling places at the same time. This solution has been introduced since early 2001 and is still waiting for debate. Since it provides for a solution in all areas of the problem, we strongly support this reform.

"The Uniform Poll Closing Act of 2000".

Election Reform-Voting and Ballot Reform

This nation was built on a premise of self-government. We believe that individuals should be able to choose those who will be their decision-makers in government. We are a nation where our government is a government for the people, not a people for the government. Being that this is the case, the people should have the ability to choose who represents them. If some parties and individuals are kept off the ballot doesn't that limit our ability to choose our representatives? Obviously it does. Some would argue that it is impractical to allow anyone, unconditionally to be listed on a ballot if they choose. That would seem to be an undemocratic opinion, but if one is to give it merit, than shouldn't it be applied universally? Of course it should. How is it fair or democratic for some individuals and parties to be automatically re-elected, and have others spend a great deal of their resources just getting on the ballot. Doesn't that give an obvious and unfair advantage to those parties already on the ballot? Obviously it does.

Examples of established party individuals fighting the ballot access rights of smaller parties are rampant. *Ballot Access News* reports that "On January 20, the Hawaii Attorney General (a Democrat) ruled that the Libertarian Party is not qualified, as had been thought. Therefore, the party had to re-petition" and "On December 30, 1999, a West Virginia State court said that voters cannot sign a petition for a minor party or independent candidate, and then vote in a primary." Sometimes the efforts are even silly. *Ballot Access News* reports that "On December 8, the Maine Secretary of State ruled that registered members of the Reform Party must re-register into the Reform Party, if they wish to be members." This is in addition to laws that require at least certain percentage showing in the last election to be on the ballot the next election that exist in all 50 states and the effort in presidential elections to keep third parties out of the debates. Does keeping one off the ballot and out of the debates limit that party's chance at sustaining the moment to have an impact. Obviously it does.

In order to truly let the power of ideas and political power plays rule we must grant greater ballot access. Laws should err on the side of letting more rather than less candidates on the ballot. If a candidate can come up with the filing fee and plays by the rules than they should appear on the ballot. If an entity feels that there must be standards for getting on the ballot, then once a party gets on they should have to take themselves off. It is the only way these parties can sustain the momentum needed to have an impact.

We call ourselves democratic, yet there are major forces in both of our parties that seek to keep us from being so. We should not allow this to continue. How can our electorate not become cynical when they know great candidates are being kept off the ballot? The right ideas will triumph. If they don't they weren't truly the right ideas after all.

Voter Representation

We are hearing repeated over and over since we entered this electoral dilemma that every vote counts. Just look, pundits and politicians say, at how close the vote is in Florida. The race can be determined by one vote.

Yes, the race can be determined by one vote, but that does not mean every vote counts. In fact, this election has proven the opposite - every vote does not count.

If one voted for Ralph Nader in Maryland, where he got nearly 3% of the vote, what would they have to show for it? Nothing. No consolation prize; no electoral college vote. How about the 40% of Maryland voters who cast their ballot for Bush? Surely they should have something to show for performing their civic duty. But that was not the case. 40% of Maryland Republicans voted for the loser. 60% of the Maryland voters who voted for Gore received all ten electoral college votes! Only the first 41% of voters who cast their ballot for Gore counted.

How about Iowa voters? Ralph Nader got 2.1% of the vote. George Bush got 48.2% of the vote. Al Gore got 48.6% of the vote. A quick calculatin would tell you that Al Gore won by only .4% of total votes cast. Despite the close race and nearly 50% of Iowan voters coming out for George W. Bush, all seven electoral college votes went to Al Gore. While Bush and Nader supporters combined represented more than half the state's voters, they walked away with nothing.

Can we change this? Let's go back to Maryland. What if we allocate the electoral college votes in proportion to the popular vote received by each candidate? That would mean Maryland's ten votes would be divided as such: four for George Bush and six for Al Gore. Every vote counted! No, Nader didn't get any of Maryland's votes, but if his support increased to equal more approximately 10% of the voting population then one of Maryland's ten votes would have gone for Nader.

How about Iowa? Since it would be more difficult to divide an individual electoral college vote Iowa with its seven votes poses a bit more of a challenge, but we can certainly make the vote allocation process much more representative. We would give three votes to Bush and three to Gore. Once again, every vote counts!

If we set a quota - a minimum percent of the vote received - in each state in order to receive electoral college votes at say 5% (the actual quota would have to be determined state by state based upon each state's number of electoral votes and number of voters) the current electoral gridlock we have today would still be with us, and all eyes would still be on Florida. As things currently stand in the vote tally, though, should the election be called right now, George Bush and Al Gore would split Florida's twenty-five electoral votes thirteen to twelve respectively. Either way, Al Gore would win the Presidency, because he would be put over the 270 mark, which is consistent with the popular vote nationwide and the proportional will of the people in each and every state.

The proportional allocation of electoral votes in each state might not be the best solution, but it's a step in the right direction of further empowering each individual voter. We need to start having a serious discussion about this problem and to get out of the short-term mindset that every vote actually counts (just look at Florida!), a lesson that may be forgotten in four years time. So step out of the chorus falsely singing today "every vote counts - look how close the race is!" and join the effort to truly make your vote count in each and every election.

Voting Rights Act

The Voting Rights Act of 1965 is a significant piece of legislation that guaranteed the right to vote to African American citizens. This legislative act prevented states (mainly southern) from enforcing discriminatory tactics aimed at preventing African

Americans fair opportunities to participate in the voting process. As a result of the Act, the national government intervened in areas where African Americans were denied the right to vote.

Specifically, Section 2 and Section 5 of the Voting Rights Act are of particular importance. Section 2 prohibits minority vote dilution which is basically tactics, legislation, situations, etc. that weaken the voting strength of minorities. Section 2 prevents municipalities from enacting practices designed to give minorities an unfair chance to elect candidates of their choice and is enforceable nationwide.

Section 5 of the Voting Rights Act requires certain areas of the country to obtain "preclearance" from the US Attorney General or the US District Court for the District of Columbia for any changes with reference to voting. These areas are known as "covered jurisdictions." Thus, any "covered jurisdiction" must be given approval before any new electoral practices can be administered. This is necessary due to the purpose or intent of some areas to dilute, or weaken the strength of minority voters by changing electoral practices that give minorities an unfair chance to elect someone of their choice. For example, a change from district/ward elections to an at-large election could be the intent of the governing body to make it difficult for minorities to get elected. This also includes, but is not limited to: a change to or from a proportional electoral system, change in the number of candidates to be elected, change in redistricting plan, etc. Additionally, Section 5 considers the effect of a proposed change. Will the proposed change lead to "retrogression," a worsening of the position of minority voters? For instance, a proposed plan may effectively decrease the number of minority elected officials as well as decrease the voting strength of the minority group. All areas in Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia and parts of California, Florida, Michigan, New Hampshire, New York, North Carolina, and South Dakota are subject to Section 5 preclearance.

In 1975 the Act was amended to include rights for language minorities. These amendments mandated bilingual ballots and oral assistance to those who spoke Spanish, Chinese, Japanese, Korean, Native American and Eskimo languages. In 1982 the Act was also amended to clear statutory language surrounding the purpose and intent of Section 2. The amendment provides that proof of discriminatory purpose or intent was not required under a Section 2 claim. However, in many counties such as Alameda County where there are 137 languages and up to 7 predominatly spoken languages only three ballots are available for citizens.

Approval Voting

Approval voting, proposed independently by several analysts in the 1970s (Brams and Fishburn, 1983), is a voting procedure that is designed in part to prevent the election of minority candidates in multicandidate contests (i.e., those with three or more candidates). Under approval voting, voters can vote for, or approve of, as many candidates as they wish. Each candidate approved of receives one vote, and the candidate with the most votes wins.

Advantages of approval voting include the following:

1. It gives voters more flexible options. They can do everything they can under the plurality system--vote for a single favorite--but if they have no strong preference for one candidate, they can express this by voting for all candidates they find acceptable. For instance, if a voter's preferred candidate has little chance of winning, that voter could vote for both a first choice and a more viable candidate without worrying about wasting his or her vote on the less popular candidate.

2. It would increase voter turnout. By being better able to express their preferences, voters would more likely go to the polls in the first place. Voters who think they might be wasting their votes, or who cannot decide which of several candidates best represents their views, would not have to despair about making a choice. By not being forced to make a single --perhaps arbitrary--choice, they would feel that the election system allows them to be more honest, which would presumably make voting more meaningful and encourage greater participation in elections.

3. It would help elect the strongest candidate. Today the candidate supported by the largest minority often wins, or at least makes the runoff. Under approval voting, by contrast, it would be the candidate with the greatest overall support--such as the moderate candidate alluded to above --who would usually win. An additional benefit is that approval voting would induce candidates to try to mirror the views of a majority of voters, not just cater to minorities whose votes could give them a slight edge in a crowded plurality contest.

4. It would give minority candidates their proper due. Minority candidates would not suffer under approval voting: their supporters would not be torn away simply because there was another candidate who, though less appealing to them, was generally considered a stronger contender. Because approval voting would allow these supporters to vote for both candidates, they would not be tempted to desert the one who is weak in the polls, as under plurality voting. Hence, minority candidates would receive their true level of support under approval voting, even if they could not win.

5. It is eminently practicable. Approval voting can readily be implemented on existing voting machines (unlike the preferential systems discussed earlier), and it is simple for voters to understand. Moreover, because it does not violate any state constitutions in the United States (or the constitutions of most countries in the world), it needs only a statute passed by a state legislature to become law.

There is no perfect voting procedure. But some procedures are clearly superior to others with respect to satisfying certain criteria. Among nonpreferential voting systems, approval voting distinguishes itself as more sincere and more likely to select Condorcet candidates than other systems, including plurality voting and plurality voting with a runoff.

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Election Reform: Media Coverage
Peter Zaffaroni

As the nation watched in stupefied disbelief, major television stations passed false information off as truth and contradicted each other on one of the most important days in America -- election night.

With all the anger following the fiasco in Florida, people began to seriously call into question the effectiveness of media coverage on election night, what consequences it might have played, and what its true role in a democracy is. Candidates have long used the media to get across their message and increase vital name recognition for themselves. Recently, however, the media has also been used as a tool for smear attacks and negative campaigning. There is no doubt that the media is a very powerful force in people's minds. For many people, what they see on TV is a reality, and this presents a singular problem when that's not truly the case.

First off, I'd like to explain exactly what this sort of media coverage is. The media coverage dealt with in my report is coverage dealing specifically with reporting election results on or near election day in states where the polls have not yet closed. The media likes to create tension and excitement by providing visual representations of voting results, such as showing a big map of the United States indicating which states have turned out to be in favor of which candidates. Ideally, there would be some sort of ban on this type of reporting for reasons that I will now explain.

In the back of a human's brain is the hypothalamus. Often called the reptilian brain, this section is responsible for subconscious thought and reaction. It is the part of our brain that makes us scared when we see scary or gory movies. Even though the more intelligent part of our brain knows it's fake, the hypothalamus cannot differentiate between visual signals and interprets everything we see as true. If people see on television that a candidate has won a state or region, they might feel consciously or unconsiocusly compelled to not bother voting for him, assuming that their vote won't count anyway. A sad example of this took place last election night when many news commentators called Florida for Gore, making people think that they didn't need to vote, assuming Gore would have already won. If people didn't know anything about the results of the election, they would be inclined to vote for the candidate they honestly favor the most.

The reporting on election day is not only sleazy, it is also downright undemocratic. Everyone has the right to vote, and the media takes that away and puts apathy in its place. Fortunately, there are some remedies to this. The most effective in my mind being a total new blackout of all election talk on day. In the opinion of this author, it is better to have people clueless about how their candidate is doing -- that way they have a real impetus to vote for him. This should certainly not be confused with not televising national debates, which in the opinion of this author, are very useful and democratic. It would also be useful to have a voting holiday, so people could have more time to get to the polls. Unfortunately, to be realistic, enacting any sort of important controls on the media would be met with the most stringent rebuttals. Therefore, it would probably be best to focus on voluntary news blackouts, just on election day.

There are few people in either party who are strongly against legislation in this field. This is an issue that hurts both Democrats and Republicans pretty equally. However, overall, Republican voters usually seem to be more dedicated to getting out the vote then their Democratic counterparts, so in reality, Democrats actually lose more then Republicans by demoralizing their constituents. The real losers in this conflict, and the ones who would fight hard against any legislation, are the big television companies, who would lose some of their best ratings.

There are also a few cons towards this type of reform. It would be very detrimental to smaller parties. Smaller parties generally represent people either on the right or the left of the established parties. When in doubt, no one wants to throw away their vote to a small party candidate when one of the mainstream parties can at least get elected. If the election was in doubt, it would definitely reinforce the two-party system. Also, television stations could validly argue that repression would be an attack on their freedom of speech and freedom of the press.

The constitutional protection afforded to the press makes this issue of control of election night coverage a difficult one to address. However, the counterbalanceing value of making every vote count, and encouraging people to exercise their right to vote, demands that our nation investigate the possibility of reform in this area. Although it is a powerful force in national politics, and would undoubtably remain so, the media needs to reexamine its role on election night.

Election Reform: Term Limits

Emily Chen, Daniel Nguyen & Yi Zheng

An important topic for debate is that of term limits for Members of Congress. Although it does not come up as often as reforming the electoral college, term limit legislation is, nonetheless, proposed frequently. Even with the strong support of many Members of Congress, each of the previous attempts have been shot down. While proponents of term limits argue that adding them would make our government more democratic, opponents stress the importance of leadership and experience in politics.

The major argument of proponents of term limits can be traced back to the beginning of our country. Some people argue that the Founding Fathers would have supported such legislation because they believed in making the political system as democratic as possible. Many people believe that career politicians are not only ambitious, but also detached from their constituents, and therefore, not the best choice for a healthy democracy. This argument is supported by the truth that the Founding Fathers themselves were amateur politicians, who only worked in Washington D.C. a fraction of the year and returned promptly to their districts when Congress adjourned. This is not quite possible in this day and age since matters on Capitol Hill run year round. Consequently, career politicians have taken over the ideal image of the Founding Fathers.

The cost of campaigning is also a factor that creates career politicians. In the past, many people would take a few years off from their careers and serve their country. This is simply not possible today due to the high cost and stress involved in running for public office. Many losing candidates spend years repaying their debts from running unsuccessful campaigns. The financial risk in losing is so high that most people are unlikely to take the chance. Those candidates who win often seek reelection with great confidence of winning. It is statistically proven that incumbents have the upper hand in the race. In 1994, only 23 out of the 435 House races were truly competitive. Consequently, the incumbent reelection rate for 1994 is 91% and in 1992, it was even higher, at 93%. This number is so high because today's politics is simply a game of seniority. Voters are often compelled to vote for an incumbent so that incumbent can move up in the system and the voters can get their voices heard in Congress. Sometimes, the motive for voters to support the incumbent is not because they believe that the incumbent is the better choice, but rather for power reasons. The sad truth is that while term limits may "term out" some very qualified Congresspersons, not having them has virtually eliminated the chance of election of other potentially capable civil servants.

A common question of term limits opponents is "What is wrong with career politicians if they do a good job?" The answer is simply that career politicians are not what we need in our system. As politicians work longer in Congress, they become less involved in their districts and with their people. By instituting a rule that would guarantee rotation in office and increasing fresh blood, people will feel closer to their representatives. Frankly, today, most people do not look upon their Representative as a friend or a fellow townsperson, but rather as an outsider whose job and life is structured in Washington D.C.

It is obvious that the United States public wants to institute term limits. According to the *Wall Street Journal*, 80% of Americans support limiting the time

Senators and Representatives may serve. Although Congress has turned down the proposal each time it was time to vote, individual states have taken this concern into their own hands. Over 30 states have term limits for their governors and at least 23 of them have 6 and 12 year term limits for their state representatives and senators, respectively. Looking at California as an example, the six and twelve year systems were created to bring an end to corruption and seniority politics. It has worked so well that even during the past election, when voters were given a chance to lengthen the terms of their state Assemblymembers and Senators, they turned it down with a "No" vote on Proposition 45. Term limits opponents have pointed out that term limits hinder the democratic process by not letting the people decide who is truly the popular candidate. However, the people have spoken and the people have chosen term limits as their popular choice.

We, the members of the subcommittee on term limits, believe that term limits are important to creating "a more perfect union" the way our Founding Fathers had envisioned.

Election Reform: Voting Age
Shirley Kim

For centuries, upon the establishment of the United States Constitution, only those of the age of 21 or older were given the right to vote. Then just three decades ago that was all changed with the addition of the 26th Amendment, which was started by the Voting Rights Act of 1970. One can only imagine the chaos that occurred in the midst of the Vietnam War, with protests, civil rights movements, and riots, but among those, the protest for the right to vote arose. Many protested with the justification that if they were old enough to fight in the war then they were old enough to make decisions on the war. So the 26th Amendment was finally added and stated

> "Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.
>
> Section 2. Congress shall have power to enforce this article by appropriate legislation."

Today we are faced with a problem of antithetical nature -- the youth's lack of a sense of political efficacy. With the passage of the recent election it was found that voters between the ages of 18-24 were at an all time low. According to the Census Bureau, only 32.3% of 26,712,000 individuals between 18-24 voted. This figure may seem shocking but that isn't all, this age group is the third largest group of eligible voters, making up approximately 13.2% of the nation's electorate. Many assume that these younger eligible voters are a group of spoiled "positive apathetics," but this is far from the truth, a majority of them maintain jobs, attend college, and are concerned about the environment, where their tax money goes and the economy. They want to do something but they don't know where to start and if their opinion means anything. Even if this assumption is true that these eligible young voters are positive apathetics it proves that either the voters need to be educated about the power they hold or that the government needs to acknowledge the needs of this group.

Just as the debate between the chicken and the egg continues, the debate whether it was the indifference of this group or the government's indifference that caused this pitiful voting turn out, may persevere for years to come, unless something is done. Fortunately, a potential solution is at hand, a solution empirically proven to increase voter turnout, more than doubling it from the 1968 election to the election of 1972. Many have experimented with the novel proposal of lowering the voting age to 16 with national mock elections like Kids Voting. Studies have proven the numerous advantages result even solely from these elections, starting from increasing national involvement and government responsiveness to greater enthusiasm for politics for both youth and adults and finally potentially the most important outcome, what researchers call the "trickle-up effect".

In the status quo, many educators are assigning students research assignments on current events occurring in the nation and around the world. The students reluctantly do

the assignments and begin a brief discussion of the topic in class, which is often of little interest to them. However, lowering the voting age to sixteen would significantly benefit youth encouraging them to become more aware, enthused, active and knowledgeable politically. Seeing the awesome power they hold, they will become more involved and informed about how they can affect the world around them. The youth of today are passionate about a wide range of issues concerning the environment, education and crime. Some even hold jobs in which they pay social security taxes to which they are given no voice. There has been empirical evidence that proves there is a significant "trickle-up effect" with the mock adjustment of the voting age, especially within lower socio-economic groups. This seems fairly logical because the information and discussions the children experienced at school would be brought back home enthusiastically and shared with the rest of the family, carrying on mature conversations and bonding. This also results in not only bringing the family together but studies have shown that upon the establishment of the mock elections, there was a greater voter turn out for lower socio-economic families. However, though this proposal seems only beneficial, there are many opponents.

The most common argument is that teenagers especially at the age of sixteen are not mature enough nor do they have the knowledge to make intelligent choices. This is a common fallacy many adults believe and have believed for years, yet at the age of sixteen, teenagers are given many adult rights. For example in most states sixteen-year-olds are allowed to drive and in some they are allowed to marry. Finally, they work and pay taxes; it seems unjust that a certain population of tax payers should be excluded from being heard by thei representatives. Furthermore, unbeknownst to many, it is a high school requirement to study and pass government and history in order to graduate. There is no reason to doubt that teenagers are fully capable of making intellectual and mature decisions, yet polls may show the ignorance of students and politics that may feed the critics' arguments, but it does not mean this is not true of many adults as well. One poll showed that a shocking 26% of teenagers could not name the vice president but what was more appalling was that 40% of adults were not capable of doing so. As one can see the naïveté and the ignorance of the youth of today is not any better nor any worse than that of the adults of today, so the key is to bring them together and allow them to become more involved and "reinvigorate" democracy.

The recent election was a sign that something needs to change and something undoubtedly needs to be done. Lowering the voting age has been empirically proven to increase voter turnout and seems only to be beneficial. The voices of the youth need to be heard and the enthusiasm and excitement for politics of people of all ages must return.

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Conclusion
Mojan Movassate

Our Student Advisory Board actually had quite a tough time trying to decide on whether or not to choose government reform as our topic for the year. After all, on a surface level, government reform does not sound nearly as fun and exciting as looking at biotech or environmental policy. However, after some deliberation, it was finally decided that government reform and the two issues embedded in it, campaign finance and election reform, was the most important topic we could choose. The root of many political problems lies in the legitimacy and motives of the those who are given the power to make decisions for the people they serve. If we want to fix what happens in our government then we have to fix how people gain admission to it. Providing more opportunities for less-recognized candidates to be recognized and making sure that people play the political game fairly were some of the many ideas that we felt we needed to address.

I think that it is crucial to point out that this Student Advisory Board chose campaign finance and election reform even before the media hype surrounding the campaign finance reform bill, Shays-Meehan. When we started discussing this topic in late October 2001, we were well aware that this was not something that the media had paid too much attention to. To have chosen a topic that has received so much more recognition in the past few months shows that the youth of the California's 14th Congressional District are on the pulse of the nation. Our decision affirms that the issue is of greatest importance, and most of all, shows that the decision we made was a good one. The 2001-2002 Student Advisory Board hopes that you have enjoyed our presentation and that maybe we have inspired you to care even more about the pressing issue of government reform.

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