



## **A time to revive the party**

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This week the Federal Election Commission will vote on a proposal to revive political parties and make them more effective at mobilizing populist political participation. The proposal has the support of Democratic and Republican party advocates who lament the onerous government regulations that have handicapped parties and rendered them increasingly irrelevant.

The principal focus of the party proposal is the effectiveness of state and local parties. State and local parties are the most democratic institutions in American politics today. They are populist associations of local citizens from all walks of life who care deeply about their communities and the country and devote their time and passion — not necessarily their checkbooks — to participate in democracy. I refer to state and local parties as the "Motel 6" of civic engagement because there is always a state or local party office with a light on for people who want to get involved in the political life of America.

The democratic activities that state and local parties facilitate are the most virtuous kind. They recruit volunteers. They register new voters and turn out voters to the polls. Often parties are responsible for more new voter registrations and early ballots than local registrars. They knock on doors, make telephone calls and distribute campaign literature. They pass out sample ballots outside polling precincts. They build mail and email lists to communicate with party faithful. If properly funded — which they typically are not — they sponsor local radio and television ads in support of their nominees. They hold conventions, primaries and rallies. These activities are the lifeblood of a healthy democracy.

This is not just a romantic notion of state and local political parties. I spent over a decade deeply involved in my state political party and watched tens of thousands of citizens licking stamps, passing out campaign brochures and sample ballots at polls, and participating in state conventions.

Sadly, however, this kind of populist civic engagement has been stifled by over-regulation. The regulations started with funding and spending restrictions first imposed by Congress in 1974. Over the next three decades, parties adapted and survived, but Congress imposed even more severe restrictions in 2002. The combined effect of these restrictions has proved so onerous that most state and local parties cannot effectively engage in important grassroots activities, and they have been rendered virtually irrelevant to the campaigns of most candidates for federal office.

For decades political scientists have lamented the demise of political parties and have blamed government regulatory policy. The near death of parties has been the subject of over a dozen

recent reports by practitioners and lawyers for the two major parties and minor parties alike, party experts, academics and think tanks ranging from the libertarian Cato Institute and the American Enterprise Institute to the pro-regulatory Brennan Center for Justice. The press also has recognized the problem, from *Politico's* "Last Call for State Parties" (Feb. 16, 2014) to *Time's* "Party Down" (March 3, 2014), observing that America's political parties are no longer effective institutions.

Last year, I attended a forum held at George Washington University where veteran party lawyer Ben Ginsberg cited the pitiful bank account balances of state parties in the last two months of the 2014 mid-term elections. Also last year, I sponsored a forum at the FEC to hear from the public about political parties. Representatives from major and minor parties attended. Several representatives of the Conference of Democratic State Party Chairs passed out a white paper documenting specific regulatory burdens that shackle parties from effective civic engagement and pleaded with the commissioners in attendance to grant regulatory relief.

There was bipartisan consensus on the need for regulatory reform. And two months ago, in what I viewed as the tipping point in the call for party legal reform, I participated in a forum sponsored by the Brennan Center for Justice where it unveiled a report calling for Congress and the FEC to deregulate political parties in order to restore their role as effective "engines for political participation by ordinary citizens."

Before the FEC for action this week is a proposal to strengthen political parties and their grassroots efforts. It focuses on three areas of necessary regulatory relief.

First, the FEC can afford parties more flexibility to work with their nominees in the preparation of campaign literature and scripts for broadcast advertisements and free the parties to republish and disseminate campaign materials, like brochures, videos, photos and biographical information originally published by their candidates.

Second, the FEC should expand regulatory freedom for parties to engage volunteers in democratic activities such as volunteer mail drives, phone banks and literature distribution. Current laws either prohibit or are so vague that they chill parties from engaging armies of volunteers to engage in time-honored voter contacts and door knocking campaigns.

Third, the FEC needs to give the parties more regulatory freedom to register voters and turn voters out to the polls. The current proposal would allow state and local parties greater freedom to engage in this profoundly important democratic activity.

If these regulatory proposals sound modest, that's because they are. They represent only a first step in long overdue legal reform to revitalize the parties. Bigger reforms are within the purview of Congress, which recognizes the problem and has taken recent actions to assist the parties.

But these regulatory proposals are profoundly critical to strengthening state and local political parties of all stripes, reviving their salutary grassroots missions and restoring their relevance to candidates. The FEC should seize this opportunity to work together to revive the political efficacy of America's state and local political parties and the health of our democracy.