An Eye on Campaign Tills

Whether contributing money to a campaign is a First Amendment right or a privilege to be regulated can be debated. But what’s undeniable is that political campaigns, at all levels of government, are expensive and only getting more so. Meanwhile, independent spending is skyrocketing. Unlike federal campaigns, which are regulated by the Federal Elections Commission, state races are monitored by the states. The three most common ways states regulate spending are by providing public financing, setting limits on the size of contributions and requiring campaigns to report their funding sources.

With public campaign financing, candidates are limited in what they can receive in contributions from other sources in exchange for receiving the public funds. Thirteen states have public financing programs, and voters in Maine recently approved a ballot measure to increase public funding.

To prevent quid pro quo corruption, several states limit the amount of money a candidate can receive from various entities—individuals, political parties, PACs, corporations, unions. Contribution limits vary, however. For an individual giving to a state senate candidate, for example, the limit ranges from $170 in Montana to $12,532 in Ohio. The median contribution limit for individuals giving to state legislative candidates is $1,000. Some argue that limiting citizens’ right to spend their money on campaigns is a threat to free speech, especially in light of the rising costs of running a campaign. In recent years, states have raised limits and pegged future limits to inflation.

The most active area of campaign finance, though, is with disclosure and reporting regulations. More than half the campaign-related bills introduced last year had to do with reporting and disclosing campaign contributions. And a greater than average 20 percent of them became law. Some of the bills tightened the rules, while others loosened them.

With the rise of independent spending and the idea that political spending is a core element of free speech, some argue that contribution limits and public financing programs are obsolete. For them, increasing transparency—clearly disclosing who’s giving to whom—makes more sense. Others point out that tightening disclosure requirements can put a significant burden on a campaign, especially a smaller one. They also point out that disclosure of specific donor information could lead to donor harassment.

Many states have built online systems for submitting campaign disclosure reports and searchable databases that allow anyone to see who contributed to a campaign. States have tweaked how often candidates, PACs and parties have to report, and adjusted reporting deadlines. Some have required immediate disclosure if a candidate receives a large donation.

Lawmakers also have considered reporting requirements for independent groups, which may spend unlimited amounts on political advertising as long as they don’t coordinate with a candidate. Only Indiana, New Mexico and South Carolina do not require some level of reporting for independent expenditures, though there is a lot of variation on who has to disclose what, and when. A few states require advertisements to disclose not only the group that paid for it, but also the top five donors to that group. A couple states address so-called “dark money” from nonprofit organizations, which typically aren’t required to disclose donor names. Last year, lawmakers in Montana clarified that certain disclosure reports have to be filed regardless of an entity’s tax status, and in North Dakota, legislators voted to require “conduit” organizations that funnel funds to political campaigns to provide details on the contributions they receive.

California’s Fair Political Practices Commission recently redefined what it means for candidates and outside groups to “coordinate”; the goal was to stem such practices as candidates and groups sharing consultants and vendors, and groups using material published online by another candidate in their campaign efforts.

As money is pumped into campaigns this year at all levels of government, people will continue to ask who’s behind it. The bigger question, however, may be whether pumping money into campaigns is a threat to American democracy or a necessary part of it.

—Katy Owens Hubler
TRENDS

Star Light, Star Blight

Billions of dollars are spent each year to light streets, shopping areas, office complexes and power plants, but much of that outdoor lighting is poorly designed and wasteful. Excessive lighting can not only make it harder to see the stars at night, it can have serious consequences for the military, human health and the environment.

Light pollution can limit the military’s ability to conduct crucial nighttime training at bases around the country. It can disrupt sleep patterns, which has been linked to depression, obesity, breast cancer and more. Excessive night light also has been linked to the decline of lightning bugs, the death of migrating birds and the fatal disorientation of newly hatched turtles.

In response, lawmakers in at least 17 states, the District of Columbia and Puerto Rico have passed “dark skies” legislation. Most laws aim to promote energy conservation, public safety, aesthetic interests and astronomical research capabilities, and are limited to outdoor lighting fixtures installed on the grounds of a state building or facility or on a public roadway. They often require the installation of shielded light fixtures, which emit light only downward.

Arizona’s law dates to 1986; it requires all outdoor light fixtures to be fully or partially shielded, with the exception of emergency, construction and navigational airport lighting. Fixtures not in compliance must be extinguished between the hours of midnight and sunrise by automatic devices.

Some laws are more specific than others. In Colorado, for example, installation of new outdoor lighting fixtures requires consideration of costs, conservation of energy, reduction of glare, minimization of light pollution and preservation of the natural night environment. Texas is the only state that focuses solely on reducing light pollution within 5 miles of a military installation.

New Hampshire’s law encourages municipalities to adopt ordinances and regulations to conserve energy and minimize light pollution. In Florida, a statewide model lighting ordinance guides local governments in developing policies to protect hatching sea turtles.

Municipalities in a number of states also have been active on this issue, adopting light pollution regulations as part of their zoning codes.

—Jennifer Shultz

Taking the Wheel

Autonomous vehicles are no longer the stuff of science fiction. Also known as driverless, self-driving or robotic cars, they are a reality on roads today, as companies increasingly test them in real traffic. State and local governments are promoting this new, potentially huge, industry while fielding questions over safety, which roads the cars should be allowed to use, how insurance should apply and more.

A partnership in Virginia would make the state a leader in research and development of automated-vehicle technology. The Virginia Department of Transportation and the Department of Motor Vehicles will team up with the Virginia Tech Transportation Institute, toll-road developer Transurban and Nokia’s mapping business to develop a state-of-the-art test facility and dedicated high-occupancy toll lanes along a couple of interstates.


Nevada was the first state to authorize the vehicles in 2011. Since then, legislatures in California, Florida, Michigan, North Dakota, Tennessee and Washington, D.C., have passed laws on some aspect of the budding industry. And Arizona’s governor issued an executive order related to the vehicles.

The state laws vary in emphasis. Michigan limits the liability of original car manufacturers when automated systems are installed on their vehicles. Nevada expressly permits the use of cellphones when riding in a legally operating autonomous car. Florida authorizes anyone with a valid driver’s license to operate one of the vehicles. And Tennessee prohibits local governments from banning the use of the motor vehicles equipped with driverless technology.

The executive order in Arizona directs various agencies to “undertake any necessary steps to support the testing and operation of self-driving vehicles on public roads,” and authorizes pilot programs at selected universities. The order establishes an oversight committee in the governor’s office.

—Amanda Essex and Zita Toth
Cutting the Costs of Injuries

From falls to fatalities, injuries and violence send 27 million people to emergency rooms, result in 3 million hospitalizations and cause 192,000 early deaths each year. Almost 60 percent of people who die before reaching 45 years of age have suffered an injury, either intentionally or accidentally.

According to new research from the Centers for Disease Control and Prevention (CDC), accidents and violence cost the U.S. a total of $671 billion in both medical costs and estimated lost wages in 2013. The research sheds light on what are the costliest culprits. Targeting them may be the most efficient use of limited resources.

Injuries from car crashes accounted for 23 percent of fatal and 21 percent of nonfatal injury costs, making them a major public health problem for states. Policies that have been effective at preventing motor vehicle accident injuries include:

• Child passenger restraint laws.
• Primary enforcement seat belt laws, which permit police officers to pull over and ticket car drivers and passengers for not wearing a seat belt.
• Graduated driver licensing programs, which give new drivers privileges in stages.
• Sobriety checkpoints.
• Ignition interlock systems in cars owned by those convicted of driving under the influence of drugs or alcohol.

Another big killer is drug poisoning, which doubled in frequency between 1999 and 2013. More than a quarter of all fatal injury costs were due to drug poisonings in 2013. Policies that may help prevent drug overdoses include:

• Prescription drug monitoring programs with strong data sharing and participation requirements.
• Oversight of pain management clinics.
• Guidelines for prescribing opioids (pain medication).
• Overdose immunity, or “Good Samaritan,” laws that encourage someone experiencing a drug overdose, or those around them, to seek medical attention and obtain drugs that counter overdoses.
• Public awareness campaigns.

Falls accounted for 37 percent of nonfatal and 5 percent of fatal injury costs. Falls by the elderly are a major cause of traumatic brain injury and death. Promising policies to prevent elderly falls include:

• Public awareness campaigns.
• Fall assessment and prevention as part of routine care by primary care providers.
• Fall prevention included in continuing medical education courses.

Go to ncsl.org/magazine for more information.

—Emily Heller

Gearing Up for “Cadillac Tax”

States are looking ahead at the so-called “Cadillac tax” on high-cost, employer-sponsored health coverage, originally scheduled to begin in 2018. It’s scheduled to be an annual 40 percent tax on insurers for premiums above a certain threshold. Revenues will help pay for health care reform. The tax is intended to also combat rising health care costs by encouraging employers to offer more cost-effective plans, shifting some risk to employees and eliminating the current unlimited exclusion of employer-based health insurance coverage from taxes.

Most public sector employees have insurance plans that will be subject to the tax in 2018. The tax will apply to approximately 31 percent of all active employee plans in its first year and gradually extend to more plans over time. It’s estimated that 70 percent of all active employee plans will be subject to the tax by 2027.

Kathy Schwappach, from the benefits consulting firm Segal, told a group of lawmakers in October that a side effect of the tax is a “nightmare for employers offering good plans to their employees.”

Although the tax falls on insurance companies, Schwappach is sure “it will come back to employers in terms of higher premiums.” Consequently, states will likely need to make changes to their health benefit plans and reduce costs to get under the threshold. In the meantime, here are three quick, but not easy, ways to reduce plan costs.

1. Group “similarly situated” employees in the benefit package that best suits them.
2. Question health plans on their own cost-cutting strategies and whether your state is paying the right rates.
3. Examine your retiree health plan offerings.

The Cadillac tax has been roundly criticized at the federal level by Democrats and Republicans alike. Because of its political unpopularity, Congress passed and the president signed a two-year delay in the tax, in December.

Even so, many lawmakers understand it’s never too early to start planning.

—Jackson Brainerd