

Chapter 1
Government Integrity and Civic Engagement

Introduction 1-1
AARP Principles 1-1
Campaign Finance and Rules 1-2
Redistricting 1-4
Voting 1-5
Ethics and Accountability 1-11
Lobby Reform 1-12
Programs to Promote Civic Engagement 1-12

INTRODUCTION

As citizens of a free and democratic nation, we have a vital stake in ensuring the integrity of our democratic processes and government institutions. The ability of government at all levels to respond to the concerns of citizens, promote the public interest, and retain public confidence in its fairness, competence, and relevance is dependent in large measure on adhering to policies that promote and sustain integrity.

Trust in government is extremely low. Government officials and processes are often viewed as more responsive to the concerns of moneyed special interests than those of the general public. In addition there is growing frustration with the inability of the political system and government processes to address seriously urgent societal problems. Further, increasing partisanship, crisis-driven decisionmaking, and legislative gridlock add to the dissatisfaction with our nation's public discourse. Without needed reforms in campaign finance laws, lobbying, ethics and accountability, redistricting, voting systems and registration procedures, the public's voice in government is likely to be diminished and the health and vitality of our democracy threatened. These issues are of particular concern to older citizens. Voting participation is highest among older age groups, and older citizens are vitally interested in making certain that their votes and views are given appropriate consideration in the deliberations of government. Further, older people are among those most vulnerable when a financial or health crisis hits, and they want to make sure that public officials act on urgent health and financial security problems facing the nation.

AARP PRINCIPLES

The following principles reinforce and sustain government integrity and civic engagement:

Transparency—Openness is a fundamental feature of democracies. Government institutions and processes should operate in public view.

Accountability—Government officials and institutions must avoid conflicts of interest and the undue influence of special interests in the performance of their responsibilities. Ethical standards and safeguards must be in place and enforced to ensure the integrity of government decisionmaking. Greater reliance on public campaign financing should be used to prevent the electoral process from being skewed toward the concerns of major contributors rather than those of the larger public.

Access and participation—The right of all citizens to vote in free and fair elections is among the most basic of all civil rights and must be vigorously upheld. Voting systems and registration procedures should be designed to encourage maximum participation in the electoral process.

Full and fair representation—Legislative districts should be geographically compact and contiguous and reflect communities of interest. The drawing of districts should promote vigorous democracy rather than incumbency or party affiliation.

Voter participation—Technical and procedural innovations such as vote-by-mail, election-day registration, and universal registration should be developed to maximize voting and improve voting systems.

Civic engagement—Volunteer service opportunities should be expanded for older Americans so they can help address the nation's challenges and enjoy greater engagement in civic life.

CAMPAIGN FINANCE AND RULES

As a result of recent court decisions and their regulatory interpretations, the landscape of campaign finance is changing rapidly. New political action committees (PACs) and other types of independent groups not tied to political parties or candidate campaigns are likely to play a significant role in influencing the outcome of elections.

In *Citizens United v. Federal Election Commission*, the US Supreme Court held that corporate funding of independent political broadcasts in candidate elections cannot be limited under the First Amendment. The decision came in a dispute over whether the nonprofit organization Citizens United could air a film critical of then US Senator Hillary Clinton and whether the group could advertise the film in broadcast commercials. The Federal Election Commission (FEC) and a lower court ruled that the ads violated the Bipartisan Campaign Reform Act of 2002 (known as McCain-Feingold). The act, in part, prohibited unions and corporations, both for-profit and nonprofit, from using general treasury funds to make “electioneering communications” or for “independent expenditures” that expressly advocate the election or defeat of a candidate and that are independent of a candidate’s campaign. The decision removed these restrictions but retained bans on direct campaign contributions or the use of general treasury funds to contribute to PACs. The decision is also likely to affect laws in 24 states that have similar prohibitions. In its decision, the Supreme Court indicated that only preventing corruption or the appearance of corruption could override First Amendment protections for contributions for political speech; Justice Kennedy, writing for the majority, noted that “independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption.” Following this reasoning, in a related case, *SpeechNow.org v. Federal Election Commission*, the US Court of Appeals for the District of Columbia removed limits on individual, corporate, or union contributions to independent groups known as “527s.”

The changes in campaign finance rules, along with related opinions from the FEC, set the stage for the formation of new “independent expenditure-only committees” known as super PACs, which unlike PACs that donate directly to candidates, have no limits on how much money they can raise or spend. According to the nonpartisan Center for Responsible Politics, super PACs are proliferating rapidly since

the FEC sanctioned their formation in July 2010. The rise of super PACs coincides with record levels of spending for the 2010 federal midterm elections—some five times higher than for the last midterms. Between August and September 2010, spending by super PACs increased almost seven times, from \$1.3 million to \$7 million.

Another concern raised by the effects of *Citizens United* is that voters will not be able to determine which individuals and groups might be paying for various campaign-related ads. While the Supreme Court by a vote of 8-1 upheld the electioneering communications disclosure requirements of McCain-Feingold (stating that “transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages”), the Center for Responsive Politics notes that the FEC’s rulemaking regarding donor disclosure requirements for independent expenditures are “entirely insufficient.” Currently, nonprofits can raise money directly from corporations, unions, and other domestic sources, but the FEC only requires nonprofits to disclose those donors that specifically designate their contributions for the organization’s electioneering communications. As a result relatively few donations are reported to the FEC as independent expenditures. This is seen as a loophole giving corporations and unions, in particular, “deniability” about their political activities and enabling them to support favored candidates while avoiding public scrutiny.

In the last congress, legislation passed by the US House of Representative would have established new reporting and disclosure requirements for independent expenditures, including disclaimers on ads that overtly advocate for or against a federal candidate and “electioneering communications” that feature a candidate but do not expressly advocate for that candidate’s election or defeat. It is expected that similar legislation will be introduced in the 112th congress.

Public financing systems for state and local campaigns have also come under challenge in the courts. Recent court decisions in Arizona, Connecticut, and Florida overturned “triggering mechanisms” in the public financing systems of these states. Those provisions provide state funds to a publicly funded candidate if a nonparticipating opponent’s spending passes a certain threshold. A case now pending before the US Supreme Court, *McCormish v. Bennett*, challenges Arizona’s public

financing law. An appeals court ruled that the state’s trigger mechanism was constitutional, but the Supreme Court issued a stay in the case, while it decides whether to take it up.

In the last congress, a House of Representatives committee approved a bill that would have established a system of voluntary public financing for congressional races. However, the legislation was not acted on by the full House. Under the proposal, candidates would qualify for funding by

demonstrating their ability to meet baseline contribution thresholds. Donations of \$100 or less from in-state contributors would be matched by \$4 from a Fair Elections Fund for every dollar raised. To offset the costs of media the bill would have provided participating candidates with media vouchers and a 20 percent reduction from the lowest broadcast rates. As of publication, it was not clear whether similar legislation would be introduced in the 112th congress.

CAMPAIGN FINANCE AND RULES: Policy		
Greater reliance on public funding	FEDERAL STATE LOCAL	<p>Congress should enact an updated and comprehensive public financing system.</p> <p>Campaign funding should rely more on public money and less on private dollars. Financing systems should provide viable and attractive options that would allow qualified candidates to run for office using public funds.</p>
Spending limits	FEDERAL STATE LOCAL	<p>There should be federal, state, and local incentives for candidates to accept spending limits.</p> <p>Spending limits should be raised and indexed to keep them viable.</p>
Media and advertising	FEDERAL STATE	<p>Qualified candidates should receive free or significantly discounted media spots and postage for mailings. Providing airtime should be a condition for renewal of broadcasters’ television and radio licenses.</p> <p>Federal and state regulations should ensure clarity and honesty in all election advertising, in part by requiring more meaningful descriptions of who has paid for an ad and establishing strict punishments for false advertising.</p>
Campaign contributions	FEDERAL STATE	<p>Limits on individual contributions and contributions to and by political action committees should be strictly enforced.</p> <p>Candidates should be required to raise a majority of their campaign funds (except public funds) from individual contributors who reside within their district.</p> <p>Increased public matching funds should be provided for small donations.</p> <p>Public financing systems should provide “fair fight” funds (under voluntary systems) when opposition spending exceeds established thresholds or limits.</p> <p>Strict limits should be imposed on bundling campaign contributions and other avenues used to evade contribution limits.</p> <p>There should be regulations limiting the buildup and carryover of “war chests.”</p>
Enforcing campaign finance laws	FEDERAL STATE LOCAL	<p>The Federal Election Commission and independent, nonpartisan state commissions charged with enforcing state campaign finance and election laws should have greater funding and authority.</p> <p>Procedures to ensure timely action on complaints about campaign finance violations should be improved.</p> <p>Governments should enact tough penalties for campaign finance law violations.</p>

Disclosure requirements	FEDERAL STATE LOCAL	Governments should increase disclosure requirements for all who participate in supporting or opposing specific candidates or ballot initiatives. All campaign funding and financing entities should provide timely and full disclosure of contributions to enable the electorate to make informed decisions and give proper weight to different speakers and messages.
-------------------------	---------------------------	---

REDISTRICTING

One of this nation’s fundamental principles is that citizens are able to select leaders who will represent their interests in Congress and state legislatures. Since state legislatures and the US House of Representatives elect members based on districts, the composition and configuration of those districts matter a great deal. But groups with authority to redraw districts often do so to maximize their advantage. This practice, known as gerrymandering, has been around since the early 19th century, but in the past two decades, new technology and evolving constitutional case law have heightened public interest in its effects on the democratic process.

Gerrymandering occurs when districts are drawn not to reflect actual communities but to splice together barely contiguous census blocks and produce a district that strongly favors one party or candidate. This practice has at least four negative consequences: Voters are detached from their legislators and fellow constituents by districts that are spread out and whose boundaries are confusing; one-sided districts lead to the election of candidates who tend to be less moderate than the general population; the minority party concedes races in districts it is unlikely to win, leaving voters with no viable options; and legislators who are protected by safe seats may have little inherent interest in pursuing policies that help their constituents.

In Arizona and Iowa, redistricting systems have produced congressional and state legislative districts that are compact and contiguous, and reflect communities of interest. The states’ success is founded on establishing bipartisan commissions that do not include legislators, lobbyists, or potential candidates. The commissions work within guiding principles to draw districts based on communities of shared interest rather than incumbency or party affiliation. Similarly, voters in California passed a ballot initiative in 2008 that established an independent citizen’s commission to redraw legislative districts. AARP supported this initiative to eliminate gridlock in that state and ensure that legislators are more responsive and accountable to voter concerns in key policy areas.

Recent Supreme Court decisions on redistricting have supported voter rights by ensuring that districts adhere to the Equal Protection Clause of the Fourteenth Amendment, which guarantees that every vote has equal weight. Under the Voting Rights Act, the courts also have prohibited efforts to disperse minority voters among districts or otherwise diminish the voting rights of minority citizens. These are important, positive trends that should be continued as we move toward systems of redistricting that better represent our communities.

REDISTRICTING: Policy		
Redistricting procedures	STATE	States should enact legislation that vests the authority for redrawing districts in an independent commission that has a diverse membership (including representation of minority groups and communities that have faced historical patterns of discrimination), is independent, and represents the state geographically and demographically. The redistricting process should be transparent and provide a meaningful opportunity for interested parties and the public to participate effectively.

Characteristics of voting districts	STATE LOCAL	<p>In descending priority order, redistricting should result in districts that:</p> <ul style="list-style-type: none"> • have equal populations, in accord with federal constitutional standards; • comply with Voting Rights Act requirements on protecting minority populations; • are contiguous; • respect communities of interest, city and county boundaries, and visible geographic features; and • are geographically compact.
-------------------------------------	----------------	---

VOTING

The right to vote, along with full and fair representation, is the most basic of all political rights. Elections in 2000, 2004, and 2006 revealed many inconsistencies in voting systems throughout the country that compromise the integrity of the election process. Yet proposed remedies to address these concerns have not been fully implemented and reforms are incomplete. Voting mechanisms lack uniform standards and in many locations have not kept pace with new technologies.

Myriad problems have resulted in the discouragement and disenfranchisement of a significant number of voters. Hindrances to voting include registration impediments, voter ID requirements, errors and a lack of transparency in the purging of voter registration lists, long lines and inadequate facilities and staff at polling places, physical and process barriers, and problems with the use and counting of provisional ballots. For example a 2008 study by the Brennan Center for Justice found that the processes states use for purging voter registration rolls are prone to error and vulnerable to manipulation. Some states will not register voters or will purge them from the voter rolls if election officials cannot match their voter registration information against information in other government databases. Between 15 percent and 30 percent of all match attempts fail because of typos and other administrative errors and minor discrepancies between database records. Further, purges are typically done without notice to affected voters or the public and without public scrutiny. As a result of such “no match, no vote” policies, thousands of registered voters arrive at the polls to find they are not listed on the rolls and cannot cast a ballot. Similarly, a 2008 report by the Advancement Project on problems with provisional voting in Ohio and Florida in 2006 found that eligible registered voters were erroneously issued provisional ballots

only to have those ballots rejected. In some cases voters were directed by poll workers to the wrong precincts, where they were forced to use provisional ballots that were eventually rejected. The report also found that many provisional ballots were rejected because of administrative errors such as incomplete envelopes and missing signatures. These problems often have a disproportionate impact on minorities, the frail elderly, and people with disabilities. User-friendly voting procedures, including more effective and less onerous registration processes, would encourage larger numbers of Americans to vote.

Most logistical questions about voting are left up to local officials. Often, an inadequate number of voting machines and trained staff can result in long lines, which can pose a physical impediment to many older voters and suppress voter participation in general. Congress has failed to set standards on the number of voting machines polling sites should have and to provide additional funds for backup paper ballots, although a number of state election officials have taken measures to avoid long voter lines. Because many older people move seasonally or within their state, rules on absentee voting and registration can have a significant impact on their ability to vote.

New voting tools and procedures—Congress passed the Help America Vote Act (HAVA) in 2002, requiring states to meet uniform standards in federal election technology and administration. States must develop and maintain centralized voter lists, offer provisional ballots, permit voters to verify and correct their ballots, and meet accessibility requirements for voters with disabilities.

A controversial component of HAVA imposes more stringent voter identification requirements, which might discourage participation by otherwise-eligible low-income, minority, foreign-born, and older voters.

In 2008 the Supreme Court, in *Crawford v. Marion County Election Board*, upheld an Indiana statute that went beyond the voter identification provisions of HAVA, requiring photo identification for in-person voting. Subsequently the Indiana Supreme Court also upheld the Indiana law in the face of a state constitutional challenge. In the wake of this ruling similar bills requiring photo identification have been introduced in a number of states. However, the ruling appears to leave open the possibility of further legal challenges to such laws if greater evidence of burdens on voter rights can be provided. Ultimately the success of HAVA in giving all eligible citizens the opportunity to vote and to have that vote accurately counted depends on state implementation.

A positive result of HAVA's passage has been state innovation, as election officials have sought creative responses to the act's mandates. The requirement for accessible voting, the difficulty in recruiting poll workers, and the desire to increase voter participation led a number of jurisdictions to experiment with vote-by-mail (VBM) programs. Oregon pioneered VBM in 1980 and was the first state to conduct all elections that way, starting in 2000. Oregon election officials report that the public overwhelmingly accepted the process, and it resulted in higher voter participation and lower election costs, with no controversies over electronic voting systems and minimal election fraud. In 2005 the state of Washington allowed counties to switch to VBM, and in the September 2006 primary election, 93 percent of voters cast their ballots by mail. In 2007 several cities in Montana initiated VBM for local elections. According to a 2007 report by the Pew Center on States, early voting in person at centralized polling places has increased since HAVA's passage. Currently, 35 states give all voters some option to cast ballots before election day. Iowa and Montana joined six states that allow registration and voting on election day. North Carolina allows registration and early voting at the same time but not on election day itself.

Computerized state voter lists developed under HAVA and new technologies now make it possible to move toward establishing a system of universal voter registration, which would eliminate the obstacles to voting presented by current registration processes and address concerns about voter fraud and the integrity of elections. Universal registration would replace voter-initiated registration with a system of automatic registration through motor vehicle, Social Security, or other databases, producing fully updated voter rolls well in advance of an election. These systems, which are the norm in other

democracies, make it far easier to manage information about voters, including name and address changes, without placing the burden on citizens to re-register, as current registration systems do. With comprehensive databases and full registration, there are no longer questions about who is or is not registered. A 2008 report by the Brennan Center for Justice recommends that the federal government establish a national mandate for universal voter registration and provide federal funds for states to establish such systems. These would include election day registration and permanent voter registration so voters can register once and stay on the rolls if they move.

Congress enacted the National Voter Registration Act (NVRA) in 1993 to increase the number of citizens registered to vote in federal elections and ensure the integrity of voting processes. The act mandates that states create effective programs for mail-in registration and registration based on motor vehicle department rolls, as well as registration through public-assistance agencies. These are consistent with AARP goals and principles. Yet there have been serious gaps in implementing NVRA that adversely affect older, low-income, ill, and disabled voters. Particularly uneven has been the registration of voters at public-assistance agencies. Yet a 2008 study by Demos, a national election-reform and voting rights policy center, showed that low-income voter registration at public-assistance agencies increased anywhere from 22 percent to more than 2,600 percent compared with previous years. In the five states examined—Michigan, Missouri, North Carolina, Pennsylvania, and Virginia—an additional 125,290 low-income voters registered at public-assistance agencies prior to the November 2008 election after states implemented reforms to improve NVRA compliance.

Voters with disabilities—In addition to HAVA and NVRA, three other statutes—the Voting Rights Act, the Voting Accessibility for the Elderly and Handicapped Act of 1984, and the Americans with Disabilities Act (ADA)—promote the right to vote by mandating improved access to registration and polling places and better outreach programs for older Americans and people with disabilities.

Because the requirements of the Voting Accessibility for the Elderly and Handicapped Act expired in 1995, the Federal Election Commission can no longer require reporting on obstacles to voting by older people and people with disabilities, yet the law's voluntary state-reporting guidelines remain. Stairs

without ramps remain the greatest physical obstacle at polling places.

Mental disabilities must also be addressed in the nation's voting rights laws. For example there are increasing numbers of Americans with dementia and other cognitive impairments, and the frequency of these conditions increases with age. However the time between the onset of dementia and seriously impaired decisionmaking may be many years. Therefore, legislation must protect vulnerable populations' access to the polls and guard against any manipulation of their vote. State constitutions and laws vary widely regarding mental capacity to vote. All but 12 states have constitutional provisions barring people with various kinds of mental impairment from voting, and the categories of individuals excluded are sweeping and imprecise. State voting and guardianship laws also vary dramatically in this regard and often appear inconsistent with constitutional provisions. Only a few statutes and cases require a court to determine whether an individual has the capacity to vote. Yet such a safeguard, with strict parameters, may be needed to avoid inappropriately depriving people of the right to vote based on mental impairment (see Chapter 12, Personal and Legal Rights, for a discussion of guardianship laws and procedures.)

Mobile polling is the process by which election officials bring a polling station to voters in long-term care facilities or other outreach sites. The American Bar Association recently urged federal, state, and local governments to improve access to voting by residents of long-term care facilities by establishing mobile polling stations under the supervision of trained teams of local election officials and training staff and others involved in residents' care on the voting rights of persons with disabilities and the resources available to assist in the exercise of those rights. Vermont began a mobile polling pilot program in the 2008 general election. A critical requirement for these programs is acceptance of alternative forms of identification, because residents are less likely to have a driver's license or other standard forms of identification.

Voters in the District of Columbia—The disenfranchisement of the more than half million residents in the District of Columbia, which has a population greater than that of several states, is a unique voting rights barrier written into the US Constitution. Citizens of the District of Columbia, like those of the 50 states, perform all the obligations

of citizenship, such as paying federal income taxes and serving in the armed forces. Since enactment of the Twenty-Third Amendment to the Constitution, citizens of the District of Columbia can vote in presidential elections. Yet they are not fully represented in Congress.

State ballot initiatives—The use of state ballot initiatives to decide various, sometimes volatile, issues has increased in recent years and, along with it, the instances of fraudulent signatures and misrepresentation on the part of some who circulate petitions. Several states have passed laws to prohibit fraudulent practices and protect the integrity of the ballot initiative process. There are also concerns about the large sums of money flowing into initiative processes, the impact of initiatives on the effectiveness of state legislatures, the lack of oversight, and the sheer number of initiatives that are being placed on ballots. Some \$217 million was spent on ballot initiatives in California alone in 2010, and the cost there of just getting the requisite number of signatures to place an initiative on the ballot is now almost \$2 million. This gives entrenched interests with financial resources an advantage over citizen-based groups, even though the process was originally intended to overcome an imbalance of power tilted toward moneyed interest groups. Finally the lack of legislative oversight makes it impossible to correct an initiative that may have been poorly or inaccurately drafted, and the sheer number of initiatives on the ballot often leads to voter confusion and misinformation.

Primary reform—Some advocates are proposing that states hold open primaries. The benefits of open primaries, they argue, are greater voter participation and interest, and less political polarization and gridlock in state legislatures. Currently most primaries are party-specific, and you must be a registered member of that party or an unaffiliated voter in order to participate. Thirteen states currently have open primary systems in which voters can choose any party ballot on election day. Voters then must vote entirely for candidates on that party's ballot. In addition a number of states have a runoff system. In Washington, for example, voters can choose candidates from either party, and the top two vote getters, regardless of party, advance to a general election runoff. The US Supreme Court recently upheld this process (*Washington State Grange v. Washington State Republican Party et al.*), and voters in California recently passed a ballot initiative instituting a similar system.

VOTING: Policy		
Uniform standards	FEDERAL STATE LOCAL	<p>Uniform standards should be established and reinforced with adequate funding in order to safeguard the integrity of the election process and afford all Americans the ability to express their electoral preference. This system of standards should ensure that:</p> <ul style="list-style-type: none"> • ballots and voting systems (including for provisional voting) are designed so voters readily and fully understand them and have full access to them; • voters are thoroughly informed about the mechanics of voting; • voting systems minimize human and mechanical error and are subject to effective monitoring; • strong protections against fraud and discrimination in the voting system, including registration, are present; and • the voting process is not burdensome, does not hamper access, and contains eligibility requirements that do not disenfranchise voters.
Promoting voter registration	FEDERAL STATE	<p>Congress should establish a national mandate to modernize voter registration and fund states' efforts to establish such systems. States should:</p> <ul style="list-style-type: none"> • adopt fair, simple, and readily accessible voter registration procedures, including online registration; • take steps to ensure full compliance with the National Voter Registration Act of 1993, including provision of registration opportunities by mail, at motor vehicle departments, and at public-assistance agencies; • reduce the use of provisional voting through improved voter registration procedures and removal of impediments to casting regular ballots; • develop and publish uniform, nondiscriminatory rules for purging voter registration lists; provide public notice of an impending purge; develop and publish rules for individuals to prevent or remedy their erroneous inclusion in an impending purge; stop using failure to vote as a trigger for a purge; develop directives and criteria with respect to the authority to purge; preserve records of purged voters; and make purge lists publicly available, particularly at polling places; • ensure a high degree of certainty that names on a purge list belong there, establish strict criteria for matching voter lists with other sources, audit purge source lists, and monitor duplicate removal procedures; and • ensure that voters stay on the rolls when they move within the state.
Voter identification requirements	FEDERAL STATE	<p>Congress should oppose, and states should not impose, unreasonable identification requirements that discourage or prevent citizens from voting.</p>
Improving voter access and maximizing participation	FEDERAL STATE LOCAL	<p>Congress, states, and localities should adopt voting systems and procedures that encourage and promote maximum participation in the electoral process by expanding the range of voting choices. This includes additional and new polling locations, vote-by-mail</p>

<p>Improving voter access and maximizing participation (cont'd.)</p>	<p>FEDERAL STATE LOCAL</p>	<p>programs, early voting, same-day registration and voting, and secure online voting.</p> <p>Congress and the states should:</p> <ul style="list-style-type: none"> • set standards for the number of voting machines and election workers to help avoid long voter lines, • provide funds for adequate numbers of backup paper ballots as well as trained staff to facilitate voting, and • review and evaluate the effectiveness of the Help America Vote Act and make improvements as needed. States should provide a fail-safe mechanism of election day registration for people who are missed or whose names are erroneously purged from voter rolls. <p>The federal government and states should improve the administration of provisional voting and increase the scrutiny and transparency of the provisional voting process. States should eliminate “wrong” precinct rules for races that are not precinct specific.</p> <p>Election officials should give would-be voters provisional ballots as legally required rather than turning them away because their names are not found on the voter rolls and same-day registration is not available.</p>
<p>Poll workers</p>	<p>STATE</p>	<p>States should ensure that poll workers are adequately trained, compensated, and equipped with tools that ensure seamless voting on election day.</p>
<p>Voter fraud</p>	<p>STATE</p>	<p>State procedures to prevent and detect voter fraud should be fair, nondiscriminatory, and free of partisan bias. Enforcement of ID requirements and use of provisional ballots should not impede voter registration, turnout, or participation.</p>
<p>Older voters and voters with disabilities</p>	<p>FEDERAL STATE LOCAL</p>	<p>Governments should ensure that no governmental entity excludes any otherwise qualified person from voting on the basis of medical diagnosis, disability status, or type of residence.</p> <p>Federal, state, and local governments should improve the administration of elections to facilitate voting by all individuals with disabilities, including people with cognitive impairments, by:</p> <ul style="list-style-type: none"> • studying and developing best-practice guidelines for ballot design to maximize access; • adapting their laws, practices, and technologies to permit mobile polling stations; • ensuring that instructions, signage, and other communications regarding elections are accessible; • permitting sufficient alternative forms of verifying voter identification to facilitate registering and voting; • ensuring that polling places are free of physical barriers that inhibit access by older people and people with disabilities; and • making extra efforts, such as equipping polling places with large-font instructions for the visually impaired and telecommunications devices for the hearing impaired, as necessary, to assist people with disabilities. <p>Congress should require states to submit accessibility plans and allow affected parties to seek expedited judicial remedies when polling</p>

Older voters and voters with disabilities (cont'd.)	FEDERAL STATE LOCAL	<p>places are inaccessible. To ensure correct and accurate data on polling-place accessibility, all jurisdictions should use a standard assessment instrument.</p> <p>Congress should restore the reporting requirements in the Voting Accessibility for the Elderly and Handicapped Act and enhance the enforcement authority of the Federal Election Commission (FEC) to ensure polling-place accessibility.</p> <p>Polling places should meet accessibility criteria at least as stringent as the FEC's model criteria.</p>
Limitations on mental-incapacity exclusions	STATE	<p>State constitutions and statutes that allow people with mental incapacity to be barred from voting, including guardianship and election laws, should explicitly set out that the right to vote is retained, except by court order where the following criteria have been met:</p> <ul style="list-style-type: none"> • the exclusion is based on a determination by a court of competent jurisdiction; • the voter has been afforded appropriate due process protections; • the court finds that the person cannot communicate, with or without accommodations, a specific desire to participate in the voting process; and • the findings are established by clear and convincing evidence.
District of Columbia voting rights	FEDERAL	Congress should accord the citizens of the District of Columbia full representation in Congress.
Ballot initiatives	STATE	<p>States should support revisions to ballot initiative processes that encourage legislative responsibility and oversight and curb the undue influence of special interests with access to significant financial resources.</p> <p>States should ensure the integrity of ballot initiative processes by measures that include establishing and enforcing procedures against fraud and deceptive practices.</p>
Voter education	FEDERAL STATE LOCAL	<p>Federal, state, and local governments should encourage nonpartisan efforts by nonprofit and civic organizations to educate and inform the public about issues that affect all age groups.</p> <p>AARP supports nonpartisan efforts to inform the public about candidates' positions, for example, by requiring candidates' participation in open debates as a condition of accepting public campaign financing.</p>
Voter registration	FEDERAL STATE LOCAL	Federal, state, and local governments should encourage and support nonpartisan efforts to increase voter registration and turnout.
Primary reform	STATE	States should consider changing their primary systems to increase voter participation and interest and to reduce the negative effects of partisanship on state government.

ETHICS AND ACCOUNTABILITY

Democracies require openness and honesty in government. Today government institutions largely function in public view, protected from conflicts of interest by disclosure requirements and a vigilant and well-informed media. Nonetheless, the potential for secrecy or lack of accountability persists. Technological innovations such as e-mail and other

forms of electronic communications may allow public officials to mask their activities from public scrutiny.

Public accountability is unattainable unless elected officials and government appointees are committed to implementing and enforcing evenhandedly the laws and regulations for which they are responsible.

ETHICS AND ACCOUNTABILITY: Policy		
Openness and fairness	FEDERAL STATE LOCAL	Legislative and regulatory meetings should be open to the public, conducted at convenient times and places, and held with adequate prior notification, except in extraordinary circumstances. When <i>ex parte</i> communications are permitted, they should be equally available to all parties. Administrative and legislative policies and procedures should promote fairness, openness, and accountability in public decisionmaking. All state legislative and regulatory agencies should periodically review disclosure requirements and update open-records laws to keep pace with technological developments.
Inclusion of consumer and community interests	FEDERAL STATE LOCAL	Regulatory agencies with jurisdiction over critical areas such as health care, utilities, transportation, and financial services should include members, or significant representation, from the communities affected by the agencies' decisions.
Enforcing ethics and lobbying regulation	FEDERAL STATE LOCAL	Government at all levels should establish and adequately fund independent nonpartisan commissions to create and enforce ethics and lobbying regulations.
Conflicts of interest	FEDERAL STATE LOCAL	Public officials should provide early financial disclosure as a first step in guarding against conflicts of interest. Ethics regulations should require protections such as the creation of blind trusts and the withdrawal of government officials from decisionmaking or other activities that would create conflicts of interest.
Political appointees	FEDERAL STATE LOCAL	Nominations and appointees such as agency heads, members of boards and commissions, and judges should be qualified individuals who are committed to the laws they administer or interpret. AARP may, on a case-by-case basis, review the nominations.

LOBBY REFORM

Directly related to the issue of campaign finance reform is the role of lobbying in the legislative process. Political advocacy is a cornerstone of democracy, and organizations such as AARP serve an essential function in bringing information and expertise to the legislative process and representing the perspectives of older Americans.

To ensure the integrity of lobbying practices, certain laws have been enacted. The Lobbying Disclosure Act of 1995, for example, increased the registration standards and disclosure requirements for federal lobbying activities by expanding the definition of

“lobbyist” and requiring registration with the secretary of the Senate and the clerk of the House of Representatives. However, a recent report by the Office of Congressional Ethics concerning earmarking abuses shows that lobbyists continue to wield inordinate influence by acting as “bundlers” and conduits for campaign contributions from businesses with interests before the committees on which members sit. While disclosure rules are helpful, adopting a system of public financing for congressional elections would help reduce such abuses (see also this chapter’s section, Campaign Finance and Rules).

LOBBY REFORM: Policy		
Disclosure of lobbying activities	FEDERAL STATE LOCAL	Governments should adopt and require full and timely disclosures of and restrictions on lobbying activities and expenditures.
Enforcement of lobbying regulations	FEDERAL STATE LOCAL	Governments should adopt and enforce lobbying requirements and limitations on gifts that lawmakers and their staffs may accept from lobbyists.
Conflicts of interest	FEDERAL STATE LOCAL	Governments should adopt and require lobbying standards that protect against real and perceived conflicts of interest by lawmakers and their staffs, such as revolving-door practices and participation in election activities by lobbyists.

PROGRAMS TO PROMOTE CIVIC ENGAGEMENT

Through volunteering, people of all ages are helping one another, their communities, and the nation. Today 63 million Americans volunteer with an organization; many also help others in their communities. Yet according to the 2008 AARP report *More to Give*, four in ten baby boomers and older persons want to help but can’t find the right opportunities to do so. Further, the 2010 AARP report, *Connecting and Giving*, found that more than half of people age 45 and over prefer flexible opportunities to serve. Improvements in volunteer infrastructure can enable millions more to volunteer and help solve community challenges. The 2009 Edward M. Kennedy Serve America Act authorized just such improvements.

The act, and related service initiatives, already have sparked a renewed interest in volunteerism by expanding opportunities and incentives for more Americans to serve in their communities. The act

identifies five areas for service: education, health, environment, veterans, and economic opportunity. The law also seeks to increase the number of Americans engaged in service from 60 million to 100 million by expanding and strengthening service programs, including AmeriCorps and Senior Corps, and by bolstering the ability of nonprofits to engage millions more Americans in effective service opportunities.

Specifically, the act authorizes AmeriCorps to grow from 75,000 positions annually to 250,000 by 2017, with 10 percent of those slots intended for people age 55 and older. As an incentive for people to serve, the program’s education award is now transferable to children or grandchildren. Further, a new Volunteer Generation Fund has been established to help nonprofits recruit and support volunteers and otherwise strengthen the nation’s volunteer infrastructure. The act also extends eligibility for all

Senior Corps programs to people 55 and older, while loosening income eligibility requirements. There are three programs within Senior Corps: Two of those, the Foster Grandparent Program and the Senior Companion Program, provide stipends. Volunteers in the Retired and Senior Volunteer Program are reimbursed only for expenses. However, insufficient funding from national and state sources severely limits the number of volunteers who can participate in these programs, in turn curtailing the number of people who can be served.

The Serve America Act also requires state service commissions to develop plans that will engage more people age 55 and older in ways that use their skills and experiences to address community needs.

Beyond this, state governments have been pursuing efforts to empower people of all ages to help address community challenges. For example, California and New York recently elevated their service commissioner to a cabinet-level position. Others are building partnerships and asking people to come together to help address education, disaster relief, economic opportunity and other community needs.

To encourage greater volunteer efforts, the Volunteer Protection Act of 1997 addresses personal liability concerns and the difficulty nonprofit organizations have in obtaining reasonably priced liability insurance. The law ensures that no nonprofit volunteer (with the exception of volunteer drivers), acting within the scope of his or her official functions and duties, can be held liable for harm resulting from an honest mistake or act of omission.

From a global perspective, ServiceWorld is a national campaign of more than 150 organizations, including AARP, which encourages volunteer service by people of all nations to help improve education, health, agriculture, the environment and more. Ultimately, ServiceWorld seeks to foster a culture of international service and innovation and a heightened sense of compassion

across borders that will bring Americans and volunteers of different countries, cultures, races, ethnicities, and religious beliefs together in common purpose.

Two significant barriers (beyond adequate financing) cause us to fall short of taking full advantage of our volunteer resource. First, many cannot easily identify their best opportunities to help others and strengthen communities. Just as in a job search, the more an individual/potential volunteer is aware of the range of effective opportunities and what creates meaning and purpose for them, the higher the likelihood that a good match will occur. Improved structures or mechanisms are needed to assist interested individuals in learning about opportunities to contribute their skills and experiences in giving back to others. Secondly, many potential sites for volunteers are ill-equipped to advantage themselves of volunteers' skills and experience. Many not-for-profit organizations have a tradition of using volunteers. However, volunteer roles often have been simple tasks to accomplish a specified end. While important, the range of value that could accrue to these organizations is far, far greater than the completion of such tasks.

Government entities also could benefit greatly by utilizing volunteers more effectively in schools, local community centers, parks, Area Agencies on Aging, AmeriCorps, Senior Corps, Peace Corps, and beyond. Speaking specifically about the baby boomers, they have been referred to as our bonus generation, as they have skills and high rates of educational attainment in numbers beyond what we have previously seen. The Serve America Act includes many effective mechanisms to help nonprofits expand their use of volunteers and to engage millions more in service, including boomers and older people, in expanded opportunities that achieve positive impact. We must take full advantage of this valuable resource.

PROGRAMS TO PROMOTE CIVIC ENGAGEMENT: Policy		
Funding	FEDERAL STATE LOCAL	<p>The Corporation for National and Community Service should fund service projects that directly support older Americans' contributions to the community.</p> <p>Congress should appropriate funds that enable realization of the Serve America Act. This should include full appropriation for the Volunteer Generation Fund to support community-level capacity building for volunteer service.</p>

Funding (cont'd.)	FEDERAL STATE LOCAL	States and local governments should allocate sufficient matching funds and other resources to maximize service as a solution.
Engaging a wider range of volunteers	FEDERAL STATE	<p>The Corporation for National and Community Service and state commissions should provide expanded opportunities for both older adults and young people to serve their communities.</p> <p>State governments should authorize state service commissions to expand service opportunities that help solve community challenges.</p> <p>The Corporation for National and Community Service and state commissions should fund efforts that provide training and build capacity in the volunteer sector to:</p> <ul style="list-style-type: none"> • engage millions more volunteers in helping solve key challenges, and • communicate those opportunities effectively to people of all ages, including boomers and older people.
Diversifying the volunteer base	FEDERAL STATE LOCAL	Volunteers should be recruited from culturally diverse communities.