

CAMPAIGNS AND ELECTIONS

I. INTRO

- a. Critics say little point in voting; 2000 election
- b. Voting is important and elections matter because they have significant policy consequences
 - i. Key is nominating Supreme Court judges, federal judges and the cabinet
- c. In 27 states, voting is on laws and amendments
- d. All states except Delaware have voting on changing state constitutions

II. ELECTIONS: THE RULES OF THE GAME

- a. State law determines most electoral rules
- b. REGULARLY SCHEDULED ELCTIONS
 - i. Elections are at fixed intervals that the party in power cannot change
 - ii. Elections for members of Congress are the first Tuesday after the first Monday in November of even-numbered years.
 - iii. Predetermined time of election is hallmark of U.S. democracy
- c. FIXED, STAGGERED, AND SOMETIMES LIMITED TERMS
 - i. Electoral system is based on FIXED TERM, length of office is specified not indefinite
 1. House of Representatives – 2 years; Senate – 6 years, President – 4 years
 - ii. Also STAGGERED TERMS – not all offices are up at the same time; Senate 1/3 every two years; CONTINUOUS BODY; during presidential election years, if running for president, many states must give up Senate seat prior to running

d. TERM LIMITS

- i. 22nd Amendment adopted in 1951 sets term limits of president to 2 terms
- ii. If not able to run again, termed LAME DUCK
- iii. Term limits are popular; Supreme Court declared that a state does not have the constitutional power to impose limits on the number of terms their U.S. congress members are eligible

e. WINNER TAKE ALL

- i. Important feature of our electoral system; candidate with the most votes wins; winner does not have to have a majority; only a plurality (most votes)
 1. Minority vote is a “wasted vote”
- ii. Most U.S. districts are SINGLE-MEMBER DISTRICTS, where one is voting for only one candidate for a position
- iii. Different from a PROPORTIONAL REPRESENTATION – where seats are apportioned based on the percentage of votes received
 1. Rewards minority parties and allows them to participate in government
 2. More accurately reveals the division of voter preferences
 3. Harder to determine a clear winner

f. THE ELECTORAL COLLEGE

- i. Elect president by indirect device
- ii. Framers did not trust a direct election
- iii. # of electors = House + Senate seats; NM has 5, (3+2)
- iv. Each state legislature is free to determine how it chooses electors
- v. Except NE and ME, the plurality of votes gets ALL electors

- vi. First Monday after the second Wednesday in December to vote
- vii. It takes a majority of the electoral votes to win
 - 1. If no presidential candidate gets majority, House takes top 3 and chooses
 - 2. If no VP candidate gets majority, Senate chooses among the top 2
 - 3. As in 2000, candidate can have majority direct vote and lose electoral college
- viii. Any time a strong 3rd party candidate runs, questions as to which Congress, old or new, chooses president-NEW
- ix. Influences presidential politics; CA & NY always Democrat; TX always Republican- no need for strong campaigning; Swing states are crucial
 - 1. Small states have disproportionate representation due to 2 Senators in equation

III. RUNNING FOR CONGRESS

- a. Most Congressional races are NOT close
 - i. Districts are drawn in a process called PARTISAN GERRYMANDERING where the incumbent party has the advantage
 - ii. Many Congressmen and women have SAFE SEATS – success almost taken for granted
 - iii. Contests are more likely to be competitive when the candidates have adequate money to run; not usually in House, but in governor and U.S. Senate seats
 - iv. Presidential popularity has affect on both House and Senate races
 - 1. COATTAIL EFFECT when running in the same party as the president
 - v. In midterm elections, the party of the president tends to lose seats in the Congress

1. Review figure 9-2 on page 245
- b. THE HOUSE OF REPRESENTATIVES
 - i. Every two years, as many as 1000 candidates run for the 435 seats
 - ii. Incumbents tend to have strong lead in race
 - iii. MOUNTING A PRIMARY CAMPAIGN
 1. 1st step for challenger is to raise money from friends, donors, constituents; party organizations tends to stay neutral at this stage
 2. Build PERSONAL ORGANIZATION – can do while holding state office
 3. Candidate’s main hurdle is visibility; need media attention
 - iv. CAMPAIGNING FOR THE GENERAL ELECTION
 1. More voter turnout than primary
 2. Partisanship is important; more independents vote
 3. General elections tend to focus on CANDIDATE APPEAL
 4. Candidates who separate themselves from their party if there is a national issue that is negative, are successful at going against the NATIONAL TIDE; i.e. the economy under Bush or health care under Obama
 5. Incumbents mostly win reelection; advantages...
 - a. FRANKING PRIVILEGE - free mail
 - b. Availability of media usage
 - c. Large staff
 - d. Better NAME RECOGNITION
 - e. Outspend challengers 3/1 in the House and 1.75/1 in Senate

- f. Districts have been drawn to incumbents' advantage
- 6. OPEN SEATS tend to create more competition; retirement or death
- c. THE SENATE
 - i. More high profile than the House
 - ii. More money and closer contest
 - iii. Incumbency an advantage, but not as much as House; challengers tend to be known and competitive
 - iv. Parties tend to "clear the field" so they can concentrate on main candidate; Obama with Sestick
 - v. Costs of campaign can vary greatly depending on state (CA vs. NM) and competitiveness of race

IV. RUNNING FOR PRESIDENT

- a. Major media events!
- b. STAGE 1: THE NOMINATION
 - i. Tactical decisions are necessary:
 1. When to declare candidacy; sometimes two-three years before election
 2. Early decisions necessary to raise money and create organization
 3. Called the "invisible primary"
 4. Hardest job is to decide how to deal with all the presidential primaries and caucuses; how to spend time and money
 5. Other main decision is whether or not to use partial public financing; forgoing the federal funding ends the overall limit of campaign contributions and allows greater flexibility

c. PRESIDENTIAL PRIMARIES

- i. State presidential primaries are the primary way delegates are chosen for candidates in the national conventions
- ii. More than $\frac{3}{4}$ of delegates for candidates are chosen by state primaries
- iii. Some states use BEAUTY CONTEST to determine candidate
- iv. Different types of delegate selection
 1. PROPORTIONAL REPRESENTATION – based on the percentage of votes candidates win in the primaries; Democrats mandate this in all primaries; $\frac{3}{4}$ of all used this method
 2. WINNER TAKE ALL - majority candidate gets all delegates; Republicans use this method
 3. DELEGATE SELECTION WITHOUT A COMMITMENT TO A CANDIDATE: at large delegates who make decision at convention; NY Republicans have 12
 4. DELEGATE SELECTION AND SEPARATE PRESIDENTIAL POLL; Texas Democrats
- v. Strong media attention on New Hampshire and Iowa caucus because they are the first to confirm delegates
- vi. Due to limiting candidates in these primaries, there is significant “front loading” or primaries so they are more important: Super Tuesday
- vii. In 2000 and 2004, Republican and Democratic candidates were decided by March due to primaries
- viii. CAUCUSES AND CONVENTIONS

1. CAUCUSES- meeting of party members and supporters of various candidates who may elect state delegates for national convention
 - a. About 12 states use caucuses
 - b. Process start and local meetings and move to larger conventions and caucuses
 - c. Best known is Iowa because it's early and important for momentum

ix. STRATEGIES

1. Challenge is to win primaries, each candidate for party needs to appeal to more extreme ends of ideological spectrum, but to win general election need to be more centrist
2. Cannot look like changing campaign philosophy from primaries to general election
3. Most candidates run hard in NH and IA to gain momentum
4. Managing media expectations early on is also critical to success

d. STAGE 2: THE NATIONAL PARTY CONVENTION

- i. The chosen delegates convene in the NATIONAL PARTY CONVENTION in the summer prior to the election to formally choose the presidential and vice-presidential candidates; follow rituals and routines
 1. 1st day- keynote address and other speeches denouncing other party
 2. 2nd day- committee reports, rules and platforms
 3. 3rd day- presidential and VP balloting
 4. 4th day- presidential candidate's acceptance speech

- ii. Used to be high excitement, but now since candidate is already known, not as high energy
 1. Still important media event; not as much as before but still critical
 2. Acceptance speech allows candidate to frame their positions and their candidacy
- iii. THE PARTY PLATFORM
 1. Delegates to party decide on PLATFORM which is a statement of party perspectives on public policy
- iv. THE VICE PRESIDENTIAL NOMINEE
 1. Chosen by the president as his running mate
 2. Garners widespread attention
 3. Usually made before the convention but timing is key
 4. Many times chosen to offset weakness of president; foreign policy or economic policy
- v. THE VALUE OF CONVENTIONS
 1. Parties come together and build unity
 2. Give momentum to the campaign
 3. Opportunity for nominees to define themselves and their campaign
- vi. NOMINATION BY PETITION
 1. Done by 3rd party and independent candidates
 2. Must adhere to individual states' ballot requirements
- e. STAGE 3: THE GENERAL ELECTION
 - i. Sometimes there is a lull between convention and Labor Day, but recently they go out and start the campaign right after convention
 - ii. PRESIDENTIAL DEBATES-
 1. Major feature of presidential elections
 2. Since 1988, nonpartisan Commission on Presidential Debates has sponsored and

produced the debates; prior to that, lots of maneuvering for advantage

3. New type of format is the “town hall meeting”; used extensively in 2008
4. Unless a major gaffe, usually reinforces viewers’ position on candidate.
5. 2008, much of the focus was on the economy and the consensus was Obama was victor
6. Minor parties charge that debates are bias for two major parties

iii. TELEVISION AND RADIO ADVERTISING

1. Effective means of communicating directly with voters
2. 630K TV ads were run in 2004, 1.6BB was spent on radio ads in 2004
3. Can target specific audiences; FOX news, Golf Channel

iv. THE OUTCOME

1. Whether the nation is undergoing prosperity is crucial
2. Sheer number of Democrats have declined
3. Republicans have better access to money
4. Counting the votes is critical and can be controversial
 - a. 2000 vote created numerous legal challenges

V. MONEY IN U.S. ELECTIONS

a. Intro

- i. Potential corruption in generating monies for campaign
- ii. Concern that interest groups and fringes are buying votes for their cause and need to be repayed

b. EFFORTS TO REFORM

i. Reformers have tried three basic strategies

1. Imposing limits on giving, receiving and spending political money
2. Requiring public disclosure of sources and uses of money
3. Giving government subsidies to reduce money needed to collect

ii. THE FEDERAL ELECTION CAMPAIGN ACT (FECA); 1971

1. Limits the amounts that candidates for federal office could spend on advertising, required disclosure of the sources of campaign funds and how they are spent, and required PACs to register with the government and report receipts and expenditures
2. Watergate in 1974 pushed amending the FECA; created the Federal Election Commission (FEC) to administer new laws
3. Supreme Court further amended the law based on 1976 Buckley v Valeo; no limit on how much of their own money they can spend, but can limit how much people contribute to somebody else's campaign
4. Soft money came in where there are no limitations to "party-building purposes"
5. Hard money is more difficult due to candidate-specific activity
6. From voter's perspective, no real difference between soft and hard money
7. Banning soft money was the goal of the Bipartisan Campaign Reform Act (BCRA) in 2002

8. Turning down matching funds in order to have no limits on spending has increased dramatically in the past three elections
- iii. BCRA- McCain-Feingold
 1. Immediately challenged in the Supreme Court in *McConnell v FEC*; pretty much left the BCRA intact with very few changes
 - iv. SOFT MONEY
 1. The goal of the BCRA was to ban soft money
 2. In 1999-2000 both national parties raised \$509MM vs. \$110MM in 1991-92
 3. Enabled large donors to be major players in campaign finance
 4. Strengthened the power of the national party committees
 5. Banned soft money nationally but allowed state and local committees to raise soft money for voter registration and get out the vote efforts
 - v. ISSUE ADVOCACY ADVERTISING
 1. 1996 saw a surge in ISSUE ADVOCACY versus candidate advertising
 2. “Citizens for...” or “Coalition against...”
 3. 2007 the Supreme Court struck against barring unions or corporations from the electioneering communication portion of the BCRA
 - vi. SECTION 527 AND 501(c) ORGANIZATIONS
 1. Loophole in the Supreme Court decisions on soft money allowed for electioneering, but there are time limits involved
 2. 2004, best funded 527 was America Coming Together (ACT), funded primarily by George Soros

3. In 2004 Democrats have better funded 527s, but the most memorable one was Swift Boat Veterans against John Kerry's war record
 4. In 2006, 527s concentrated on state and local elections
- vii. INDEPENDENT EXPENDITURES
1. The Supreme Court made clear that as long as person is spending on an independent candidate or party, and as long as it is not going into a corporate or union treasure, there are no limits
 - a. Must be fully disclosed to the FEC
- c. CONTINUING PROBLEMS WITH CAMPAIGN FINANCING
- i. RISING COSTS OF CAMPAIGNS
 1. Incumbents spend more time raising funds and less time legislating
 2. In many cases, limits only the rich to running
 - ii. DECLINING COMPETITION
 1. Challengers are typically underfunded
 2. Discourages individuals from running for office
 - iii. INCREASING DEPENDENCE ON PACs FOR CONGRESSIONAL INCUMBENTS
 1. Keeps incumbents winning, rather than new blood
 2. Get access to legislators and have a change to further their agenda
 - iv. CANDIDATES' PERSONAL WEALTH
 1. Can spend heavily on their own campaigns; disproportionate against less wealthy
 - v. GROWTH IN INDIVIDUAL CONTRIBUTIONS AND USE OF INTERNET TO FUND CAMPAIGNS

1. BCRA made individuals more important and indexed against inflation
2. Obama campaign in 2008 showed the power of raising funds via the Internet

VI. IMPROVING ELECTIONS

a. REFORMING CAMPAIGN FINANCE

- i. How campaigns will be financed in the future, the role of the 527s and 501cs, the adequacy of disclosure, and the long term strength of the political parties

b. REFORMING THE NOMINATING PROCESS

- i. The relative representation of primaries and caucuses on the nomination process
- ii. The role of the superdelegates
- iii. Possible national presidential primary rather than individual states
 1. More modest proposal is to hold regional primaries
- iv. Drastically reduce the primaries and hold more caucuses
- v. States resist change because they hold significant power in state primaries
- vi. Primary supporters believe state primaries are good proving grounds for national candidates

c. REFORMING THE ELECTORAL COLLEGE

- i. Upset that popular majority (2000) lost the election; look for DIRECT POPULAR ELECTION
 1. If no candidate achieves 40%, a RUNOFF ELECTION would be necessary
 2. One person-one vote; everyone equal in direct popular election
- ii. Opponents believe it would further decimate federalism, hurt the most populous and

competitive states, and key states would lose influence

iii. NATIONAL BONUS PLAN – additional 102 electoral members on top of current 538; winner take all basis to candidate with most votes, as long as candidate received over 40%

1. Avoid elections going to House

iv. ME and NE adopted district system; if carry district get that vote and one who carries state gets both Senatorial votes

d. ELECTIONS IN THE INTERNET AGE

i. Internet is a way for large numbers of individuals to donate money, volunteer time, and mobilize their friends