

# Electing the President: A Guide to the Election Process



We'll bring you more about the presidential election process when this series continues next fall as our candidates continue their race toward the White House. Meanwhile, check out [www.lwvwa.org](http://www.lwvwa.org) for information about candidates and campaigns.

## Unit Six

### Money: Who Gets It, Who Gives It

"Money is the mother's milk of politics," said the legendary California politician Jess Unruh, and when it comes to electing a president, he was certainly right.

Overall, 2008 is likely to see the first \$1 billion election, with each major party nominee for president having spent over \$500 million by the time Americans go to the polls in November. After adding the tens of millions of dollars that will be spent by all other challengers, the total cost of this race may reach \$1.4 billion, almost twice the \$760 million spent in 2004.

Concerns about fund-raising techniques, combined with the astounding amount of money being raised and spent, has prompted many Americans to wonder if this is a good way to choose a president. Reform advocates are concerned that only candidates who can raise many millions of dollars can mount a serious campaign. This obstacle means that candidates — unless they are personally very rich — must tailor their approaches to appeal to moneyed interests.

After many attempts, Congress passed the Bipartisan Campaign Reform Act of 2002 (BCRA), a law to try to plug some of the loopholes in the campaign finance regulatory system.

### The Cost of Running for President

The following are the total amounts of money raised in 2003–2004 by the three best-funded presidential candidates in the general election, according to the Center for Responsive Politics. Totals include federal matching funds. (Note: Both the Bush and Kerry campaigns declined to accept federal funds in the primaries, but did take federal funds for the general election.)

Candidate	Total Funds Raised (in millions \$)	Federal Funds (in millions \$)
George W. Bush	\$367.2	\$74.6
John Kerry	\$328.5	\$74.6
Ralph Nader	\$ 4.6	\$.8

### Attacks of the PACs

Groups that want to have influence in U.S. politics often form political action committees (PACs). PACs can contribute to candidates and parties and spend money independently, such as by running their own ads. Business corporations and labor unions are prohibited from donating to candidates or spending their own money on campaigns, but they can legally form PACs funded by donations from their individual members.

### How Did We Get Here? A Short History of Campaign Finance

The effect of campaign contributions on politics has been a concern throughout America's history. Congress passed a law making corporate contributions to federal campaigns illegal in 1907. President Richard Nixon signed into law the Federal Election Campaign Act (FECA) of 1971, which required candidates and donors to report their political contributions and spending.

After the Watergate scandal, which involved big donors to President Nixon's campaign, legislators revisited the campaign finance issue. The FECA amendments signed into law in 1974 represented the most comprehensive campaign finance legislation ever adopted at the federal level. Among other things, the law:

- Strengthened requirements for reporting of campaign contributions and spending
- Set new limits on spending in congressional elections
- Limited the size of contributions to candidates and parties, and put a cap on an individual's total contributions per campaign cycle
- Created public financing to support presidential candidates who agree to specific contribution and spending limits
- Created an independent agency, the Federal Election Commission, to enforce the new rules

### The Court Weighs In

In 1976, the Supreme Court held parts of the FECA unconstitutional with its decision in *Buckley v. Valeo*. The Court declared that mandatory spending limits on congressional campaigns violated the Constitution's free-speech protections. However, the justices let stand the spending limits for presidential candidates who accepted public funds, asserting that these were voluntary limits and thus could pass constitutional muster.

The Court also ruled in *Buckley* that independent groups and individuals could spend unlimited amounts of money. Though the Court may have been thinking of small, local groups, this decision gave rise to large amounts of money being spent by national interest groups.

### Public Funding of Presidential Elections

Candidates in every presidential election since 1976 have been eligible to receive public funds to cover some of the costs of their campaigns. The idea behind public funding of presidential elections is to make candidates less dependent on contributions from special interests and wealthy donors. Public money for presidential elections comes from a fund supported by the "taxpayer check-off" on individual tax returns.

The public financing system is voluntary for candidates — it offers them a deal, which must be made attractive for them to agree to it. The deal is: If you agree to limit the amount of money you raise and spend and play by our rules, we will give you lots of money for your campaign — partial funding in the primaries and full funding in the general election. Up until 2000, almost all candidates found this set of trade-offs agreeable and participated. But the system began to show weakness when George W. Bush declined to accept public financing for the primaries and instead raised more money from private sources. Both he and his Democratic opponent accepted public financing in the general election, though.

### How Much Can You Give a Candidate?

Want to support a candidate yourself? Individuals may contribute up to \$2,300 to a presidential candidate during the primary election campaign. During the general election, major-party candidates who have accepted public funding may not accept individual campaign contributions, with minor exceptions.

However, if a candidate does not accept public financing for the general election (and some experts think that might happen for the first time in 2008), then individuals can contribute another \$2,300 to a presidential candidate for the general election. The sky's the limit when a presidential candidate refuses to accept public funds and the accompanying restrictions on contributions and spending.

### Independent Advocacy: Really Independent?

For interest groups that want to influence elections, help favored candidates and damage candidates they don't like:

**Independent Expenditures:** Individuals and political action committees can spend unlimited amounts of money on advertising and other activities endorsing individual candidates. This is legal as long as the spending is disclosed to the FEC and is not coordinated with a candidate's campaign. (The reason for this rule is that "independent" activities that are coordinated with the campaign are not truly independent.)

**Issue Advocacy:** This is advertising designed to build support for a candidate without explicitly telling the audience to vote for the candidate. This has made issue advocacy an increasingly popular way for corporations, labor unions and others to try to influence the outcome of federal elections.

## Learn More

- ◆ Do you believe there should be a limit on how much a political candidate can spend on their campaign? Why or why not? Discuss this question with your classmates then write an essay for your teacher clearly stating your opinion on the subject.



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