

Nominations, Campaigns, and Elections

12

- BATTLEGROUND STATES
- BELLWETHER STATES
- CAUCUS
- COATTAILS
- CONVENTION BUMP
- DIRECT PRIMARY
- DUAL PRIMARY
- FAVORITE SON
- FRONT LOADING
- FRONT-RUNNER
- GENDER GAP
- HIGH-TECH CAMPAIGN
- INFOMERCIALS
- INVISIBLE PRIMARY
- KEYNOTE ADDRESS
- MATCHING FUNDS
- MCGOVERN-FRASER COMMISSION
- NONPREFERENTIAL PRIMARY
- PARTY CAUCUS
- PARTY REGULARS
- POLITICAL ACTION COMMITTEE
- PREFERENTIAL PRIMARY
- PRESIDENTIAL PRIMARY
- SOCCER MOM
- SPIN DOCTORS
- SUPER TUESDAY
- SUPERDELEGATE
- THIRTY-SECOND SPOTS
- TICKET SPLITTING
- TRACKING POLL
- VOTER TURNOUT

CONTEMPORARY CONNECTION

The 2016 primary calendar was changed to reflect the problems caused by the “front-loading” primaries in 2008 and 2012. Both the Republican and Democratic national committees approved later dates for the first caucus and primary states. The Iowa caucus and New Hampshire primaries took place in early February 2016 followed by the Nevada caucus and South Carolina primary. Super Tuesday was moved back to March. This chapter explores the presidential nominating process: the primary system, political conventions, and strategies used to get elected president.



“Throwing your hat in the ring” marks the traditional announcement by a political candidate running for office. Today’s campaign and election resembles more of a “war room” atmosphere than the old-style “whistle stop” rallies. This chapter traces the characteristics of the nominating process and election campaign. In fact, the nominating process has turned into a campaign itself. Thus many of the strategies used to receive a party’s nomination are the same as those used to convince the electorate to vote for a particular candidate.

Specifically, we will focus our attention on the campaign to receive the nomination for president, including the primary route, the party caucus, and the nominating convention. We will trace the process a candidate uses, once given the nod, to organize an election campaign including the money requirements, the fundraising techniques used, the restrictions placed on the candidate by federal election laws, and the different strategies used to reach the voter. We will also explore the role of the media in the high-tech campaign waged to get nominated and elected.

As we play the nomination and election game, we will also point to the various reforms being discussed in relation to the length of campaigns, to the primary system, and to the revision of campaign election laws, especially in the area of contributions by special interest groups.

POPULAR VS. ELECTORAL VOTES

The vast majority of presidents have reached the office through prescribed methods, and only eleven have served two or more terms.

Once nominated, the outcome of the election is generally determined by whoever receives the most electoral votes. The potential for a third-party candidate drawing enough votes to throw the election into the House of Representatives exists. When Ross Perot received almost 20 percent of the popular vote in 1992 and established his own political party, many political scientists predicted that in a future presidential election no candidate would receive a majority of the electoral votes. Two factors contribute to this threat. First, the rules of the electoral college system dictate that the winner takes all the electoral votes of a state even if one candidate wins 51 percent of the vote and the losing candidate gets 49 percent. Second, the allocation of electoral votes does not always reflect true population and voter patterns.

On five occasions in American history, presidential candidates have lost the election even though they received the most popular votes. In 1824 Andrew Jackson received a plurality of popular votes and electoral votes, over 40 percent of the popular votes to 31 percent of the vote obtained by John Quincy Adams. Yet, Jackson did not receive a majority of the electoral votes; Adams received a majority of the votes from the House and was elected president. In 1876 Republican Rutherford B. Hayes lost the popular vote by a little more than 275,000 votes. Called the "stolen election" by historians, Hayes received an electoral majority after an electoral commission was set up by Congress to investigate electoral irregularities in Florida, Louisiana, South Carolina, and Oregon. The commission voted on party lines, and Hayes was officially elected president. In 1888 Grover Cleveland won the popular vote but lost the electoral majority to Benjamin Harrison. In the 2000 election, Vice President Al Gore received more popular votes than George W. Bush. Bush, however, won the majority of the electoral votes and became our 43rd president. If third-party candidate Ralph Nader had not run, Gore would have won enough electoral votes to have won the election.

More Americans voted for Hillary Clinton than any other losing presidential candidate in U.S. history. The Democrat won more votes than President Donald Trump by almost 2.9 million votes, with 65,844,954 (48.2 percent) to his 62,979,879 (46.1 percent), according to revised and certified final election results from all 50 states and the District of Columbia. Clinton's 2.1 percent margin ranks third among defeated candidates, according to statistics from U.S. Elections Atlas. However, Republican presidential candidate Donald Trump won the Electoral College vote 304-227, winning three key battleground states, Pennsylvania, Wisconsin, and Michigan by slim margins totaling fewer than 70,000 votes. There were two electors who defected from Trump and five who defected from Clinton, an all-time record.

Even though this has occurred only five times, there have been extremely close elections, such as the 1960 election between Kennedy and Nixon and the 1976 election between Carter and Ford, where a small shift in one state could have changed the outcome of the election. There is also a potential constitutional problem if a designated presidential elector decides not to vote for the

candidate he was committed to support. They are called faithless electors. That happened on ten occasions without having an impact on the outcome. In 2016, there were seven faithless electors, two defecting from Trump and five defecting from Clinton. That is why the total number of electoral votes received by Trump and Clinton (531) does not add up to the maximum total of 538 electoral votes. The third anomaly of the system could take place if the House and Senate must determine the outcome of the election. The Twelfth Amendment to the Constitution outlines this procedure, and even though it has happened only once, strong third-party candidates make this a distinct possibility in the future. Elections in 1968 (the American Independent Party candidacy of George Wallace), and the recent candidacy of Ross Perot all influenced campaign strategy.

Two proposed constitutional amendments have been offered to make the system fairer. The first one would create a proportional system so that a candidate gets the proportional number of electoral votes based on the size of the popular vote received in the state. In 2011, individual states such as Pennsylvania considered passing legislation that would split their electoral votes proportionally in the 2012 election. A second plan offered would simply abolish the electoral college and allow the election to be determined by the popular vote with perhaps a 40 percent minimum margin established. Any multiparty race resulting in a victory with less than 40 percent would create a run-off. Another way to by-pass the constitutional amendment route is for state legislatures to pass laws that would mandate their electors to vote for the winner of the popular vote even if their state voted for a different candidate. The National Popular Vote Bill would guarantee the presidency to the candidate who receives the most popular votes in all 50 states and the District of Columbia. It has been enacted into law in 11 states (CA, DC, HI, IL, MA, MD, NJ, NY, RI, VT, WA), with 165 electoral votes. It will take effect when enacted by states with 105 more electoral votes.

INVISIBLE PRIMARY

When you calculate the time it takes between a candidate's announcement that he or she is running to the actual convention, it could easily be two years from start to end. Add to that the actual campaign for president, and you can tack on an additional three to four months.

The "invisible primary," the period between a candidate's announcement that he or she is running for president and the day the first primary votes are cast, will heavily influence the outcome of the primary season. After the candidate declares, the candidate starts building an organization, actively seeking funds—the current start-up fee for presidential races has been estimated at \$100 million—and developing an overall strategy to win the nomination. Before the first primary or caucus, the candidate vies for endorsements from party leaders and attempts to raise the public's interest by visiting key states with early primaries such as Iowa and New Hampshire. Debates are also held among the candidates and political ads are shown in the early primary states. Since 1976, when little-known Georgia governor Jimmy Carter threw his hat in the ring, the invisible primary has created a perceived front runner. Front-runner status during the invisible primary has been defined as the candidate who raised the most money. This pattern was broken in 2004, when Vermont Governor Howard Dean raised more money than any other Democrat. His candidacy also pioneered using the Internet to raise a record amount of funds. However, after Dean lost the Iowa caucus, his candidacy imploded. In the election of 2008, Hillary Clinton narrowly led Barack Obama in fundraising prior to the Iowa caucus. Republican Rudy Giuliani led the Republican field, with the eventual nominee John McCain lagging behind in fourth place. The Iowa caucus and New Hampshire primary changed the dynamics of the race. Both Obama and McCain captured their party's nomination, increasing their fundraising as the campaign progressed. The Republican field in 2012 held a series of candidate debates prior to the Iowa Caucus and the New

The road to victory is actually a three-round fight involving a dual campaign to get nominated and elected, each involving a complex strategy.

The invisible primary winner is the candidate who raises the most money before the first caucus.

Hampshire primary. Even though former Massachusetts governor Mitt Romney had a fund-raising advantage and was perceived as the best candidate to defeat President Obama, his candidacy suffered a series of setbacks as one candidate after another gained front-runner status. Romney ultimately surged ahead during the primaries.

The 2016 invisible primary broke past rules. Democratic candidate Hillary Clinton was expected to coast to the nomination with only minimal opposition. However, Senator Bernie Sanders, a Vermont Independent, enrolled as a Democrat and waged a campaign that lasted until June 2016. He became the populist alternative to the establishment candidacy of Secretary Clinton and raised close to \$230 million.

The Republican contest was also unique. Seventeen candidates entered the race and had to compete against the self-financed candidacy of Donald Trump. After a series of Republican debates that took place prior to the Iowa Caucus and New Hampshire primary, Trump emerged as the front runner. After narrowly losing in Iowa and winning decisively in New Hampshire, Mr. Trump remained the front runner throughout the process.

PRIMARIES AND CAUCUSES

The second stage of the campaign is the primary season. By the time the first caucus in Iowa and the first primary in New Hampshire are held in January, the campaign for the party's nomination is well underway—some 10 months before election day. By the time these early primary votes are completed, many candidates will have dropped out of the race. Prior to 2004, there was a break between the Iowa and New Hampshire votes and other primaries. But in 2004, the Democrats created a primary calendar that characterized as “front-loading,” where each week different primaries are held. This is the third phase of the campaign. And in February and March key regional primaries are held on what has been called “Super Tuesday.” After Super Tuesday, one candidate usually has enough delegates pledged to him that he becomes the presumptive nominee. This did not happen in 2008, as the Democratic candidates fought until the last primary was completed. In 2012, Governor Romney was able to defeat the rest of the Republican field during the primary season and wrapped up the nomination shortly after Super Tuesday. But his image was damaged during the primary campaign as he was attacked not only by his Republican opponents but also by the incumbent president.

Primaries

Winning delegate support takes place as a result of a high-tech campaign to convince party regulars that a particular candidate is best suited to run the country.

Without a doubt, the presidential primary has become the decisive way a candidate gains delegate support. It has taken on such importance that key primary states such as New York and California have changed their primary dates so that their primaries take on much greater importance. Today, 30 states have presidential primaries. The others use caucuses or party conventions. Presidential primaries can be binding or nonbinding. They can ask the voter to express a preference for a presidential candidate or delegates who are pledged to support a candidate at the convention. Primaries are used in many ways:

- Proportional representation where delegates are selected based on the percentage of the vote the candidate received in the election.
- Winner takes all, where, as in the actual election, the candidate receiving a plurality receives all the delegates. The Republicans use this method in California. Democratic rules have banned the use of this system since 1976.

- Nonpreferential primary where voters choose delegates who are not bound to vote for the winning primary candidate.
- A primary vote where all the voters, including cross-over voters from other political parties, can express a preference but do not actually select delegates.
- A dual primary vote where presidential candidates are selected and a separate slate of delegates is also voted on. New Hampshire uses this type of primary.

Pre-Convention Strategy

The third stage of the campaign takes place between the time both parties have a presumptive candidate and the conventions where the candidates are officially nominated. In 2004, Massachusetts senator John Kerry won the majority of the Democratic primaries and had enough delegates pledged to him that by March he became the Democratic Party's presumptive nominee. Incumbent Republican president George W. Bush also began his campaign in earnest in March 2004 with a television blitz of more than \$60 million. In 2008, Republican senator John McCain wrapped up his party's nomination months before Democratic senator Barack Obama. This gave McCain an opportunity to unify the Republican Party, define his candidacy, and continue to raise funds for the general campaign. Obama seemingly was at a disadvantage, because he finally became the presumptive nominee in June and had a much more difficult time unifying the Democratic Party. In 2012, Governor Romney spent almost all of his resources during the primaries and was not able to draw on his general campaign funds until after he was officially nominated. This put him at a disadvantage because President Obama was able to use all his resources to campaign against the presumptive nominee.

In 2016, Republican Donald Trump became the presumptive nominee after the Indiana primary in May 2016, first by eliminating most of his opponents after Super Tuesday. He had a clear path to the nomination after capturing a majority of the delegates needed to win.

Hillary Clinton did not clinch the nomination until the last primary was completed in June 2016. Even though she won a majority of the popular votes in the primary states, because the Democratic primary delegates were awarded proportionally, her opponent remained in the race until the end of the process. Sanders conceded when he saw that the combination of primary delegates and super delegates would guarantee Secretary Clinton the nomination.

THE PARTY CONVENTION

The fourth stage of the campaign is the nominating convention held by each party. Traditionally, the party out of power holds its convention first. The conventions are highly scripted. The conventions are like a pep rally for the party's base. The key components of the convention are the adoption of the party platform, the keynote speech, the nominating speeches, and the acceptance speeches of the vice-presidential and presidential candidates. After the conventions, each presidential candidate is expected to get a "convention bounce" (a sometimes-temporary increase in positive polling results) in the polls. In 2008, both parties delayed their conventions because they did not want to have a conflict with the Summer Olympics. The conventions were held in successive weeks. The Democrats met first, and Barack Obama's acceptance speech was held in Denver's Invesco Field before the largest audience ever to watch an acceptance speech. The Democrat received a modest poll bounce, which was quickly erased after John McCain announced his choice for vice president, Alaska governor Sarah Palin, prior to the opening of his convention. In 2012 because the Republican and Democratic conventions were held back to back neither candidate received a bounce in the polls.

Presidential nominations play an important role in giving the candidate and the party national exposure.

National conventions date back to the 1830s, when the first “open” party convention was held by Jacksonian Democrats. Historically, conventions have provided excitement, hoopla, and ultimately the nomination of the party’s candidates for president and vice president. The 1924 Democratic Convention took 103 ballots to determine the winner. Backroom deals were cut and strange political bedfellows emerged, creating a truly national ticket. Since 1952, both parties have selected their standard bearers on the first ballot. Even though this has been the case, convention coverage by the media guarantees a national audience. Key convention proceedings such as rules and credentials debates, keynote speeches, platform debates, nomination of the presidential candidates, selection of a running mate, and acceptance speeches pique the interest of the electorate. Even the location of the convention can play a role in affecting the party’s choice and creating a positive or negative public impression. In 1952, Governor Adlai Stevenson, Illinois’s “favorite son” (the candidate backed by the home state), gave the welcoming address, and many political observers felt that it contributed to his nomination that year. In 1968 the riots in Chicago played to a national audience, who came away with the feeling that the Democratic Party was not unified. The close results of the 1968 general election, according to some, would have been different if there had not been riots.

The McGovern-Fraser Commission

The McGovern-Fraser Commission was formed after the disastrous 1968 Democratic Convention. The commission’s purpose was to revise the rules of delegate representation that would be adopted for the 1972 Democratic Convention. The report recommended uniformity to the delegate selection process with an emphasis on minority, women, and youth representation. The commission’s recommendations were approved and as a result there was a dramatic increase in minority and women delegates. Because these changes were made, the days of smoke-filled rooms where party leaders picked the presidential candidate came to an end as states moved to holding primaries as the means of delegate selection. The commission also created a category known as superdelegates (those delegates, elected party officials, who automatically were able to vote at the convention). In 2008, Barack Obama was able to get the nomination because he convinced these superdelegates he could win in the general election. The Republican Party does not have the same rules and the make-up of the delegates to their convention is not as diverse. The Republicans do not have superdelegates, though elected party officials do attend the convention without having to run in a primary.

Selecting the Vice President

Wheeling and dealing often comes about in the selection of the vice presidential running mate. Since 1940, the political precedent of having the presidential nominees choose their running mates has been established. The philosophy of the presidential nominees in picking a vice presidential candidate has ranged from attempts at “balancing the ticket” to paying off a political debt. The classic choices of Lyndon Johnson as John Kennedy’s running mate in 1960, Walter Mondale as Jimmy Carter’s selection in 1976, and Lloyd Bentsen’s addition to the Dukakis ticket in 1988 illustrate this balancing principle. When George McGovern selected Senator Thomas Eagleton in 1972 in a rushed decision, he soon regretted the choice. The media uncovered Eagleton’s history of mental illness, and he was forced to leave the ticket. There sometimes is a sense of history in the elevation of a person to the ticket. Mondale’s choice of Geraldine Ferraro of New York was historic, signaling the willingness of the Democratic Party to recognize that a woman had the capability to become president.

That the vice president must be qualified to be president in the event of a president dying in office has been a source of controversy when presidential candidates select running mates. George H. W. Bush's selection of Dan Quayle and the questions regarding Quayle's qualifications hurt Bush's campaign. On the other hand, when a politician breaks the rules, it sometimes helps the image of his candidacy. Clinton's choice of fellow southerner Al Gore violated every previous rule. But the strategy worked, as this baby boomer ticket caught the fancy of the American public. Vice President Gore surprised the pundits by choosing Connecticut senator Joseph Lieberman, the first Jewish candidate for vice president. George W. Bush selected former Secretary of Defense Richard Cheney as his running mate. In 2008, Barack Obama selected one of his rivals for the presidency, Delaware senator Joseph Biden. Biden, who chaired both the Senate Judiciary and Foreign Relations committees, brought experience to the ticket. John McCain surprised the country, choosing a relatively unknown governor from Alaska, Sarah Palin. It was the first time the Republicans chose a woman for vice president. Palin helped unify the Republican Party, but ultimately hurt the ticket because of her inexperience. In 2012, Mitt Romney selected the chairman of the Budget Committee, Paul Ryan, to appeal to the conservative base of the Republican Party. In 2016, Secretary Clinton chose Virginia Senator Tim Kane, and Mr. Trump chose Indiana Governor Mike Pence.

THE GENERAL CAMPAIGN

The election campaign seems like a 100-yard dash compared to the nominating process. Even though there are similarities to the campaign for nomination in terms of organization and strategy, once the candidate has the official party designation, the fall campaign turns into a fight to the finish. In 1960 Richard Nixon decided to be the first candidate to campaign actively in all 50 states, and some analysts believe it cost him the election. In the 2000 campaign, Al Gore campaigned for a continuation of the Clinton accomplishments while trying to separate himself from the scandals that President Clinton faced—most notably his impeachment. He selected a Clinton critic, Connecticut senator Joseph Lieberman, the first Jewish candidate for the office of vice president. Governor George W. Bush of Texas campaigned as a Washington outsider. He selected a Washington insider, former George H. W. Bush defense secretary Dick Cheney, to be his vice presidential running mate. In 2004, Bush ran as an incumbent, while Democratic senator John Kerry challenged the sitting president's Iraq policies. The 2008 campaign was characterized by a number of firsts. It was the first time there was no incumbent running for president from the previous administration since 1928; the first time an African-American was nominated; and the first time the Republican Party nominated a woman for vice president. In the 2012 campaign, President Obama faced a difficult reelection landscape. The economy still had not recovered from the 2008 recession and unemployment hovered around 8%. The Obama campaign developed a strategy of defining Mitt Romney early as "out of touch." Romney reinforced that image when he was caught on tape at a fund-raiser criticizing 47% of Americans who did not pay income taxes. The first debate energized the challenger but ultimately Obama's ground game provided the margin for victory.

The general campaign begins after the nominating conventions. Labor Day has become the unofficial kickoff of the general campaign. Both candidates must develop an electoral strategy that will ultimately result in winning 270 electoral votes. Since 1990, states have been described as "blue or red" states, blue for Democrats and red for Republicans. Candidates have a base of electoral support and must win the so-called swing states, also known as battleground states that will determine the outcome of the election. In 2000, Florida became the ultimate swing state as its electoral votes were contested until the Supreme Court ruled that a recount could not take place in the case *Bush v Gore*. In 2012, there were nine swing states that Obama targeted and he won all of them except North Carolina giving him a majority of electoral votes.

Successful presidential campaigns develop successful campaign strategies.

CAMPAIGN STRATEGY

Campaign strategists develop the day-to-day messaging for each campaign. They make decisions where the money should be spent for political ads, where the candidates should go, the strategy for the presidential debates, and the Get-Out-the-Vote operation. With the rise of social media, the presidential candidates utilize e-mail, create apps, and have Facebook pages and Twitter accounts. There is a 24-hour news cycle and there are often gaffes that the candidates make that dominate the news.

The presidential and vice presidential debates draw the largest audience. They are run by the Presidential Debate Commission, a nonpartisan organization that comes up with the dates, location, and format of the debates. Typically, there are three presidential debates, with one dealing with domestic issues, one with foreign policy, and one that is a town hall format where questions are asked by undecided voters. These debates can impact the campaigns and can give the challenger the advantage. The first debate held in 1960 between Senator John F. Kennedy and Vice President Richard Nixon was a turning point in that campaign. Incumbents have had difficulty in their first debates. In 2012, President Obama's lackluster performance resulted in a tightening of the race.

One of the most important factors in the general campaign is money. The candidate who is able to raise the most money has a clear advantage. Presidential campaigns from 1976 to 2008 were characterized by presidential candidates using matching funds provided by law to limit the amount of money spent in a presidential campaign. In 2008, Barack Obama decided to raise more than the limit and had a significant spending advantage over his opponent. In 2012, both candidates raised more than a billion dollars. The total cost of the 2016 presidential campaign was over \$2.6 billion, setting a record. When you add the cost of the congressional campaign, the total is over \$6 billion. As a result of the *Citizens United* Supreme Court case, independent groups were able to raise an unlimited amount adding to the total cost of the election.

Issues do make a difference in the campaign. An unpopular war or economic collapse will contribute to the success or failure of a presidential candidate. In 1968, Lyndon Johnson withdrew from the race because of the unpopularity of the Vietnam War. In 2004, George W. Bush was reelected because the country did not want a change while the United States was fighting a war. It was a close election because that war was unpopular. In 2008, the voters punished the Republican Party and its candidate because of the economic problems the country was facing. In 2012, President Obama was able to convince the electorate that the country was making economic progress. In 2016, Donald Trump became the "change" candidate and pledged to "make America great again." That message resonated with a new constituency that came out to vote in larger numbers than anyone expected.

Gaining the support of the party's base is crucial for candidates running for president. Factors such as ethnic, religious, gender, and minority support are crucial for success in a campaign. Traditionally, the Democratic Party's base includes organized labor, African-Americans, women, Jews, and Hispanics. The Republican Party's base includes white men, evangelicals, people who earn more than \$100,000, senior citizens, and those living in rural areas. Once the base is solidified, the last piece of the puzzle is getting out the vote. A major change that has occurred in the Get-Out-the-Vote efforts is early voting. Thirty-three states allow early voting and a candidate who establishes a lead can win that state. More than 40 percent of the voters in those states vote either by mail or in person prior to Election Day. Pollsters release daily tracking polls that reflect both national and state polls. The 2004, 2008, 2012, and 2016 elections were impacted by both early voting and the ability of the winning candidate to get out the vote. Voter turnout in presidential elections since 1960 is between 50 and 60 percent.

REELECTION

The history of Congress reflects long-standing traditions. The first meetings in both houses established the committee system, which still exists today. Even though the Senate was originally selected by state legislatures (corrected by the Seventeenth Amendment in 1913), both houses fulfilled their lawmaking responsibility. The reelection rate of the Congress in its early days was low. In the first ten years, over one-third of the senators resigned before the end of their terms. In the House a large number of representatives served only one or two terms.

As political parties began to develop, the congressional reelection rate began to increase. By the time of the Civil War, many election victories resulted from party affiliation and incumbency. After the Seventeenth Amendment, the entire political structure of the Congress changed. By the time of the modern-day presidents (Kennedy, Johnson, Nixon, Ford, George H. W. Bush, Clinton, George W. Bush, Barack Obama, and Donald Trump), it became evident that influential senators and representatives could use their office as an entrée to the presidency.

Other factors that changed the nature of congressional elections were the make-up of congressional districts, the primary system for nominating candidates, the importance of party politics, and the resulting election of most incumbents.

Election of Incumbents

Primaries and party politics have resulted in the election of incumbents through the 1980s and 2000s. However, a trend that began in 2010 resulted in some Republican incumbents being defeated in primaries when the Tea Party supported more conservative candidates. Many of these candidates were defeated by Democrats in the general campaign. Even though the success of Senate incumbents lags behind the House, it is obvious that once elected a sitting representative has a distinct advantage. The exception to the rule is if there is a scandal involving a representative or if a sitting president is unpopular at the midterm, a smaller percentage of incumbents are reelected. When it became known in 1992 that House members were abusing their checking and post office privileges, many incumbents either decided not to seek reelection or were defeated. Midterm elections in 1994 reflected the public's disapproval of President Clinton's job performance. For the first time in 40 years, the Republicans captured control of both the House and the Senate. In fact, not a single Republican incumbent was defeated in what has been described as an electoral revolution. The Republicans maintained control of Congress after the 1996 presidential election. The 1998 midterm election maintained Republican control, though the margins were cut in both the House and the Senate. After the 2006 midterm elections, the Democrats retook control of the Congress, gaining 29 seats in the House. After the 2008 election, Democrats increased their majorities in the House and Senate achieving a filibuster-proof Senate after a Republican senator switched parties. This 60-seat majority did not last long as the Republicans gained back a seat after they won a victory in Massachusetts in a special election held after the "lion of the Senate" Ted Kennedy died. In the 2010 midterm election, Republicans gained 6 seats in the Senate reducing the Democratic majority to 53 seats. The Republicans kept control of the House. In 2012, the Democrats gained seats in both the Senate and the House but the Republicans kept control in the House. In 2014, the Democrats lost 13 seats in the House and nine seats in the Senate giving the Republicans even greater control of Congress. After the 2016 election, the Republicans lost six seats in the House and only two seats in the Senate and retained control of Congress.

From 2000 to 2016 House reelection rates ranged from a high of 99 percent in 2000 and 2004 to a low of 85 percent in 2010. In 2016, reelection rates for House incumbents fell to 90 percent. Senate reelection rates are lower for the same time period averaging around 80 percent. In 2016, 91 percent of Senate incumbents were reelected. Why do incumbents have this advantage?

Even though congressional elections have favored incumbency, a new face of Congress has evolved.

Incumbents are highly visible. The cable network C-SPAN routinely broadcasts proceedings of the House and Senate. Representatives have free franking (sending of mail) privileges, they do case work for their constituents, and most pride themselves in establishing close constituent relationships. They also make sure to co-sponsor legislation. Representatives are quick to take credit for obtaining funds through legislation that favors their home districts called earmarks. This practice is called pork barrel legislation and has been criticized by such political watchdog groups as Common Cause. As a result of campaign fund raising and contributions made by political action committees, incumbents also have a built-in money advantage over their challengers. This advantage results in many weak opponents being nominated. They are compared to cannon fodder and frequently lose by more than 60 percent of the vote.

The 115th Congress is the most diverse in the nation's history, containing more women and minorities than any previous congress. Between both chambers, 102 racial minority members and 104 women from both parties are serving in Congress as of January 2017. However, the House is still 80 percent white, and the Senate is 94 percent white. There will also be a record number of LGBT members.

THE MONEY GAME

A California politician once said, "money is the milk of all politics." This has become increasingly evident in light of the amount of money raised and spent by congressional and presidential candidates and the impact of Supreme Court decisions on campaign finance laws. To put this in perspective, look at the following chart from the Open Secrets website.

Cycle	Total Cost of Election	Congressional Races	Presidential Race
2016*	\$6,917,636,161	\$4,266,514,050	\$2,651,122,110
2014	\$3,845,393,700	\$3,845,393,700	N/A
2012	\$6,285,557,223	\$3,664,141,430	\$2,621,415,792
2010	\$3,631,712,836	\$3,631,712,836	N/A
2008	\$5,285,680,883	\$2,485,952,737	\$2,799,728,146
2006	\$2,852,658,140	\$2,852,658,140	N/A
2004	\$4,147,304,003	\$2,237,073,141	\$1,910,230,862
2002	\$2,181,682,066	\$2,181,682,066	N/A
2000	\$3,082,340,937	\$1,669,224,553	\$1,413,116,384
1998	\$1,618,936,265	\$1,618,936,265	N/A

*Presidential election cycle money

Even though there is federal matching funds for presidential candidates, since 2012 candidates from both major parties rejected those funds so they could raise as much as they could. It is interesting to note that spending for presidential elections has skyrocketed from a little over \$5 million dollars in 1952 to over \$2 billion dollars in 2012.

Federal Election Laws

Three major pieces of legislation were passed to regulate federal campaign spending:

- The 1971 Federal Election Campaign Act (FECA) set up restrictions on the amount of advertising, created disclosure of contributions over \$100 (later changed to \$250), and limited the amount of personal contributions candidates and their relatives could make on their own behalf.

- The 1974 Federal Election Campaign Act, passed in response to the Watergate scandal abuses, established a six-person Federal Election Commission whose responsibility it would be to enforce the provisions of the law and established matching federal funds for presidential candidates. In order to receive those funds, a candidate had to raise at least \$5,000 in at least 20 states. The candidate would then be eligible for the funds as long as the candidate agreed to disclose campaign contributions and not exceed the limit of the funds.
- The McCain-Feingold Campaign Finance Reform Act of 2000—This act banned what was called “soft money, which was donations to candidates, political parties and Political Action Committees (PACs) that went beyond campaign donations that had limits, called “hard money.” The law also increased hard money limits and established a ban on special interest political ads paid for by soft money that would be shown prior to a primary and general election. In 2002, the Supreme Court initially upheld the law, and candidates increased the amount of hard money raised. Special interest groups got around the ban on soft money donations by forming what was called “527” independent groups that were able to give additional funds based on the tax code. These groups also ran ads that represented the interests of those groups.

Supreme Court Decisions

- ***Buckley v Valeo (1976)**—The court ruled that campaign contribution is a form of free speech protected under the First Amendment. The court also ruled that hard money contributions by individuals could be limited, and that soft money contributions to political parties could not be limited.
- **Federal Election Commission (FEC) v Wisconsin Right to Life (2007)** —The Court ruled that a law regulating certain issue ads that targeted candidates could be made as long as the ad was clear that it was made by the special interest group.
- ***Citizen’s United v FEC (2010)**—This case changed the entire dynamic of campaign finance law. Overturning the 2002 case and parts of the McCain-Feingold Act, the Court ruled that based on the First Amendment’s free speech clause, unlimited independent expenditures and political advocacy ads could be used by outside groups including corporations, labor unions, and special interest groups as long as the money was not donated directly to a candidate’s campaign and disclosure rules were followed. As a result, there was a fivefold increase in the amount of money special interest groups spent in the 2010 and 2014 midterm elections and the 2016 presidential campaign.
- **American Tradition Partnership v Bullock (2012)**—The Court upheld *Citizen’s United* and struck down a ban on corporate political spending. The effect of this case was that the court’s ruling made it clear that any future efforts to regulate outside money at the state level would be rejected.
- **McCutcheon v FEC (2014)**—Next to *Citizen’s United*, this case allowed candidates and political parties to collect substantially larger sums from individual donors, thus weakening the hard money limits established in 1974. By striking down so called “aggregate contribution limits,” the amount a single individual could give in federal elections to all candidates, political parties, and PACs combined, the Court rules that the federal contribution limits were unconstitutional.

*Required cases

The overall significance of these rulings was to water down existing law that campaign donations were dominated by outside groups, and because aggregate limits no longer existed, even individuals could give millions of dollars to candidates, national parties, local parties, and PACs in an election cycle.

The public funding of presidential campaigns has had a significant impact on the election process since it was instituted in 1971. Money has been given to candidates during the primary campaign, to the parties to help fund national conventions, and to candidates in the general election campaign. In 1988 candidates received more than \$65 million in federal matching funds. The two parties got over \$9 million for their 1988 national conventions, and George H. W. Bush and Michael Dukakis received over \$46 million in public funds. In 2004, candidates received \$75 million in federal matching funds. In 2008, McCain received \$84 million in matching funds.

	To Each Candidate or Candidate Committee Per Elections	To National Party Committee Per Calendar Year	To State, District, and Local Party Committees Per Calendar Year	To Any Political Committee Per Calendar Year ¹	Special Limits
Individual May Give	\$2,600*	\$32,400*	\$10,000 (combined limit)	\$5,000	No limit
National Party Committee May Give	\$5,000	No limit	No limit	\$5,000	\$45,400* to Senate candidate per campaign ²
State, District, and Local Party Committee May Give	\$5,000 (combined limit)	No limit	No limit	\$5,000 (combined limit)	No limit
PAC (multicandidate)³ May Give	\$5,000	\$15,000	\$5,000 (combined limit)	\$5,000	No limit
PAC (non-multicandidate) May Give	\$2,600*	\$32,400*	\$10,000 (combined limit)	\$5,000	No limit
Authorized Campaign Committee May Give	\$2,000 ⁴	No limit	No limit	\$5,000	No limit

* These contribution limits are increased for inflation in odd-numbered years.

¹A contribution earmarked for a candidate through a political committee counts against the original contributor's limit for that candidate. In certain circumstances, the contribution may also count against the contributor's limit to the PAC.

²This limit is shared by the national committee and the Senate campaign committee.

³A multicandidate committee is a political committee with more than 50 contributors that has been registered for at least 6 months and, with the exception of state party committees, has made contributions to 5 or more candidates for federal office.

⁴A federal candidate's authorized committee(s) may contribute no more than \$2,000 per election to another federal candidate's authorized committee(s).