Legal Structures & Finance Laws

- Legal structures
  - Electoral College
  - Ballot forms and access
  - Campaign finance laws
  - Congressional redistricting
    - (Congressional elections lecture)

Electoral College

- History
  - Fear of popular elections in Constitution
  - Early electors chosen by state legislatures
  - 1836 -- popular vote to select Electors
    - Except South Carolina not until 1860

Number of Electors

- 538 in total
- Each state
  - Two (one for each Senator)
  - Plus 1 to 53 more based on number of Representatives
- Washington, D.C. = 3 electors
- Numbers change with each census
Change in Electoral College Votes, 1992 - 2002

+ 2 = AZ, FL, GA, TX
+ 1 = CA, CO, NV, NC
- 1 = CT, IL, IN, MI, MS, OH, OK, WI
- 2 = PA, NY

MicroCase, file = States, variable = 191) EC GAIN00

Electoral College 2004

<table>
<thead>
<tr>
<th>Rank</th>
<th>State</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>California</td>
<td>55</td>
</tr>
<tr>
<td>2</td>
<td>Texas</td>
<td>34</td>
</tr>
<tr>
<td>3</td>
<td>New York</td>
<td>31</td>
</tr>
<tr>
<td>4</td>
<td>Florida</td>
<td>27</td>
</tr>
<tr>
<td>18</td>
<td>Arizona</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>(tied with 3 others)</td>
<td></td>
</tr>
</tbody>
</table>

44-50  3
(7 states and DC)

File = States, variable = 190) ELECTOR00

Electoral College Process

- Popular vote in state
  - Democratic or Republican slate of electors chosen
  - Plurality vote (except Maine & Nebraska)
- Electoral College vote
  - Cast in December at state capital
  - Requires majority vote - 270 electors
- Electoral College vote counted in January

If No Majority in Electoral College

- House of Representatives chooses President
  - Top 3 candidates from election
  - Each state one vote
  - Need 26 votes to win
If No Majority in Electoral College

- Senate selects the Vice President
  - Top 2 candidates from election
  - Each Senator gets one vote
  - Need 51 votes

No Electoral College Majority

- 1800
  - Thomas Jefferson & Aaron Burr tied
  - Same party
  - No designation for President versus Vice President
  - House selects Jefferson
  - Led to 12th Amendment

Thomas Jefferson
Aaron Burr

No Electoral College Majority

- 1824
  - 4 candidates from Democratic-Republican party
  - House chose John Quincy Adams
- 1836 – Martin Van Buren (Democrat) won presidency
  - No Electoral College majority for Vice President
  - Richard Johnson (Democratic) disliked
  - Senate selected Johnson

J.Q. Adams
Van Buren

Popular Vote Winner Not Elected

- 1876
  - Democrat Samuel Tilden won by 3% of popular vote
  - SC, FL, LA delivered 2 slates of Electors to Congress
  - Congressional commission chose Republican Rutherford Hayes
  - 1887 law, states final authority on Electors, majority of both House & Senate to overturn

Tilden
Hayes
Johnson
Popular Vote Winner Not Elected

- 1888
  - Incumbent Democrat Grover Cleveland
  - huge popular majority in 18 states
  - Republican Benjamin Harrison won slender vote margin in larger states
  - Popular vote difference = 110,476 (less than 1%) of total
  - Electoral College vote
    - Harrison – 233
    - Cleveland -- 168

2000 Presidential Vote

- Democrat Al Gore
  - 50,999,897 48.38%
- Republican George W. Bush
  - 50,456,002 47.87%
- Difference
  - 543,895 .52%
- Bush 271 Electoral College votes
- Gore 266 Electoral College votes

Electoral College Vote, 2000

- Bush - 271, Gore - 266

Electoral College Vote, 2004

- Bush - 286, Kerry - 252

Electoral College Effects

- Typically magnifies presidential mandate
- Typically disadvantages third party candidates
- Influences candidates’ strategies
Electoral College Debate

- **Pro**
  - Federal system
  - Maintains 2 party system
  - Geographic distribution of presidential vote

- **Con**
  - Minority presidents
  - Faithless electors
  - Turnout?
  - Not reflect national popular vote

Public Opinion: Abolish Electoral College

Ballot Forms and Access

- Australian ballot
  - Party column
  - Office block
- Voting mechanisms
- Ballot access

Source: Roper Center, [http://ropercenter.uconn.edu/whats_new_elect.html](http://ropercenter.uconn.edu/whats_new_elect.html) 11/22/00
Early Ballot Forms

Party printed ballot: 1880 Iowa municipal election
Australian ballot 1893 Iowa City

Source: http://www.cs.uiowa.edu/~jones/voting/pictures/

Party Column

Office Block

Types of Voting Mechanisms

<table>
<thead>
<tr>
<th>Mechanism</th>
<th>Counties</th>
<th>Voters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paper</td>
<td>10%</td>
<td>6%</td>
</tr>
<tr>
<td>Lever</td>
<td>9%</td>
<td>13%</td>
</tr>
<tr>
<td>Punch Card</td>
<td>10%</td>
<td>19%</td>
</tr>
<tr>
<td>Optical Scan</td>
<td>46%</td>
<td>32%</td>
</tr>
<tr>
<td>Electronic</td>
<td>21%</td>
<td>29%</td>
</tr>
<tr>
<td>Mixed</td>
<td>5%</td>
<td>7%</td>
</tr>
</tbody>
</table>

Source for use of voting machines 2004: Election Data Services
http://www.electiondata-services.com

Paper Ballot

299 counties (10%) .6% registered voters
Lever Machines

2004: 270 counties (9%) 13% of registered voters

Punch Card

307 counties (10%) 19% registered voters

Optical Scanners

1,418 counties (46%) 32% of registered voters

Electronic

699 counties (21%) 29% registered voters

Ballot use map on next slide from Newsweek, October 18, 2004, p. 32.
Arizona Ballot Form and Missing Presidential Votes, 2000

<table>
<thead>
<tr>
<th>County</th>
<th>Punch Card</th>
<th>Optical Scanner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Santa Cruz</td>
<td>5.84%</td>
<td>1.66%</td>
</tr>
<tr>
<td>Navajo</td>
<td>5.55%</td>
<td>1.05%</td>
</tr>
<tr>
<td>Gila</td>
<td>4.71%</td>
<td>1.02%</td>
</tr>
<tr>
<td>LaPaz</td>
<td>4.37%</td>
<td>0.87%</td>
</tr>
<tr>
<td>Greenlee</td>
<td>3.99%</td>
<td>0.54%</td>
</tr>
<tr>
<td>Cochise</td>
<td>3.89%</td>
<td></td>
</tr>
<tr>
<td>Yuma</td>
<td>3.68%</td>
<td></td>
</tr>
<tr>
<td>Coconio</td>
<td>3.40%</td>
<td>$3.4 million to replace punch cards statewide</td>
</tr>
<tr>
<td>Pinal</td>
<td>3.22%</td>
<td></td>
</tr>
<tr>
<td>Mohave</td>
<td>3.11%</td>
<td></td>
</tr>
</tbody>
</table>

Source: AZ Secretary of State, Arizona Daily Star, 11/10/01, p. A12

Palm Beach County, Florida, “Butterfly” Ballot

Results for Palm Beach County from
Source: http://liltilstu.edu/gmklass/COW3

Ballot Access

- How minor party and independent candidates get on ballot
- Arizona
  - Automatic if 5% of vote in prior election
  - Automatic if 2/3rds of 1% registered voters
  - Petitions signed by 1.33% of vote in last election (2000 = 13,565 signatures)

2004 Presidential Candidates

Campaign Finance Laws

- Hard money
  - Limited sums
  - Directly to candidates
  - Reports to FEC
- Soft money
  - Unlimited sums
  - New restrictions
  - Reports to FEC

Hard Money Limits

<table>
<thead>
<tr>
<th></th>
<th>From Individual</th>
<th>From PAC</th>
</tr>
</thead>
<tbody>
<tr>
<td>To candidate</td>
<td>$2,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>To party</td>
<td>$25,000</td>
<td>$15,000</td>
</tr>
<tr>
<td>To PAC</td>
<td>$5,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>Total</td>
<td>$95,000 over 2 year cycle</td>
<td>No limit</td>
</tr>
</tbody>
</table>

Soft Money

- Soft money through 2000
  - To parties
  - Party building - get out the vote, generic advertisements
- McCain-Feingold (Bipartisan Campaign Reform Act – BCRA) of 2002
  - Ban soft money to parties

Soft Money in 2000

<table>
<thead>
<tr>
<th>Party</th>
<th>Receipts (in millions)</th>
<th>To State &amp; Local</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democrats</td>
<td>$199.0</td>
<td>$106.5</td>
</tr>
<tr>
<td>Republicans</td>
<td>$210.7</td>
<td>$98.6</td>
</tr>
</tbody>
</table>
527 Groups & Issue Advocacy

- IRS code
- Unlimited contributions for voter mobilization and issue advocacy ads
- Issue advocacy ads banned 60 days before general election, 30 days primary
- Same group may organize a PAC with hard money to advocate election or defeat of specific candidate

527 Groups in 2004 Election

- Listing at http://www.opensecrets.org/527s/527grps.asp

2004 Presidential Group Ads

- Swift Boat Veterans for Truth
  - http://www.swiftvets.com/
- Club for Growth (conservative)
  - http://www.clubforgrowth.org/
- MoveOn PAC (liberal)
  - http://www.moveonpac.org/
- Archived at The Living Room Candidate

Public (Gov’t) Funding of Presidential Campaign

- Nominations - matching funds
- General election campaign
  - Democrat, Republican - $74.6 million (2004)
  - Third parties
    - Prior vote of 5% - Reform party - $12.6 million in 2000
    - Current vote of 5% - reimbursement & future
- Money from $3 check-off on income tax
Finance Rules for Arizona Elections

<table>
<thead>
<tr>
<th></th>
<th>Local Office</th>
<th>Statewide Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>From individual</td>
<td>$320</td>
<td>$820</td>
</tr>
<tr>
<td></td>
<td>($256)</td>
<td>($656)</td>
</tr>
<tr>
<td>From PAC</td>
<td>$320</td>
<td>$820</td>
</tr>
<tr>
<td></td>
<td>($256)</td>
<td>($656)</td>
</tr>
<tr>
<td>Super PAC (2000 members)</td>
<td>$1,630</td>
<td>$4,080</td>
</tr>
<tr>
<td></td>
<td>($1,304)</td>
<td>($3,264)</td>
</tr>
</tbody>
</table>

Original limits and (20 percent reductions)

Arizona Elections

- Yearly limits
  - Individual = $3,040
  - PACs = $81,430

Arizona Elections

- Citizens’ Clean Election Act of 1998
  - Government funding to those who ask to qualify
  - Raise $5 donations from set number
  - Government funds
    - $5 check-off on income taxes
    - Increased court fines

Citizens’ Clean Election Act

<table>
<thead>
<tr>
<th>Position</th>
<th>Number 5$ donations needed</th>
<th>Government Funds for Primary</th>
<th>Government Funds for General Election</th>
</tr>
</thead>
<tbody>
<tr>
<td>State legislature</td>
<td>200</td>
<td>$10,000</td>
<td>$15,000</td>
</tr>
<tr>
<td>Mine Inspector</td>
<td>500</td>
<td>$20,000</td>
<td>$30,000</td>
</tr>
<tr>
<td>Corporation Commission, Treasurer, Superintendent of Public Schools</td>
<td>1,500</td>
<td>$40,000</td>
<td>$60,000</td>
</tr>
<tr>
<td>Secretary of State, Attorney General</td>
<td>2,500</td>
<td>$80,000</td>
<td>$120,000</td>
</tr>
<tr>
<td>Governor</td>
<td>4,000</td>
<td>$340,000</td>
<td>$570,000</td>
</tr>
</tbody>
</table>
Arizona Elections

• Statewide
  – Governor, Secretary of State, Attorney General, Treasurer, Superintendent of Public Schools
    • Four-year term
    • Two term limit
  – Mine Inspector
    • Four-year term
    • Four term limit

Arizona Elections

• Corporation Commission
  – Five-member board
  – Six-year term, no reelection
• Judges
  – Most appointed
  – Nonpartisan retention election after 4 to 6 years

Arizona Elections

• State legislature
  – 30 Senate seats
  – 60 House seats
    • Two-member districts (multi-member district)
    • Plurality election, top two win
  – Two-year terms
  – Four term limit
• Local office
  – May or may not be partisan

Direct Democracy

• Initiatives
  – 18 states
  – In Arizona signatures of 10% of vote cast in gubernatorial election, 15% for constitutional amendment
  – Majority vote to pass
Direct Democracy

- Referenda
  - Bill passed by legislature referred to voters
    - By legislature
    - Or signature of 5% of state’s voters
  - 25 states for laws
  - 49 states (except Alabama) for state constitutional amendments
- No contribution limits in Arizona for initiatives/referenda
  - Reporting starts at $10,000

Recall of Elected Officials

- 16 states
- Arizona
  - Signature of 25% of vote in last election for that office
  - Special election held with official and all other challengers
  - Winner finishes out term of office

Arnold Schwarzenegger
Grey Davis
Evan Mecham