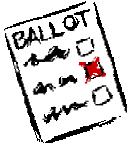


Legal Structures & Finance Laws



Legal Structures & Campaign 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

Rank

1 California 55
2 Texas 34
3 New York 31
4 Florida 27

18 Arizona 10
(tied with 3 others)

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

Johnson

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

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

Harrison Cleveland

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

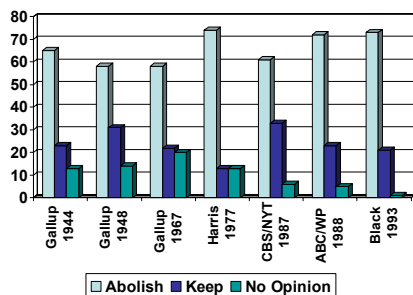
- Typically magnifies presidential mandate
- Typically disadvantages third party candidates
- Influences candidates' strategies

2004 Presidential Campaign Commercials
 Wisconsin Advertising Project
<http://www.polisci.wisc.edu/tvadvertising/>

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



Source: Roper Center, http://ropercenter.uconn.edu/whats_new_elect.html 11/22/00

Ballot Forms and Access

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

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

	Dem.	Rep.
Governor	Jones	Smith
Senate	Brown	Garcia
House	Jackson	Moore
Mayor	Olson	Canon

Office Block

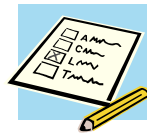
Governor	Jones - Dem.
	Smith - Rep.
Senate	Brown - Dem
	Garcia - Rep.
House	Jackson - Dem.
	Moore - Rep.

Types of Voting Mechanisms

	Counties	Voters
Paper	10%	6%
Lever	9%	13%
Punch Card	10%	19%
Optical Scan	46%	32%
Electronic	21%	29%
Mixed	5%	7%

Source for use of voting machines 2004: Election Data Services
<http://www.electiondataservices.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

Punch Card	4.18%	Optical Scanner	1.03%
Santa Cruz	5.84%	Maricopa	1.66%
Navajo	5.55	Graham	1.05
Gila	4.71	Apache	1.02
LaPaz	4.37	Yavapai	.87
Greenlee	3.99	Pima	.54
Cochise	3.89		
Yuma	3.68		
Coconino	3.40	\$3.4 million to replace	
Pinal	3.22	punch cards statewide	
Mohave	3.11		

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://iilt.ilstu.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

- Listing at <http://www.politics1.com/p2004.htm>

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

	From Individual	From PAC
To candidate	\$2,000	\$5,000
To party	\$25,000	\$15,000
To PAC	\$5,000	\$5,000
Total	\$95,000 over 2 year cycle	No limit

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

Party	Receipts (in millions)	To State & Local
Democrats	\$199.0	\$106.5
Republicans	\$210.7	\$98.6

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
 - http://livingroomcandidate.movingimage.us/desktop/s_hadow.php?nav_action=desktop&nav_subaction=107

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
- Ross Perot
- Pat Buchanan

Finance Rules for Arizona Elections

	Local Office	Statewide Office
From individual	\$320 (\$256)	\$820 (\$656)
From PAC	\$320 (\$256)	\$820 (\$656)
Super PAC (2000 members)	\$1,630 (\$1,304)	\$4,080 (\$3,264)

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

	Number \$5 donations needed	Government Funds for Primary	Government Funds for General Election
State legislature	200	\$10,000	\$15,000
Mine Inspector	500	\$20,000	\$30,000
Corporation Commission, Treasurer, Superintendent of Public Schools	1,500	\$40,000	\$60,000
Secretary of State, Attorney General	2,500	\$80,000	\$120,000
Governor	4,000	\$340,000	\$570,000

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

Evan Mecham

Grey Davis

Arnold Schwarzenegger