

1 The Nominating Process

Objectives You may wish to call students' attention to the objectives in the Section Preview. The objectives are reflected in the main headings of the section.

Bellringer Ask students what process they would have to follow—before the election—to seek the presidency of their class or of a club they belong to. Explain that in this section, they will learn about the process of selecting nominees for public office.

Vocabulary Builder Explain that a primary (from the Latin *primus*, meaning “first”) occurs first, before the general election. Have students offer suggestions for how the various types of primaries listed in the Political Dictionary might differ.

Lesson Plan

Teaching the Main Ideas L3


H-SS 12.6.2

1. Focus Tell students that the nominating process is a vitally important part of an election. Ask students to discuss what they know about the various nominating methods and why the process itself is so important.

2. Instruct Ask students what the principal nominating method is today in most States. Lead a discussion of how the direct primary attained this position by examining the other methods of nomination. Then have students describe the forms that the direct primary takes in the various States today.

3. Close/Reteach Remind students that the nominating process gives voters a voice in how the field of candidates will be narrowed before the general election. Ask students to choose one of the forms of direct primary and write a position statement defending their choice.

Point-of-Use Resources

 **Block Scheduling with Lesson Strategies** Activities for Chapter 7 are presented on p. 22.

1 The Nominating Process

Section Preview

OBJECTIVES

- 1. Explain** why the nominating process is a critical first step in the election process.
- 2. Describe** self-announcement, the caucus, and the convention as nominating methods.
- 3. Discuss** the direct primary as the principal nominating method used in the United States today.
- 4. Understand** why some candidates use the petition as a nominating device.

WHY IT MATTERS

The nominating process narrows the field of possible candidates for office. It is thus an essential part of an election. The caucus and convention were important nominating methods in the past. The direct primary has largely replaced them. Self-announcement and petitions are also used today as nominating devices.

POLITICAL DICTIONARY

- ★ nomination
- ★ general election
- ★ caucus
- ★ direct primary
- ★ closed primary
- ★ open primary
- ★ blanket primary
- ★ runoff primary
- ★ nonpartisan election

Suppose your teacher stood in front of the class and said: “Here’s a \$1,000 bill. Who’d like to have it?” You, and everyone else in the room, would promptly say, or at least think: “Me!” Suppose the teacher then said: “Okay, we’ll hold an election. The person who wins the most votes gets the money.”

What would happen? If the election were held immediately, it is likely that each member of the class would vote for himself or herself. A few might vote for a friend. Almost certainly, however, the election would end in a tie. No one would win the money.

But suppose the teacher said: “We’ll hold the election tomorrow.” What do you think

would happen then? As you think about the answer to that question, you begin to get a sense of the practical importance of the nominating process—the first step in the process of electing candidates to office.

A Critical First Step

The nominating process is the process of candidate selection. **Nomination**—the naming of those who will seek office—is a critically important step in the election process.

You have already seen two major illustrations of the significance of the nomination process. In Chapter 5, you read about the making of nominations (1) as a prime function of political parties in the United States, and (2) as a leading reason for the decentralized character of the two major parties.

The nominating process also has a very real impact on the exercise of the right to vote. In the typical election in this country, voters can make only one of two choices for each office on the ballot. They can vote for the Republican or they can vote for the Democratic candidate.¹

¹Other choices are sometimes listed, of course—minor party or independent nominees. These are not often meaningful alternatives, however; most voters choose not to “waste” their votes on candidates who cannot win. Also, nonpartisan elections are an exception to this statement since candidates are not identified by party labels.

► Campaign signs urging voters to support particular candidates appear in towns and cities across the country before elections.



Block Scheduling Strategies

Consider these suggestions to manage extended class time:

- Assign small groups of students one of the five ways of nominating candidates. Ask each group to list the pros and cons of its method, in terms of ease of use, fairness to candidates, and whether it supports the six basic principles of democracy. Have groups present their conclusions to the class.
- Divide the class into small groups, assigning each either the open or closed primary. Have

each group prepare a positive description of their type, using supplementary material from the text such as how many States use that method, historical precedents, and specific arguments in favor of it. Then call on volunteers to join in a round-table discussion in which they promote their method. Other students may join the discussion or give notes to the volunteers with points they forgot to make.

Self-announced Candidates



George Wallace
Four-time Democratic governor of Alabama, Wallace won 13% of the popular vote in 1968 as the populist candidate of the newly formed American Independent Party.



Eugene McCarthy
A representative and senator from Minnesota (1949–1971), McCarthy sought the Democratic nomination for President in 1968 as a critic of the Vietnam War. He ran in 1976 as an independent, winning 0.9% of the popular vote.



John Anderson
A Republican representative from Illinois (1961–1981), Anderson ran for President as an independent in 1980, winning 6.7% of the popular vote.



Ross Perot
Business executive and billionaire Ross Perot ran as an independent for President in 1992, winning 19% of the popular vote. (In 1996, Perot received 8% of the popular vote as the Reform Party nominee.)

Interpreting Charts These presidential candidates made use of self-announcement as a nominating device. (a) *Why do some candidates choose self-announcement as a method for getting on the ballot?* (b) *How might a self-announced candidate affect the ultimate outcome of an election?* **H-SS 12.6.4**

This is another way of saying that we have a two-party system in the United States. It is also another way to say that the nominating stage is a critically important part of the electoral process. Those who make nominations place real, very practical limits on the choices that voters can make in an election.

In one-party constituencies (those areas where one party regularly wins elections), the nominating process is usually the only point at which there is any real contest for a public office. Once the dominant party has made its nomination, the general election is little more than a formality.

Dictatorial regimes point up the importance of the nominating process. Many of them hold **general elections**—regularly scheduled elections at which voters make the final selection of officeholders—much as democracies do. But typically, the ballots used in those elections list only one candidate for each office—the candidate of the ruling clique; and those candidates regularly win with majorities approaching 100 percent.

There are five ways in which nominations are made in the United States. They include (1) self-announcement, (2) caucus, (3) convention, (4) direct primary, and (5) petition.

Self-Announcement

Self-announcement is the oldest form of the nominating process in American politics. First used in colonial times, it is still often found at the small-town and rural levels in many parts of the country.

The method is quite simple. A person who wants to run for office simply announces that fact. Modesty or local custom may dictate that someone else make the candidate's announcement, but, still, the process amounts to the same thing.

Self-announcement is sometimes used by someone who failed to win a regular party nomination or by someone unhappy with the party's choice. Note that whenever a write-in candidate appears in an election, the self-announcement process has been used. In recent history, four prominent presidential contenders have made

Reading Strategy

Getting the Main Idea

Ask students to read the section to find out how the field of candidates for public office is narrowed. Encourage students to take notes on this subject as they read.

Point-of-Use Resources

Guided Reading and Review Unit 2 booklet, p. 22 provides students with practice identifying the main ideas and key terms of this section.

Lesson Planner For complete lesson planning suggestions, see the Lesson Planner booklet, section 1.

Political Cartoons See p. 27 of the Political Cartoons booklet for a cartoon relevant to this section.

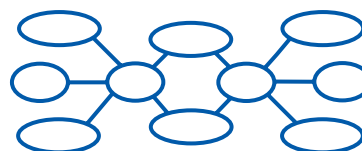
Section Support Transparencies Transparency 30, *Visual Learning*; Transparency 129, *Political Cartoon*

Organizing Information

To make sure students understand the main points of this section, you may wish to use the double web graphic organizer to the right.

Tell students that a double web can be used to compare and contrast two ideas. Have students use the double web to compare open and closed primaries.

Teaching Tip A template for this graphic organizer can be found in the Section Support Transparencies, Transparency 2.



Answer to . . .

Interpreting Charts (a) They might feel that they could not get nominated otherwise, or they may not want to align themselves with either of the major parties. (b) Self-announced candidates often syphon votes away from one of the major party candidates.

Background Note

Behind the Scenes

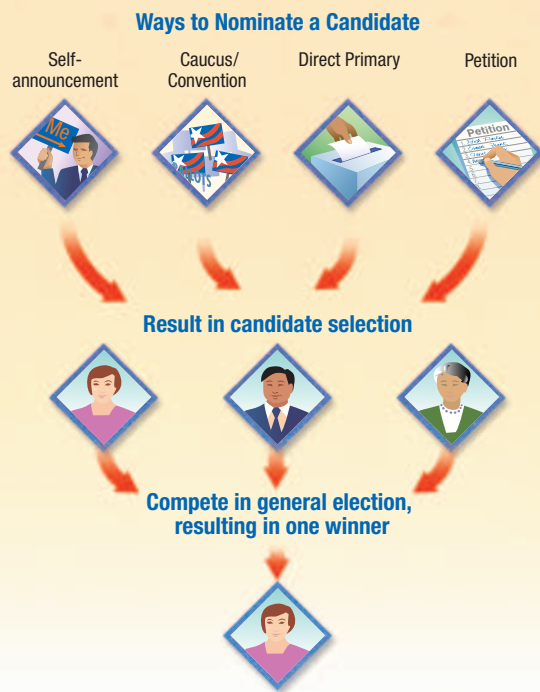
Ross Perot's campaign in 1992 may not have won him the presidency, but it did succeed in making someone from outside the two major parties viable for the first time since Theodore Roosevelt ran on the Bull Moose Party ticket in 1912. Perot declared his intention to run on CNN's "Larry King Live!" show in February of 1992, and a widespread grass roots movement sprang up to secure his name on the national ballot. Though Perot actually dropped out of the race on the last day of the Democratic National Convention, citing a renewed confidence in that party, his supporters pressed on with the campaign. In September of that year, Perot qualified for the Arizona ballot, the last of the needed 50 States. Perot did not carry a single State in the presidential election, but he did gain nearly 19% of the popular vote—and sent the message that the two-party system might have rivals in the future.

Universal Access

L1

Assign small groups of students one of the nomination methods described in the text. Have each group perform a skit of their method. Then have the other groups guess which method the group is portraying. **SN H-SS 12.6.2**

Nominating and Electing a Candidate



Interpreting Diagrams Nominations narrow the field of candidates for the general election. **Why should voters participate in the nominating process?** **H-SS 12.6.2**

use of the process: George Wallace, who declared himself to be the American Independent Party's nominee in 1968; and independent candidates Eugene McCarthy in 1976; John Anderson in 1980; and Ross Perot in 1992. And all of the 135 candidates who sought to replace Governor Gray Davis of California in that State's recall election in 2003—including the winner, Arnold Schwarzenegger—were self-starters.

The Caucus

As a nominating device, a **caucus** is a group of like-minded people who meet to select the candidates they will support in an upcoming election. The first caucus nominations were made during the later colonial period, probably in Boston in the 1720s.² John Adams described the caucus this way in 1763:

PRIMARY
Sources

“This day learned that the Caucus Club meets at certain Times in the Garret of Tom Dawes, the Adjutant of the Boston Regiment. He has a large House, and he has a moveable Partition in his Garret, which he takes down, and the whole Club meets in one Room. There they smoke tobacco till you cannot see from one End of the Garret to the other. There they drink flip I suppose, and they choose a Moderator, who puts Questions to the Vote regularly, and select Men, Assessors, Collectors, Wardens, Fire Wards, and Representatives are Regularly chosen before they are chosen in the Town.”

—Charles Francis Adams (ed.),
The Works of John Adams (1856)

Originally the caucus was a private meeting consisting of a few influential figures in the community. As political parties appeared in the late 1700s, they soon took over the device and began to broaden the membership of the caucus.

The coming of independence brought the need to nominate candidates for State offices: governor, lieutenant governor, and others above the local level. The legislative caucus—a meeting of a party's members in the State legislature—took on the job. At the national level, both the Federalists and the Democratic-Republicans in Congress were, by 1800, choosing their presidential and vice-presidential candidates through the congressional caucus.

The legislative and congressional caucuses were quite practical in their day. Transportation and communication were difficult at best. Since legislators already gathered regularly in a central place, it made sense for them to take on the nominating responsibility. The spread of democracy, especially in the newer States on the frontier, spurred opposition to caucuses, however. More and more, people condemned them for their closed, unrepresentative character.

Criticism of the caucus reached its peak in the early 1820s. The supporters of three of the

²The origin of the term *caucus* is not clear. Most authorities suggest that it comes from the word *caulkers*, because the Boston Caucus Club met at times in a room formerly used as a meeting place by caulkers in Boston's shipyards. (Caulkers made ships watertight by filling seams or cracks in the hulls of sailing vessels with tar or oakum.)

Answer to . . .

Interpreting Diagrams Possible answer: The nomination process gives voters the chance to take part in major political decisions and help narrow the field of candidates.

leading contenders for the presidency in 1824—Andrew Jackson, Henry Clay, and John Quincy Adams—boycotted the Democratic-Republicans' congressional caucus that year. In fact, Jackson and his supporters made “King Caucus” a leading campaign issue. The other major aspirant, William H. Crawford of Georgia, became the caucus nominee at a meeting attended by fewer than one third of the Democratic-Republican Party's members in Congress.

Crawford ran a poor third in the electoral college balloting in 1824, and the reign of King Caucus at the national level was ended. With its death in presidential politics, the caucus system soon withered at the State and local levels, as well.

The caucus is still used to make local nominations in some places, especially in New England. There, a caucus is open to all members of a party, and it only faintly resembles the original closed and private process.

The Convention

As the caucus method collapsed, the convention system took its place. The first national convention to nominate a presidential candidate was held by a minor party, the Anti-Masons, in Baltimore in 1831. The newly formed National Republican (soon to become Whig) Party also held a convention later that same year. The Democrats picked up the practice in 1832. All major-party presidential nominees have been chosen by conventions ever since. By the 1840s, conventions had become the principal means for making nominations at every level in American politics.

On paper, the convention process seems perfectly suited to representative government. A party's members meet in a local caucus to pick candidates for local offices and, at the same time, to select delegates to represent them at a county convention.³

At the county convention, the delegates nominate candidates for county offices and select delegates to the next rung on the convention

ladder, usually the State convention. There, the delegates from the county conventions pick the party's nominees for governor and other State-wide offices. State conventions also send delegates to the party's national convention, where the party selects its presidential and vice-presidential candidates.

In theory, the will of the party's rank and file membership is passed up through each of its representative levels. Practice soon pointed up the weaknesses of the theory, however, as party bosses found ways to manipulate the process. By playing with the selection of delegates, usually at the local levels, they soon dominated the entire system.

As a result, the caliber of most conventions declined at all levels, especially during the late 1800s. How low some of them fell can be seen in this description of a Cook County, Illinois, convention in 1896:

PRIMARY Sources

“Of [723] delegates, those who had been on trial for murder numbered 17; sentenced to the penitentiary for murder or manslaughter and served sentence, 7; served terms in the penitentiary for burglary, 36; served terms in the penitentiary for picking pockets, 2; served



◀ **Campaign Ribbons** These precursors of today's political buttons were widely used in the 1840s to 1890s.

³The meetings at which delegates to local conventions are chosen are still often called *caucuses*. Earlier, they were also known as *primaries*—that is, first meetings. The use of that name gave rise to the term *direct primary*, to distinguish that newer nominating method from the convention process.

Universal Access

L2

To help students understand the nominating process and its importance, ask them to create a comparison chart that lists the five ways in which nominations have been and are made in the United States. Have students complete the chart by indicating the advantages and disadvantages of each. Encourage them to also include, when possible, specific examples of how and when each method is used. Discuss with students the fairness of the nomination process. **LPR**

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Spotlight on Technology



Magruder's American Government Video Collection

The Magruder's Video Collection explores key issues and debates in American government. Each segment examines an issue central to chapter content through use of historical and contemporary footage. Commentary from civic leaders in academics, government, and the media follow each segment. Critical thinking questions focus students' attention on key issues, and may be used to stimulate discussion.

Use the Chapter 7 video segment to examine the importance of the Vice President to election politics. (time: about 5 minutes) This segment will explore how vice-presidential candidates are selected, how they help or hurt the presidential nominee, and how the vice presidency can serve as a stepping stone to the White House. A historical case study of the “Dump Nixon” campaign during the 1956 election is included.

Universal Access

L2

Help students understand the different kinds of primaries by first giving them synonyms or descriptions for the names. Explain closed and open primaries by saying that all girls in the class may vote but not boys (*closed*); and then that the entire class may vote (*open*). Explain a runoff primary by describing a foot race that ends in a tie. Finally, for a nonpartisan primary, ask what other political term “partisan” sounds like (*party*). Elicit that the “non” before “partisan” indicates that it does not have to do with a certain party. **ELL**

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terms in the penitentiary for arson, 1; . . . jailbirds identified by detectives, 84; keepers of gambling houses, 7; keepers of houses of ill-fame, 2; convicted of mayhem, 3; ex-prize fighters, 11; poolroom proprietors, 2; saloon keepers, 265; . . . political employees, 148; no occupation, 71; . . . ”

—R.M. Easley, “The Sine qua Non of Caucus Reform,” *Review of Reviews* (Sept. 1897)

Many people had hailed the change from caucus to convention as a major change for the better in American politics. The abuses of the new device soon dashed their hopes. By the 1870s, the convention system was itself under attack as a major source of evil in American politics. By the 1910s, the direct primary had replaced the convention in most States as the principal nominating method in American politics.

Conventions still play a major role in the nominating process in some States—notably, Connecticut, Michigan, South Dakota, Utah, and Virginia. And, as you will see, no adequate substitute for the device has yet been found at the presidential level.

The Direct Primary

A **direct primary** is an intra-party election. It is held within a party to pick that party’s candidates for the general election. Wisconsin adopted the first State-wide direct primary law in 1903; several

other States soon followed its lead. Every State now makes at least some provision for its use.

In most States, State law requires that the major parties use the primary to choose their candidates for the United States Senate and House of Representatives, for the governorship and all other State offices, and for most local offices as well. In a few States, however, different combinations of convention and primary are used to pick candidates for the top offices.

In Michigan, for example, the major parties choose their candidates for the U.S. Senate and House, the governorship, and the State legislature in primaries. Nominees for lieutenant governor, secretary of state, and attorney general are picked by conventions.⁴

Although the primaries are party-nominating elections, they are closely regulated by law in most States. The State usually sets the dates on which primaries are held, and it regularly conducts them, too. The State, not the parties, provides polling places and election officials, registration lists and ballots, and otherwise polices the process.

Two basic forms of the direct primary are in use today: (1) the closed primary and (2) the open primary. The major difference between the two lies in the answer to this question: Who can vote in a party’s primary—only qualified voters who are party members, or *any* qualified voter?

The Closed Primary

Today, 24 States provide for the **closed primary**—a party’s nominating election in which only declared party members can vote. The party’s primary is closed to all but those party members.⁵

In most of the closed primary States, party membership is established by registration; see page 154. When voters appear at their polling

Interpreting Political Cartoons
What aspect of primary campaigning does this cartoon suggest?



"MY FORMER OPPONENT IS SUPPORTING ME IN THE GENERAL ELECTION. PLEASE DISREGARD ALL THE THINGS I HAVE SAID ABOUT HIM IN THE PRIMARY."

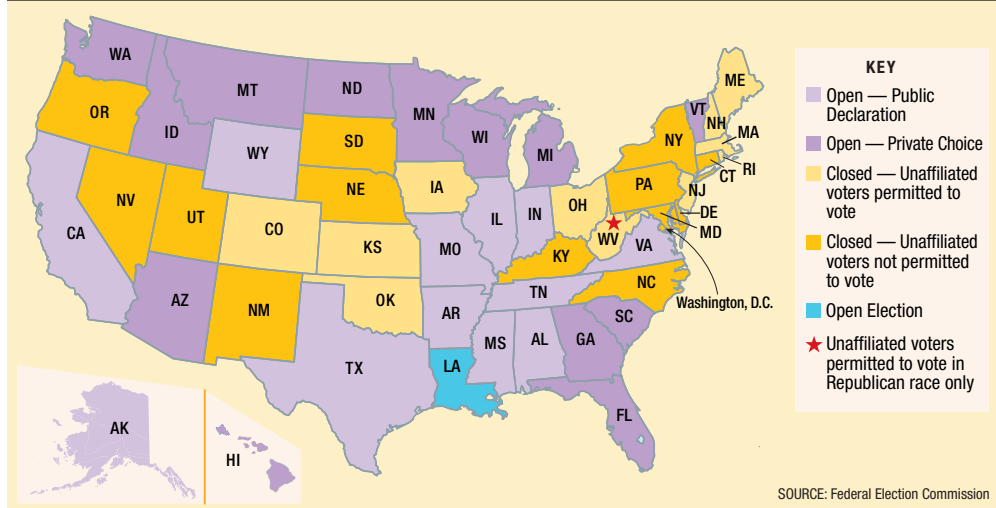
Answer to . . .

Interpreting Political Cartoons The cartoon refers to the practice of attacking the opposing candidate to win the primary, even though the candidate is from the same party.

⁴In most States, minor parties are required to make their nominations by other, more difficult processes, usually in conventions or by petition. For the significance of this point, see Chapter 5.

⁵The Supreme Court has held that a State’s closed primary law cannot forbid a party to allow independent voters to participate in its primary if the party itself chooses to do so. In *Tashjian v. Republican Party of Connecticut*, 1986, the Court struck down such a State law. Note that the Court did not outlaw the closed primary in this case, nor did it hold that a political party *must* allow Independents to vote in its primary. The Court found that the Connecticut law violated the 1st and 14th Amendment guarantees of the right of association—here the right of Connecticut Republicans to associate with Independents (invite Independents to join them) in making GOP nominations.

Forms of Primaries in State Elections, 2005



Interpreting Maps What form of the primary is used in your State? **H-SS 12.6.2**

places on primary election day, their names are checked against the poll books and each voter is handed the primary ballot of the party in which he or she is registered. The voter can mark *only* that party's ballot; he or she can vote only in that party's primary.

In some of the closed primary States, however, a voter can change his or her party registration on election day. In those States, then, the primary is not as completely "closed" as it is elsewhere.

The Open Primary

The **open primary** is a party's nominating election in which *any* qualified voter can cast a ballot. Although it is the form in which the direct primary first appeared, it is now found in only 26 States.

When voters go to the polls in some open primary States, they are handed a ballot of each party holding a primary. Usually, they receive two ballots, those of the Republican and the Democratic parties. Then, in the privacy of the voting booth, each voter marks the ballot of the party in whose primary he or she chooses to vote. In other open primary States, a voter must ask for the ballot of the party in

whose primary he or she wants to vote. That is, each voter must make a *public* choice of party in order to vote in the primary.

Through 2000, three States used a different version of the open primary—the **blanket primary**, sometimes called the "wide-open primary." Washington adopted the first blanket primary law in 1935. Alaska followed suit in 1970, and California did so in 1996. In a blanket primary, every voter received the same ballot—a long one that listed *every* candidate, regardless of party, for every nomination to be made at the primary. Voters could participate however they chose. They could confine themselves to one party's primary; or they could switch back and forth between the parties' primaries, voting to nominate a Democrat for one office, a Republican for another, and so on down the ballot.


The Supreme Court found California's version of the blanket primary unconstitutional in 2000, however. In *California Democratic Party v. Jones*, the High Court held that that process violated the 1st and 14th amendments' guarantees of the right of association. It ruled that a State cannot force a political party to associate with outsiders—that is, with members of other


Background Note

Roots of Democracy

The Progressive Movement of the early 1900s, which supported the rise of the primary system, introduced four other popular government devices: the referendum, initiative, recall, and direct election of U.S. senators. The Progressives' agenda included other issues as well. In social policy, they backed workman's compensation, the abolition of child labor, and a shorter workweek for women. In economic policy, they pushed for government regulation of corporations and new taxes on corporate profits.

Point-of-Use Resources

 **The Living Constitution** Popular Sovereignty, p. 3

 **Basic Principles of the Constitution** Transparencies 9-15, *Popular Sovereignty*

CONSTITUTIONAL PRINCIPLES

Popular Sovereignty

The direct primary was introduced to correct the abuses of the convention system, particularly the tendency for powerful leaders to manipulate nominations. The primary functions on the assumption that each voter's views should have an impact on the process. When States voted to choose the primary system in the early 1900s, popular sovereignty was often upheld as the guiding principle for that choice.

Activity

Remind students that in a closed primary, only registered or declared party members may participate. Have students debate the closed vs. the open primary. Then ask students to consider the other kinds of primaries—blanket and nonpartisan. Ask: Which kind of primary seems to best uphold the principle of popular sovereignty?

Answer to . . .

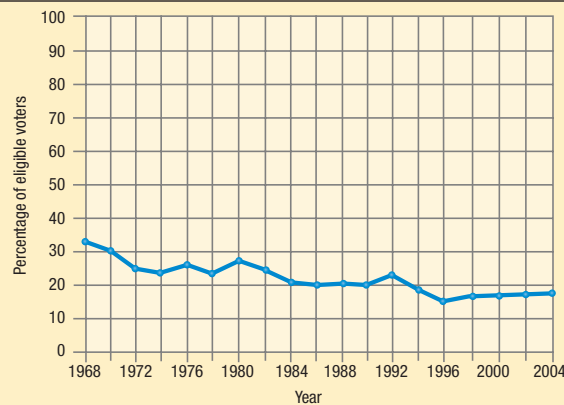
Interpreting Maps Answers will vary, according to the student's State.

Make It Relevant

Students Make a Difference

During the 2004 election cycle, 31 ballot access lawsuits were filed by minor party and independent candidates who believed they were unfairly denied the right to be listed on the State's ballot. In some cases, the issue revolved around whether the required number of signatures had been collected to win a place on the ballot. In others, the validity of the signatures was the issue—the use of initials for the first name and the use of ditto marks, for example. Whether the candidate filed by the deadline was also contested, as was whether the candidate had used the appropriate form to file. Of the lawsuits filed, 16 were won by the candidate. Of the remaining 15 cases, nine lost their bid to get their candidate on the ballot in time for Election Day, but they may still win their point, which will be helpful in the next round of elections. Six others are still to be decided.

Voter Turnout in Statewide Primaries



SOURCE: Committee for the Study of the American Electorate



Interpreting Graphs What does this chart suggest about voter interest in statewide primaries from 1968 to 2004?

parties or with independents—when it picks its candidates for public office.

As a result, the blanket primary is a thing of the past. Alaska, California, and Washington now provide for the more traditional form of the open primary.

Louisiana has yet another form of the open primary, which was not affected by the Court's decision in *Jones*. Its unique "open-election law" provides for what amounts to a combination primary and election. The names of all the people who seek nominations are listed by office on a single primary ballot, regardless of party. A contender who wins more than 50 percent of the primary votes wins the office. In these cases, the primary becomes the election. In contests where there is no majority winner, the two top vote-getters, again regardless of party, face off in the general election.

Closed vs. Open Primary

The two basic forms of the primary have caused arguments for decades. Those who favor the closed primary regularly make three arguments in support of it:

1. It prevents one party from "raiding" the other's primary in the hope of nominating weaker candidates in the other party.

2. It helps make candidates more responsive to the party, its platform, and its members.

3. It helps make voters more thoughtful, because they must choose between the parties in order to vote in the primaries.

The critics of the closed primary contend that:

1. It compromises the secrecy of the ballot, because it forces voters to make their party preferences known in public, and

2. It tends to exclude independent voters from the nomination process.⁶

Advocates of the open primary believe that their system of nominating addresses both of these criticisms. In many open primaries, (1) voters are not forced to make their party preferences known in public, and (2) the tendency to exclude independent voters is eliminated. The opponents of the open primary insist that it (1) permits primary "raiding" and (2) undercuts the concepts of party loyalty and party responsibility.

The Runoff Primary

In most States, candidates need to win only a plurality of the votes cast in the primary to win their party's nomination.⁷ (Remember, a *plurality* is the greatest number of votes won by any candidate, whether a *majority* or not.) In 10 States,⁸ however, an absolute majority is needed to carry a primary. If no one wins a majority in a race, a **runoff primary** is held a few weeks later. In that runoff, the two top vote-getters in the first party primary face one another for the party's nomination, and the winner of that vote becomes the nominee.

The Nonpartisan Primary

In most States all or nearly all of the elected school and municipal offices are filled in **nonpartisan elections**. These are elections in which candidates

⁶See the discussion of *Tashjian v. Republican Party of Connecticut*, 1986, in footnote 5. The closed primary States have now amended their primary laws to comply with that decision.

⁷In Iowa, if no candidate wins at least 35 percent of the votes in a primary, the party must then nominate its candidate for that office by convention.

⁸Alabama, Arizona, Arkansas, Georgia, Kentucky, Mississippi, Oklahoma, South Carolina, Texas—and Louisiana under its unique "open election" law. In North Carolina a runoff is held when no candidate wins 40 percent of the primary vote. In South Dakota, if no one who seeks a party's nomination for governor, U.S. senator, or U.S. representative wins at least 35 percent, the party's candidate for that office must be picked in a runoff primary two weeks later.

Answer to . . .

Interpreting Graphs The graph suggests that voter interest has declined.

are not identified by party labels. About half of all State judges are chosen on nonpartisan ballots, as well. The nomination of candidates for these offices takes place on a nonpartisan basis, too, often in nonpartisan primaries.

Typically, a contender who wins a clear majority in a nonpartisan primary then runs unopposed in the general election, subject only to write-in opposition. In many States, however, a candidate who wins a majority in the primary is declared elected at that point. If there is no majority winner, the names of the two top contenders are placed on the general election ballot.

The primary first appeared as a partisan nominating device. Many have long argued that it is not well suited for use in nonpartisan elections. Instead, they favor the petition method, which you will consider later in this section.

Evaluation of the Primary

The direct primary, whether open or closed, is an *intraparty* nominating election. It came to American politics as a reform of the boss-dominated convention system. It was intended to take the nominating function away from the party organization and put it in the hands of the party's membership.

The basic facts about the primary have never been very well understood by most voters, however. So, in closed primary States, many voters resent having to declare their party preference. And, in both open and closed primary States, many are upset because they cannot express their support for candidates in more than one party. Many are also annoyed by the "bed-sheet ballots" they regularly see in primary elections—not realizing that the use of the direct primary almost automatically means a long ballot. And some are concerned because the primary (and, in particular, its closed form) tends to exclude independents from the nominating process.

These factors, combined with a lack of appreciation of the importance of primaries, result in this unfortunate fact: Nearly everywhere, voter turnout in primary elections is usually less than half what it is in general elections.

Primary campaigns can be quite costly. The fact that the successful contenders must then wage—and finance—a general election campaign

adds to the money problems that bedevil American politics. Unfortunately, the financial facts of political life in the United States mean that some well-qualified people do not seek public office simply because they cannot muster the necessary funds.

The nominating process, whatever its form, can also have a very divisive effect on a party. Remember, the process takes place *within* the party—so, when there is a contest for a nomination, that is where the contest occurs. A bitter fight in the primaries can so wound and divide a party that it cannot recover in time to present a united front for the general election. Many a primary fight has cost a party an election.

Finally, because many voters are not very well informed, the primary places a premium on name familiarity. That is, it often gives an edge to a contender who has a well-known name or a name that sounds like that of some well-known person. But, notice, name familiarity in and of itself has little or nothing to do with a candidate's qualifications for office.

Obviously, the primary is not without its problems, nor is any other nominating device. Still, the primary does give a party's members the opportunity to participate at the very core of the political process.



Interpreting Political Cartoons What aspect of the primary process does this cartoon critique?

Universal Access

L4

Time 90 minutes.

Purpose Report on an example of a nomination battle within a party during a recent presidential campaign.

Grouping Four to six students.

Activity Have students use outside resources, such as periodical articles, books on presidential elections or candidates, or the Internet, to research and report on one example of an intraparty nomination fight.

Roles Manager, researchers, recorder, spokesperson.

Close When all research is complete and reports are finished, have the spokesperson summarize the group's findings for the class. **GT**

H-SS 12.6.2

Point-of-Use Resources

Government Assessment Rubrics

Writing Assignment, p. 10

Block Scheduling with Lesson

Strategies Additional activities for Chapter 7 appear on p. 22.



Use this complete suite of powerful teaching tools to make planning lessons and administering tests quicker and easier.

Answer to . . .

Interpreting Political Cartoons The cartoon critiques the "bedsheet" ballot.

Point-of-Use Resources



Guide to the Essentials Chapter 7, Section 1, p. 43 provides support for students who need additional review of section content. Spanish support is available in the Spanish edition of the Guide on p. 36.



Quiz Unit 2 booklet, p. 21 includes matching and multiple-choice questions to check students' understanding of Section 1 content.



Presentation Pro CD-ROM Quizzes and multiple-choice questions check students' understanding of Section 1 content.

Answers to . . .

Section 1 Assessment

1. Nominations narrow the field of candidates. Prior to the nomination process, voters have the most choices; during the nomination process, choices become limited to the candidates who are actually nominated.
2. A closed primary is a party nominating election in which only declared party members may participate; an open primary is a party nominating election in which any qualified voter may participate.
3. A primary in which all voters receive the same ballot on which every contender for every nomination in both parties is listed.
4. A caucus is a group of like-minded people who meet to elect candidates they will support in an upcoming election. The election of 1824 as well as the general spread of democracy led to its decline.
5. Answers will vary, but should demonstrate an understanding of the criticisms of primaries, including the nature of closed primaries and the long ballots.
6. The nominating process narrows the field of candidates and offers voters the most choices.



▲ **Getting on the Ballot** Petitions are widely used as nominating devices, particularly in nonpartisan elections at the local level.

The Presidential Primary

The presidential primary developed as an offshoot of the direct primary. It is not a nominating device, however. Rather, the presidential primary is an election that is held as one part of the process by which presidential candidates are chosen.

The presidential primary is a very complex process. It is one or both of two things, depending on the State involved. It is a process in which a party's voters elect some or all of a State party organization's delegates to that party's national convention; and/or it is a preference election in which voters can choose (vote their preference) among various contenders for a party's presidential nomination. Much of what happens in presidential politics in

the early months of every fourth year centers on this very complicated process. (See Chapter 13 for an extended discussion of the presidential primary.)

Petition

One other nominating method is used fairly widely at the local level in American politics today—nomination by petition. Where this process is used, candidates for public office are nominated by means of petitions signed by a certain required number of qualified voters in the election district.⁹

Nomination by petition is found most widely at the local level, chiefly for nonpartisan school posts and municipal offices in medium-sized and smaller communities. It is also the process usually required by State law for nominating minor party and independent candidates. (Remember, the States often purposely make the process of getting on the ballot difficult for those candidates.)

The details of the petition process vary widely from State to State, and even from one city to the next. Usually, however, the higher the office and/or the larger the constituency represented by the office, the greater the number of signatures needed for nomination.

⁹The petition device is also an important part of the recall and the initiative and referendum processes; see Chapter 24.

Section 1 Assessment

Key Terms and Main Ideas

1. For what reasons is the making of **nominations** so important in the electoral process?
2. Explain the difference between a **closed primary** and an **open primary**.
3. What is a **nonpartisan election**?
4. What is a **caucus**, and what events led to its demise as a method for nominating candidates?

Critical Thinking

5. **Making Decisions** You read in this section that voter turnout in primaries is usually less than half of what it is in general elections. What steps could you take in your community to increase voter turnout in primary elections?



Standards Monitoring Online

For: Self-quiz with vocabulary practice
Web Code: mqa-2071

6. **Identifying Central Issues** Explain why the nominating process is a vital first step in the electoral process.



For: An activity on the nominating process
Web Code: mqd-2071



Standards Monitoring Online

For additional assessment, have students access **Standards Monitoring Online** at
Web Code: mqa-2071



Typing in the Web Code when prompted will bring students directly to detailed instructions for this activity.

Objectives You may wish to call students' attention to the objectives in the Section Preview. The objectives are reflected in the main headings of the section.

Bellringer Have students suppose that they and a group of friends are trying to decide what to do on Saturday night. Some want to go to a party, but others want to see a movie. Ask them how they would resolve the issue. Explain that in this section, they will learn about how voting serves to resolve public issues and to fill elective offices.

Vocabulary Builder Have students suggest the meaning of each term in the Political Dictionary. *Ballot* may seem like the easiest to define, but tell students that the ballot exists in several forms today, as they will discover as they read the section.

Lesson Plan

Teaching the Main Ideas L3

H-SS 12.2.4

1. Focus Tell students that election law has changed over the years to try to eliminate corruption and make voting easier. Ask students to discuss what they know about voting procedures today.

2. Instruct Ask students whether most election law is federal or State, and why. Continue discussing the administration of elections and then turn to how the ballot and other aspects of elections have changed throughout American history.

3. Close/Reteach Remind students that most votes in national elections are cast on voting machines. Have students use this fact as the starting point for a paragraph on why voting procedures have changed over the years—and are still changing.

Section Preview

OBJECTIVES

- Analyze** how the administration of elections in the United States helps make democracy work.
- Define** the role of precincts and polling places in the election process.
- Describe** the various ways in which voters can cast their ballots.
- Outline** the role that voting devices play in the election process.

WHY IT MATTERS

The election process lies at the very heart of the democratic concept. Indeed, it is impossible to picture a democratic government in which popular elections are not held.

POLITICAL DICTIONARY

- ★ absentee voting
- ★ coattail effect
- ★ precinct
- ★ polling place
- ★ ballot

Many high school students are not old enough to vote. In some parts of the country, however, high school students can serve on local election boards. First in Hawaii and Oregon and now in several States, 16- and 17-year-olds can become full-fledged members of the panels that administer elections.

Americans hold more elections and vote more often than most people realize. Indeed, Sundays and holidays are about the only days of the year on which people do not go to the polls somewhere in the United States. Americans also elect far more officeholders than most people realize—in fact, more than 500,000 of them.



▲ **Election Observers** In many parts of the world, election observers are needed to ensure that elections are free and fair. Here, former President Jimmy Carter monitors an election in Haiti.

The Administration of Elections

Democratic government cannot succeed unless elections are free, honest, and accurate. Many people see the details of the election process as too complicated, too legalistic, too dry and boring to worry about. Those who do miss the vital part those details play in making democracy work. *How* something can be done very often shapes what is in fact done—and that fact is as true in politics as it is in other matters. The often lengthy and closely detailed provisions of election law are meant to protect the integrity of the electoral process. And those provisions often have a telling effect on the outcome of elections. You saw how important the details of election law can be when you looked at voter qualifications and voter registration in the last chapter and again just a few pages ago when you considered the complexities of the direct primary.

Extent of Federal Control

Nearly all elections in the United States are held to choose the more than 500,000 persons who hold elective office in the more than 87,000 units of government at the State and local levels. It is quite understandable, then, that most election law in the United States is *State*—not federal—law.

Despite this fact, a body of federal election law does exist. The Constitution gives



Block Scheduling Strategies

Consider these suggestions to manage extended class time:

■ Have small groups of students work to create a voting handbook for new citizens. Handbooks should describe how people can vote, the types of ballots they might encounter, and the voting machine. Handbooks should be clearly organized and easy to follow.

■ Ask students to skim the section, and note the different methods the text describes for voting. Divide the class into small groups, and present them with this problem: Congress has charged them with the task of increasing voter turnout. They must evaluate the current voting methods, brainstorm ideas for new ones, and then make recommendations to Congress.

Congress the power to fix “[t]he Times, Places, and Manner of holding Elections” of members of Congress.¹⁰ Congress also has the power to set the time for choosing presidential electors, to set the date for casting the electoral votes, and to regulate other aspects of the presidential election process.¹¹

Congress has set the date for holding congressional elections as the first Tuesday following the first Monday in November of every even-numbered year. It has set the same date every fourth year for the presidential election.¹² Thus, the next congressional elections will be held on November 7, 2006; and the next presidential election falls on November 4, 2008.

Congress has required the use of secret ballots and allowed the use of voting machines in federal elections. It has also acted to protect the right to vote, as you saw in Chapter 6; and it has prohibited various corrupt practices and regulated the financing of campaigns for federal office, as you will see in the pages ahead.

Congress expanded the body of federal election law with the passage of the Help America Vote Act of 2002. That law came in response to the many ballot and voter registration problems that plagued several States in the presidential election in 2000 (see pages 380–381).

In its major provisions, the new law requires the States to

- replace all their lever-operated and punch-card voting devices by 2006—a deadline that, in fact, most States failed to meet;
- upgrade their administration of elections, especially through the better training of local election officials and of those (mostly low-paid workers and volunteers) who work in precinct polling places on election day;
- centralize and computerize their voter registration systems, to facilitate the identification of qualified voters on election day and so minimize fraudulent voting;

¹⁰Article I, Section 4, Clause 1; 17th Amendment; see pages 276 and 277.

¹¹Article II, Section 1, Clause 4; 12th Amendment; see pages 378 and 379.

¹²Congress has made an exception for Alaska. Because of the possibility of severe weather in much of Alaska in early November, that State may, if it chooses, elect its congressional delegation and cast its presidential vote in October. So far, however, Alaska has used the November date.

- provide for provisional voting, so a person whose eligibility to vote has been challenged can cast a ballot that will be counted if it is later found that he or she, is in fact, qualified to vote.

State law deals with all other matters relating to national elections—and with all of the details of State and local elections, as well.

Election Day

Most States hold their elections to fill State offices on the same date Congress has set for national elections: in November of every even-numbered year. The “Tuesday-after-the-first-Monday” formula prevents election day from falling on (1) Sundays (to maintain the principle of separation of church and state) and (2) the first day of the month, which is often payday and therefore peculiarly subject to campaign pressures.

Some States do fix other dates for some offices, however. Louisiana, Mississippi, New Jersey, and Virginia elect the governor, other executive officers, and State legislators in November of odd-numbered years. In Kentucky, the governor and other executive officers are chosen in odd-numbered years, but legislators are elected in even-numbered years. City, county, and other local election dates vary from State to State. When those elections are not held in November, they generally take place in the spring.

Early Voting

Millions of Americans cast their ballots before election day. Indeed, some 20 million did so in 2004, many of them by **absentee voting**—a process by which they could vote without actually going to their polling places on election day. Almost everywhere, voters can apply for an absentee ballot some weeks before an election, then mark those ballots and return them to the local election office, usually by mail and before election day.

Absentee voting was originally intended to serve a relatively small group of voters, especially the ill or disabled and those who expected to be away from home on election day. Most States have broadened their laws over recent years, however—to the point where, in most of them, any qualified voter can now cast an absentee ballot.


More than half the States now also provide for another form of early voting. They allow


Reading Strategy


Predicting


Ask students to skim the section, noting in particular headings, subheadings, and bolded words. Have them use these terms to write two one-sentence predictions about what they will learn in the section.

Point-of-Use Resources

 **Guided Reading and Review** Unit 2 booklet, p. 24 provides students with practice identifying the main ideas and key terms of this section.

 **Lesson Planner** For complete lesson planning suggestions, see the Lesson Planner booklet, section 2.

 **Political Cartoons** See p. 28 of the Political Cartoons booklet for a cartoon relevant to this section.

 **Section Support Transparencies** Transparency 31, *Visual Learning*; Transparency 130, *Political Cartoon*

Universal Access

L3

Time 90 minutes.**Purpose** Administer an election.**Grouping** Five groups.**Activity** Students will hold an election for celebrity of the month. Generate a list of candidates by using the self-announcement form of nomination. Hold a primary to narrow the list of candidates. Have students “campaign” for their choices. Then have them choose a ballot method, and use it to cast votes.**Roles** Candidates, election officials, ballot preparation/vote counters, and two groups to head candidates’ campaigns.**Close** Hold a general election. After the election, have students evaluate the process and discuss how honest, free, and accurate the election was.**H-SS 12.3.1**

Point-of-Use Resources



Government Assessment Rubrics

Cooperative Learning Project:
Process, p. 20

Block Scheduling with Lesson

Strategies Additional activities for Chapter 7 appear on p. 22.

voters to cast their ballots at any time over a period of several days before an election—not as an absentee ballot but as though they were voting on election day itself.

The Coattail Effect

The **coattail effect** occurs when a strong candidate running for an office at the top of the ballot helps attract voters to other candidates on the party’s ticket. In effect, the lesser-known office seeker “rides the coattails” of the more prestigious personality. In 1980 and 1984, for example, Ronald Reagan’s coattails helped many Republican candidates win office. The coattail effect is usually most apparent in presidential elections. However, a popular candidate for senator or governor can have the same kind of pulling power.

A reverse coattail effect can occur, too. This happens when a candidate for some major office is less than popular with many voters—for example, Barry Goldwater as the Republican presidential nominee in 1964, and George McGovern for the Democrats in 1972. President Jimmy Carter’s coattails were also of the reverse variety in 1980.

Some people have long argued that all State and local elections should be held on dates other than those set for federal elections. This, they say, would help voters pay more attention to State and local candidates and issues and lessen the coattail effects of presidential contests.

Precincts and Polling Places

A **precinct** is a voting district. Precincts are the smallest geographic units for the conduct of elections. State law regularly restricts their size, generally to an area with no more than 500 to 1,000 or so qualified voters. A **polling place**—the place where the voters who live in a precinct actually vote—is located somewhere in or near each precinct.

A precinct election board supervises the polling place and the voting process in each precinct. Typically, the county clerk or county board of elections draws precinct lines, fixes the location of each polling place, and picks the members of the precinct boards.

The precinct board opens and closes the polls at the times set by State law. In most States, the

polls are open from 7:00 or 8:00 A.M. to 7:00 or 8:00 P.M. The precinct election board must also see that the ballots and the ballot boxes or voting machines are available. It must make certain that only qualified voters cast ballots in the precinct. Often the board also counts the votes cast in the precinct and then sends the results to the proper place, usually to the county clerk or county board of elections.

Poll watchers, one from each party, are allowed at each polling place. They may challenge any person they believe is not qualified to vote, check to be sure that their own party’s supporters do vote, and monitor the whole process, including the counting of the ballots.

Casting the Ballot

A **ballot** is the device by which a voter registers a choice in an election.¹⁵ It can take a number of different forms. Whatever its form, however, it is clearly an important and sensitive part of the election process.

Each State now provides for a secret ballot. That is, State law requires that ballots be cast in such manner that others cannot know how a person has voted.

Voting was a public process through much of the nation’s earlier history, however. Paper ballots were used in some colonial elections, but voting was more commonly *viva voce*—by voice. Voters simply stated their choices to an election board. With suffrage limited to the privileged few, many people defended oral voting as the only “manly” way in which to participate. Whatever the merits of that view, the expansion of the electorate brought with it a marked increase in intimidation, vote buying, and other corruptions of the voting process.

Paper ballots were in general use by the mid-1800s. The first ones were unofficial—slips of paper that voters prepared themselves and dropped in the ballot box. Soon candidates and parties began to prepare ballots and hand them to voters to cast, sometimes paying them to do so. Those party ballots were often printed on distinctively colored paper, and

¹⁵The word comes from the Italian *ballotta*, “little ball,” and reflects the practice of dropping black or white balls into a box to indicate a choice. The term *blackball* comes from the same practice.

Preparing for Standardized Tests

Have students read the passages under *Precincts and Polling Places* and then answer the question below.

Which of the following would NOT be a polling place?

- A a school
- ☒ B a county
- C a church
- D a recreation center

Office-Group and Party-Column Ballots

OFFICE-GROUP BALLOT

Voters select each candidate by marking an X in the square





Candidates are grouped by office

Names are listed in random order

OFFICIAL BALLOT, GENERAL ELECTION	
President and Vice President of the United States	<input checked="" type="checkbox"/>
Four year term. Vote for one only.	
BADNARIK, Michael/CAMPAGNA, Richard Libertarian	<input type="checkbox"/>
KERRY, John/EDWARDS, John Democratic	<input type="checkbox"/>
BUSH, George W./CHENEY, Dick Republican	<input type="checkbox"/>
COBB, David/LAMARCHE, Patricia Green	<input type="checkbox"/>
Office of the United States Senate	
Six year term. Vote for one only.	
HOLDEN, Bob Democrat	<input type="checkbox"/>
MACY, Elgar Republican	<input type="checkbox"/>
KLINE, Richard Reform	<input type="checkbox"/>

PARTY-COLUMN BALLOT

Party symbol and name at the top of the column that lists all of the party's candidates running for office

OFFICIAL BALLOT, GENERAL ELECTION			
 REPUBLICAN	 DEMOCRATIC	 LIBERTARIAN	 GREEN
For President of the United States GEORGE W. BUSH	For President of the United States JOHN KERRY	For President of the United States MICHAEL BADNARIK	For President of the United States DAVID COBB
For Vice President of the United States DICK CHENEY	For Vice President of the United States JOHN EDWARDS	For Vice President of the United States RICHARD CAMPAGNA	For Vice President of the United States PATRICIA LAMARCHE
For United States Senator ELGAR MACY	For United States Senator BOB HOLDEN	For United States Senator RICHARD KLINE	

To vote for candidates of different parties, voters mark an X in the square next to the chosen candidate or candidates

Interpreting Diagrams By highlighting the office, rather than the party, an office-group ballot encourages split-ticket voting. **How does a party-column ballot encourage voters to vote along party lines?** **H-SS 12.6.1**

anyone watching could tell for whom voters were voting.

Political machines—local party organizations capable of mobilizing or “manufacturing” large numbers of votes on behalf of candidates for political office—flourished in many places in the latter 1800s. They fought all attempts to make voting a more dependably fair and honest process. The political corruption of the post-Civil War years brought widespread demand for ballot reforms.

The Australian Ballot

A new voting arrangement was devised in Australia, where it was first used in an election in Victoria in 1856. Its successes there led to its use in other countries. By 1900 nearly all of the States were using it, and it remains the basic form of the ballot in this country today.

The Australian Ballot has four essential features:

1. It is printed at public expense;
2. It lists the names of all candidates in an election;

3. It is given out only at the polls, one to each qualified voter; and

4. It is marked in secret.

Two basic varieties of the Australian ballot have developed over the years. Most States now use the office-group ballot. Only a handful of States use the party-column ballot.

The Office-Group Ballot

The office-group ballot is the original form of the Australian ballot. It is also sometimes called the Massachusetts ballot because of its early (1888) use there. On the office-group ballot, the candidates for an office are grouped together under the title of that office. Because the names of the candidates thus appear as a block, the form is also sometimes called the office-block ballot.

At first, the names of the candidates were listed in alphabetical order. Most States using the form now rotate the names—so that each candidate will have whatever psychological advantage there may be in having his or her name at the top of the list of candidates.

Background Note

The Mugwumps

The reform effort that brought the Australian ballot to the U.S. was led by a group of elitist Republicans known as Mugwumps. The term has become a common description for party members who object to the party line. The first Mugwumps were a group that split from the Republican Party in 1884 to protest their party's nomination of James G. Blaine for President. Legend has it that the term derives from a little bird that sits on a fence “with his mug on one side and his wump on the other,” but in fact the term comes from the Algonquin language, in which it means “chief or person of honor.”

Use this complete suite of powerful teaching tools to make planning lessons and administering tests quicker and easier.

Answer to . . .

Interpreting Diagrams It lists candidates in a column by party, encouraging voters to choose all names associated with a party, particularly if the candidate at the top of the list is a strong one.

Universal Access

L2

Have students create a time line delineating the types of ballots and voting methods used since the mid-1800s. Allow them to refer to the text discussion on pages 190–194 to complete their work. **LPR**

Background Note

A Diverse Nation

Another innovation at many polls is the use of the bilingual ballot. The Voting Rights Act was amended in 1975 to require States to make bilingual ballots available in areas where 5 percent of the citizens of voting age are of a single-language minority, and either do not speak English proficiently enough to participate in the electoral process, or suffer low literacy rates. The law required alternative ballots in Spanish and several Asian languages; amended in 1982 and 1992, it now applies to any minority-language population of 10,000 or more persons.

The Party-Column Ballot

The party-column ballot is also known as the Indiana ballot, from its early (1889) use in that State. It lists each party's candidates in a column under the party's name.

Professional politicians tend to favor the party-column ballot. It encourages straight-ticket voting, especially if the party has a strong candidate at the head of the ticket. Most students of the political process favor the office-group form because it encourages voter judgment and split-ticket voting.

Sample Ballots

Sample ballots, clearly marked as such, are available in most States before an election. In some States they are mailed to all voters, and they appear in most newspapers. They cannot be cast, but they can help voters prepare for an election.

First in Oregon (1907), and now in several States, an official voter's pamphlet is mailed to voters before every election. It lists all candidates and measures that will appear on the ballot. In Oregon, each candidate is allowed space to present his or her qualifications and position on the issues. Supporters and opponents of bal-

lot measures are allowed space to present their arguments as well.

Bedsheet Ballots

The ballot in a typical American election is lengthy, often and aptly called a “bedsheet” ballot. It frequently lists so many offices, candidates, and ballot measures that even the most well-informed voters have a difficult time marking it intelligently.

The long ballot came to American politics in the era of Jacksonian Democracy in the 1830s. Many held the view at the time that the greater the number of elective offices, the more democratic the governmental system. The idea remains widely accepted today.

Generally, the longest ballots are found at the local level, especially among the nation's 3,000-odd counties. The list of elected offices is likely to include several commissioners, a clerk, a sheriff, one or more judges, a prosecutor, coroner, treasurer, assessor, surveyor, school superintendent, engineer, sanitarian, and even the proverbial dogcatcher.

Critics of the bed-sheet ballot reject the notion that the more people you elect, the more democratic you are. Instead, they say, the fewer the offices voters have to fill, the better they can know the candidates and their qualifications. Those critics often point to the factor of “ballot fatigue”—that is, to the drop-off in voting that can run as high as 20 to 30 percent at or near the bottom of the typical (lengthy) ballot.

There seems little, if any, good reason to elect such local officials as clerks, coroners, surveyors, and engineers. Their jobs do not carry basic policy-making responsibilities. Rather, they carry out policies made by others. Many believe that to shorten the ballot and promote good government, the rule should be: Elect those who make public policies; appoint those whose job it is to administer those policies.

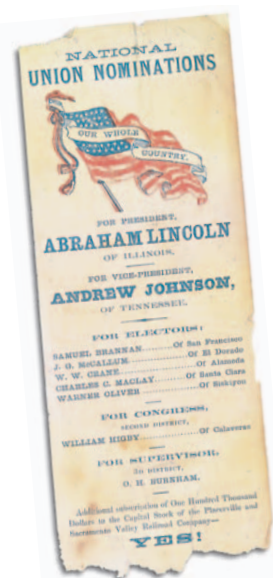
Automated Voting

Well over half the votes now cast in national elections are cast on some type of voting machine—and, increasingly, on some type of electronic voting device.

Thomas Edison patented the first voting machine—the first mechanical device for the casting and counting of votes—in 1868, and his invention was first used in a public election in Locksport, New York, in 1892. The use of similar but much-improved devices soon spread to polling places across the country.

For the better part of a century, most voting machines were lever-operated, and quite cumbersome. Voters had to pull various levers in order to cast their ballots—one lever to open (unlock) the machine, others to indicate their choices of candidates, and yet another to close (lock) the machine and record their votes.

Those lever-operated machines did speed up the voting process; and they reduced both fraud and counting errors. The machines were quite expensive, however, and they also posed major



▲ **Campaign Ticket, 1864**
Sometimes tickets such as these were cast as ballots.

storage and transport problems from one election to the next.

Electronic Vote Counting

Electronic data processing (EDP) techniques were first applied to the voting process in the 1960s. California and Oregon led the way and EDP is now a vital part of that process in nearly every State.

For some years, the most widely used adaptations of EDP involved punch-card ballots, counted by computers. But punch-card ballots often produced problems—most frequently because voters failed to make clean punches. Their incomplete perforations left “hanging chads” that made the cards difficult or impossible for computers to read.

Punch-card ballots played a major role in the disputed presidential election vote count in Florida in 2000 (see pages 380–381); and that fiasco led to the passage of the Help America Vote Act of 2002. As we noted on page 189, that law requires the elimination of all punch-card voting devices (and all lever-operated voting machines, as well).

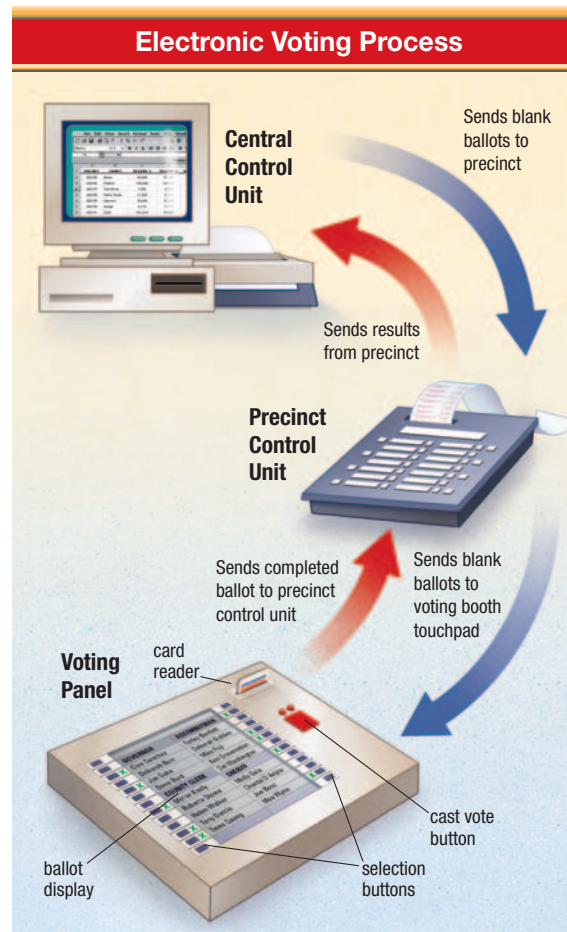
Most States are now turning to two other EDP-based voting systems. One of them involves paper ballots marked by voters and then counted by high-speed optical scanners. The other utilizes a touch-screen. See the illustration on this page for one version of touch-screen voting.

Vote-by-Mail Elections

A number of States conduct some elections by mail. Voters receive a ballot in the mail, make their choices, then mail the ballot back to election officials. The first such election was held in Monterey County, California, in 1977; and the first large-scale use of mail-in ballots took place in San Diego in 1981.

Usually, vote-by-mail elections have been confined to the local level and to voting on city or county measures, not on candidates for local offices. A few States do choose local officials by mail-in ballots, however. In addition, vote-by-mail is an integral part of the absentee voting process, and absentee voting is becoming an increasingly common practice in many places.

In fact, Oregon now holds all of its elections by mail and has done so since 1998. The State



Interpreting Diagrams Electronic voting is becoming increasingly common, replacing mechanical voting machines. Here, voters make their choices on a touchpad similar to that on an automated teller machine. **How are votes counted in an electronic voting system?**

held the first-ever all-mail primary election and the first-ever all-mail general election (including the presidential election) in 2000.

Vote-by-mail elections have stirred controversy, of course. Critics fear that the process threatens the principle of the secret ballot. They worry about fraud, especially the possibility that some voters may be subjected to undue pressures when they mark their ballots at home or any place other than within the security of a voting booth.

Supporters, on the other hand, say that vote-by-mail elections can be as fraud-proof as any other method of voting. They also cite this fact:

Universal Access

L3

Remind students that the technological advances of the past decade have had a significant impact on the way elections are held. Some States are moving toward online voting in a limited capacity. Ask students to write a letter to a State official stating their position on the topic of online voting in elections. Encourage students to list their arguments in detail to support their opinion and persuade State officials to their point of view. Ask for volunteers to share their essays with the class.

H-SS 12.3.1

Background Note

Common Misconceptions

In many countries, election fraud is a recurrent problem. Voters are intimidated, ballots go missing or are forged, votes are miscounted, and elections end up anything but free and honest. Most Americans believe that election fraud is not a problem in the United States. In truth, though, there have been many instances of election fraud in United States history. The very systems that exist today that give Americans confidence in their elections were put in place *because* of past instances of abuse of the American electoral process.



For career-related links and activities, visit the *Magruder's American Government* companion Web site in the Social Studies area at the Prentice Hall School Web site.

Make It Relevant

Careers in Government—Network Engineer

The Federal Election Commission relies on computer networks—a group of computers that are connected and can share information. Government today is completely dependent upon computer networks, which, in turn, are dependent upon network engineers. Network engineers are the people who plan, set up, and monitor computer networks. Network engineers are among the most

important, and well-paid, government employees.

Skills Activity Have a small group of students perform a computer activity such as configuring software or setting up a small network. Have the students provide you with a written description of their activity. Then have individual students write paragraphs explaining why they would or would not be interested in this career.

Answer to . . .

Interpreting Diagrams The voting panel sends the completed ballot to a precinct control unit; each precinct sends its results to a central control unit, which tallies the votes.

Point-of-Use Resources



Guide to the Essentials Chapter 7, Section 2, p. 44 provides support for students who need additional review of section content. Spanish support is available in the Spanish edition of the Guide on p. 37.



Quiz Unit 2 booklet, p. 23 includes matching and multiple-choice questions to check students' understanding of Section 2 content.



Presentation Pro CD-ROM Quizzes and multiple-choice questions check students' understanding of Section 2 content.

Answers to . . .

Section 2 Assessment

1. To allow ill or disabled persons, those who might be away from home on an election day, and those serving in the armed forces to vote.
2. It can ensure that lesser-known people on the ballot with a strong top candidate are elected; conversely, if the top candidate is not strong, it can lessen the chances of other people on the ballot.
3. Polling places are chosen by county clerks or county boards of electors.
4. (a) A ballot is the device by which a voter registers a choice in an election. (b) In the United States, ballots may be Australian, office-group, party-column, sample, or bedsheet.
5. Possible answer: Knowing how others vote might result in peer pressure or harassment.
6. (a) Advantages include higher voter turnout, lower costs, and convenience; disadvantages include possible fraud and, with online voting, computer problems such as viruses or jammed phone lines. (b) Answers will vary.

Answer to . . .

Critical Thinking People might be more likely to vote if they can do so from home.



▲ This photo shows the mail-in ballot used by Oregon voters, who now vote by mail in all elections. **Critical Thinking** How can voting by mail help increase the number of votes cast in an election? **H-SS 12.6.4**

The mail-in process usually increases voter turnout in elections and, at the same time, reduces the costs of conducting them.

Online Voting

Online voting—casting ballots via the Internet—has attracted considerable attention (and some support) in the past few years. Will e-voting become widespread—even commonplace, as some predict? Clearly, only time will tell.

Online voting is not an entirely new phenomenon. The first e-vote was cast in November

1997. In that year, election officials in Harris County, Texas, permitted astronaut David Wolf to vote in Houston's city election by e-mail from the space station *Mir*.

The first public elections in which some votes were cast by computer were held in 2000. In Arizona, some of the ballots cast in the Democratic Party's presidential primary in March were cast online. And, for the general election in November, the Defense Department ran a very limited project in which 84 members of the military stationed abroad voted. As noted earlier, however, DOD abandoned plans for a much larger project in 2004. Some 46,000 voters (28 percent of the total turnout) did vote by computer in the Democratic Party's presidential caucuses in Michigan in February of 2004.

A number of public officials in several States and a number of dot.com companies promote online voting. These supporters claim that it will make participation much more convenient, increase voter turnout, and reduce the costs of conducting elections.

Many skeptics believe that the electronic infrastructure is not ready for e-voting. Some fear digital disaster: jammed phone lines, blocked access, hackers, viruses, denials of service attacks, fraudulent vote counts, and violations of voter secrecy. Critics also point out that because not everyone can afford home computers, online voting could undermine basic American principles of equality.

Section 2 Assessment

Key Terms and Main Ideas

1. What is the purpose of **absentee voting** laws?
2. How can the **coattail effect** influence election results?
3. What factor determines the location of each voter's **polling place**?
4. (a) What is a **ballot**? (b) What different forms does it take in the United States?

Critical Thinking

5. **Predicting Consequences** Consider elections held in your school for class president and student council. How might the absence of secret ballots affect these elections?



Standards Monitoring Online

For: Self-quiz with vocabulary practice
Web Code: mqa-2072

6. **Expressing Problems Clearly** (a) What are the advantages and disadvantages of voting by mail and voting online? (b) Do you support either of these voting methods? Explain your answer.

Go Online

PHSchool.com

For: An activity on elections
Web Code: mqd-2072



Standards Monitoring Online

For additional assessment, have students access **Standards Monitoring Online** at
Web Code: mqa-2072

Go Online
PHSchool.com

Typing in the Web Code when prompted will bring students directly to detailed instructions for this activity.

Objectives You may wish to call students' attention to the objectives in the Section Preview. The objectives are reflected in the main headings of the section.

Bellringer Ask students to name a candidate who has run for office recently. Did they see the candidate's name on signs or billboards, or in television commercials? Explain that in this section, they will read about some of the issues that arise from candidates' need for money to finance campaigns and raise awareness of their candidacies.

Vocabulary Builder Point out the terms in the Political Dictionary. Ask students which kind of contribution a *political action committee* might make to a campaign: *soft money* or *hard money*.

Lesson Plan

Teaching the Main Ideas L3

H-SS 12.6.3

1. Focus Tell students that total campaign spending for the 2004 presidential election came to \$2 billion. Ask them to list some of the ways in which candidates might have spent this money, such as staff salaries, travel, and advertising. Then discuss whether the amount of money candidates spent can and should be restricted, as some reformers have claimed.

2. Instruct Ask students to name the largest item in a typical campaign budget. (*television*) Discuss other ways that politicians spend money and where they get that money from. Then talk about how Congress regulates campaign contributions.

3. Close/Reteach Remind students that Congress has tried to solve the problems of campaign financing through regulation. Have students design and write an informational brochure from the Federal Election Commission explaining limits on contributions and expenditures.

Section Preview

OBJECTIVES

1. **Explain** the issues raised by campaign spending.
2. **Describe** the various sources of funding for campaign spending.
3. **Examine** federal laws that regulate campaign finance.
4. **Outline** the role of the Federal Election Commission in enforcing campaign finance laws.
5. **Describe** hard money and soft money.

WHY IT MATTERS

Money is an indispensable campaign resource. Yet money also poses a variety of problems in the election process. That's why the use of money is regulated in today's elections.

POLITICAL DICTIONARY

- ★ **political action committee (PAC)**
- ★ **subsidy**
- ★ **soft money**
- ★ **hard money**



▲ Seal of the Federal Election Commission, which administers federal law dealing with campaign finance.

Running for public office costs money, and often a lot of it. That fact creates some difficult problems in American politics. It leaves open the possibility that candidates will try to buy their way into public office. It also makes it possible for special interests to try to buy favors from those who are in office.

Clearly, government by the people must be protected from these dangers. But how?

Parties and candidates must have money. Without it, they cannot campaign or do any of the many things they must do to win elections.

In short, dollars are an absolutely necessary campaign resource. Yet, the getting and spending of campaign funds can corrupt the entire political process.

Campaign Spending

No one really knows how much money is spent on elections in the United States. Reliable estimates of total spending in recent presidential election years—including nominations and elections at all levels—can be seen in the table on the next page.

The presidential election eats up by far the largest share of campaign dollars. For 2004, total spending for all of the major and minor

party presidential efforts—for primaries, conventions, campaigns, for everything—reached a mind-boggling \$2 billion.

The vast sums spent on congressional campaigns also continue to climb, election after election. Spending in all the Senate and House races around the country totaled a stupendous amount, more than one billion dollars in 2004. Spending will almost certainly exceed even that huge sum in 2006.

Radio and television time, professional campaign managers and consultants, newspaper advertisements, pamphlets, buttons, posters and bumper stickers, office rent, polls, data processing, mass mailings, Web sites, travel—these and a host of other items make up the huge sums spent in campaigns. Television ads are far and away the largest item in most campaign budgets today, even at the local level. As Will Rogers put it years ago, “You have to be loaded just to get beat.”

The total amount spent in particular races varies widely, of course. How much depends on several things: the office involved, the candidate and whether he or she is the incumbent, the opposition, and, not least, the availability of campaign funds.

Sources of Funding

Parties and their candidates draw their money from two basic sources: private contributors and the public treasury.



Block Scheduling Strategies

Consider these suggestions to manage extended class time:

■ Have students develop a questionnaire based on campaign financing. Questions should probe people's feelings about whether too much is spent; how useful congressional regulations are; if contribution limits are fair; the role of the media; and whether campaigns should receive public funding. Have students poll family members,

teachers and other adults, and then tabulate their results in the form of a summary and a pie chart.

■ Have students analyze the results of their polls to create a list of major problems with the current campaign finance system. Then have them brainstorm solutions to these problems. Have students share their solutions with the class, and use them as a springboard for discussion.

Private and Public Sources

Private givers have always been the major source of campaign funds in American politics, and they come in various shapes and sizes:

1. Small contributors—those who give \$5 or \$10 or so, and only occasionally. Only about 10 percent of people of voting age ever make campaign contributions; so parties and candidates must look to other places for much of their funding.

2. Wealthy individuals and families—the “fat cats,” who can make large donations and find it in their best interest to make them.

3. Candidates—both incumbents and challengers, their families, and, importantly, people who hold and want to keep appointive public offices. Ross Perot holds the all-time record in this category. He spent some \$65 million of his own money on his independent bid for the presidency in 1992.

4. Various nonparty groups—especially **political action committees (PACs)**. Political action committees are the political arms of special-interest and other organizations with a stake in electoral politics.

5. Temporary organizations—groups formed for the immediate purposes of a campaign, including fund-raising. Hundreds of these short-lived units spring up every two years, and at every level in American politics.

Then, too, parties and their candidates often hold fund-raisers of various sorts. The most common are \$100-, \$500-, and \$1,000-a-plate luncheons, dinners, picnics, receptions, and similar gatherings. Some of these events now reach the \$100,000-or-more level in presidential campaigns. Direct mail requests, telethons, and Internet solicitations are also among the oft-used tools of those who raise campaign money.

Public funds—subsidies from the federal and some State treasuries—are now another prime source of campaign money. A **subsidy** is a grant of money, usually from a government. Subsidies have so far been most important at the presidential level, as you will see shortly.¹³

Why People Give

Campaign donations are a form of political participation. Those who make them do so for a number of reasons. Many small donors give simply because they believe in a party or in a

Total Campaign Spending, 1960–2004

Year	Estimated spending	Voter turnout*	Spending per voter
1960	\$175 million	68.8 million	\$2.54
1964	\$200 million	70.6 million	\$2.83
1968	\$300 million	73.2 million	\$4.10
1972	\$425 million	77.7 million	\$5.47
1976	\$540 million	81.6 million	\$6.62
1980	\$1.2 billion	86.6 million	\$13.87
1984	\$1.8 billion	92.7 million	\$19.42
1988	\$2.7 billion	91.6 million	\$29.48
1992	\$3.2 billion	104.4 million	\$30.65
1996	\$4.0 billion	96.5 million	\$41.45
2000	\$5.1 billion	105.4 million	\$48.39
2004	\$6.0 billion	120.2 million	\$49.92

*Presidential elections

SOURCES: Federal Election Commission; Herbert E. Alexander, *Financing Politics*



Interpreting Tables Total campaign spending has risen dramatically in recent elections. **What factors may account for this rise?** **H-SS 12.6.3**

candidate. Many of those who give, however, want something in return. They want access to government, and hope to get it by helping their “friends” win elections. And, notice, some contributors give to both sides in a contest: Heads they win and tails they still win.

Some big donors want appointments to public office, and others want to keep the ones they have. Some long for social recognition. For them, dinner at the White House, meeting with a Cabinet official, or knowing the governor on a first-name basis may be enough. Organized labor, business, professional, and various other groups have particular policy aims. They want certain laws passed, changed, or repealed, or certain administrative actions taken.

Regulating Campaign Finance

Congress first began to regulate the use of money in federal elections in 1907. In that year, it became unlawful for any corporation or national bank to make “a money contribution in

¹³Public funds for presidential campaigns come from the federal treasury. Several States now also have some form of public financing for parties and/or candidates at the State and even the local level.

Reading Strategy

Self-Questioning

Ask students to look at every heading and subheading in the section and turn it into a question that begins with *What*, *How*, or *Why*. Have them read the section to answer their questions.

Point-of-Use Resources



Guided Reading and Review Unit 2 booklet, p. 26 provides students with practice identifying the main ideas and key terms of this section.



Lesson Planner For complete lesson planning suggestions, see the Lesson Planner booklet, section 3.



Political Cartoons See p. 29 of the Political Cartoons booklet for a cartoon relevant to this section.



Section Support Transparencies

Transparency 32, *Visual Learning*; Transparency 131, *Political Cartoon*



ABC News Civics and Government Videotape Library

Lyndon Johnson's Daisy Girl Commercial (time: 1 minute)



Simulations and Data Graphing

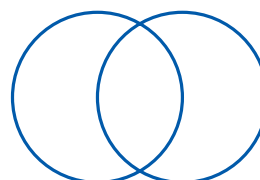
CD-ROM offers data graphing tools that give students practice with creating and interpreting graphs.

Organizing Information

To make sure students understand the main points of this section, you may wish to use the Venn diagram to the right.

Tell students that a Venn diagram can be used to compare two groups by showing attributes they have alone and those they share. Have students use a Venn diagram to compare PAC contributions with private contributions. Characteristics both groups have should appear in the space where the circles overlap.

Teaching Tip A template for this graphic organizer can be found in the Section Support Transparencies, Transparency 6.



Answer to . . .

Interpreting Tables Possible answer: The high cost of media coverage, particularly television time.

Universal Access

L3

Share the following quotation with students:

“Politicians [are] a set of men who have interests aside from the interests of the people, and who, to say the most of them, are, taken as a mass, at least one long step removed from honest men. I say this with the greater freedom, because, being a politician myself, none can regard it as personal.”

—Abraham Lincoln

Discussion Ask students what Lincoln meant by his remark. Ask: What might the “interests aside from the interests of the people” that Lincoln refers to have to do with money and elections? **H-SS 12.6.3**

Universal Access

L4

Have students compare the campaign regulating system with the systems of other federal regulatory agencies. Using card catalogs, interviews, periodicals, and other resources, students should collect notes on federal regulation of the country’s communications system, aviation system, securities industry, or some other target of federal regulation. Have them note both similarities and differences in the goals and practices of each regulatory system, presenting their findings in the form of a brief oral or written report, or a series of charts or graphs.

GT H-SS 12.6.3

Voices on Government

Senator Maria Cantwell (D., Washington) was elected to the United States Senate in 2000 after a campaign in which she refused to accept contributions from special interests. Later, as the Senate debated campaign finance reform legislation, she had this to say:

“The only way we have to truly level the playing field, both between candidates and parties of opposing ideologies, and more importantly, between new candidates and incumbents, is to commit the resources to the process of getting people elected. Not until we create a campaign system with a shorter and more intensive campaign period—something I think the public would truly applaud—funded with finite and equal resources available to all candidates, will we be able to really listen carefully to what the people want.”



Evaluating the Quotation

What advantages and disadvantages are there—for both voters and candidates—of “a shorter and more intensive campaign period . . . funded with finite and equal resources available to all candidates”?

any election” to candidates for federal office. Since then, Congress has passed several laws to regulate the use of money in presidential and congressional campaigns. Today, these regulations are found in four detailed laws: the Federal Election Campaign Act (FECA) of 1971, the FECA Amendments of 1974 and of 1976, and the Bipartisan Campaign Reform Act of 2002.

The earliest federal laws were loosely drawn, not often obeyed, and almost never enforced. The 1971 law replaced them. The 1974 law was the major legislative response to the Watergate scandal of the Nixon years. The 1976 law was passed in response to a landmark Supreme Court decision, *Buckley v. Valeo*, in 1976. The 2002 law attempted to close the “soft-money” loophole in the 1974 and 1976 statutes; it was upheld by the High Court in *McConnell v. FEC* in 2003.

¹⁴State funding laws are summarized in *The Book of the States*, an annual publication of the Council of State Governments.

Congress does not have the power to regulate the use of money in State and local elections. Every State now regulates at least some aspects of campaign finance, however—some of them more effectively than others.¹⁴

The Federal Election Commission

The Federal Election Commission (FEC) administers all federal law dealing with campaign finance. Set up by Congress in 1974, the FEC is an independent agency in the executive branch. Its six members are appointed by the President, with Senate confirmation.

Federal campaign finance laws are both strongly worded and closely detailed. But they are not very well enforced. In large part this is because the FEC has been both underfunded and understaffed. That is to say, members of Congress—who, remember, raise and spend campaign money—have made it practically impossible for the FEC to do an effective job. In short, the FEC finds itself in a situation much like that of the chickens who must guard the fox house.

The laws that the FEC is supposed to enforce cover four broad areas. They (1) require the timely disclosure of campaign finance data, (2) place limits on campaign contributions, (3) place limits on campaign expenditures, and (4) provide public funding for several parts of the presidential election process.

Disclosure Requirements

Congress first required the reporting of certain campaign finance information in 1910. Today, the disclosure requirements are intended to spotlight the place of money in federal campaigns. Those requirements are so detailed that most candidates for federal office now include at least one certified public accountant in their campaign organization.

No individual or group can make a contribution in the name of another. Cash gifts of more than \$100 are prohibited. So, too, are contributions from any foreign source.

All contributions to a candidate for federal office must be made through a single campaign committee. Only that committee can spend that candidate’s campaign money. All contributions and spending must be closely accounted for by that one committee. Any contribution or

Answer to . . .

Evaluating the Quotation

Advantages: Candidates and voters will not tire from long campaigns and lose interest; wealthy candidates will not have an unfair advantage. Disadvantage: People cannot follow candidates for a long period and become more familiar with their ideas and with how candidates behave in different circumstances.

loan of more than \$200 must be identified by source and by date. Any spending over \$200 must also be identified by the name of the person or firm to whom payment was made, by date, and by purpose.

Any contribution of more than \$5,000 must be reported to the FEC no later than 48 hours after it is received. So, too, must any sum of \$1,000 or more that is received in the last 20 days of a campaign.

Limits on Contributions

Congress first began to regulate campaign contributions in 1907, when it outlawed donations by corporations and national banks. A similar ban was first applied to labor unions in 1943. Individual contributions became subject to regulation in 1939.

Today, no person can give more than \$2,100 to any federal candidate in a primary election, and no more than \$2,100 to any federal candidate's general election campaign. Also, no person can give more than \$5,000 in any year to a political action committee, or \$26,700 to a national party committee. The total of any person's contributions to federal candidates and committees now must be limited to no more than \$101,400 in an election cycle (the two years from one general election to the next one).

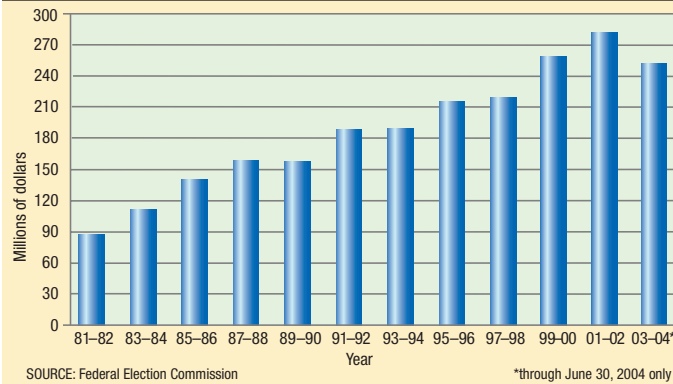
Those limits may seem generous; in fact, they are very tight. Before limits were imposed in 1974, many wealthy individuals gave far larger amounts. In 1972, for example, W. Clement Stone, a Chicago insurance executive, contributed more than \$2 million to President Richard Nixon's reelection campaign.

PAC Contributions

Neither corporations nor labor unions can contribute to any candidate running for a federal office. Their political action committees, however, can and do.

Political action committees (PACs) seek to affect the making of public policy and, especially, the outcome of elections in the United States. More than 4,000 PACs are active today, and they are of two distinct types:

PAC Contributions to Congressional Candidates



Interpreting Graphs Political action committees (PACs) have become a major source of campaign money. *How do you think the growth of PACs has affected political campaigns since the 1980s?*

- Most PACs are the political arms of special interest groups—and especially of business associations, labor unions, and professional organizations. These groups are known as “segregated fund committees.” They can raise funds *only* from their members—from the employees and stockholders of a corporation, from the members of a labor union, and so on. They *cannot* seek contributions from the general public. Each of these PACs is a part of its parent organization.

Leading examples of these groups include BIPAC (the Business-Industry Political Action Committee) and COPE (the AFL-CIO's Committee on Political Education).

- A few hundred PACs are “unconnected committees.” Each of them was established as an independent entity, not as a unit in some larger organization. Many are ideologically based. These PACs can raise money from the public at large. One major example is EMILY's List, which recruits and funds pro-choice women as Democratic candidates. (The group takes its name from this political maxim: Early Money Is Like Yeast, it makes the dough rise.)

PACs fill their war chests with contributions from the members of the PAC's parent organization or with the dollars they raise from the public. PACs “bundle” the money they gather into a single large fund. Then they distribute that

Background Note

Leadership PACs

At near the end of the 2004 election cycle, the Center for Responsive Politics reported approximately 126 leadership PACs that had raised \$100,000 or more. The number one fundraiser was Howard Dean's Democracy for America fund, with approximately \$4.8 million in total receipts. Number two was Trent Lott's New Republican Majority Fund, with \$4.08 million in receipts.

Point-of-Use Resources



The Enduring Constitution

Limited Government, p. 4



Basic Principles of the Constitution

Transparencies 16-22, Limited Government

CONSTITUTIONAL PRINCIPLES

Limited Government

The concept of limited government means that government must obey the law. Fair, honest campaigns and elections are essential in nations that uphold the ideal of limited government. The Federal Election Commission is the body that ensures the fairness of campaigns and elections. The Commission has six members, and by law no more than three members may be of the same political party. Furthermore, four votes are required for all Commission actions. These

requirements ensure that the Commission is nonpartisan.

Activity

Visit the Federal Election Commission Web site to learn more about what the FEC does (links are provided at PHSchool.com). Enter the Citizen's Guide area of the site, and choose one of the topics listed. Prepare a brief oral report, summary, or visual presentation of what you learn.

Answer to . . .

Interpreting Graphs The growth of PACs has been a large factor in the overall increase in campaign spending.

Universal Access

L3

Enrichment Use the “numbered heads” approach to discuss the four areas the FEC enforces. Divide the class into four groups. Then count off with the entire class, assigning each student a number from 1 to 4. Have all of the 1’s meet and discuss the first area (disclosure of campaign finance data). Have the 2’s, 3’s, and 4’s meet and discuss the other three areas (limits on campaign contributions, limits on campaign expenditures, and public funding for elections). Allow 10-15 minutes for groups to discuss each area. Then ask students to rejoin their original group to discuss all four of the areas enforced by the FEC.

H-SS 12.6.3

money to those candidates who (1) are sympathetic to the PAC’s policy goals, and (2) have a reasonable chance of winning their races.

No PAC can give more than \$5,000 to any one federal candidate in an election, or \$10,000 per election cycle (primary and general election). However, there is no overall limit on PAC giving to candidates. Each PAC can give up to \$5,000 per election to each of as many candidates as it chooses. A PAC may also contribute up to \$15,000 a year to a political party.

PACs put more than \$600 million into the presidential and congressional campaigns in 2004. They funneled untold other millions into State and local contests as well.

Limits on Expenditures

Congress first began to limit federal campaign spending in 1925. Most of the limits now on the books apply only to presidential (not congressional) elections. This fact is due mostly to the Supreme Court’s decision in *Buckley v. Valeo*, 1976.

In *Buckley*, the High Court struck down several spending limits set by the FECA Amendments of 1974. It held each of those restrictions to be contrary to the 1st Amendment’s guarantees of freedom of expression. In effect, said the Court, in politics “money is speech.”

The most important of the provisions the Court threw out (1) limited campaign expenditures by candidates running for seats in the House or Senate, (2) limited how much of their own money candidates could put into their own campaigns, and (3) said that no person or group could spend more than \$1,000 on behalf of any federal candidate without that candidate’s permission.

The Court did recognize one exception to the ban on spending limits. It held that the money spent by those presidential contenders who accept FEC subsidies *can* be regulated. Candidates do not have to take the FEC money; but if they do they must accept spending limits as part of the deal.¹⁵

¹⁵To this point, only five major party aspirants (three Republicans and two Democrats) have not taken the public money—all five in the preconvention period and two of them twice. The three Republicans: John Connally in 1980, Steve Forbes in 1996 and 2000, and George W. Bush in 2000 and 2004. The Democrats: Howard Dean and John Kerry in 2004. (Mr. Bush did accept FEC funding for his general election campaigns in 2000 and 2004, as did Mr. Kerry in 2004.)

For 2004, those major party contenders who accepted the federal funds could spend no more than \$37.3 million in the preconvention period. (President Bush, who did not take the FEC money for that period, was on track to spend more than five times that amount by the time the GOP convention met in New York in late August.)

After the conventions, in the general election campaign, each of the major party nominees could spend no more than \$74.6 million. And neither major party’s national committee could lay out more than \$15 million for its presidential campaign efforts.

Minor party candidates can also qualify for FEC money. Only a few have been able to do so, however—most recently, the Reform Party’s nominee, Pat Buchanan in 2000.

Public Funding of Presidential Campaigns

Congress first began to provide for the public funding of presidential campaigns in the Revenue Act of 1971. It broadened sections of that law in 1974 and again in 1976.

The 1971 law set up the Presidential Election Campaign Fund. Every person who files a federal income tax return can “check off” (assign) three dollars of his or her tax payment (six dollars on a joint return) to the fund. The monies in the fund are used every four years to finance (1) preconvention campaigns, (2) national conventions, and (3) presidential election campaigns. The FEC administers the public subsidy process.

1. *Preconvention Campaigns.* Presidential primary and caucus campaigns are supported by the private contributions a candidate raises plus the public money he or she receives from the FEC. To be eligible for public funds, a contender must raise at least \$100,000 in contributions from individuals (not organizations). That amount must be gathered in \$5,000 lots in each of at least 20 States, with each of those lots built from individual donations of not more than \$250. This convoluted requirement is meant to discourage frivolous candidates.

For each presidential hopeful who passes this test, the FEC will match the first \$250 of each individual’s donation to that candidate, up to a total of half of the overall limit on primary spending. So, in 2004, the FEC could give a

contender as much as \$18.65 million, because the ceiling was \$37.3 million. The FEC does not match contributions from PACs or other political organizations.

For 2004, all the major party presidential hopefuls combined spent nearly \$250 million on their pre-convention campaigns. This figure included some \$28.5 million in matching funds from the FEC.

2. *National Conventions.* If a major party applies for the money, it automatically receives a grant to help pay for its national convention. The FEC paid the Republicans and the Democrats \$14.6 million each for that purpose in 2004.

3. *Presidential Election Campaigns.* Every major party nominee automatically qualifies for a public subsidy to cover the costs of the general election campaign. For the 2004 election, that subsidy amounted to \$74.6 million. A candidate can refuse that money, of course. Should that ever happen, the candidate would be free to raise however much he or she could from private sources.

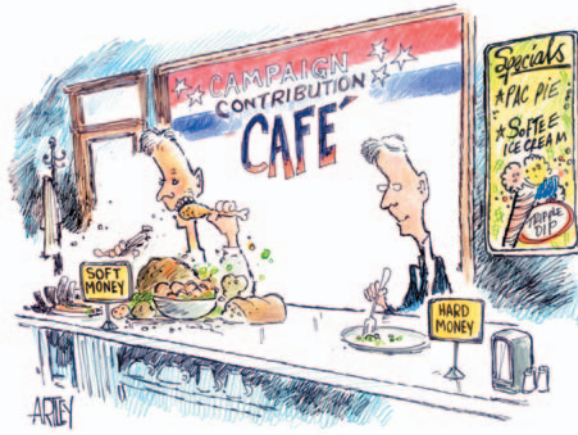
So far (from 1976 through 2004), the nominees of both major parties have taken the public money each time. Because they did so, each automatically (1) could spend no more than the amount of the subsidy, and (2) could not accept campaign funds from any other source.

A minor party candidate can also qualify for public funding, but not automatically. To be eligible, the minor party must either (1) have won at least five percent of the popular vote in the last presidential election, or (2) win at least that much of the total vote in the current election.

In the latter case, the public money is received *after* the election and so could not possibly help the candidate in that election. (Remember, many provisions of both federal and State election law are purposely drawn to discourage minor party and independent efforts and thus help strengthen the two-party system.)

Except for Ross Perot in 1996, few minor party candidates have come even remotely close to winning five percent of the popular vote in any election since the subsidy arrangement was put in place. Over that period (1976 through 2004), however, two independent candidates did exceed the five-percent threshold.

John Anderson received 6.7 percent of the popular vote in 1980. He therefore received



Interpreting Political Cartoons (a) Explain the difference between “hard” and “soft” money. (b) How does the cartoon help make that difference clear? **H-SS 12.6.3**

\$4.2 million from the FEC after that election. Ross Perot won 19 percent of the vote in 1992. Thus, the FEC ruled that he was eligible to receive \$29.2 million from the Presidential Election Campaign Fund to finance his Reform Party candidacy in 1996. Perot won 8 percent of the popular vote in 1996, and so the Reform Party’s candidate, Pat Buchanan, qualified for the federal subsidy in 2000.

Hard Money, Soft Money

Nearly 40 years ago, President Lyndon Johnson described the then-current body of federal campaign finance law as “more loophole than law.” Over recent years, we have come very close to the point where LBJ’s comment could be applied to federal election money statutes today—particularly because of soft money.

For over 30 years now, federal campaign finance laws have placed limits on **hard money**—that is, on money raised and spent to elect candidates for Congress and the White House. But, until 2002, those laws did *not* limit **soft money**—funds given to party organizations for such “party-building activities” as candidate recruitment, voter registration and get-out-the-vote drives, and similar efforts.

Both major parties began to raise soft money (began to exploit the soft-money loophole) in

Background Note

Recent Scholarship

Bradley A. Smith is a law professor and member of the Federal Election Commission. As such, he has developed some strong opinions on campaign finance reform in the United States. He shares those opinions in his book, *Unfree Speech: The Folly of Campaign Finance Reform*. Smith begins by asserting that “Almost everything the American people know, or think they know, about campaign finance reform is wrong.” According to the author, the system is not as flawed as the media would have us believe, and that recent reforms have actually caused more problems than they have solved. The results are more power to incumbents and the squelching of grassroots organizations. Smith also argues that the very idea of campaign finance reform threatens First Amendment rights to free speech and is thus unconstitutional.

Universal Access

L3

Have students assume the role of writers for a national newspaper who are covering the section of the paper devoted to politics and government. Ask them to write an editorial criticizing or supporting the role of money in the electoral process. The editorials should include a discussion of FEC regulations. Ask students to make recommendations for additional government regulation (or deregulation) of campaign finance reform.

H-SS 12.6.3

Preparing for Standardized Tests

Have students read the passages under *Hard Money, Soft Money* on pp. 201–202, and then complete the sentence below.

Money spent by a group to sponsor a State Republican voter awareness campaign for young people would be considered

- A** hard money.
- B** independent campaign spending.
- C** an issue ad.
- D** soft money.

Answer to . . .

Interpreting Political Cartoons

(a) Hard money is given directly to campaigns, while soft money is spent indirectly on things such as voter registration drives. (b) The cartoon shows that soft money contributions are more plentiful than hard money contributions, although they serve the same general purpose.

Point-of-Use Resources



Guide to the Essentials Chapter 7, Section 3, p. 45 provides support for students who need additional review of section content. Spanish support is available in the Spanish edition of the Guide on p. 38.



Quiz Unit 2 booklet, p. 25 includes matching and multiple-choice questions to check students' understanding of Section 3 content.



Presentation Pro CD-ROM Quizzes and multiple-choice questions check students' understanding of Section 3 content.

Answers to . . .

Section 3 Assessment

1. PACs are the political arms of special interest groups.
2. (a) A subsidy is a grant or gift of money, usually from a government. (b) They are most important at the presidential level.
3. Because soft money was not limited and did not have to be reported, political organizations found it easy to filter it into political campaigns.
4. Soft money is given to political organizations for "party-building activities" like voter registration drives and does not have to be regulated; hard money is given to campaigns directly, and must be regulated by the FEC.
5. Answers will vary; those who agree might suggest that "democracy" means the greater number of supporters; those who disagree might say that "democracy" means the ability for everyone to participate, not the participation itself.
6. Possible answer: Candidates would spend more money on their campaigns, which would give those with greater financial resources an even larger advantage than they enjoy under the current limits

Answer to . . .

Interpreting Political Cartoons

Individuals, families, PACs, and temporary organizations.



Interpreting Political Cartoons From what sources might this candidate solicit funds?

the 1980s, and they intensified those efforts in the 1990s. The Republican and Democratic National Committees and their House and Senate campaign committees gathered millions of unregulated dollars from wealthy individuals, labor unions, corporations, and other interest groups. Officially, those funds were raised for party-building purposes, but both parties found it easy to filter them into their presidential and congressional campaigns.

The torrent of money rushing through the soft-money loophole rose from about \$19 million in 1980 to more than \$260 million by 1996 and to some \$500 million in 2000. Look again at the figures on page 196 and at those in

the table on page 197. Those huge numbers, fueled in no small part by soft money, have convinced a great many people that the nation's campaign finance laws are in serious need of reform. As a step in that direction, Congress—after years of debate and delay—finally enacted the Bipartisan Campaign Reform Act (the BCRA) of 2002.

The new measure became law largely because of years of unremitting effort by its chief sponsors: Senators John McCain (R., Arizona) and Russ Feingold (D., Wisconsin) and Representatives Christopher Shays (R., Connecticut) and Martin Meehan (D., Massachusetts).

The BCRA's major provisions are aimed at the soft-money problem. They ban soft-money contributions to political parties. But the law does not say that other political groups cannot raise and spend those dollars. Almost immediately, a number of independent groups—groups with no formal ties to any party—emerged to do just that. In short, creative minds in both major parties found a way to skirt the ban on soft money. Some \$200 million poured through that loophole in 2004.

The most prominent of those groups in the last presidential election included America Coming Together, MoveOn.org, and the Media Fund; all three supported John Kerry and other Democrats. The Program for America Voters Fund was the most visible independent group backing President Bush and other Republicans.

Section 3 Assessment

Key Terms and Main Ideas

1. What are **political action committees (PACs)**?
2. (a) What is a **subsidy**? (b) At what level in the election process are campaign subsidies most important?
3. How did **soft money** create a loophole in federal election-finance law?
4. How do soft money and **hard money** differ?

Critical Thinking

5. **Distinguishing Fact From Opinion** Explain why you agree or disagree with this statement: "Democracy would be best served if campaigns were entirely supported by the small contributions of millions of American voters."



Standards Monitoring Online

For: Self-quiz with vocabulary practice
Web Code: mqa-2073

6. **Drawing Conclusions** How might the electoral process be changed if there were no limits on campaign spending?

Go Online
PHSchool.com

For: An activity on funding political campaigns
Web Code: mqd-2073



Standards Monitoring Online

For additional assessment, have students access **Standards Monitoring Online** at
Web Code: mqa-2073

Go Online
PHSchool.com

Typing in the Web Code when prompted will bring students directly to detailed instructions for this activity.