Campaign Finance Reform: A Reevaluation of the Election Process

I. Problem Definition

What are the problematic conditions?

- Time and money spent on political campaigns in the United States greatly surpass all other countries due to increased deregulation of elections.
- Money is an important influence in the outcome of elections.

Just as with every facet of American life, political campaigns within the United States are massively affected by money, leading toward economic instability as well as influencing election results. Specifically, within the United States, presidential campaigns last nearly two years in comparison to “many [European countries that] have set campaign periods, lasting a few weeks to several months, during which spending and other activities are heavily regulated” (Parlapiano, 2015). Due to the length of time spent on campaigning to reach the presidency, substantial sums of money are wasted, reaching a combined total of “$2.6 billion in [the 2012 presidential race] cycle” (CRP, 2013) compared to the “$30 million” (Atlanta, 2014) cap utilized by France during its presidential election and other similar low-cost elections held in varying European countries. Not only is the spending on elections excessive, but it is also detrimental to the democratic process and how all citizens, not just those who can shell out millions, are represented in Congress and the Presidency.

According to former Supreme Court Justice John Paul Stevens and resulting from the Citizens United decision, we are facing a “[threat] to undermine the integrity of elected institutions across the Nation” by "dramatically enhanc[ing] the role of corporations and unions - and the...interests they represent” (Atlanta, 2015). Most importantly, the Citizens United decision
allows for a corporation to broadcast any political opinion for or against a candidate or political party and spend any amount of money on publicizing this opinion without restriction, as it is supposedly protected by the First Amendment, following the rhetoric that corporations and unions are equated to individuals and, as such, should be allowed to have the same rights (Citizens United, n.d.). Depending on a corporation’s political opinions and the amount of money each corporation is willing to spend on advertising, any corporation now has much more power to influence the voters through unregulated propaganda. Furthermore, PACs, or political action committees, super PACs, and 527 organizations, whose function is to support a presidential candidate or party by raising money for that particular candidate or party, as well as reduced regulation on political spending from 501(c)(4) and 501(c)(6) organizations, all greatly increase the cost of federal elections. Donations from PACs to political parties and candidates are capped by law and, as a result, the influence PACs maintain over an election are limited. However, because super PACs are different in that they are not allowed to donate directly to a political party or candidate and are not allowed to officially coordinate with a specific candidate or party, donations by individuals and corporations to super PACs are unregulated (Warren, n.d.).

The ability to limitless donate creates a problem because even though super PACs are banned from donating directly to a party or candidate or coordinating with a campaign, they can still spend on unlimited advertisement in support of or against any candidate they choose, as well as hire top staffers and aides of candidates, loyal connections to a candidate by working around the law. As a result, costs are driven up by the lack of regulation in private entities’ attempts to generate the most money and support for a particular candidate. Based on both the Citizens United decision and the lack of regulation on super PACs, those with money now have the
ability to freely spend however much they want in support of a candidate. This ability to spend any sum of money may not seem innately dangerous to democracy; however, it is in fact extremely dangerous because money wins elections, both in Congress and the Presidency. According to Wesley Lowery (2014) from the Washington Post, 91% of the time the better-financed candidate wins. As a result, democracy is diluted by capitalism; politicians can be bought and the government can be run as business; for this reason, politicians are failing to properly represent their constituents and are instead aligning government interests with corporate interests in order to guarantee their seat in Congress during the next election season by having the corporate backing to outspend their challengers.

Who are the stakeholders?

- Citizens
- Corporations/Unions
- Political Organizations (PACs, super PACs, 527 groups, etc.)
- Candidates/Politicians
- Government

Each of these entities is directly invested in the political process. Depending on particular laws enforced by the government, certain entities are allotted more power than others, thus influencing the outcome of elections and disrupting the democratic process. Currently, PACs, super PACs, and 527 groups have a great influence on the political process because of their ability to fundraise. Citizens, corporations, and unions all rely on candidates and politicians to effectively represent them during the policymaking process, when ideas become laws that shape the way the country operates. Similarly, candidates rely upon the votes of citizens and the money of corporations to gain the ability to serve in the government.
II. Possible Solutions

There are various intricacies in the current laws surrounding campaign financing, and subsequently many minor solutions to solve obscure but important problems; however, there are some main propositions about possible large-scale solutions to drastically improve campaign finance. Prior regulations include the Federal Election Campaign Act of 1971, which created the Federal Election Commission and put in place various regulations on campaign financing, as well as the Bipartisan Campaign Reform Act of 2002, which took these regulations even further, increasing restrictions on soft money (Federal, 2015).

One relatively simple solution that does not affect the amount of money being generated and spent in campaigns and elections is disclosure laws. Currently, although candidate committees, party committees, all PACs, and 527s are required to disclose their donors, 501(c)(4) and 501(c)(6) organizations, who can subsequently donate to PACs and super PACs, are not required to disclose their own donors, causing what is colloquially known as a “Russian doll problem,” an issue that results in supposedly transparent organizations having a handful of, or even single, donor organizations in their disclosures (“Nine”, 2012). Without transparency, hundreds of millions of untraceable dollars, called “dark money,” are prominent in the campaign fundraising scheme, preventing voters from knowing what third-party influences potential candidates may be under and what obligations those candidates have to support the laws and policies backed by faceless, nameless donors.

Another solution is placing caps and limits on all donations and money involved in campaigning and elections. This idea is one of the most prominent facets of campaign finance reform arguments, which would completely overturn the 2010 Citizens United decision and would actually go further than any previous legislative attempts at campaign finance reform.
Caps placed would limit the amount that individuals and organizations alike could contribute to a political campaign, an individual’s campaign committee, or a party committee.

Yet another solution for campaign finance is to limit the amount of time candidates are allowed to officially campaign, as the American campaign is “longer than in any other country” (Parlapiano, 2015). Along with reducing campaign time periods, as an extension of this policy, there may also be limits placed on the length of time that individuals are allowed to fundraise for their campaigns, which would also address monetary issues.

III. Evaluative Criteria

*Economic Feasibility*

The criteria of economic feasibility mainly involves cost-benefit analysis, as well as the extrapolation and analysis of trends based on suggested changes in policy. According to the Center for Responsive Politics, since 1998, the total amount of money spent on campaigns, both congressional and presidential races combined, has increased by about a billion dollars for every election cycle during a presidential election year (“The”, n.d.). The goal of determining economic feasibility is to calculate whether the policy contributes to lowering campaign costs and leveling the monetary influence outsiders have on candidates.

*Sociopolitical Feasibility*

The criteria of sociopolitical feasibility is meant to address issues regarding the equal representation of every citizen in overall public opinion and, subsequently, election results. One of the main goals of addressing campaign finance reform is to ensure that the wealthiest Americans cannot simply buy elections, and that candidates who have raised large amounts of money have done so with the backing of many Americans, not just the extremely wealthy. If outspending other candidates equates to winning a position of significant power in the American
government, then any sort of campaign reform should carefully address how significantly Americans can financially contribute to campaigns and elections.

**Organizational/Group Representation**

Large groups that are part of various important discussions and debates on a plethora of political, social, economic, and cultural significantly contribute to American democratic discourse in many ways, including research, public support for certain policies and individuals, contribution of human capital to numerous causes, and, of course, financial support. The criteria for evaluating group representation is to ensure that powerful, influential groups do not have an exponentially unfair advantage in fundraising and backing certain candidates that support their personal agendas, often policies not supported by a majority of the public, but that they still hold sufficient rights and freedoms to contribute to political causes and candidates they want to support.

**Constitutionality**

A rather important criteria in the context of American law and policy is constitutionality. Since the *Citizens United* case overturned campaign finance reform laws that were put in place earlier that decade, the solutions presented may face significant criticism and legal action because they would go further than any previous legislation. Eventually, it is left to the court’s interpretation of the policies and laws to determine the fairness, legality, and constitutionality of their implementation.

**IV. Application of Criteria**

**Disclosure**

The act of disclosing the donations received by individuals is a completely straightforward and constitutional solution. While the act of disclosing where funds are coming
from cannot keep election costs down, it does create transparency into who supports a candidate, thus ensuring that democracy is able to function properly. With completely transparent disclosure laws that affect all parties involved with any sort of political action or activity, the public can be better informed about what third parties are attempting to court certain candidates to back policies those organizations support, as well as whether those policies are in support of the general public. Stemming from aforementioned ideas, disclosing funding provides necessary information to individuals that can be used to incite debate regarding campaign finance, which is necessary for a true democratic government.

_Caps on donations_

By capping the total amount that both individuals and organizations can donate to particular political entities, such as super PACs, campaign costs will be kept under control. Limits will keep the wealthy from throwing massive amounts of money organizations that represent issues or candidates they support. Not only will campaign spending be reduced, but the American people as a whole will be better represented. The idea of limiting donations allows for the creation of a positive correlation between the generation of the most money through donors and the greatest support by the American public. Since money will become less of a factor in the campaign process, the average American will be in a more empowered position to better understand each candidate and what he or she actually supports, instead of being influenced by the myriad of campaign advertisements, and subsequently make informed decisions when voting. This will allow for true representation of voters’ preference without significant skewing from monetary power. The use of donation caps already exists, and an extension of these donation caps shouldn’t be determined to be unconstitutional, especially with respect to limitations on spending by giant corporations.
Campaign time limits

Campaign time limits will innately keep campaign costs down by shortening the amount of time that politicians are appealing to the voters. However, campaign time limits fail to address the problems of equality in representation between individual and corporate or union interests. During a shortened time, any organization with a large amount of money will still be able to spend it unrestricted. Also, time limits to campaigns can be viewed as an affront freedom of speech guaranteed by the First Amendment because a limit on campaign length limits the amount of time individuals can openly and officially discuss their own opinions and candidacy. However, this time limitation simply limits the official declaration of a candidacy without limiting the freedom to discuss political ideologies in order to cut campaign costs and reduce the sense of apathy and fatigue among the American people who are currently overloaded with information about upcoming elections and potentially viable candidates for nearly two years.

V. Dominant Solution

Following the analysis of suggested solutions, the emerging dominant solution to the issues of campaign finance is actually a combination of both disclosure of donations and caps on donations. Reasoning to support a combination of these two solutions stems from the idea that neither are perfect solutions to the daunting problem of campaign finance. Disclosure of donations adequately informs Americans of the intentions shared by politicians and the organizations that fund them; however, it fails to actually control the massive spending that occurs during elections. This failure to limit spending is the reason why caps on donations to all political entities must also be enforced by the government. With a combination of both solutions, American citizens stand to gain better representation in government and overall campaign costs
will be kept down, allowing for democracy to function instead of being tainted by the capitalist
tendencies that are ingrained in current American elections.

VI. Political Analysis

The stakeholders involved, which are citizens, corporations, political organizations, candidates and the government, stand to have varying benefits and drawbacks resulting from the previously proposed solution. Citizens, candidates, and the government all can possibly benefit from reduced costs of elections and, most importantly, citizens will benefit the most from these reforms because of the increased representation available to them through increased government transparency and a greater ability to influence the outcome of elections because of the reduced power organizations have in terms of political spending. Corporations, unions, and other organizations will lose some of the power from the ability to donate to a particular cause without regulation; however, this loss of power creates what seems to be a necessary balance between organizational and individual American interests. Organizations exclusively interested in political spending, namely PACs, super PACs, and 527 groups, will have their influence reduced because of the introduction to universal donation caps. Interestingly, candidates may no longer completely rely on the hundreds of millions of dollars donated to them by corporations and other organizations, and will instead be forced to focus on their merits and actual ability in representing the opinions of their constituents. This will bring about a governmental shift from an oligarchical state to a representative state where the opinions of the majority of American citizens matter more than those of the wealthy elite.
References


