

of Health Plans Paid for by American Cancer Society Paid for by American Conservative Union Paid for by American Council of Life Insurers Paid for by American Family Association Paid for by American Family Voices Paid for by American Federation of Teachers Paid for by American Health Care Association Paid for by American Medical Association Paid for by American Society of Anesthesiologists Paid for by Americans for Balanced Energy Choices Paid for by Americans for Economic Growth Paid for by Americans for Hope, Growth, and Opportunity Paid for by Americans for Job Security Paid for by Americans for Limited Terms Paid for by Americans for Responsible Medicare Spending Paid for by Americans for Tax Reform Paid for by Antitrust Coalition for Consumer Choice in Health Care Paid for by Arkansas Democratic Party Paid for by Arkansas Republican Party Paid for by Association of Builders and Contractors Paid for by Better World Campaign Paid for by Black America's Political Action Committee Paid for by Business Coalition for China Trade Paid for by Business Leaders for Sensible Priorities (Iowans for Sensible Priorities) Paid for by Business Roundtable Paid for by Camden County Democratic Party Paid for by Catholic Health Association Paid for by Center for Reclaiming America Paid for by Center for Reproductive Law and Policy Paid for by Christian Action Network Paid for by Citizens for a Better America Paid for by Citizens for Better Medicare Paid for by Citizens for Life Paid for by Clean Air Trust/American Lung Association Paid for by Club for Growth Paid for by Coalition for Affordable Quality Health Care Paid for by Coalition for Asbestos Resolution Paid for by Coalition for the Future American Worker Paid for by Coalition to Protect Americans Now Paid for by Coalition to Protect America's Health Care Paid for by Committee for Good Common Sense Paid for by Council for a Livable World Paid for by Cuban American Foundation Paid for by Delaware Democratic Party Paid for by Democratic Congressional Campaign Committee Paid for by Democratic National Committee Paid for by Democratic Senatorial Campaign Committee Paid for by Education Reform Alliance Paid for by Federation for American Immigration Reform Paid for by Federation of American Health Care Systems Paid for by First American Education Project Paid for by Florida Democratic Party Paid for by Fourth Freedom Forum Paid for by Friends of the Earth Paid for by Handgun Control, Inc. Paid for by Hands Across New Jersey Paid for by Hands off the Internet Paid for by Health Benefits Coalition Paid for by Health Insurance Association of America Paid for by Healthcare Reform Project Paid for by Heritage Foundation Campaign Paid for by Human Rights Campaign Paid for by Hunting and Shooting Sports Heritage Fund Paid for by Judicial Watch Paid for by Kentucky Democratic Party Paid for by Kentucky Republican Party Paid for by League of Conservation Voters Paid for by League of Women Voters Paid for by Liberal Party of New York Paid for by Log Cabin Republicans Paid for by Michigan Democratic Party Paid for by Michigan Republican Party Paid for by Missouri Democratic Party Paid for by Missouri Republican Party Paid for by Montanans for Common Sense Mining Laws Paid for by NASA Aeronautics Support Team (formerly NASA Langley Community Support Team) Paid for by National Abortion Rights Action League (NARAL) Paid for by National Center for Policy Analysis Paid for by National Committee to Preserve Social Security and Medicare Paid for by National Environmental Trust Paid for by National Republican Congressional Committee Paid for by National Republican Senatorial Committee Paid for by National Rifle Association Paid for by National Right to Life Paid for by National Shooting Sports Foundation (Hunting and Shooting Sports Heritage Fund) Paid for by National Smokers Alliance Paid for by Natural Resources Defense Council Paid for by Nebraska Republican Party Paid for by Negative Population Growth Paid for by Nevada Democratic Party Paid for by New York Conservative Party Paid for by New York Democratic Party Paid for by North Carolina Republican Party Paid for by Nuclear Energy Institute Paid for by Patient Access to Responsible Care Alliance (PARCA) Paid for by Peace Action/Peace Voter Fund Paid for by Pennsylvania Democratic Party Paid for by Pennsylvania Republican Party Paid for by People for the American Way Paid for by People for the Ethical Treatment of Animals (PETA) Paid for by Pharmaceutical Research Manufacturers of America Paid for by Planned Parenthood Action Fund Paid for by Pro Choice Decision Paid for by Project Abolition Paid for by Republican Governors Association Paid for by Republican Ideas Political Committee Paid for by Republican Jewish Coalition Paid for by Republican Leadership Coalition Paid for by Republican Leadership Council Paid for by Republican National Committee Paid for by Republicans for Choice Paid for by Republicans for Clean Air Paid for by Rhode Island Republican Party Paid for by RuffPAC Paid for by Shape the Debate Paid for by Siegel Club Paid for by South Carolina Heritage Coalition Paid for by Stand Up for Steel Coalition Paid for by Taxpayers for Common Sense Paid for by Traditional Values Coalition Paid for by United Mine Workers Paid for by United Steelworkers of America Paid for by US Action Paid for by US Chamber of Commerce Paid for by US Term Limits Paid for by Virginia Democratic Party Paid for by Virginia Republican Party Paid for by Vote for Campaign Truth Paid for by Washington Conservation Voters Paid for by Washington Republican Party Paid for by AFL-CIO Paid for by Alabama Hospital Association Paid for by Alliance for Quality Nursing Home Care Paid for by American Association of Health Plans Paid for by American Cancer Society Paid for by American Conservative Union Paid for by American Council of Life Insurers Paid for by American Family Association Paid for by American Family Voices Paid for by American Federation of Teachers Paid for by American Health Care Association Paid for by American Medical Association Paid for by American Society of Anesthesiologists Paid for by Americans for Balanced Energy Choices Paid for by Americans for Economic Growth Paid for by Americans for Hope, Growth, and Opportunity Paid for by Americans for Job Security Paid for by Americans for Limited Terms Paid for by Americans for Responsible Medicare Spending Paid for by Americans for Tax Reform Paid for by Antitrust Coalition for Consumer Choice in Health Care Paid for by Arkansas Democratic Party Paid for by Arkansas Republican Party Paid for by Association of Builders and Contractors Paid for by Better World Campaign Paid for by Black America's Political Action Committee Paid for by Business Coalition for China Trade Paid for by Business Leaders for Sensible Priorities (Iowans for Sensible Priorities) Paid for by Business Roundtable Paid for by Camden County Democratic Party Paid for by Catholic Health Association Paid for by Center for Reclaiming America Paid for by Center for Reproductive Law and Policy Paid for by Christian Action Network Paid for by Citizens for a Better America Paid for by Citizens for Better Medicare Paid for by Citizens for Life Paid for by Clean Air Trust/American Lung Association Paid for by Club for Growth Paid for by Coalition for Affordable Quality Health Care Paid for by Coalition for Asbestos Resolution Paid for by Coalition for the Future American Worker Paid for by Coalition to Protect Americans Now Paid for by Coalition to Protect America's Health Care Paid for by Committee for Good Common Sense Paid for by Council for a Livable World Paid for by Cuban American Foundation Paid for by Delaware Democratic Party Paid for by Democratic Congressional Campaign Committee Paid for by Democratic National Committee Paid for by Democratic Senatorial Campaign Committee Paid for by Education Reform

# DICTUM WITHOUT DATA:

## THE MYTH OF ISSUE ADVOCACY AND PARTY BUILDING

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by  
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## TABLE OF CONTENTS

The Myth of the Magic Words: The Supreme Court’s Distinction Between Express and Issue Advocacy .....	2
Soft Money: Party Building or Candidate Promotion? .....	3
The Test .....	4
Data on Magic Words Distinction .....	7
Data on Soft Money, Party-Building Distinction .....	11
Data on Disclosure and Candidate Accountability .....	11
Conclusion .....	13
Appendix A (Focus Group Results) .....	i
Appendix B (Focus Group Questions) .....	iv
Appendix C (National Survey Questions) .....	viii
Appendix D (Methodologies) .....	xii
Appendix E (Glossary) .....	xvi

Two of the most important developments in recent competitive federal elections are using issue advocacy to promote the election or defeat of a candidate and using party soft money to promote a candidate. The surge in soft money and election issue advocacy in the 1996 cycle marked a turning point in the demise of two underlying objectives of the Federal Election Campaign Act (FECA), namely, the disclosure of campaign-related activity and the limitation of party spending on behalf of candidates.<sup>2</sup>

Both developments trace their origins to the 1970s. The Supreme Court undermined the FECA disclosure rules and contribution limitations in *Buckley v. Valeo*,<sup>3</sup> which allowed those advocating the election or defeat of a candidate to avoid the legal constraints of candidate promotion by hiding behind the ruse of issue advocacy. The FECA limits on party spending on behalf of candidates were also largely undermined by Federal Election Commission (FEC) rulings that permitted the parties to use soft money to conduct issue advocacy on behalf of candidates rather than for party building purposes. These developments now cause voters to encounter a much larger range of campaign communications that include candidate communications, party communications, independent expenditures, and election advocacy.

As they defined the uses of political money in campaigns and elections, neither the Supreme Court nor the FEC had substantial data with which to create their rulings. Dictum was created without data.

Because the interpretation of campaign finance rules influences the way our democracy functions, the Supreme Court and FEC's actions have distinctly affected our democratic campaign environment. Parties, individuals, and groups have taken the dicta on issue advocacy and soft money to significantly expand their use of these tools. In the 1996 election cycle, the Annenberg Public Policy Center found thirty groups mounting issue advocacy campaigns. That number climbed to seventy-seven in 1998 and to more than 125 groups as of September 2000.<sup>4</sup> In 1998, my colleagues and I studied election issue advocacy in highly-contested congressional campaigns; we found that many of these groups mounted large-scale ground war efforts in addition to broadcast advertising.<sup>5</sup> As noted, soft money has grown dramatically since the early 1980s, especially in the last three election cycles. This year, a Brennan Center study confirmed the expansion of soft money in the 2000 cycle. The

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<sup>2</sup>Please see glossary for definition of terms.

<sup>3</sup>*Buckley v. Valeo* Footnote 52: "This construction would restrict the application of § 608 (e)(1) to communications containing express words of advocacy of election or defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.'"

<sup>4</sup>See Deborah Beck, et al., "Issue Advocacy Advertising During the 1996 Campaign," Report on a grant funded by the Pew Charitable Trusts, (Philadelphia, PA: Annenberg Public Policy Center, 1997). See also Lorie Slass, "More than \$342 Million Spent on Issue Ads as of September 1, 2000," Annenberg Public Policy Center Press Release, 20 September 2000. <[www.appcpenn.org/issueads/pressrelease.htm](http://www.appcpenn.org/issueads/pressrelease.htm)>.

<sup>5</sup>See David B. Magleby, "Outside Money and the Ground War in 1998," in *Outside Money: Soft Money and Issue Advocacy in the 1998 Congressional Elections*, ed. David B. Magleby (Lanham, MD: Rowman and Littlefield, 2000), 63-76.

study found that there are far more ads on the air and that parties, armed with soft money, are spending more than candidates themselves.<sup>6</sup>

Given the large and growing importance of election issue advocacy and soft money in federal elections, it is important to test the underlying assumptions that gave both forms of spending a special status in our current system of campaign finance reform. The research summarized in this report tests the extent to which random samples of respondent can differentiate between candidate communications, party soft money communications, election issue advocacy communications, and the traditional pure issue advocacy communications.

### The Myth of the Magic Words: The Supreme Court's Distinction Between Express and Issue Advocacy

Congress made significant changes to the FECA in 1974 by placing limits on the amount that could be raised and spent by various groups, including candidates, parties, and unaffiliated interest groups. The major portions of this law were quickly challenged, and in 1976, the Supreme Court in *Buckley v. Valeo* struck down the portions of the FECA limiting “independent expenditures” on candidate spending when not part of a system of public financing. Unnoticed at the time of the ruling was a distinction that the court drew for unaffiliated groups and individuals between “expenditures for communications that in express terms advocate the election or defeat of a clearly identified candidate for federal office” and those that do not. The court clarifies “express terms” with footnote 52: “This construction would restrict the application of section 608 (e)(1) to communications containing express words of advocacy of election or defeat, such as ‘vote for,’ ‘elect,’ ‘support,’ ‘cast your ballot for,’ ‘Smith for Congress,’ ‘vote against,’ ‘defeat,’ ‘reject.’” More simply, the court implied that communications about the election or defeat of a candidate, or express advocacy, contain certain “magic words.” Groups that wanted to use express advocacy words were required to disclose their independent expenditures. But groups that avoided the magic words were not subject to disclosure requirements.

As individuals, groups, and parties have learned that they could engage in electioneering in ways that circumvent the contribution limitation or disclosure requirements of the FECA, they have done so. As a result, in competitive contests candidates, parties, and issue advocacy groups now all mount separate campaigns around the same office. Both soft money and issue advocacy provide a way for large contributors to reenter federal elections and to mask their identity because of issue advocacy's limited disclosure. Issue ads often show a candidates' image, mention the candidate by name, and adopt a critical or negative tone. Advertisements urge voters to “Call Smith and tell him to clean up the environment” or “Tell Jones to start telling the truth.” Such phrases are clearly intended to influence voters' decisions about a candidate. But do voters see these ads differently than express ads, as the Supreme Court assumed?

The court adopted a language test rather than a content- or message-based test to determine FECA regulation of electoral activity. This study is the first systematic test of the court's assumption that the magic words are a reasonable standard for what constitutes election-related activity. More

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<sup>6</sup>Peter Marks, “The 2000 Campaign: The Spending on Ads,” *New York Times*, 31 October 2000, A23.

specifically, this research tests the extent to which advertising in a contested presidential election portrays an electioneering message without using express advocacy words.

### Soft Money: Party Building or Candidate Promotion?

The legislative history of the FECA and court documents in the *Buckley* case demonstrate that a major motivation for the law was to limit the influence of large contributors and the possibility of *quid pro quo* corruption. The presumption of the Federal Election Campaign Act and the Court in its 1976 ruling was that, aside from independent expenditures, candidate self-financing and issue advocacy limitations would also be placed on contributions to candidates by individuals, by interest groups, and by parties.

Under pressure from both political parties, and on the recommendation of the Federal Election Commission, Congress amended the FECA to allow unlimited amounts of money to be spent for “supplemental campaign activity in hopes of promoting civic participation in the election process,”<sup>7</sup> or what became known as “party building.” But the scope of the legislative exemption did not permit additional spending on candidate-centered election activities beyond the limited contributions and party-coordinated expenditures provided for in the FECA. Congress did not change the FECA limitations on corporate and labor union donations to the parties. It was the Federal Election Commission which expanded the scope of “non-federal” or “soft money” activity.<sup>8</sup> But the underlying premise of soft money is that it falls outside the contribution and expenditure limitations applied to party support of candidates because it is money being spent on generic party activity rather than on candidate-specific electioneering.

Soft money was an important part of campaigning in the 1980s and 1990s because national parties began raising millions to transfer to state parties. However, it was the 1996 election that saw a dramatic increase in soft money spending.<sup>9</sup> This strategy, most identified with the Clinton/Gore campaign, used party soft money as much as a year before the election to press issues important to the administration’s popularity and then to help define the candidate choices in the summer of

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<sup>7</sup>Anthony Corrado, “Party Soft Money,” in *Campaign Finance Reform: A Sourcebook*, ed. Anthony Corrado, et al. (Washington, D.C.: Brookings Institution Press, 1997), 170.

<sup>8</sup>For a discussion of the evolution of soft money see Corrado, et al., “Party Soft Money,” 171-77.

<sup>9</sup>A court ruling in 1996 also expanded the scope of party electioneering by allowing parties to spend unlimited amounts of hard money on independent expenditures, something they had not been permitted to do previously. See *Colorado Republican Federal Campaign Committee v. Federal Election Commission* 116 S.Ct. 2309 (1996).

1996.<sup>10</sup> Both parties expanded soft money efforts in 2000,<sup>11</sup> with substantial candidate-centered advertising.<sup>12</sup>

Furthermore, until 1998, soft money was a tool used more by the national party committees (DNC, RNC) than by the congressional party committees (DSCC, DCCC, NRSC, NRCC). However, in 1998, the congressional campaign committees built on the increased use of soft money in the 1996 presidential race to significantly expand their soft money activity. In 2000, parties have raised more than \$250 million in soft money, as of the October reporting period.<sup>13</sup>

Soft money has several important strategic advantages for parties. Unlike hard money, there are no contribution limits. Moreover, soft money is more fungible than hard money. Also, soft money, by operating under the vague premise of party-building purposes, has allowed the parties to fund ad campaigns for a candidate, many of which are negative. Such ads help the candidates to deliver negative information without soiling their own hands. We know from the work of Jon Krasno that party soft money ads in 1998 only mentioned the party 15 percent of the time while mentioning the candidate by name 99 percent of the time.<sup>14</sup>

Does such party advertising communicate as effectively with voters as candidate advertising? Moreover, can respondents tell a difference between soft money and hard money ads? Do they see ads as promotions of the election or defeat of a candidate or the promotion of a political party? If the parties can communicate as effectively with soft money ads as with hard money ads, then parties will put even greater emphasis on the soft money fundraising and communications efforts.

### The Test

Considering the importance of the distinction between express and issue advocacy, it is surprising that no one has tested whether voters differentiate between issue advocacy, which has no election content or referent (pure issue advocacy), and election issue advocacy, which has a clear election referent (i.e., mentions a candidate by name, shows the image or likeness of a candidate, occurs within days or weeks of an election). If respondents see election issue advocacy in the same way as candidate or party communication, then the *Buckley* distinction is mistaken.

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<sup>10</sup>See Dick Morris, *Behind the Oval Office: Getting Reelected Against All Odds* (Los Angeles: Renaissance Books, 1999), 138-57.

<sup>11</sup>Ian Stirton, "Major Parties 18-Month Fundraising Figures Summarized," *FEC News Release*, 27 September 2000. Democratic 2000 fundraising figures increased 81 percent over 1998, and Republican 2000 fundraising increased 134 percent over 1998.

<sup>12</sup>Don Van Natta, Jr., and John M. Broder, "With Finish Line in Sight: An All-out Race for Money," *New York Times*, 3 November 2000, A26.

<sup>13</sup>Holly Bailey, "The Final Day: A Look at What Made Campaign 2000 the Most Expensive Ever," *Center for Responsive Politics Money in Politics Alert*, 6 November 2000.

<sup>14</sup>See Figures 2.8 and 2.12 in Jonathan S. Krasno and Daniel E. Seltz, *Buying Time: Television Advertising in the 1998 Congressional Elections*, Report on a Grant Funded by the Pew Charitable Trusts, (NY: Brennan Center for Justice at NYU Law School, 2000), 38 and 40.

To test for this possibility, we designed a multi-stage study of random samples of respondents. Wirthlin Worldwide, a well-respected polling firm, conducted focus groups in Princeton, New Jersey, and Lansing, Michigan, on 18 and 19 September 2000. A total of four groups (N=25 per group for a total of N=100 participants) were held to explore the extent to which respondents differentiated among candidate, party soft, election issue advocacy, and pure issue advocacy communications.<sup>15</sup> All participants were registered voters who indicated they were likely to vote in the upcoming election. In the focus groups, we showed participants eight commercials, alternating the order of the commercials in each session. We also asked respondents to view samples of political mail that came from candidates, political parties, and issue advocacy groups. While focus groups are generally limited by their small sample, in our case by one hundred, they provide the richness of human expression and emotion that underlie voters' thinking and reactions to the different types of advertising examined. We used the focus groups not only to gather depth of insight and context on our research questions, but also to refine our instrument for the next phase of the study, a large sample Web-TV survey.

Our second wave of research was a national Web TV survey of 2,035 registered voters in eleven treatment groups. The data were collected using an innovative methodology by Knowledge Networks (formerly InterSurvey).<sup>16</sup> Commercials were downloaded into a random sample of homes and respondents answered questions about the video clips on their Web TVs. The study was in the field between 25 and 31 October 2000. Each treatment group was shown three commercials, and the order of the commercials was randomized across each treatment group to combat any possible learning effect during the experiment. In the aggregate, between 734 and 910 respondents saw each of the eight ads used in the study. Every possible pairing of ads is found in at least one of the eleven treatment groups, which had samples ranging from 158 to 213.

The sample of commercials used for both the focus groups and the national survey was drawn from the set of commercials shown from November 1999 through 5 September 2000 and collected by The National Journal Group on their Hotline Political Ad tapes. Our objective was to identify typical candidate, party soft money, election issue advocacy, and pure issue advocacy commercials. For consistency across states and over time, we selected the following commercials, all related to the presidential race or national policy issues.

*Gore Candidate Ad (Gore):* "Bean Counter," paid for by Gore/Lieberman, Inc.

In this thirty-second ad, Vice President Al Gore is shown outdoors in a denim shirt, jeans, and boots speaking to a crowd. He explains that HMO accountants should not be able to determine medical treatments, that this decision should be left to doctors. In answer to this dilemma, Gore promotes a patient's bill of rights.

*Bush Candidate Ad (Bush):* "Education Agenda," paid for by Bush-Cheney 2000, Inc.

Speaking at a large convention, Governor George W. Bush explains the problems that face American schools today. An announcer explains that Bush's education plan includes reforming Head Start, improving reading, and restoring local control and school

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<sup>15</sup>Please refer to Appendix D for the focus groups and Wirthlin Worldwide methodologies.

<sup>16</sup> Please refer to Appendix D for the national survey and Knowledge Networks methodologies.

accountability. Bush closes by saying that now is the time to renew the promise to help America's schools.

*Democratic Party Ad (DNC): "Judge,"* paid for by the Democratic National Committee.

In ominous tones, an announcer informs viewers that George W. Bush has broken his promise to secure health care for children in Texas. The announcer cites a recent court ruling requiring Texas to take immediate corrective action. It closes with the line, "The Bush record: it's becoming an issue."

*Republican Party Ad (RNC): "Really,"* paid for by the Republican National Committee.

A television flashes different snippets of Vice President Al Gore's more questionable moments as a female voice explains the different scenes. Footage is shown of the visit to the Buddhist Temple and the interview in which Gore claimed credit for inventing the Internet. The final line: "Yeah right, and I invented the remote control. Another round of this and I'll sell my television."

*Election Issue Ad (Voices): "Bush,"* paid for by American Family Voices.

While panning through a scene that looks like the aftermath of a political convention, an announcer explains all the ways that Governor George W. Bush is beholden to special interests. Different signs indicating special interests like the insurance industry, nursing home operators, and drug companies are followed by the amounts these groups have given in donations to the Bush campaign. The voice asks viewers to "Tell Bush when special interests win, America's families lose."

*Election Issue Ad (RLC): "Social Security,"* paid for by Republican Leadership Coalition.

An older woman explains how Al Gore's Medicare drug premium will cost the public. She ends by giving this message to Al Gore: "Get your hands off my Social Security check! It's not enough now."

*Pure Issue Ad (Hospitals): "Nurse,"* paid for by The Coalition to Protect America's Health Care.

A nurse in a busy hospital explains that the budget cuts Congress and the President have made hurt hospitals. She explains that many services are being cut back and some hospitals have been forced to close. With the current surplus, the nurse implores the viewer to "Tell Washington to restore funding to our hospitals."

*Pure Issue Ad (Priorities): "Nuclear Winter,"* paid for by Iowans for Sensible Priorities.

Multiple nuclear explosions are shown and the viewer is told that the U.S. has more than enough nuclear weapons to protect itself. It ends by asking the viewer to "Tell the presidential candidates the Cold War is over. Invest in kids, not nuclear weapons."

After reviewing numerous commercials in the Hotline Files, we selected the above commercials because they were representative of national political ads being shown during the time frame and the kind of ads run by the different groups. We also chose issue ads that did not contain the electioneering words specifically mentioned in *Buckley*. Ironically, we also chose candidate ads that

did not contain the “magic words.” This choice was unintentional, but not surprising, since only 4 percent of candidate election ads actually use the magic words.<sup>17</sup> For most of the campaign, and especially through early September, candidate ads were generally positive, focusing on the candidate running the ad. This fact constrained our choice of candidate ads. We avoided ads that were extremely critical or controversial, such as the “rats” commercial.

### Data on the Magic Words Distinction

Respondents saw clear differences between types, or objectives, of issue ads. When asked, “What do you believe was the **primary** objective or purpose of this ad?”, respondents in the national survey clearly distinguished between the issue ads that had an election focus and those that did not.<sup>18</sup> As would be expected, more than two-thirds of respondents (70 to 71 percent) saw the pure issue ads as primarily about an issue. However, less than 10 percent (6 to 8 percent) of the respondents saw the election issue advocacy ads as primarily about an issue (see Table 1). Instead, 80 to 81 percent of respondents said these election issue advocacy ads were urging them to vote against a candidate.<sup>19</sup> When we aggregate the responses “vote for” and “vote against,” the results are even more striking as nearly 90 percent of the respondents viewed the election issue advocacy ads as primarily urging them to vote for or against a candidate.

	Candidate Ads		Party Ads		Election Issue Ads		Pure Issue Ads	
	(Gore)	(Bush)	(DNC)	(RNC)	(Voices)	(RLC)	(Hospitals)	(Priorities)
Persuade you to vote for a candidate	62	72	7	7	8	8	6	7
Raise money	--	--	--	--	--	--	5	--
Persuade you to vote against a candidate	2	2	79	82	81	80	6	6
Present issue	30	20	11	5	6	8	71	70
Persuade you to get out and vote	1	1	1	--	1	1	4	5
Promote a particular political party	2	2	2	2	2	1	4	4
Other	1	1	--	1	1	--	1	1
Not sure	1	2	1	2	1	1	3	8
<i>Number of respondents</i>	<i>750</i>	<i>744</i>	<i>707</i>	<i>783</i>	<i>718</i>	<i>900</i>	<i>727</i>	<i>777</i>

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<sup>17</sup>Krasno and Seltz, *Buying Time: Television Advertising in the 1998 Congressional Elections*, 14.

<sup>18</sup>Initial statistical tests find significant differences in how respondents in the focus groups and national survey treatment groups saw pure issue ads versus election issue ads in terms of the primary purpose and intent of the ad.

<sup>19</sup>More than three out of four (77 percent and 85 percent) focus group respondents saw the pure issue ads as having the primary objective or purpose of presenting an issue. Furthermore, 91 to 94 percent saw the election issue ads as primarily urging them to vote for or against a candidate (see Table A1, Appendix A).

Later in the survey, we asked respondents to choose whether or not an ad was candidate-centered: “What was the **main** purpose of this ad as it related to the presidential candidates? To help a particular candidate, to hurt a particular candidate, neither to help nor hurt any particular candidate, or not sure?” Respondents agreed that all but the pure issue ads were mainly about helping or hurting particular candidates (see Table 2). Respondents either felt that the pure issue ads were neither to help nor hurt candidates (45 to 44 percent) or were unsure (25 to 31 percent). Meanwhile, they almost unanimously (84 to 95 percent) saw the candidate, party, and election issue advocacy ads as intended to either help or hurt candidates. Again, however, as was demonstrated in the previous question, respondents saw the candidate ads, which are express by definition, as more neutral than the party or election issue ads (8 to 11 percent said “neither help nor hurt” for candidate ads compared to 1 to 3 percent for the election issue advocacy and party ads). As with the focus groups, these data demonstrate that respondents recognize that an ad does not necessarily require the “magic words” when attempting to influence the vote.<sup>20</sup>

	Candidate Ads		Party Ads		Election Issue Ads		Pure Issue Ads	
	(Gore)	(Bush)	(DNC)	(RNC)	(Voices)	(RLC)	(Hospitals)	(Priorities)
Help a particular candidate	80	84	11	10	9	10	14	14
Hurt a particular candidate	4	4	83	85	85	86	16	12
Neither to help nor hurt any particular candidate	11	8	3	1	2	1	45	44
Not sure	4	4	2	3	4	2	25	31
<i>Number of respondents</i>	<i>750</i>	<i>744</i>	<i>707</i>	<i>783</i>	<i>718</i>	<i>900</i>	<i>727</i>	<i>777</i>

Further evidence that the magic words distinction is not meaningful to respondents is data from the following question:

On a scale of 1 to 7, with 1 meaning the ad was **not at all intended** to influence how you vote in the presidential election, and 7 meaning the ad was **clearly intended** to influence how you vote in the presidential election, how would you rank this ad?

A remarkable 70 to 71 percent scored the election issue advocacy ads as “7,” and 83 percent gave the ads a six or a seven. In contrast, less than one-fifth of respondents gave the pure issue ads a “7,” and under one-third gave them a six or seven. The differences in the means for each ad listed in Table 3 further reinforce the finding that respondents saw party soft money ads and election issue advocacy ads as attempts to influence their vote. In fact, all four ads in question scored a 6.3 mean out of the maximum of seven. Interestingly, the candidate ads scored significantly lower means (5.7 and 5.9)

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<sup>20</sup>In the focus groups, we asked respondents a similar question. As seen in Table A2, Appendix A, two-thirds to three-fourths (62 to 73 percent) of respondents indicated that the pure issue ads had nothing to do with the candidates. The respondents were almost unanimous (between 98 and 100 percent) in identifying the party and election issue ads as attempts to help or hurt candidates.

than the party soft money and election issue advocacy ads. Using this different measurement tool, we find that respondents rank the party and election issue ads as the most clearly intended to affect their vote.

<b>Table 3, National Survey</b>								
<b>One a scale of 1 to 7, with 1 meaning the ad was <i>not at all intended</i> to influence your vote for or against a presidential candidate, and 7 meaning the ad was <i>clearly intended</i> to influence your vote for or against a presidential candidate, how would you rank this ad? (in percentages)</b>								
	Candidate Ads		Party Ads		Election Issue Ads		Pure Issue Ads	
	(Gore)	(Bush)	(DNC)	(RNC)	(Voices)	(RLC)	(Hospitals)	(Priorities)
1	5	3	3	2	3	2	24	27
2	3	1	1	–	–	1	8	8
3	3	4	1	2	2	1	13	10
4	11	10	5	6	5	5	18	20
5	11	11	7	7	6	8	13	11
6	14	13	13	11	12	13	5	6
7	52	58	70	71	71	70	19	16
<b>MEAN</b>	<b>5.7</b>	<b>5.9</b>	<b>6.3</b>	<b>6.3</b>	<b>6.3</b>	<b>6.3</b>	<b>3.8</b>	<b>3.6</b>
<i>Number of respondents</i>	750	744	707	783	718	900	727	777

The focus groups provided us the possibility to further test these issues beyond the medium of television. In the focus groups we provided each participant with a sample of political mail representing the same categories of sponsorship as the television advertisements: candidate, party, and the two types of issue advocacy.<sup>21</sup> In our 1998 study of competitive federal elections, we learned that mail was an important element of campaign communications.<sup>22</sup> Pure issue mail, or mail from

<sup>21</sup>The candidate mailer came from the Gore campaign (Gore). The mailer is 8.5 x 17 folded, color, and glossy. On the cover, the ad talks about unemployment in New Hampshire and shows unemployment lines. Inside are pictured workers in various professions working alone or pictured with Al Gore. A banner along the bottom says “Let’s put his experience to work for us—Elect Al Gore for President.” On the back are contact information, “On February 1, Vote Al Gore for President,” and a two-paragraph Gore quote are imposed over the picture of a welder.

The party mailer was produced by the Idaho Democratic Party (ID Dem). The mailer is 8.5 x 11, color, and on glossy cardstock. On the front, three happy children crowd around a computer in a classroom; the title says “Only four states spend less on education than Idaho.” On the back, superimposed over a picture of school supplies, are the words “Tell Mike Simpson that’s not good enough...Call...and tell Mike Simpson his plan will hurt education in Idaho.” The mailer also lists, on the back, part of Simpson’s voting record on education bills.

The election issue advocacy mailer comes from the Coalition: Americans Working for Real Change (Coalition). It is 11 x 17, color, glossy, and folded twice. On the front is a picture of Mount Rushmore with an American flag as a backdrop. Text running across the bottom of the page says “Once you could trust and admire your leaders.” On the inside, a banner says, “Now they disappoint you again and again.” Lane Evans is pictured in black and white; under his picture it says “Congressman Lane Evans votes against Illinois families.” Listed are evidences of how Evans has voted against families. Another banner says, “Call Congressman Lane Evans at...and tell him what you think about the job he’s been doing for you.” The back follows this same theme with the same picture of Evans superimposed over the U.S. Capitol building.

The pure issue ad comes from Iowans for Sensible Priorities (Priorities). It is 8.5 x 22, color, glossy, folded in fourths. The group’s name is prominently listed on the cover along with the picture of a happy little girl. Inside is an explanation of misplaced federal spending, along with a pie chart detailing that spending. Inside is a mail-in petition against misplaced government spending. On the back is a picture and testimonials of former prominent military men who agree with the group.

<sup>22</sup>Magleby, “Outside Money and the Ground War in 1998,” 63-76.

interest groups that did not have a campaign theme or message, was seen by 78 percent of the respondents as about an issue, and only 7 percent about urging voters to vote for or against a candidate (see Table A5, Appendix A).

As a more general test of the “magic words,” we asked two questions in the national survey that addressed the topic in more universal terms. First, we provided respondents with a list of items that have been discussed as possible defining characteristics of issue advocacy and asked them to “**check all the items** that you think would indicate that an ad is trying to persuade you to vote for or against a particular candidate. Table 4 provides the percentage of respondents who checked each item:

<b>Table 4, National Survey</b>	
<b>From the following list, please <i>check all the items</i> that you think would indicate that an ad is trying to persuade you to vote for or against a particular candidate. (multiple responses accepted)</b>	
	Percent that checked item (N=2035)
Mentions candidate name	90
Shows candidate likeness or image	83
Mentions party name	65
Mentions the election	51
Shown in the last few weeks before an election	66
Discusses an issue	74
Uses any of the following words: “vote for,” “vote against,” “support,” “oppose,” “elect,” “defeat”	88

As these data demonstrate, our sample felt that the magic words were an element of an electioneering message, but so were such characteristics as mentioning a candidate’s name or showing the image or likeness of a candidate. Interestingly, only half of our sample thought that an explicit mention of the election alone was enough to characterize an ad as an electioneering communication.

At the end of the survey, we asked respondents, “In your opinion, can ads that **do not** use words like ‘vote for’ or ‘vote against’ be about the election or defeat of a particular candidate?” Consistent with their earlier responses, 81 percent said, “Yes, ads that **do not use** those words can be about the election or defeat of a candidate.” Only 5 percent said, “No, only ads that use those words are about the election or defeat of a candidate.” And 15 percent said they were not sure. This data, along with the fact that 20 to 30 percent of respondents saw a candidate hard money ad as primarily about issues when 6 to 8 percent saw issue advocacy ads as primarily about issues, reinforces our major finding that the current dictum on what constitutes issue advocacy is wrong (see Table 1).<sup>23</sup>

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<sup>23</sup>The focus group discussion groups agreed 100 percent that an ad that does not use the magic words is not less influential than an ad that uses the magic words.

## Data on the Soft Money, Party-Building Distinction

The party soft money ads, in the view of both the national sample and the focus groups, also focused on electing or defeating the candidates rather than on party-building. Neither soft money ad mentions the name of the sponsoring party. When asked to select the primary purpose or objective of the party soft money ads, respondents seldom selected the response, “To promote a political party,” although according to FECA dicta, that should be the purpose of party soft money ads.

Instead, respondents perceived the party soft money ads in much the same way as election ads (see Tables 1 and 2).<sup>24</sup> Nearly 90 percent within the national survey believed that the party ads were trying to persuade them to vote for or against a candidate, and 94 to 95 percent saw the purpose of the ads as helping or hurting a candidate.<sup>25</sup> The party soft money ads were seen to be about candidates even more than the candidate ads. Only 2 percent of respondents said the party soft money ads had as their primary objective or purpose “to promote a particular political party.” Further evidence for the fact that respondents see party ads as indistinguishable from election issue advocacy ads is found in Table 3. Here the mean scores for the party ads on the one to seven scale, with one meaning the ad was not at all intended to influence their vote and seven meaning the ad was clearly intended to influence their vote, are the same as those for both election issue ads. Clearly, the data demonstrate that these ads were about the candidates, not the parties. Indeed, these ads, as with soft money ads in 1998 and 2000, generally did not even mention a party.

## Data on Disclosure and Candidate Accountability

Respondents find it difficult to tell who is funding ads, especially party ads and election issue advocacy ads. Their clear perception is that election issue ads come from candidates or parties and not from interest groups. Although advertisers communicating about “issues of public controversy” are required to provide their identity at some point during the commercial, these “paid for by” texts may appear only briefly, often at the end of the ad. In all of our ads, the group paying for the ad was disclosed in the ad. When asked who paid for the ads (see Table 5), nearly two-thirds correctly identified the sponsor of the pure issue ads as an interest group. In sharp contrast, only 17 to 18 percent of the respondents correctly identified interest groups as the sponsors of election issue advocacy ads. Instead, respondents thought they were paid for by either the candidates (38 to 39 percent) or the parties (36 to 38 percent). In other words, respondents were wrong more than 75 percent of the time when asked who paid for the election issue ads.<sup>26</sup> Such ads are funded by interest groups. However, as Table 5 demonstrates, only 17 to 18 percent of the respondents correctly identified interest groups as the means behind election issue advocacy ads. In sharp contrast,

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<sup>24</sup>Initial statistical tests find no significant statistical differences in how respondents in the focus groups and national survey treatment groups viewed the intent of party ads as compared to election issue ads. In later analysis we will probe further how respondents differentiated among the four types of ads.

<sup>25</sup> Of the focus group respondents, 95 to 98 percent saw the party ads as about electing or defeating candidates, and 99 percent saw both of the party ads as trying to help or hurt a candidate (see Tables A1, A2, Appendix A).

<sup>26</sup>In the focus groups, only 20 to 30 percent of the respondents correctly answered “interest group” when asked who paid for the election issue advocacy commercials, and only 19 percent correctly answered when asked about the election issue advocacy mail piece (see Tables A4 and A7, Appendix A).

between 63 and 64 percent correctly identified interest groups, not parties or candidates, as sponsors of pure issue ads.

	Candidate Ads		Party Ads		Election Issue Ads		Pure Issue Ads	
	(Gore)	(Bush)	(DNC)	(RNC)	(Voices)	(RLC)	(Hospitals)	(Priorities)
Candidate or candidate's campaign	62	61	48	42	39	38	11	11
Political party	24	21	35	41	36	38	16	17
Interest group	8	10	10	9	18	17	64	63
Other	1	1	1	1	1	1	2	1
Not sure	5	6	5	7	6	6	8	8
<i>Number of respondents</i>	<i>750</i>	<i>744</i>	<i>707</i>	<i>783</i>	<i>718</i>	<i>900</i>	<i>727</i>	<i>777</i>

Respondents were also often confused as to whether party ads were paid for by candidates or parties. More than 40 percent of the time, the respondents thought the party ads were paid for by a candidate.<sup>27</sup> This further substantiates the theory that ads funded by party soft money are not building up the party, but instead are practically indistinguishable from ads funded by the candidates.

When we asked focus group respondents who they thought paid for the four types of political mail (candidate, party, election issue, and pure issue), the responses closely resembled the national sample responses regarding the television commercials. Three-quarters of respondents in the focus groups correctly identified an interest group as the type of organization that paid for pure issue advocacy mail. As with the television ads, respondents were not sure who paid for election advocacy mail. Only 19 percent correctly identified an interest group as paying for the election issue advocacy mail, and 60 percent thought the mail had been paid for by a party or candidate. Focus group respondents were divided as to who paid for the party and candidate mail.<sup>28</sup>

Finally, we posed the questions: Who should be and who is in control of political ads, and who is held accountable? The national survey provides some evidence that, in the mind of voters, the distinction between ads paid for by parties and by candidates is not important. Nearly half of all respondents said they hold the presidential candidates responsible “To a great degree” for ads run by their political parties relating to their race.<sup>29</sup> Another 40 percent hold them accountable “to some degree.” During the 2000 election, candidates have been pressed to defend party ads, and in some

<sup>27</sup>During the focus group discussions, 75 percent of focus group respondents said that candidate and party soft money ads are indistinguishable.

<sup>28</sup>Focus group participants indicated they thought the candidate mail was paid for by: the candidate (49 percent), the party (38 percent), an interest group (12 percent), and 1 percent was not sure (see Table A7). They thought the party mail was paid for by: the candidate (16 percent), the party (36 percent), an interest group (36 percent), and 12 percent were not sure.

<sup>29</sup>During the focus group discussion, 68 percent of respondents believe the candidate *is* responsible for party ads and almost everyone believe the candidate *should* be responsible for party ads. Eighty-eight percent of respondents believe the candidate knows what the party is doing.

instances, have asked their parties to pull them off the air.<sup>30</sup> In response to a different question, over half of our sample indicated that they felt “presidential candidates have ‘a lot’ or ‘complete control’ over the ads their parties make relating to their race.” Reflecting our longstanding presumption that candidates are accountable for the content and tone of campaigns, 85 percent of respondents indicated that they felt presidential candidates “*should* have ‘a lot of control’ or ‘complete control’ over ads that their political parties make relating to their race.”

## Conclusion

This research demonstrates that the magic words dicta distinguishing candidate advocacy from issue advocacy are not meaningful in campaigns and elections. Individuals, groups, and parties whose purpose is to persuade voters to vote for or against a candidate can effectively do so without using the magic words. All but approximately 10 percent of respondents viewed the election issue ads as urging a vote for or against a candidate. Moreover, these respondents saw election issue ads as more about the election or defeat of a candidate than the candidates’ own commercials (67 to 74 percent for the candidate spots compared to 88 to 89 percent for the election issue ads).

Our research documents well the ability of media consultants to craft electioneering messages that avoid the magic words but still convey a message to vote for or against a candidate. As defined by the court, express advocacy permits individuals and groups to circumvent the clear intent of Congress and the reasoning of the *Buckley* decision. A more realistic definition of express advocacy includes elements such as timing, the candidate’s image or likeness, and the candidate’s name. In fact, 90 percent of the respondents thought that mentioning a candidate’s name indicates that the ad was trying to persuade their vote, and over 80 percent felt the same about ads that showed a candidate’s likeness or image.<sup>31</sup>

Permitting electioneering through issue advocacy to continue is an open invitation to individuals and groups to avoid disclosure requirements and contribution limits. It is therefore not surprising that we have seen a surge in issue advocacy and soft money because of the strategic advantages of this type of campaigning. The data presented in this report demonstrate that those wishing to influence the electoral process can do so without using the magic words.

The FEC dicta permitting soft money communications, which have the benefit of unlimited contributions, but presumably are not about the election or defeat of a candidate, are also mistaken. The data from the national sample clearly demonstrate that respondents saw both national party committee-funded ads as more about the election or defeat of a candidate than the candidates’ own

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<sup>30</sup>The infamous RNC “RATs” ad was run for more than two weeks before George W. Bush was forced to defend it and Karen Hughes, Bush’s communications director, said it would be replaced. See Laura Meckler, “Dems Smell a Rat: GOP Kills TV Ad,” *Chicago Sun Times*, 13 September 2000, 1. NPR reporter, Steve Inskeep reported on another RNC ad titled “Education Recession” which cites several studies, some credible, some questionable. The questionable claim states that “our students rank last in the world in math and physics.” Terry Holt of the RNC said the claim is valid when only considering the seventeen most industrialized nations. See Steve Inskeep, “All Things Considered,” *National Public Radio*, 25 September 2000.

<sup>31</sup>These data confirm that the Supreme Court was correct in assuming that use of the magic words is an *element* of express advocacy, but the Court erred in seeing it as the defining element (see Table 4).

ads. In fact, though the primary purpose of a party ad is to engage in party-building, few respondents thought either party ad promoted a party. The pervasive view in the focus groups was that the candidates controlled the party ads and were indistinguishable from the candidate campaigns. This latter view calls into question the rationale for soft money in the first place and suggests that party ads ought to be subject to the same limitations as candidate ads.

As recent election cycles demonstrate, permitting electioneering through issue advocacy gives groups the option to campaign anonymously, without limitations. The *Buckley decision* found that it is not reasonable to limit a group's electioneering message, but that requiring disclosure of ad sponsorship and the amount spent *is* reasonable. That same minimal expectation ought to apply to election issue advocacy. As our experience demonstrates, policy distinctions like those drawn by the court and FEC can have no basis in actual experience. Much of what falls under the *Buckley* definition of issue advocacy is indistinguishable to respondents from party and candidate communication, yet issue advocacy operates under very different rules and has negatively effected our electoral process and candidate accountability. Similarly, party soft money funded ads have little to do with parties in the eyes of the respondents and are as much about electing candidates as candidate ads. The rules relating to soft money, however, permit unlimited contributions and foster a shell game about who is really accountable for the content of these ads. Hopefully, this research will help policy makers and judges sort out these important issues in the future.



**APPENDIX A**  
(Focus Group Results)

**COMMERCIALS**

<b>Table A1</b>								
<b>What do you believe was the primary objective or purpose of this ad? (in percentages)</b>								
	Candidate Ads		Party Ads		Election Issue Ads		Pure Issue Ads	
	(Gore)	(Bush)	(DNC)	(RNC)	(Voices)	(RLC)	(Hospitals)	(Priorities)
Persuade you to vote for a candidate	54	84	1	6	6	6	3	7
Raise money	--	1	--	--	--	--	1	--
Persuade you to vote against a candidate	2	2	94	92	85	88	6	--
Present issue	41	11	5	1	6	5	77	85
Persuade you to get out and vote	3	1	--	1	--	--	3	4
Other	--	--	--	--	--	--	5	2
Don't know	--	1	--	--	1	1	4	1
<i>Number of respondents</i>	<i>96</i>	<i>97</i>	<i>95</i>	<i>99</i>	<i>100</i>	<i>98</i>	<i>97</i>	<i>96</i>

<b>Table A2</b>								
<b>The purpose of this ad was: (in percentages)</b>								
	Candidate Ads		Party Ads		Election Issue Ads		Pure Issue Ads	
	(Gore)	(Bush)	(DNC)	(RNC)	(Voices)	(RLC)	(Hospitals)	(Priorities)
To help a particular candidate	75	97	7	3	10	8	7	6
To hurt a particular candidate	--	1	92	96	88	92	10	13
It had nothing to do with the candidates	21	2	--	--	1	--	73	62
Not sure	4	--	1	--	1	--	10	19
<i>Number of respondents</i>	<i>99</i>	<i>100</i>	<i>100</i>	<i>96</i>	<i>99</i>	<i>100</i>	<i>99</i>	<i>99</i>

<b>Table A3</b>								
<b>On a scale of 1 to 10, with 1 meaning the ad was not intended to influence your vote, and 10 meaning the ad was intended to influence your vote, how would you rank this ad? (in percentages)</b>								
	Candidate Ads (Gore) (Bush)		Party Ads (DNC) (RNC)		Election Issue Ads (Voices) (RLC)		Pure Issue Ads (Hospitals) (Priorities)	
1	—	—	—	—	—	—	5	6
2	2	—	—	2	—	—	10	12
3	2	—	2	—	8	—	5	12
4	—	4	2	2	—	—	5	12
5	19	13	4	9	11	13	23	12
6	6	8	4	4	5	4	8	12
7	17	17	11	2	8	2	18	--
8	19	4	21	13	16	16	10	18
9	4	8	11	7	13	11	3	18
10	31	46	45	58	40	53	13	18
<b>MEAN</b>	<b>7.58</b>	<b>8.13</b>	<b>8.49</b>	<b>7.82</b>	<b>8.03</b>	<b>8.67</b>	<b>5.82</b>	<b>5.59</b>
<i>Number of respondents</i>	<i>50</i>	<i>25</i>	<i>50</i>	<i>50</i>	<i>50</i>	<i>50</i>	<i>50</i>	<i>25</i>

<b>Table A4</b>								
<b>Which of the following best describes who you think paid for this ad? (in percentages)</b>								
	Candidate Ads (Gore) (Bush)		Party Ads (DNC) (RNC)		Election Issue Ads (Voices) (RLC)		Pure Issue Ads (Hospitals) (Priorities)	
Candidates	50	54	14	20	15	16	2	4
Political parties	40	40	66	70	61	52	10	8
Interest groups	8	5	19	8	20	30	80	79
Other	--	--	--	--	--	--	--	1
Not sure	2	1	1	1	3	2	8	8
<i>Number of respondents</i>	<i>99</i>	<i>99</i>	<i>99</i>	<i>98</i>	<i>98</i>	<i>98</i>	<i>99</i>	<i>99</i>

## MAIL PIECES

<b>Table A5</b> What do you believe was the primary objective or purpose of this ad? (in percentages)				
	Candidate Ad (Gore)	Party Ad (ID Dem)	Election Issue Ad (Coalition)	Pure Issue Ad (Priorities)
Persuade you to vote for a candidate	89	5	2	4
Raise money	1	--	--	4
Persuade you to vote against a candidate	3	78	83	3
Present issue	4	12	9	78
Persuade you to get out and vote	3	2	--	6
Other	--	2	2	3
Don't know	--	1	4	1
<i>Number of respondents</i>	<i>97</i>	<i>99</i>	<i>97</i>	<i>99</i>

<b>Table A6</b> The purpose of this ad was: (in percentages)				
	Candidate Ad (Gore)	Party Ad (ID Dem)	Election Issue Ad (Coalition)	Pure Issue Ad (Priorities)
To help a particular candidate	100	7	4	10
To hurt a particular candidate	--	89	95	3
It had nothing to do with the candidates	--	3	1	75
Not sure	--	1	--	12
<i>Number of respondents</i>	<i>100</i>	<i>99</i>	<i>95</i>	<i>98</i>

<b>Table A7</b> Which of the following best describes who you think paid for this ad? (in percentages)				
	Candidate Ad (Gore)	Party Ad (ID Dem)	Election Issue Ad (Coalition)	Pure Issue Ad (Priorities)
Candidates	49	16	23	3
Political parties	38	36	37	14
Interest groups	12	36	19	75
Other	--	--	--	--
Not sure	1	12	22	8
<i>Number of respondents</i>	<i>74</i>	<i>75</i>	<i>74</i>	<i>72</i>

**APPENDIX B**  
(Focus Group Questions)

**[Questions 1-7 asked before any ads were shown]**

1. Are you...
  - A. Male
  - B. Female
  
2. What is your age category?
  - A. 18-24
  - B. 25-34
  - C. 35-44
  - D. 45-50
  - E. 50+
  
3. What was the last year of formal education that you completed?
  - A. High school graduate
  - B. Some college/vocational
  - C. College graduate
  - D. Post graduate degree
  
4. What is your main ethnic or racial heritage? Are you...
  - A. White/Caucasian
  - B. Asian American
  - C. Black/African American
  - D. Native American
  - E. Hispanic/Mexican/American
  - F. Other
  
5. In politics today, which of the following best describes you?
  - A. Strong Republican
  - B. Not-so-strong Republican
  - C. Lean Republican
  - D. Independent/No preference
  - E. Lean Democrat
  - F. Not-so-strong Democrat
  - G. Strong Democrat

6. Who are you going to vote for President in the upcoming 2000 elections?
  - A. George W. Bush
  - B. Al Gore
  - C. Pat Buchanan
  - D. Ralph Nader
  - E. Don't know
  - F. Other specify: \_\_\_\_\_
  
7. In the average day about how many hours do you spend watching TV?
  - A. Less than 30 minutes
  - B. 30 minutes
  - C. 1 hour
  - D. 2 hours
  - E. 3 hours
  - F. 4 hours
  - G. 5 or more hours

**[Questions 8-19 asked for each ad after showing each ad]**

8. To what degree did this ad catch your attention?
  - A. To a great degree
  - B. To some degree
  - C. Not at all
  
9. What was the main message of this ad? (open-ended)
  
10. What do you believe was the primary objective or purpose of this ad?
  - A. To persuade you to vote for a candidate
  - B. To raise money
  - C. To persuade you to vote against a candidate
  - D. To present an issue
  - E. To persuade you to get out and vote
  - F. Don't know
  - G. Other specify: \_\_\_\_\_
  
11. Did this ad make you more or less likely to vote in the upcoming election?
  - A. More likely
  - B. Less likely
  - C. It had no effect on me
  
12. Did this ad make you more or less likely to vote for George W. Bush?
  - A. More likely
  - B. Less likely
  - C. It had no effect on me

13. Did this ad make you more or less likely to vote for Al Gore?
  - A. More likely
  - B. Less likely
  - C. It had no effect on me
  
14. What was the tone of this ad?
  - A. Positive for George W. Bush
  - B. Negative against George W. Bush
  - C. Neither positive nor negative towards any candidate
  - D. Positive for Al Gore
  - E. Negative against Al Gore
  - F. Not sure
  
15. The purpose of this ad was:
  - A. To help a particular candidate
  - B. To hurt a particular candidate
  - C. It had nothing to do with the candidates
  - D. Not sure
  
16. In your view, how believable were the statements in this ad?
  - A. Very believable
  - B. Somewhat believable
  - C. Not very believable
  - D. Not at all believable
  - E. Don't know
  
17. In your view, how fair were the statements in this ad?
  - A. Very fair
  - B. Somewhat fair
  - C. Not very fair
  - D. Not at all fair
  - E. Don't know
  
18. What do you think this ad was asking you to do? (open-ended)
  
19. From the list of action words listed below, please circle **all** the words you remember from this ad: (Multiple responses are acceptable)
  - A. Call
  - B. Contact
  - C. Help
  - D. Reelect
  - E. Remind
  - F. Support
  - G. Vote against
  - H. Vote for
  - I. Write

**[Question 20 asked only in Michigan focus groups for each ad after showing each ad]**

20. On a scale of 1 to 10, with 1 meaning the ad was not intended to influence your vote, and 7 meaning the ad was clearly intended to influence your vote, how would you rank this ad?  
(Choose from 1 - 10 scale)

**[Question 21 asked only once, after all ads were shown]**

21. How important is it for you to know who pays for or sponsors a political ad?
- A. Very important
  - B. Somewhat important
  - C. Not very important
  - D. Not at all important
  - E. Not sure

**[Questions 22-23 asked for each ad after showing each ad without tag lines]**

22. Who paid for or sponsored this ad? (Open-ended)
23. Which of the following best describes who you think paid for this ad?
- A. Candidates
  - B. Political parties
  - C. Interest groups
  - D. Not sure
  - E. Other specify: \_\_\_\_\_

**APPENDIX C**  
(National Survey Questions)

**[Questions 1-3 asked before any commercials were shown]**

1. Who are you going to vote for president in the upcoming 2000 elections?
  - A. George W. Bush
  - B. Al Gore
  - C. Pat Buchanan
  - D. Ralph Nader
  - E. Don't know
  - F. Other specify: \_\_\_\_\_
  - G. Will not vote

[If Q1=Don't know, otherwise skip to 3]

2. Are you leaning towards...
  - A. George W. Bush
  - B. Al Gore
  - C. Pat Buchanan
  - D. Ralph Nader
  - E. None of the above
3. In an average day about how many hours do you spend watching television?
  - A. None
  - B. Less than 30 minutes
  - C. 30 minutes - less than 1 hour
  - D. 1 hour - less than 2 hours
  - E. 2 hours - less than 3 hours
  - F. 3 hours - less than 4 hours
  - G. 4 hours - less than 5 hours
  - H. 5 or more hours

**[Questions 4-10 asked for each commercial after showing each commercial]**

4. What do you think this ad was asking you to do? (Open-ended)
5. What do you believe was the **primary** objective or purpose of this ad? (Select one)
  - A. To persuade you to vote for a candidate
  - B. To raise money
  - C. To persuade you to vote against a candidate
  - D. To present an issue
  - E. To encourage you to vote on election day
  - F. To promote a particular political party
  - G. Other (fill in)
  - H. Not sure

6. Did this ad make you more likely or less likely to vote for George W. Bush?
  - A. More likely
  - B. Less likely
  - C. It had no effect on my vote
  - D. Not sure
  
7. Did this ad make you more likely or less likely to vote for Al Gore?
  - A. More likely
  - B. Less likely
  - C. It had no effect on my vote
  - D. Not sure
  
8. On a scale of 1 to 7, with 1 meaning the ad was not intended to influence how you vote in the presidential election, and 7 meaning the ad was clearly intended to influence how you vote in the presidential election, how would you rank this ad? (Choose from 1 - 7 scale)
  
9. What was the **main** purpose of this ad as it related to the presidential candidates? (Select one)
  - A. To help a particular candidate
  - B. To hurt a particular candidate
  - C. Neither to help nor hurt any particular candidate
  - D. Not sure
  
10. From the list of action words below, please **check all the words** you remember being specifically mentioned in this ad: (Multiple responses accepted)
  - A. Call
  - B. Contact
  - C. Elect
  - D. Help
  - E. Reelect
  - F. Remind
  - G. Support
  - H. Tell
  - I. Vote against
  - J. Vote for
  - K. Write
  - L. I do not recall any of these words

**[Questions 11 asked only once, after all ads were shown]**

11. How important is it for you to know who pays for or sponsor a political ad?
  - A. Very important
  - B. Somewhat important
  - C. Not very important
  - D. Not at all important
  - E. Not sure

**[Questions 12 and 13 asked for each commercial after showing 2 stills of each commercial]**

12. Who do you think paid for or sponsored this ad? (Open-ended)
13. Which of the following best describes who you think paid for this ad?
- A. A candidate or a candidate's campaign
  - B. A political party
  - C. An interest group
  - D. Other (please specify)
  - E. Not sure

**[Questions 14-21 asked only once, after all commercials and stills were shown]**

14. How much control do you think the presidential candidates have over ads that their political parties make relating to their race?
- A. Complete control
  - B. A lot of control
  - C. Some control
  - D. No control at all
  - E. Not sure
15. How much control do you think the presidential candidates should have over ads that their political parties make relating to their race?
- A. Complete control
  - B. A lot of control
  - C. Some control
  - D. No control at all
  - E. Not sure
16. From the following list, please **check all the items** that you think would indicate that an ad is trying to persuade you to vote for or against a particular candidate. (Multiple responses are acceptable)
- G Mentions candidate name
  - G Shows candidate likeness or image
  - G Mentions party name
  - G Mentions the election
  - G Shown in the last few weeks before an election
  - G Discusses an issue
  - G Uses any of the following words: "vote for," "vote against," "support," "oppose," "elect," "defeat"
17. To what degree do you hold the presidential candidates accountable for ads run by their political parties?
- A. To a great degree
  - B. To some degree
  - C. To a small degree
  - D. To no degree at all
  - E. Not sure

18. In your opinion, can ads that **do not** use words like “vote for” or “vote against” be about the election or defeat of a particular candidate?
- A. Yes, ads that do not use those words can be about the election or defeat of a particular candidate
  - B. No, only ads that use those words are about the election or defeat of a particular candidate
  - C. Not sure
19. Are you currently registered to vote?
- A. Yes, I am registered to vote at my present address
  - B. Yes, I am registered to vote at a different address
  - C. No, I am not registered to vote
  - D. Not sure
20. Generally speaking, do you usually think of yourself as a...
- A. Republican
  - B. Democrat
  - C. Independent
  - D. Other (please specify)
  - E. No preference

[If Q20=Republican]

- 21a. Would you call yourself a...
- A. Strong Republican
  - B. Not very strong Republican

[If Q20=Democrat]

- 21b. Would you call yourself a...
- A. Strong Democrat
  - B. Not very strong Democrat

[If Q20=Independent, Other, No preference or was skipped]

- 21c. Do you think of yourself as closer to the...
- A. **Republican party**
  - B. **Democratic party**
  - C. **Neither**

22. Politically, do you consider yourself
- A. Very liberal
  - B. Liberal
  - C. Moderate
  - D. Conservative
  - E. Very conservative
  - F. Don't know

**APPENDIX D**  
(Methodologies)

**National Survey Experimental Design**

The format of the focus groups permitted us to show all eight ads to every respondent as well as mail pieces. The nature of the national web-tv based survey allowed us to show only three of the eight commercials to any one respondent. We created eleven treatment groups of three ads each into which we divided the full sample of respondents. The eleven groups were created such that every possible pairing of ads was found at least once among the eleven groups (for example the Gore ad is found at least once with every other ad). We also randomized the order of the three ads within each treatment group when shown to respondents. These methods helped to allay both any bias that would be associated with party identification and any learning bias related to answering questions. Our initial design called for 1,100 respondents; fortunately, a high response rate enabled us to obtain a final sample of 2,035 respondents.

National Survey Treatment Groups <i>(Total number of respondents=2035)</i>				
Treatment Groups	Commercial 1	Commercial 2	Commercial 3	<i>Number of respondents</i>
1	Candidate (Gore)	Party (DNC)	Party (RNC)	<i>206</i>
2	Candidate (Gore)	Candidate (Bush)	Election Issue (Voices)	<i>173</i>
3	Candidate (Gore)	Election Issue (RLC)	Pure Issue (Hospitals)	<i>171</i>
4	Candidate (Gore)	Pure Issue (Priorities)	Candidate (Bush)	<i>200</i>
5	Candidate (Bush)	Party (DNC)	Election Issue (RLC)	<i>158</i>
6	Candidate (Bush)	Party (RNC)	Pure Issue (Hospitals)	<i>213</i>
7	Party (DNC)	Election Issue (Voices)	Pure Issue (Hospitals)	<i>158</i>
8	Party (DNC)	Pure Issue (Priorities)	Pure Issue (Hospitals)	<i>186</i>
9	Party (RNC)	Election Issue (Voices)	Election Issue (RLC)	<i>180</i>
10	Pure Issue (Priorities)	Election Issue (Voices)	Election Issue (RLC)	<i>207</i>
11	Pure Issue (Priorities)	Party (RNC)	Election Issue (RLC)	<i>184</i>

Respondents answered a series of questions after seeing each ad (see Appendix C). They were then shown stills of the ads and asked further questions regarding sponsorship. Finally they answered general questions that were not ad specific.

## Knowledge Networks Methodology

Knowledge Networks employs a Random Digit Dialing (RDD) telephone methodology to develop a representative sample of households for participation in its panel. This form of selection makes it possible to reach every American household with a telephone. Knowledge Networks employs a complex sample stratification design that incorporates the known probabilities of selection associated with geographical location, the number of phone lines, and whether or not the phone number is listed. Once a Knowledge Networks household is selected, members are contacted first by an express delivery mailing and then by telephone for enrollment in the Knowledge Networks panel.

Every participating Knowledge Networks household receives free hardware, free Internet access, free e-mail accounts, and ongoing technical support. Participants receive a short multimedia survey about once a week. Surveys are delivered by e-mail on the same standardized hardware, through the television set. Because the surveys are delivered through a television set, respondents can view high-quality video in the same environment that they normally watch television.

The Brigham Young University survey was conducted 25 through 31 October, 2000, and includes 2,035 registered voters. Respondents saw three ads and responded to a set of questions after each ad (see Appendix C for the complete questionnaire). The overall sampling error is approximately +/- 2.4 percentage points. The sampling error for each video ranges from 3.6 to 4.0 percentage points. Sampling error is only one form of potential error in public opinion surveys.

In most cases, Knowledge Networks weights data based on The Current Population Survey estimates. In our case, we wanted only potential voters in our sample to adjust for potential differences between those who completed the survey and those who did not. Consequently, our data are only weighted for survey non-response.

To weight the data, Knowledge Networks applied a post stratification to the final survey to adjust for biases introduced through variable non response. They used rim weighting or iterative proportional fitting that ensures similarity between the univariate sample and population distributions. Rim weighting is an iterative process that adjusts the sample distribution to match the population benchmark. This is done for each variable in turn and the cycle is repeated about ten times until the weighted sample results converge to the corresponding population distributions for all variables simultaneously.

The weights are truncated to eliminate the extreme top and bottom cases. The extent of truncation is determined by the amount of variation in the weights. Knowledge Networks tends to keep the ratio of the largest to smallest weight to be less than ten because this strikes a good balance between reducing the bias without adversely affecting the variance. As the last step, the final weights are scaled to sum to the sample size.

The variables used for this weighting are: age by sex (8 categories), race/ethnicity (4 categories), region by metro/nonmetro (8 categories), and education (4 categories).

## Focus Group Experimental Design

We showed to all respondents eight commercials and four mail pieces - two commercials and one mail piece for each type of advocacy (candidate, party, election issue, and pure issue). For each advocacy type, we chose a commercial representing the two partisan sides (for example, one Gore and one Bush commercial for the candidate ad). Because some questions were specific and required respondents to remember particulars from the ads, we randomized the order in which we showed the commercials and mail pieces across groups, ensuring that no commercial was shown in the same position in any group. This randomized ordering further assisted in avoiding ideology or party bias that respondents may have experienced in viewing subsequent ads. We also ordered the ads such that respondents would see a sequence of two commercials, one mail piece, two commercials, one mail piece, and so forth. This helped allay the monotony of watching eight commercials in a row. The following are the four orders of ads:

<b>Focus Group Ad Order</b>				
<i>(Number of respondents per group=100)</i>				
	<b>Princeton 6pm Group</b>	<b>Princeton 8pm Group</b>	<b>Lansing 6pm Group</b>	<b>Lansing 8pm Group</b>
Commercial 1	Election Issue (RLC)	Pure Issue (Hospitals)	Pure Issue (Priorities)	Party (RNC)
Commercial 2	Party (DNC)	Election Issue (Voices)	Candidate (Bush)	Pure Issue (Hospitals)
Mail Piece 1	Candidate (Gore)	Pure Issue (Priorities)	Election Issue (Coalition)	Party (ID Dem)
Commercial 3	Pure Issue (Hospitals)	Election Issue (RLC)	Party (RNC)	Pure Issue (Priorities)
Commercial 4	Candidate (Gore)	Candidate (Bush)	Party (DNC)	Election Issue (Voices)
Mail Piece 2	Party (ID Dem)	Candidate (Gore)	Pure Issue (Priorities)	Election Issue (Coalition)
Commercial 5	Pure Issue (Priorities)	Pure Issue (Hospitals)	Election Issue (RLC)	Candidate (Bush)
Commercial 6	Party (RNC)	Party (DNC)	Election Issue (Voices)	Pure Issue (Hospitals)
Mail Piece 3	Election Issue (Coalition)	Party (ID Dem)	Candidate (Gore)	Pure Issue (Priorities)
Commercial 7	Election Issue (Voices)	Party (RNC)	Pure Issue (Hospitals)	Party (DNC)
Commercial 8	Candidate (Bush)	Pure Issue (Priorities)	Pure Issue (Hospitals)	Election Issue (RLC)
Mail Piece 4	Pure Issue (Priorities)	Election Issue (Coalition)	Party (ID Dem)	Candidate (Gore)

Respondents were first asked general questions that were ad specific. They then answered a series of questions after seeing each ad (see Appendix B). Finally they were shown the ads a second time with the sponsorship tag lines edited from the commercials (in the instance of mail pieces, the moderator simply held the mail piece in the air to remind them of the specific piece) and they responded to questions regarding sponsorship. Following the written questionnaire, a discussion was moderated in which respondents expressed their thoughts on a variety of issues.

## Wirthlin Worldwide Methodology

Focus group sessions provide a glimpse into the thoughts and feelings underlying personal decision-making. Focus Groups bring people into an environment where they share opinions candidly in their own words, making them ideal for testing reactions to new products and services, trying out communication strategies, or exploring feelings on sensitive issues.

For this project, two groups were conducted in Princeton, New Jersey, and another two in Lansing, Michigan. Groups were conducted on 18 and 19 September and lasted just under two hours each.

Respondents were carefully screened during recruitment to insure they met the criteria established for the study:

- § Did not work for a market research company, public relations company or an advertising agency
- § Did not participated in a market research group discussion within the past six months
- § Representative mix of age groups
- § Own a television in the home
- § Representative mix of education levels, all at least high school graduates
- § Registered to vote
- § Representative mix of supporters for the various presidential candidates
- § 1/3 Democrats, 1/3 Republicans, 1/3 Independents
- § Representative mix of conservatives, liberals, and moderates
- § Representative mix of ethnicities

The primary objective of this project was to assess voter reactions to different types of advertising and direct mail. To accomplish this objective we implemented a special advertising assessment methodology to augment the typical focus group approach. This methodology recruited 25 participants rather than the usual 10-12. Two large-screen televisions were positioned at each side of the front of the room so all participants could easily view the advertisements. During the first half of the session, respondents viewed an ad or mail piece and responded to a set of questions about the ad before viewing the next ad. The respondents then saw each ad a second time without its sponsorship tag line and responded to a second set of questions (see Appendix B for a complete questionnaire). During this first part of the group, participants were not allowed to talk or comment—this insures that one participant cannot influence responses of any other respondent.

During the second half of the session, participants were led through a discussion of their reactions to the different ads and direct mail pieces and shared their thoughts and feelings underlying their written comments.

The secondary objective of the focus groups was to guide the development of the quantitative instruments. Results of these groups were used to refine wording and design of the quantitative survey.

## APPENDIX E

(Glossary)

Candidate communications. Communications by a candidate or their campaign that remain regulated by the FECA and continue to have disclosure and contribution limitations with the exception of a candidate spending her own resources.

Independent expenditures. Communications by individuals or organizations other than the candidates or parties that call for the election or defeat of a candidate, and are independent of any party or candidate. Are unlimited but disclosed.

Election issue advocacy. Issue advocacy that conveys a theme or message, but *is also related* to the election.

Issue advocacy. Communications that *do not* expressly call for the election or defeat of a candidate.

Magic words. Express words of advocacy of election or defeat, such as “vote for,” “elect,” “support,” “cast your ballot for,” “Smith for Congress,” “vote against,” “defeat,” “reject.”

Party hard money contributions. The money parties contribute to candidates or spend in ways coordinated with them. These contributions are limited as to source and expenditure and are subject to disclosure.

Party soft money contributions. The money contributed to parties and/or transferred between national and state parties that are intended for party-building purposes. These are unlimited and disclosed.

Pure issue advocacy. Issue advocacy that conveys a theme or message and that *is not related* to the election.

Respondents. Eligible voters, randomly selected.