



# **CAMPAIGNS AND ELECTIONS**



**ISSUES**



**CONCEPTS**



**CASES**

edited by

**OBERT P. WATSON & COLTON C. CAMPBELL**

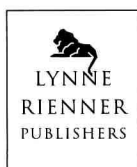
# CAMPAIGNS AND ELECTIONS

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Issues, Concepts, Cases

EDITED BY

Robert P. Watson  
Colton C. Campbell



BOULDER  
LONDON

Published in the United States of America in 2003 by  
Lynne Rienner Publishers, Inc.  
1800 30th Street, Boulder, Colorado 80301  
www.rienner.com

and in the United Kingdom by  
Lynne Rienner Publishers, Inc.  
3 Henrietta Street, Covent Garden, London WC2E 8LU

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**Library of Congress Cataloging-in-Publication Data**

Campaigns and elections : issues, concepts, cases / [edited by]

Robert P. Watson & Colton C. Campbell.

p. cm.

Includes bibliographical references and index.

ISBN 1-58826-120-4 (alk. paper)—ISBN 1-58826-144-1 (pbk. : alk. paper)

1. Political campaigns—United States. 2. Political campaigns—

United States—Case studies. I. Watson, Robert P., 1962— II. Campbell,  
Colton C., 1965—

JK2281 .C354 2003

324.973—dc21

2002068270

**British Cataloguing in Publication Data**

A Cataloguing in Publication record for this book  
is available from the British Library.

Printed and bound in the United States of America

∞ The paper used in this publication meets the requirements  
of the American National Standard for Permanence of  
Paper for Printed Library Materials Z39.48-1984.

5 4 3 2 1

*For my son, Alessandro*  
—R.P.W.

*For Marilyn, wife and best friend*  
—C.C.C.

# Preface

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The dawn of the twenty-first century is an exciting and important time to be studying campaigns and elections. In the wake of the historic 2000 presidential election, arguably the most intriguing and controversial contest of the modern era, a host of electoral reforms has been proposed and implemented across the country and in the nation's capital, from bans on "soft money" to the administration of local elections by nonpartisan supervisors to improved voting technology. So too have both the shortcomings and vitality of the electoral system entered the collective public conscience. November 2000 saw the U.S. public receive a valuable national civics lesson, not only on the importance of voting, but also on the workings of the intricate machinery of the Electoral College, vote recounts, voting machines, canvassing boards, and chads—be they hanging, pregnant, or dimpled.

In addition to the prospect of fundamental election reforms, important new issues and trends are redefining the style of campaigns and elections. Both the practice and study of this subject are dynamic endeavors, ever adapting to societal changes. So it is likely that within the next ten years, campaigns and elections will be different from those we know today. A number of forces at play are worth noting: possible political realignments, the rise of third parties, new media and communications technology, Internet voting and campaigning, demographic and racial shifts in the composition of the electorate, advances in polling and public opinion practices, more women serving in public office (including the first female president?), and an increasingly disenchanted voting public. Yet, age-old questions and problems continue.

In this volume, focusing on emerging issues and directions in campaigns and elections, we have selected timely, important, and controversial topics for inclusion. Every effort has been made to ensure that the book is accessible for students and practitioners, yet cutting-edge for scholars.

Along with thematic chapters, the volume also offers several behind-the-scenes case studies. These cases place concepts into perspective, help-

ing to more fully explain the complexities of a topic or to illustrate real life effects, as well as to bridge the widening gap between theory and practice.

The cases on campaigns, for example, include a comparison of congressional races and a look at the role of ethics—in legal terms and in terms of the appearance of a candidate's conduct—in campaigns. The cases devoted to elections provide firsthand accounts of the recent controversial gubernatorial election in Mississippi and the 2000 presidential election (with the infamous vote recounts). Also a part of the volume are cases on voters and the candidates themselves, including a probing study of the third-party gubernatorial maverick, Jesse Ventura of Minnesota, and an examination of the closely watched New York Senate race between former first lady Hillary Clinton and former U.S. representative Rick Lazio.

As with any book on a topic so complex and multifaceted as campaigns and elections, the real challenge has been to compile a reasonably comprehensive yet concise study. We believe the respected and capable contributors to this volume met that challenge by exploring current themes and trends. The contributors' diverse backgrounds—in academia, public service, elections administration, and campaign management—along with their equally diverse perspectives on the subjects also strengthen the text.

The contents are organized into four sections, opening with an introduction that presents foundational concepts of the topics at hand to assist the reader uninitiated in the subject. The next three sections—current issues in campaigns, current issues in elections, and candidates and voters—constitute the core of the book. Each of these three major sections is divided into three essays followed by two case studies. The book closes with an examination of the 2000 congressional and presidential elections and their consequences for the future.

Our work in putting this book together was made easier by four factors, the first of which was that the topic lent itself, in our opinion, to an exciting study. Second, we were fortunate to have such capable colleagues who shared our enthusiasm for campaigns and elections. Third and relatedly, it was a pleasure to work with Lynne Rienner Publishers and its talented staff. So, Lynne Rienner, Leanne Anderson, Penny Monroe, Shena Redmond, Beth Partin, and Liz Miles, we thank you. Last, we acknowledge our spouses—Claudia Pavone Watson and Marilyn Lewis Campbell—whose support and patience are appreciated (and not contingent upon the success of this volume!); we are very lucky.

*—Robert P. Watson,  
Colton C. Campbell*

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# Introduction

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## The Foundations of Democracy

The foundations of democracy are self-government and representative government, the functioning of which in turn is contingent upon citizen engagement in the political process. Two basic tenets of political participation are the right (and responsibility) to vote and the ability to participate in politics by seeking or holding public office. Indeed, the vitality of democracy is challenged by such occurrences as low voter turnout, a lack of real choices for voters in elections, fraudulent campaign practices, and poorly administered elections. But how many people run for office or work on campaigns? Do a majority of citizens cast a vote, much less an informed and enthusiastic vote in elections? Given that all these concerns have appeared in the political headlines in recent years, if the present state of campaigns and elections were the thermometer for the democratic experience, the diagnosis would be alarming.

Theoretically, campaigns and elections should promote democracy and encourage civic activism by, for instance, expanding citizen participation in politics, translating voters' preferences and choices into electoral decisions and government action, and ensuring accountability by elected officials and government. Because a small number of officials in a representative democracy cannot fully promote or serve the public will and interest, such involvement generally promotes accountability as well as provides a means to shape politics and public policy. Without input, however, elected officials might distort the public will or pursue self-interests.

Government, at times, will attempt to persuade or curb the influence of citizens, which makes it all the more important to promote participation and safeguard the integrity of campaigns and elections. Voting and participation serve important conceptual facets of democratic government by increasing the probability that the citizenry will participate on a regular and viable basis in politics, expanding the likelihood that citizens will affect public decisions, and reinforcing citizen independence of—or autonomy from—state control.

Increased activism in campaigns and elections democratizes citizen involvement while simultaneously offering a *controlled* means of participation. Here, a balance is sought between promoting maximum involvement for the populace while setting conditions on the format and eligibility for mass political involvement. Citizen participation in the form of voting and pursuing elective office promotes the democratic experience.<sup>1</sup>

## A Dynamic, Evolving Process

Campaigns and electoral systems have always been in a state of flux, influenced by a host of legal, political, and societal forces to such a degree that change and fluidity are defining characteristics of both processes. This is not to suggest, however, that some constants cannot be found. The strategy of “going negative,” for example, has been a regular part of campaigns, the media have always covered elections, and voter decisions have always been about such concerns as partisan loyalty, policy issues, and the character of individual candidates.<sup>2</sup> Likewise, a basic framework governing elections is outlined by the Constitution, prescribing specific term lengths and the frequency of elections.

Yet, a near-constant stream of developments have left an indelible mark, dramatically altering the electoral landscape. Throughout the life of the U.S. party system, for instance, the coalition of voters who define the parties has been rearranged every generation or so by what is called “realignment,” an electoral phenomenon that generally produces different parties with new bases of support, new policies, and new philosophies. Much debated by political scientists, realignments occur as major crises intrude on society or the economy and when major parties are unable to meet the expectations of large segments of society.<sup>3</sup>

The defeat of the Federalists by the Jeffersonians in 1800 has generally been considered the first of such realignments, signaling the meaningful rise of modern political parties.<sup>4</sup> Nearly three decades later, Andrew Jackson’s presidential victory in 1828 and corresponding control of Congress by his party marked the end of an era of governance by the political elites, ushering in Jacksonian or “coonskin” democracy and a voice for the common person. A third realignment occurred during the outbreak of the Civil War and was highlighted by the demise of the Whigs, the new Republican Party gaining power, and, of course, the completion of the growing rift between North and South and the various political, social, and economic divisions between them. Another Republican realignment in the late nineteenth century would last until 1932, when the Great Depression and election of Franklin D. Roosevelt to the presidency brought a major Democratic realignment.<sup>5</sup> Such changing electoral outcomes, albeit less momentous, have continued to occur, each one marking a change in the political order.

Among the many institutional developments that dramatically altered the way in which campaigns and elections are waged, namely for the presidency, was the replacement of “King Caucus” by nominating conventions in the 1830s as the chief means by which parties would promote and select candidates for public office. Until then, presidential candidates had been nominated by their party’s congressional delegates. This system was derisively known as “King Caucus” because candidates had to defer to the party leaders in Congress to win the party’s nomination. Caucuses suited the interests of a handful of party elite who controlled the candidate selection process and directed party strategy and policy agendas from behind closed doors. This method of candidate selection at party nominating caucuses often included ambiguous—and, in some cases, nonexistent—rules, proxy voting at the discretion of party officials who frequently denied minority contenders any support, and meetings held without public notification or proper quorums. The rise of brokered conventions democratized this political process, with the intention of providing rank-and-file party members greater participation and influence in the selection of presidential candidates.

So too has the history of elections witnessed a tug-of-war between those seeking to expand the right of suffrage and those attempting to minimize or control who votes.<sup>6</sup> Indeed, many constitutional amendments directly pertain to voting rights and elections practices. The long struggle toward universal suffrage has also been shaped by court cases, civil rights movements, and social unrest.

Historically, in nations where democracy existed—albeit in a fledgling manifestation of its present form—the composition of the electorate was limited and regulated by government, insofar as property ownership was the chief precondition to voting. This system stemmed from the view among those making the laws that certain classes of people (those who did not own land) were ill-equipped to cast an informed vote. Voting subsequently was entrusted only to those likely to perpetuate the status quo. In the United States, the composition of the electorate has been restricted through the use of poll taxes, flawed voter registration lists, and a variety of other nondemocratic practices. For instance, voter registration lists were periodically purged in what was said to be an attempt to keep them up-to-date and accurate but with the unintended (or intended) impact of minimizing voting.

In general, today’s citizens need only to register and show proof of identity, residence, and citizenship to exercise their right to vote. Ballots are printed in languages other than English, booths are accessible to the handicapped, and officials are available to provide assistance with voting. Voting registration is far less inconvenient today than in times past. Historically, voters could not afford to miss hours of work (and pay) in order to register, and the time frame for registration was so long before the date of the election that it often worked to the detriment of many would-be voters.

A major period in the expansion of suffrage occurred during Reconstruction at the close of the Civil War. Former slaves and free blacks were enfranchised in 1867 and 1870 through the adoption of the Fourteenth and Fifteenth Amendments, respectively providing for equal protection and the right to vote for black males. However, following the conclusion of Reconstruction in 1877, many southern states and communities employed an array of tactics designed to prevent blacks from voting. Known collectively as “Jim Crow” laws, such practices as imposing literacy tests, poll taxes, and grandfather clauses as well as intimidation and lynchings achieved their intended purpose.<sup>7</sup> A general contraction of voting rights for many racial groups resulted during this period and lasted through the 1960s. Similar practices were directed at individuals of Mexican descent, for instance, in Texas, and efforts at “Chinese exclusion” in California effectively disenfranchised many Asians, regardless of national origin.<sup>8</sup>

An exception to this general trend was the passage of the Nineteenth Amendment to the Constitution in 1920, which extended the basic right of voting to women. Ironically, in the period known as the Progressive Era in the early twentieth century, a range of plebiscitary reforms intended to democratize the political process, from the Australian ballot to direct primaries and registration requirements aimed at preventing double voting, produced an unintended drop in voter participation.

Civil rights gains of the 1960s occasioned important changes in voting rights and the rise of minority voting. The Twenty-fourth Amendment, passed in 1964, banned the use of poll taxes, and the 1965 Voting Rights Act provided mechanisms for addressing unfair elections administration practices directed at African Americans seeking the right to vote. This expansion of suffrage continued with the Twenty-sixth Amendment in 1971, which lowered the voting age from twenty-one to eighteen. Another step toward expanding suffrage was the much-debated and highly partisan 1993 “motor voter” bill, which eased the task of voter registration by allowing government offices to register voters who were applying for driver’s licenses or public assistance. Although the law was vetoed by President George Bush in 1992, President Bill Clinton signed the measure into law the following year. Today, gains in voting rights by all races and groups of people have been assured by law, and an increasing number of women and minorities are seeking and winning elected office.

## Electoral Systems

Elections assume many forms, especially in the United States, where the constitutional principles of federalism and separation of powers allow for wide latitude in tailoring elections to fit state traditions, political conditions, and the preferences of voters. Democratic elections, as practiced

currently in the United States and many other nations, provide a means for opposing political forces and interests to compete against one another and a process to replace current officeholders. In contrast, electoral systems in authoritarian regimes typically do not provide mechanisms to defeat sitting officials.

The electoral college is one of many such electoral systems, the genesis of which may be traced in large part to a concern by the Founders that common citizens were not necessarily competent to cast a vote; in addition, the Framers faced the challenge of conducting a nationwide election from a logistical perspective and believed that the electoral college would produce the best-qualified president, one not beholden to congressional leaders.<sup>9</sup> As such, the electoral college was formed as a group of electors chosen indirectly, who cast their votes for president and vice president. The vote recorded on election day by voters is therefore technically not the final word on who becomes president. Voters participating in presidential elections are not casting a direct vote for president, but rather they are casting a vote that will be considered by the electors.

This method for choosing the president was a masterpiece of political improvisation and compromise, rather than a formula based on any coherent political theory.<sup>10</sup> Each state is free to choose electors, who gather roughly one month after the presidential election. Historically, state legislatures selected presidential electors. Today, how someone becomes part of the eligible pool of electors is left to the discretion of the parties. They employ a variety of methods for selecting electors, such as state conventions, state political committees, primary elections, direct selection by a party, or some combination of methods. Most states use a method that benefits the dominant party in the state. By law, on the Monday after the second Wednesday in December, the electors convene in their state capitals and formally cast their votes, which decide the outcome of the race. These ballots and the certificates of their votes are then forwarded to Capitol Hill, where the votes are to be counted in the House of Representatives, with the president of the Senate (the vice president of the United States) presiding. So, although these electors pledge to support their party's presidential candidate, it is the electors and not the voting public who put the president in the White House.

Each state's allocation of electoral votes is determined by its representation in Congress, with the allocation of a state's electoral votes determined on the basis of a winner-take-all system. The candidate who receives a *plurality* of the state popular vote receives all of that state's electoral votes, no matter how narrow the candidate's margin of victory. Counting the three votes allocated to the District of Columbia, there are a total of 538 electoral votes. In this winner-take-all system, the presidential candidate who wins a state gets all the electoral votes of that state—the two exceptions to this system being Maine and Nebraska, who divide part of their

electoral votes proportionally by district. A candidate must earn a majority of the electoral college's 538 votes to win the race.

As illustrated in the 2000 race between Republican George W. Bush and Democrat Al Gore, the candidate that wins the electoral college might not necessarily win the popular vote. For instance, one candidate (candidate A) might win a state with ten electoral votes by the slimmest of margins—say, less than 1 percent. But, that candidate gains 100 percent of that state's electoral votes. Whereas, the opponent (candidate B) might win another state—of nearly the same size—that has nine electoral votes by a landslide of 30 percent. In this scenario, candidate B—with one convincing win and one near tie—would likely have many more popular votes. Yet candidate B would lose the electoral college.

The controversy created over the 2000 presidential election between Bush and Gore and the ensuing debate over the merits of the electoral college are not new. The system failed to produce a clear winner in 1800 and 1824, when no one candidate received a majority of the votes. In 1800, Thomas Jefferson and Aaron Burr each received an equal number of votes. Ironically, Jefferson and Burr were running for president and vice president, respectively, from the same party. This situation was possible and at times even common because, until the passage of the Twelfth Amendment in 1804, the Constitution made no distinction between presidential and vice presidential candidates.<sup>11</sup> As per constitutional requirements, the tied election was thus decided in the U.S. House of Representatives where, with support from the opposition party—the Federalists—and their leader, Alexander Hamilton, Jefferson came out victorious.

Again, in 1876, the election between Rutherford B. Hayes and Samuel Tilden challenged the integrity of the electoral college. Hayes was declared the winner by a special commission after he failed to secure the majority of the electoral votes and even though his opponent captured more popular votes. In his bid for reelection in 1888, Grover Cleveland also failed to capture the majority of the electoral college, even though he took the popular vote. His opponent, Benjamin Harrison, was declared the winner.

Several other types of elections and rules exist for determining the winners of these contests. For instance, in single-member *plurality districts*, the candidate receiving the most votes—at least one more than the opponent—is the winner. In such elections, one does not need a majority (50 percent plus one) of votes to secure office. This system is common in state and local elections throughout the United States. However, a *majority system* mandates that a candidate garner a majority of all votes cast in an election to win. Although no longer commonly used, this method of election was historically employed in southern primaries. Oftentimes, such majority systems require that, if no one candidate receives a majority of votes, the two top vote getters compete in a “runoff” election to determine the winner.

A system prevalent in Europe is *proportional representation*, whereby legislative seats are allocated in approximate proportion to the percentage of votes a party receives in the particular election. For example, in the case of a political party earning 25 percent of the vote, that party then receives 25 percent of the seats in the legislative body. These systems are prone to benefit smaller, weaker third parties, in that the threshold for gaining seats is not total victory. In the United States with its winner-take-all system, it is difficult for third parties to muster enough votes to win even a single seat, regardless of whether they poll roughly one-quarter of votes in several races. In each of those races, they will still lose and consequently fail to capture even any seat.

Candidates for legislative office represent and run for office in electoral districts. That is not true for executive offices such as mayor, governor, or president, who serve the entire community, state, or nation. The question thus arises as to how such districts should be designed. The Senate was intended to add constancy, wisdom, and forbearance to the actions of the popularly elected House. Thus two Senate seats are allocated per state, so a senator represents an entire state. But members of the U.S. House of Representatives and state legislators serve specific districts, the composition and design of which are determined largely by population. (In addition to population, districts are technically to be designed according to community interests and contiguity, insofar as all the district lines must connect.) Every ten years, after the census is taken by the Commerce Department's Bureau of the Census, governments (in this case, state legislatures and boards) redraw or *reapportion* seats and district boundaries, according to shifts in the population.

Once the population figures from the decennial census are gathered, apportionment for congressional seats is derived by a mathematical formula called the *method of equal proportions*—the idea that proportional differences in the number of persons per representative for any pair of states should be kept to a minimum.<sup>12</sup> In the case of the U.S. House of Representatives, as the nation's population shifts, states gain or lose congressional representation (or seats); one state's gain means another's loss.

Historically, the designation of these districts has benefited incumbents or the dominant party. If Democrats control the legislature—and thus the reapportionment process—for example, they redraw seats to benefit their legislative member by pitting two Republicans against one another or creating “safe” seats for themselves by including a majority of Democratic voters in the district. In the South, reapportionment was a tool often used to prevent blacks from getting elected. Such reapportionment for purely political purposes is known as “gerrymandering,” named for the former governor of Massachusetts, Elbridge Gerry, who in the early nineteenth century supposedly designed districts in the shape of a salamander (gerrymander) to serve the electoral interests of his party.



By law, districts must be roughly equal in population. But such population equality comes at the expense of other goals. Districts become artificial creations, the result of partisan, geographical, and racial politics that transcend city and county lines or ignore geographic and social lines.<sup>13</sup> A district representing a densely populated urban area, for example, will cover a small geographic region, but a rural, sparsely populated district might have to encompass a large region to contain an equivalent population base. The state of Wyoming, although large geographically, contains so few people that the whole state is a single-member district in the U.S. House of Representatives. However, large states like California, New York, Texas, Florida, and Pennsylvania carry many seats, and a large city such as Los Angeles incorporates several House districts.

## Current Trends in Campaigns and Elections

The modern campaign is analogous to a state of war.<sup>14</sup> These no-holds-barred contests for ideas and for the hearts and minds of voters have become longer and longer and increasingly sophisticated and have higher and higher price tags. With the high stakes of modern campaigns come growing staffs, pools of volunteers, interest groups lined up for and against every campaign, and hard-to-please voters.

Campaign strategy and the issue agenda used to belong to the political parties. But, by late 1960s and 1970s, the individual candidates were charting their own courses with the help of campaign professionals.<sup>15</sup> One of the defining traits of modern campaigns is the reliance on campaign professionals—individuals who work on a fee-for-service basis for more than one election cycle.<sup>16</sup> This increasingly sophisticated endeavor covers an ever-increasing array of services, from polling to opposition research to fundraising to media strategy and, more recently, the marriage of all these elements into an orchestrated, managed campaign. The contemporary campaign now incorporates all these elements plus get-out-the-vote efforts, scheduling and advance work to manage a jam-packed campaign season, legal counselors, press spokespersons, speechwriters, television commercial producers and media buyers to position the ad to the targeted market of prospective voters, and even image consultants. Teams of “hired guns” or “campaign warriors” offer a comprehensive array of campaign management services to candidates.<sup>17</sup> They find candidates eager to purchase the promise of victory these services offer. Indeed, it is almost unthinkable for a candidate for a national or statewide office today to not enlist the help of a team of professional campaign consultants.

Technological advances in communications, broadcasting, computer-based polling and survey research, and the Internet are ushering in a new era of high-tech campaigns. Because of the promise of faster services, the