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The Fair Elections Now Act Is a Declaration of Independence for Congress

Public Citizen Enthusiastically Endorses S. 750 and H.R. 1404

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The Fair Elections Now Act (S. 750 and H.R. 1404) – which offers a new system for financing campaigns that relies on public funds matching small private donations – would help improve the openness, honesty, and accountability of government. It would also free public officials to respond to the interests of voters without worrying about hurting their ability to raise money from deep-pocketed donors. Most observers would agree that money plays far too large a role in elections – and that politicians spend too much time fundraising, detracting from the time they spend developing good public policy.

If we want to protect the environment, design a better health care system or improve our energy policy, we need a political system that encourages lawmakers to listen more to voters than to oil and gas companies, pharmaceutical giants and other industries. The Fair Elections Now Act is a bold solution to the problem of special interest money in politics.

Several states and localities have been operating under comprehensive public financing systems for years. These systems work. Public funding programs in the states today draw rave reviews from lawmakers while producing more diverse fields of candidates. They also provide voters with an immediate return on their small investment of faith and money: lawmakers who run under the systems spend significantly less time raising money than those who do not, giving them more time to do the work of the people.

The Fair Elections Now Act carefully builds upon the successes of public financing systems in the states while accommodating new political realities, such as the growing small donor phenomenon and recent Supreme Court rulings.

The Fair Elections Now Act is sensible. It is entirely voluntary and imposes no new restrictions on the campaign fundraising or spending of those who do not participate. And it transforms elections into true contests of ideas and merit, rather than fundraising prowess.

The cost of winning an election for Congress is getting more and more expensive. The winners of House elections in 1976 spent an average of about \$334,500 on campaigns

in 2010 dollars. In contrast, the average House winner in 2010 spent about \$1.4 million. In 1976, successful Senate candidates spent an average of \$2.3 million in 2010 dollars. In 2010, the average Senate winner spent an astonishing \$7 million.¹

Starting the day after they are elected, House members must begin raising more than \$1,000 a day – including Saturdays and Sundays – to amass large enough war chests to wage their next campaign. On average, a U.S. Senator must raise more than \$3,000 per day, every day. The burden is particularly heavy on members who only narrowly won their last election. Freshman House Democrat Tim Walz (Minn.) recalls that former Rep. Rahm Emanuel (D-Ill.) told him in the middle of December 2006, “Start raising money now And here’s your goal: Have \$1 million in the bank by the time this race gets ready next time.”²

The high cost of running campaigns compromises a member’s ability to truly represent voters. Former Sen. Ernest F. “Fritz” Hollings (D-S.C.) estimated that almost one-third of a senator’s time is spent on fundraising. Hollings contrasted today’s Senate with the institution of the 1960s, which typically worked full weeks: “Now you can’t find the Senate until Monday evening, and it’s gone again by Thursday night. We’re off raising money. We use every excuse for a ‘break’ to do so,” Hollings wrote. “In February it used to be one day for Washington’s birthday and one for Lincoln’s. Now we’ve combined them so we can take a week off to raise money,” he continued. “There’s Easter week, Memorial Day week, Fourth of July week and the whole month of August. There’s Columbus Day week, Thanksgiving week and the year-end holidays. While in town, we hold breakfast fundraisers, lunch fundraisers, and caucuses to raise funds.”³

A study by researchers at the University of Maryland confirmed that candidates who participate in full publicly funded electoral systems spend significantly less time raising money than other candidates. U.S. House candidates in contested elections reported spending an average of 34 percent of their time raising money. Meanwhile, privately funded state legislative candidates reported spending an average of 24 percent of their time fundraising and publicly funded candidates reported spending only 8 percent.⁴

A congressional Fair Elections system would free incumbent and prospective office holders to better connect with all of their constituents, not merely those most able to contribute to campaigns.

The vast majority of Americans support a Fair Elections system. According to a recent poll conducted by a bipartisan group, more than two-thirds of voters (67 percent) support providing qualified congressional candidates public financing if they agree to

¹ Joseph Cantor, “Campaign Finance: An Overview,” Congressional Research Service (July 31, 2006); and Campaign Finance Institute, “The Cost of Winning An Election: 1986-2010” (2011).

² Adam Nagourney, “With Their Eye on 2008, Democrats Nurture Vulnerable House Freshmen,” *New York Times* (Dec. 22, 2006).

³ Ernest Hollings, “Stop the Money Chase,” *Washington Post* (Feb. 19, 2006).

⁴ Peter Francia and Paul Herrnson, “The Impact of Public Financing Laws on Fundraising in State Legislative Races,” *American Politics Research* (Sep. 2003).

refuse to take large campaign contributions, while just 20 percent of those surveyed opposed the idea.⁵ Every major demographic group solidly favors the proposal. This includes support across party lines (69 percent of Democrats, 64 percent of Republicans, and 66 percent of independents). Even the least supportive demographic group still favors the proposal by a 2-to-1 ratio.

The same poll confirmed why Americans support Fair Elections. A solid majority of voters believe Congress prioritizes the will of their political contributors rather than constituents. Sixty percent of voters say members of Congress are more likely to vote in a way that will please their political contributors, compared to just 20 percent who think that they vote for the best interests of their constituents. Voters see large campaign contributions as a roadblock to solving the most pressing economic issues facing America. More than three quarters (79 percent) of voters agree with the statement “I am worried that large political contributions will prevent Congress from tackling the important issues facing America today, like the economic crisis, rising energy costs, reforming health care, and global warming.”

The Fair Elections Now Act is not expensive – it is very affordable, especially given the savings offered from reducing costly and unnecessary special interest projects and earmarks, the time spent fundraising by lawmakers, and the greater public confidence in the integrity of government. Furthermore, the Fair Elections Now Act pays for itself through reasonable fees assessed on large government contracts.

Fair Elections systems open up democracy by encouraging people from a broader range of economic backgrounds to become politically active through campaign contributions. By dramatically reducing the maximum allowable contribution – to \$100 for participating candidates – the systems enable almost everyone to make meaningful campaign contributions. A study of contributions to gubernatorial candidates in Arizona found that privately funded candidates in the 1998 and 2002 election cycles received more than 70 percent of their campaign contributions from people living in areas with per capita incomes of \$40,000 or more. In contrast, following adoption of public financing in Arizona, candidates who opted into the state’s public funding system received up to 68 percent of their qualifying and seed contributions from people living in zip codes with per capita incomes below \$40,000.⁶

The average individual contribution to each publicly funded candidate in the study ranged from \$6 to \$13. The profile of contributors to publicly funded candidates in Arizona contrasts starkly with contributions to federal candidates, who receive the overwhelming percentage of their campaign contributions from people with household incomes of \$100,000 or more.

⁵ Lake Research Partners and The Tarrance Group, Memorandum: National Polling on Support for a Proposal to Tackle Big Money in Congressional Elections (2009).

⁶ Clean Elections Institute, “Reclaiming Democracy in Arizona” (2004).

Most candidates who have used public financing programs in state elections appear to like the alternative system of financing their campaigns. A survey of candidates who participated in Maine's public financing system in the 2002 elections found that 96 percent of the respondents said that they were either "very" or "reasonably" satisfied with the system, 94 percent said they were at least "somewhat likely" to use it again, and 96 percent said they were at least "somewhat likely" to recommend the program to others.⁷

Many elected officials who ran their campaigns under the state's public funding system spent more time with the voters and less time fundraising. When Maine's 2002 candidates were asked why they decided to participate in the program, 55 percent answered: "No fundraising; time better spent on issues and voters." Another 20 percent cited "strategic or pragmatic reasons," and 18 percent cited "fear of corruption by special interests."⁸

The United States is a diverse nation, and yet the people we elect to represent us at both national and local levels of government do not reflect that diversity. The money available to candidates is part of the problem. Fair Elections systems remove many of the barriers to candidacy. In states with comprehensive public financing systems, both minorities and women are availing themselves of public funds at a higher rate than other candidates.

For all these reasons, Public Citizen enthusiastically rallies in support of the Fair Elections Now Act and applauds the campaign to clean up elections by Sen. Richard Durbin (D-Ill.), Rep. John Larson (D-Conn.) and all their colleagues who have cosponsored this important legislation.

Our elections are far too important to leave to auctioneers and well-financed special interests.

Sincerely,



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⁷ Alison Smith, "Clean Elections at Work," Maine Citizens Leadership Fund (April 3, 2003).

⁸ Id.