

# G \* A \* M \* E C H A N G E R S

**HOW DARK MONEY AND  
SUPER PACS ARE TRANSFORMING  
U.S. CAMPAIGNS**

**HENRIK M. SCHATZINGER**

RIPON COLLEGE

**STEVEN E. MARTIN**

RIPON COLLEGE

ROWMAN & LITTLEFIELD  
Lanham • Boulder • New York • London

Executive Editor: Traci Crowell  
Assistant Editor: Deni Remsberg  
Higher Education Channel Manager: Jonathan Raeder  
Interior Designer: Rosanne Schloss

Credits and acknowledgments for material borrowed from other sources, and reproduced with permission, appear on the appropriate pages within the text.

Published by Rowman & Littlefield  
An imprint of The Rowman & Littlefield Publishing Group, Inc.  
4501 Forbes Boulevard, Suite 200, Lanham, Maryland 20706  
www.rowman.com

6 Tinworth Street, London SE11 5AL, United Kingdom

Copyright © 2020 by The Rowman & Littlefield Publishing Group, Inc.

*All rights reserved.* No part of this book may be reproduced in any form or by any electronic or mechanical means, including information storage and retrieval systems, without written permission from the publisher, except by a reviewer who may quote passages in a review.

British Library Cataloguing in Publication Information Available

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

Names: Schatzinger, Henrik M., 1978– author. | Martin, Steven E., 1974– author.

Title: Game changers : how dark money and super PACs are transforming

U.S. campaigns / Henrik M. Schatzinger, Steven E. Martin.

Description: Lanham : Rowman & Littlefield, [2020] | Includes bibliographical references and index.

Identifiers: LCCN 2019047113 (print) | LCCN 2019047114 (ebook) |

ISBN 9781538136171 (cloth) | ISBN 9781538136188 (paperback) |

ISBN 9781538136195 (epub)

Subjects: LCSH: Campaign funds—United States. | Political action committees—United States. | Political campaigns—United States. | United States—Politics and government—2009-2017. | United States—Politics and government—2017-

Classification: LCC JK1991 .S33 2020 (print) | LCC JK1991 (ebook) |

DDC 324.7/80973—dc23

LC record available at <https://lccn.loc.gov/2019047113>

LC ebook record available at <https://lccn.loc.gov/2019047114>

♻️™ the paper used in this publication meets the minimum requirements of American National Standard for Information Sciences—Permanence of Paper for Printed Library Materials, ANSI/NISO Z39.48-1992.

# Brief Contents



List of Figures and Tables	x
Preface	xii
About the Authors	xvi
1 Super PACs and Dark Money as Game Changers	1
2 The First Amendment and Legal Issues	28
3 Donors, Expenditures, and Representation	53
4 New Trends in Presidential Campaigns	81
5 New Trends in Congressional Campaigns	108
6 Political Advertising in the Post- <i>Citizens United</i> Era	136
7 Reform Ideas	163
Notes	185
Index	223
Credits	235

# Contents



List of Figures and Tables	x
Preface	xii
About the Authors	xvi
<b>1 Super PACs and Dark Money as Game Changers</b>	<b>1</b>
Understanding Differences among Groups	3
Trump versus Pro-Trump Groups	6
How Are Campaigns Changing?	8
Campaign Finance	9
Candidate-Group Signaling, Group-Group Coordination, and Candidate-Voter Communication	13
Effects on Political Parties	18
Dark Money Groups and Anonymity	21
Representation and Political Influence	23
Conclusion	25
Key Terms   Discussion Questions   Additional Reading	26
<b>2 The First Amendment and Legal Issues</b>	<b>28</b>
Understanding the First Amendment:	
Theoretical Approaches	30
First Amendment Theory	31
Significant Legislation and Court Cases	34
The Federal Election Campaign Act	36
<i>Buckley v. Valeo</i> (1976)	36
<i>Colorado Republican Federal Campaign Committee         v. FEC</i> (1996)	37
The Bipartisan Campaign Reform Act	37
<i>FEC v. Wisconsin Right to Life, Inc.</i> (2007)	38

	<i>Citizens United v. FEC</i> (2010)	39
	<i>SpeechNow v. FEC</i> (2010)	40
	<i>McCutcheon v. FEC</i> (2014)	40
	Legal Issues Related to Political Campaigns: Four Tensions	40
	To What Extent Should “Corporations” Have First Amendment Rights?	42
	(When) Should Money Be Protected as Speech?	44
	Where Should We Draw the Lines of Responsiveness and Corruption?	46
	Do Voters Have a Right to Know Who Is Funding Campaign-Related Speech?	48
	Conclusion	50
	Key Terms   Discussion Questions   Additional Reading	51
<b>3</b>	<b>Donors, Expenditures, and Representation</b>	<b>53</b>
	Donors	54
	Super PAC Donors	56
	Super PAC Recipients	57
	Dark Money Donors	59
	Dark Money Recipients	61
	Group Expenditures	62
	Purpose of Super PAC Expenditures	62
	Ideological Breakdown of Dark Money Spending	62
	Political Activity versus Social Welfare	63
	Nonprofits’ Political Spending and Activities	66
	Implications of Findings	69
	“So What?” Effects on Candidates and Representation	72
	Conclusion	77
	Key Terms   Discussion Questions   Additional Reading	79
<b>4</b>	<b>New Trends in Presidential Campaigns</b>	<b>81</b>
	Democratic Candidates, Trump, and Outside Groups in the 2020 Presidential Campaign	82
	New Trends since <i>Citizens United</i>	85
	Playing the Delay Game	85
	The Staff Shell Game	87
	The <i>New</i> Money Primary	88
	The Presidential Primary Vacuum	92
	The Increasing Importance of Leadership PACs	93
	Playing Pinball with Joint Fundraising Committees	95
	Official Party Committees	96

Super PAC Activities without Coordination	96
Super PACs versus Incumbent Presidents during the Primaries	98
The Republican Conundrum: Super PAC Help versus Damaged Goods Theory	99
Coordinated Expenditures and the Parties' Ground Game	100
The Small Donor Revolution	102
Conclusion	104
Key Terms   Discussion Questions   Additional Reading	106
<b>5 New Trends in Congressional Campaigns</b>	108
What We Know from the Literature	111
Congressional Campaign Trends since <i>Citizens United</i>	115
Independent Expenditures	116
The Electoral Strategy: A Focus on Competitive Races and the Ideological Composition of Congress	117
Organizational Diversity among Super PACs and Its Impact	120
Organized Blitz Campaigns and Continuous Ad Firestorms	121
Organized Blitz Campaigns	122
Candidates' Greatest Fear: Facing the Late "Ad Bomb"	123
Continuous Ad Firestorms	124
Super PACs Disclosing Their Donors <i>after</i> an Election	125
Effects on Political Parties	126
The New Party Super Weapon: Party Leadership Super PACs	128
Outside Group Effects	131
Conclusion	133
Key Terms   Discussion Questions   Additional Reading	134
<b>6 Political Advertising in the Post-Citizens United Era</b>	136
Outside Group Advertisements in Federal Elections since 2010	138
2010: Congressional Midterm Elections	138
2012: Presidential and Congressional Elections	139
2014: Congressional Midterm Elections	139
2016: Presidential and Congressional Elections	140
2018: Congressional Midterm Elections	141

Anonymity and Accountability	141
Astroturfing	143
Deception in the Content of Group Ads	144
Why Disclosure Matters	145
Digital Political Advertising	146
Native Advertising	146
Microtargeting	147
Foreign Dark Money and Digital Advertising	149
The Tone and Content of Political Ads	150
Tone and Content in Outside Group Ads	152
Case Study: The 2018 Florida Senate Race	154
Case Study: Outside Groups against Trump 2020	155
Does Political Advertising Matter?	157
Free Media Coverage	159
Conclusion	160
Key Terms   Discussion Questions   Additional Reading	161
<b>7 Reform Ideas</b>	163
Increase “Hard Money” Contribution Limits	164
Variation: Allow Parties and PACs but Not	
Candidates to Receive Increased Donations	165
Problems Hard Money Contribution Increases Can	
Reduce	166
Public Funding	166
Fully Funded Public Elections	167
Matching Funds	167
Partial Public Funding	168
Tax Incentives	168
Vouchers	169
Drawbacks of Public Funding	169
Benefits of Public Funding Options	170
Super PAC and Independent Expenditure Insurance	171
Drawbacks of Super PAC Insurance	172
Benefits of Super PAC Insurance	172
Legislative Recusal	172
Drawbacks of Recusal Rules	173
Benefits of Recusal Rules	174
Disclosure Reform	174
Reporting and Collecting Donor and Expenditure	
Information	174
A Disclosure Plan for Better Dissemination	175

Disclaimers	176
Drawbacks of Enhanced Disclosure and a Compromise	177
Benefits of Better Disclosure	177
FEC Reform	178
Structural Reform of the FEC	179
Judicial Reform	180
Conclusion	181
Key Terms   Discussion Questions   Additional Reading	183
Notes	185
Index	223
Credits	235