

*Straight Talk on Campaign Finance:
Separating Fact from Fiction*

Paper No. 6



ISSUE ADVOCACY BY GROUPS

- There is no debate over whether genuine issue ads should be limited or banned. They should not. The question is whether the pending bills have successfully drawn a precise line between issue advocacy, on the one hand, which is not subject to regulation, and campaign advocacy, on the other hand, which clearly and constitutionally is.
- The Brennan Center study of political television advertising conclusively proves that the Snowe-Jeffords provisions in the McCain-Feingold bill work with enormous precision. The test succeeds in drawing the right line – accurately identifying group-sponsored campaign ads 99 percent of the time.
- Under Snowe-Jeffords, any television or radio ad paid for by an independent group is considered to be an electioneering ad if it mentions or depicts a candidate within 60 days of a general election or 30 days of a primary and is targeted to the relevant electorate.
- The Brennan Center study found independent groups aired 57,863 ads in the final 60 days of the 2000 election, which mentioned a candidate and therefore would have been covered by the Snowe-Jeffords provision.
- Of those 57,863 group-sponsored ads, only 331 airings – fewer than 1 percent – were genuine issue ads primarily aimed at providing information on a policy matter.
- Ninety-nine percent of the group-sponsored ads that mentioned a candidate in the final 60 days of the 2000 election were, in fact, electioneering ads.
- The ads captured by Snowe-Jeffords would be subject to the same disclosure requirements and contribution limits as other campaign advocacy.

The Brennan Center for Justice at NYU School of Law has conducted groundbreaking research studies of political television advertising in the 1998 and 2000 elections. Brennan Center attorneys testify frequently before Congress on the constitutionality of campaign finance bills, appearing this month before the House Judiciary Subcommittee on the Constitution and the Committee on House Administration.